PEACE RESEARCH INSTITUTE FRANKFURT

Bruno Schoch

Switzerland – A Model for Solving Nationality Conflicts?

Translation: Margaret Clarke

Summary

Since the disintegration of the socialist camp and the Soviet Union, which triggered a new wave of state reorganization, nationalist mobilization, and minority conflict in Europe, possible alternatives to the homogeneous nation-state have once again become a major focus of attention for politicians and political scientists. Unquestionably, there are other instances of the successful "civilization" of linguistic strife and nationality conflicts; but the Swiss Confederation is rightly seen as an outstanding example of the successful political integration of differing ethnic affinities. In his oft-quoted address of 1882, "Qu'est-ce qu'une nation?", Ernest Renan had already cited the confederation as political proof that the nationality principle was far from being the quasi-natural primal ground of the modern nation, as a growing number of his contemporaries in Europe were beginning to believe: "Language", said Renan, "is an invitation to union, not a compulsion to it. Switzerland... which came into being by the consent of its different parts, has three or four languages. There is in man something that ranks above language, and that is will."

Whether modern Switzerland is described as a multilingual "nation by will" or a multicultural polity, the fact is that suggestions about using the Swiss "model" to settle violent nationality-conflicts have been a recurrent phenomenon since 1848 – most recently, for example, in the proposals for bringing peace to Cyprus and Bosnia. However, remedies such as this are flawed by their erroneous belief that the confederate cantons are ethnic entities. All in all, the interest in "applying" the pattern appears to stand in gross disproportion to the exiguous knowledge about the political system and history of Switzerland. But you have to know and understand what you want to apply. That is why I begin by explaining how and why the political integration of the disparate parts of Switzerland works. Despite many internal tensions in the age of nationalism and during the two world wars, linguistic strife and ethnic hatred remained unknown in Switzerland. This has to do not only with the specific conditions out of which Switzerland developed, but also with the complex institutional apparatus and political culture of the modern federal state.

The birth of Swiss quadrilingualism can be dated precisely. It began with the Helvetic Republic in 1798. The process of state-formation, which began much earlier, has exclusively German origins. The fact that the confederates launched out over the Gotthard Pass in the late Middle Ages, and that mighty Bern in particular penetrated deep into French-speaking territory, in no way contradicts this. These areas were either allies with lesser rights, or else subject territories – perhaps belonging to a canton, as was the case with Bernese-ruled Vaud, or being ruled as "joint dominions" by the all the confederates in rotation, as were Ticino and the Aargau. Only when the French revolutionary troops marched into the country did the principles of modern democracy triumph over the ancient republican oligarchies. Switzerland entered an age of political upheavals which was to last for fifty years, ending only with the adoption of the modern-day constitution in 1848. One peculiarity of Swiss development is that the revolutionary principles of popular sovereignty and political equality did not have to battle it out with divine right or the institution of bondage. As a result, they were able in many respects to link back into the traditions of the old confederation and republics, ignoring the patrician overlords of the *ancien régime*. Apart from the tussles over political equality and universal (male) suffrage, the prime aims of the decades of contention between the forces of revolution and the forces of Restoration in Switzerland were the emancipation of the allies and subject territories and their promotion to the status of sovereign and equal cantons, and the creation of a centralized executive.

The true act of constitution of the modern, multilingual nation came in the early stages of the half home-grown, half imposed revolution: the élites in the French- and Italian-speaking areas opposed annexation to, respectively, the French and Cisalpine republics and determined to stay within the confederation. Specifically, Ticino and Valais decided against the nationality principle and in favour of Switzerland. They reckoned that, as sovereign and equal cantons, they would enjoy a greater measure of political participation than they would as outlying districts of homogeneous, hypercentralistic nation-states. Democratic self-government was still distinct from the narrow ethnically based right to self-determination that emerged later on.

In the Sonderbund war of 1847, the radical and liberal cantons, having triumphed over the traditional-cum-Catholic forces who sought to hold on to their old particularist sovereignties and privileges and opposed any kind of standardization, went on to found the modern federal state. This anticipated developments in Europe's Year of Revolutions: with the creation of its federal state in 1848, Switzerland, as is well known, won itself a place in the vanguard of the democratic advance in Europe. The equal status of French and Italian as national languages has been constitutionally recognized since that date.

In the first half of the nineteenth century, the ethnically diverse composition of Switzerland played a remarkably minor political role. It was only after the formation of the Italian and German nation-states that multilingualism began to be depicted as an intrinsic and almost sacred attribute. As a counter to the power of ethno-nationalism, which was then mushrooming all over Europe, attempts began to be made to portray the political "nation by will", transcending language and nationality, as an antithesis, or even to recast the lack of an "objective nation" as a virtue, as a specifically European, civilizatory "mission" entrusted to Switzerland.

What has probably always been the most problematic of Switzerland's linguistic-cum-ethnic differences – the contrast between the Alemannic majority and French minority – has, naturally, always come under the greatest strain when Germany and France have gone to war with one another. For, though it may be natural for most Swiss to understand nationality simply to mean their shared citizenship, it is equally natural for the French Swiss to look culturally and intellectually to Paris, and for the German Swiss to look to Germany – though this link has always had many more facets to it, and has always been more tense, particularly in this century. Whereas the Franco-Prussian War produced only rudimentary antagonisms in Switzerland – ultimately assuaged by pan-Swiss irritation at the triumphalist German Reich – the four-year struggle between Germany and France after 1914 tore open the "rift" between French-speaking Switzerland and German-speaking Switzerland to a perilous degree, at least within the political and military élite. According to many historians, the internal split during the First World War, when the military threat to Switzerland was not so great, was immeasurably more dangerous than in the Second, which posed the greatest-ever military threat to its existence.

In 1938, under the banner of the so-called "intellectual defence of the country", Raeto-Romansch, then still not a standardized language, was solemnly elevated to the status of fourth national language, as a deliberate attempt to distance Switzerland from ethnicist and nationalist currents. Since Raeto-Romansch is spoken only in Graubünden, and is one of three languages used there, the number of official languages at federal level was left at three, for practical reasons.

However important the equality of all four languages in Switzerland is, the answer to the puzzle does not lie – as is often claimed in the specialist literature on nationality and minority conflicts – in the relationship between the country's different ethno-national parts. There is no mention in the constitution either of the latter's autonomy or of any guarantees

or safeguards for minorities. If, as is often claimed in Swiss self-portrayals, special provisions are unnecessary because the language and minority issues were settled before ever they could become a problem, this points to the real key to an understanding of Switzerland: the cantons. From the time they came into being out of the federative association of independent cities and mountain cantons, the 23 sovereign cantons (26 if one counts the six half-cantons separately) have retained what is, in comparison with almost all other federalistic state-structures, an extremely high degree of sovereignty and independence as constituent states. And it is to them that political identification has primarily continued to relate right up to the present. Cantonal particularisms and identities are, at all events, more decisive than ethnic affiliation. This applies generally to the whole of Switzerland, but is particularly important in the six French-speaking cantons and the multilingual cantons.

The proverbial exception that makes the rule is the Jura. Here, the desire for a separate canton fell back on the usual strategies of ethno-national mobilization. An immensely complicated procedure, involving a veritable cascade of plebiscites at various levels, was needed before an independent canton of Jura was finally created, in 1979.

The relationship between the German Swiss majority and the French- and Italian-speaking minorities is not without its tensions and sensitivities. Because the decline of Raeto-Romansch has accelerated dramatically over the last few decades, the federation was called upon to introduce language-related measures to help preserve Swiss quadrilingualism. In the 1980s, the attempt to revise the so-called language clause in the federal constitution provoked a wide-ranging debate about current language-problems in Switzerland. These were examined from every angle by a committee of experts. It concluded that Raeto-Romansch was in its death-throes and that even the Italian language was not beyond danger. In addition, the experts claimed that the rapid advance of English and also the *Mundartwelle* – the penetration of the media, and to some extent also the domain of the written word, by Swiss German dialect – marked a trend that put the Swiss national identity in jeopardy: four-language Switzerland was in danger of becoming two-and-a-half-language Switzerland. This may have meant the reduction of Italian to internal use, alongside German and French, or the prospect of English becoming the language of communication between Swiss people of differing language-groups who had only rudimentary knowledge of another national language besides their own.

However, the extensive debates and parliamentary deliberations about the language clause then revealed how complex and fraught with contradiction was the task of balancing differing – indeed, opposing – principles for preserving linguistic harmony in Switzerland. Anyone who is familiar with this great national challenge – which is far from being finally resolved – will take care not to go around hawking multilingual Switzerland as a ready-made blueprint for solving nationality conflicts. The revised language clause, which was eventually adopted in a referendum in 1996, leaves almost everything as it was.

Since it is impossible to ignore the way in which Switzerland came into being, or its democratic institutions, or its political culture, geared to compromise and balance, any attempt to distil a few "inexpensive" remedies from it, for use on differently configured situations, is precluded. To this extent, the question in my title must be answered in the negative. None the less, study of Switzerland, and a knowledge of the country, will provide some helpful stimuli and pointers for the international debate about nationalism. The most important of these are probably the following:

– Where religious, territorial-cum-cantonal, and ethnic affiliations are not congruent, but cut across each other in multiple ways, the ethnic majority–minority dividing-line is broken; this puts almost every grouping (depending on the constellation) in a minority

in the political decision-making process; it creates pressure to enter into comparatively flexible compromises and coalitions and arouses the expectation that the majority – which the party concerned may well form part of on the next occasion – will take political account of others.

– A comparatively well-developed form of federalism, which guarantees a high degree of individual self-government and democratic participation, can weaken the pull of the nationality-principle, especially when the neighbouring nation-states are extremely centralistically structured.

– Combined with extensive power-sharing, the very marked ideological handing-down of historical particularisms and heterogeneous peculiarities within the framework of the whole helps prevent democracy from being reduced to the majority principle, and the majority culture from being asserted to the detriment of the others. Switzerland has developed numerous forms of over-representation and active economic and cultural support for minorities as a way of ensuring their integration.

– Switzerland's concordance-based democracy differs not just from the Westminster model of parliamentary rule, but from many others too, by virtue of its extensive and much-used instruments of direct democracy. The way in which the federal state came into being, the federalist institutions, and the constraints of concordance democracy have generated a political culture which, on every issue, aims at power-sharing. This is articulated not only in the territorial, religious, and ethnic differences; it also shows in the balance of power between cantons, federation, government, and people, which is geared to compromise and coalition, and in social bargaining – as witnessed in the collective labour-agreements in the metal-working and watch-making industries.

– The territoriality principle, which defines the limits of linguistic freedom in Switzerland, has been one of the major methods by which linguistic harmony has been preserved. But it is no cure-all – as the debate about the revision of the language clause in the constitution revealed. Where the survival of minorities is under threat, the territoriality principle has to be applied in a flexible way.

– Last but not least, the cultivation of historically generated cantonal particularisms in the face of national trends towards standardization compelled the Swiss very early on to seek compromises and maintain a liberal and tolerant stance. One dimension of this is the recurrent and challenging experience, known to every Swiss child, of realizing that there are people who, though linguistically different, are unquestionably also part of its own world, and must therefore be respected.

Cantons and Languages in Switzerland today
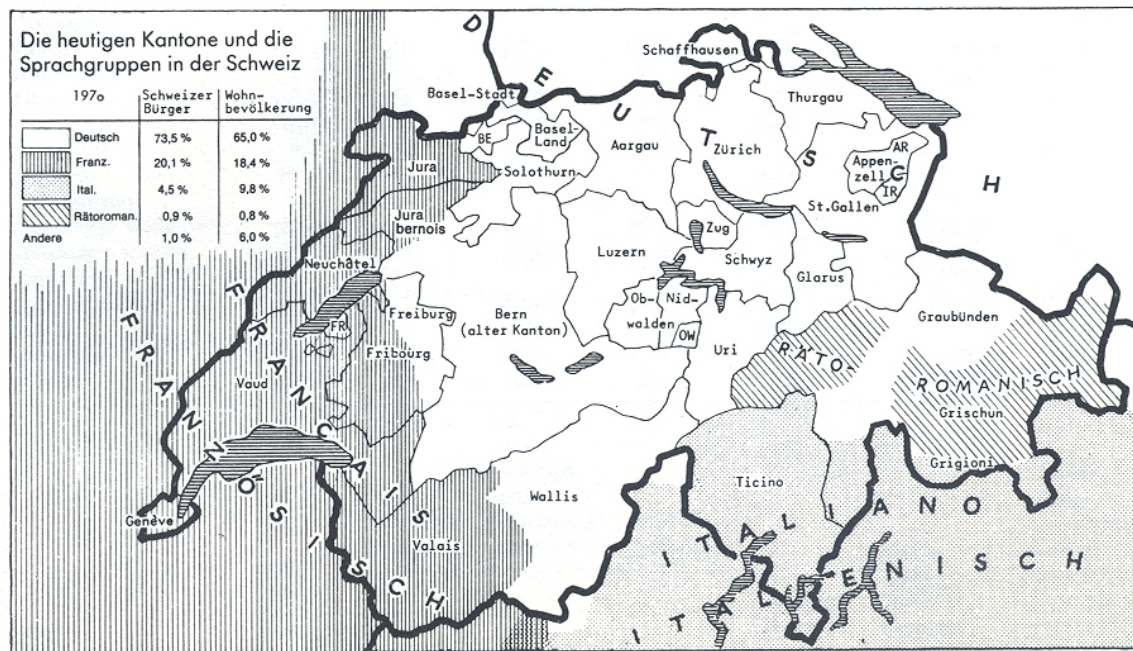
Source: Marcel Schwander, Schweiz, München 1991 (Beck), p. 183

Switzerland: Territory and Population according to the Cantons

Kanton - Amtl. Kürzel	Fläche in km²	Einwohner in Tsd. 1980 [1]	1990 [1]	1995 [2]	Kantons- hauptstadt
Zürich - ZH	1729	1 122,8	1 179,0	1 175 457	Zürich
Bern - BE	6050	912,0	958,2	941 952	Bern
Luzern - LU	1492	296,2	326,3	340 536	Luzern
Uri - UR	1076	33,9	34,2	35 876	Altdorf 4
Schwyz - SZ	908	97,4	112,0	122 409	Schwyz
Obwalden[3] - OW	491	25,9	29,0	31 310	Sarnen 4
Nidwalden[3] - NW	276	28,6	33,0	36 466	Stans 4
Glarus - GL	685	36,7	38,5	39 410	Glarus
Zug - ZG	239	75,9	85,5	92 392	Zug
Fribourg (Freiburg) - FR	1670	185,2	213,6	224 552	Fribourg (Freiburg)
Solothurn - SO	791	218,1	231,7	239 264	Solothurn
Basel-Stadt[3] - BS	37	203,9	199,4	195 759	Basel
Basel-Landschaft[3] - BL	428	219,8	233,5	252 331	Liestal
Schaffhausen - SH	298	69,4	72,2	74 035	Schaffhausen
Appenzell Ausserrhoden[3] - AR . .	243	47,6	52,2	54 104	Herisau
Appenzell Innerrhoden[3] - AI	173	12,8	13,9	14 750	Appenzell 4
St. Gallen - SG	2014	392,0	427,5	442 350	St. Gallen
Graubünden - GR	7107	164,6	173,9	185 063	Chur
Aargau - AG	1405	453,4	507,5	528 887	Aarau
Thurgau - TG	1014	183,8	209,4	223 372	Frauenfeld
Ticino (Tessin) - TI . .	2811	265,9	282,2	305 199	Bellinzona
Vaud (Waadt) - VD . .	3219	528,7	601,8	605 677	Lausanne
Valais (Wallis) - VS . .	5226	218,7	249,8	271 191	Sion (Sitten)
Neuchâtel (Neuenburg) - NE	799	158,4	164,0	165 258	Neuchâtel (Neuenburg)
Genève (Genf) - GE . .	282	349,0	379,2	395 466	Genève (Genf)
Jura - JU	837	65,0	66,2	69 188	Delémont (Delsberg)
Schweiz - CH	41293	6 365,9	6 873,7	7 062 354	Bern

Source: Der Fischer Weltalmanach '97, Frankfurt 1997 (Fischer), p. 563

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"The Swiss example shows that it is possible for language groups and religious groups to grow together into one nation, without destroying the individual culture of any. It is not possible for other peoples to adopt, ready-made, either the geographical situation or the historical experience of the Swiss; but other nations, both new and old, can learn from them."

Hugh Seton-Watson, *Nations and States: An Enquiry into the Origins of Nations and the Politics of Nationalism* (London: Methuen, 1977), 7.

Preface

The idea that Switzerland is a political entity in a class of its own, unique and incomparable – the *Sonderfall Schweiz* ("special Swiss case"), as it is indeed called – has become a cherished motif of the country's self-image, often coupled with arrogance. Distaste for this kind of "self-adulation"[1] probably means there are few critical Swiss who would not involuntarily shy away from extolling their country as a model. By contrast, for a Swiss person who has been living and working in Germany for many years, the enterprise is an enticing one. As soon as the talk turns to nation, nationality, and language, the Swiss person always notices contrary reflexes at work: in Germany, ethnic difference is almost unconsciously assumed to be a cause of conflicts and potentially violent escalation; the no less pre-conscious reflex of the Swiss person is to ask, along precisely the opposite lines: Why should people of differing ethnic affiliation not all live together in a single state?

This report, then, has been written from a distance. It is said that the view from outside sharpens up a person's thinking on his or her origins. But we also know that with distance comes the danger of seeing one's native country in a rosy light. Whether or not I have managed to avoid this pitfall must be left to others to judge.

I should like to thank my colleagues at the Peace Research Institute Frankfurt for their meticulous review of my first draft. Their forbearance had been severely tested by the time the report was finally complete. Individual thanks are due to Sabine Fischer, Rexane Dehdashti, Peter Schlotter, Stephan Nitz, Bernhard Moltmann, and Hans-Joachim Spanger for their criticisms, dauntless questioning, and suggestions for change.

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1   Fritz René Allemann, *25 mal die Schweiz* (Munich: Piper, 1965), p. 579. For an incisive account, see also Peter Bichsel, *Des Schweizers Schweiz* (Zurich: Arche, 1969).

Introduction

If one is going to ask whether Switzerland makes a good model as a country, some sort of critical explanation is in order, because at first sight the question is bound to come as a surprise, or even to appear as a piece of unwitting sarcasm. Switzerland is, after all, under fire at present – and from a number of quarters.

As far back as 1991, the official attempts, made as part of the foundation celebrations, to foster the stereotype of the well-ordered model-state had repeatedly elicited blunt disapproval and rejection. It was not just that these attempts fastened on to the flimsy legend of continuity according to which Switzerland was founded on the Rütli Mountain some 700 years ago. It was more that the confidence of the Swiss in their body politic had been shaken by a series of political scandals. At just the time that bloc confrontation was coming to an end, it emerged that, in the shadow of this confrontation, democratic Switzerland had violated the principles of the rule of law to an extent that defied the imagination. The sequence of events opened with a blunder by the first woman to occupy a seat on the Federal Council (*Bundesrat* – the Swiss government): Elisabeth Kopp was forced to resign because she had warned her husband that one of his foreign-currency firms was to be investigated for money-laundering. The parliamentary commission of inquiry then unexpectedly stumbled upon information of a quite different kind. In its report in November 1989 it exposed the so-called *Fiche* affair: for years, federal police snoopers had secretly spied on about 900,000 individuals and organizations – out of a total population of something over 7 million – and had painstakingly recorded their details on index-cards (called *Fichen* in Switzerland) stored in the inmost recesses of federal police headquarters. Shortly after this, the cover was blown on a sort of underground army, which for years had operated outside any kind of parliamentary control, but with the knowledge and financial assistance of the top military brass, making preparations for political eventualities.

All this fuelled a lasting mistrust on the part of the Swiss in regard to their political leaders. However, the roots of the crisis of legitimation go deeper than this. In the shadow of bloc confrontation, Switzerland had closed its eyes to far-reaching changes in its international environment; but the international upheavals caused by the momentous events of 1989–90 have also struck at the pillars that support the traditional Swiss self-image. What was previously beyond question has now lost its self-evidence. What point is there, for example, in neutrality? And why does this small state still need an expensive 400,000-strong militia-army? The Austrian accession to the EU in 1995 means that all Switzerland's neighbours are now members of the union. On top of this comes the troubling question of whether Switzerland can continue to remain aloof from the process of union in Europe. Whereas business has been flexible enough to adapt to the rapidly changing environment, political Switzerland has rolled itself into a ball with its past successes and the *Sonderfall* myth for comfort. But what may have worked, after a fashion, in the shadow of the seemingly adamantine East–West conflict fell to pieces once this came to an end. What had been pushed out of mind now returned; the old certainties crumbled and gave way to self-doubt. In a referendum held on 6 December 1992, the unnerved country's fears about the future were made manifest when entry to the European single market – a

sort of red carpet rolled out by the EU for the remaining members of a crumbling EFTA who were hesitating over entry – was rejected.

Since that black Sunday, the uncertainty has become even greater. The controversies that have arisen about the lucrative involvement of the Swiss banks in the looted Nazi gold and about their silence on unnamed runaway accounts make it clear that we now have to talk in terms of a full-blown identity-crisis for Switzerland. The broad mass of the Swiss public had repressed the darker side of the price which Switzerland had paid for coming through unscathed, all too eagerly accepting the myth of effective military deterrence as the whole truth. This goes some way to explaining Switzerland's inability to respond rationally to the charges made against it; but there is more to it than this, as the editor-in-chief of the *Neue Zürcher Zeitung* notes: "It is because the country as a whole is uncertain of its path into the political future that the questions about Switzerland's role in the Second World War touch us so deeply. This is one of the main reasons the debate about our past has got large sections of the public so agitated."[2]

Against this background, any kind of self-satisfied flirtation with the idea of Switzerland as a paradigm is ruled out. Attempts by the Swiss to project their political system as the object of some kind of moral mission, or to present the alleged "special case" as an international model, have, in any case, frequently drawn criticism. In his late novel *Martin Salander*, Gottfried Keller – probably the most Swiss of all the great Swiss writers – had already issued a riposte to national arrogance and Helvetian narrow-mindedness in the comment "C'est chez nous comme partout" – a resigned inversion of his radical credo of 1848, which claimed it would one day be possible to say "C'est partout comme chez nous."[3] This criticism targets an image of Switzerland, common both at home and abroad, as a "blessed nation".[4] Only a few months after the outbreak of the First World War, the writer and Nobel prizewinner Carl Spitteler counselled humility:

> "These patriotic fantasies about Switzerland having a mission to serve as a model
> (or an arbiter) – let us tone them down. Before we can serve as a model for other
> nations, we have to make an exemplary job of our own affairs. As I see it, we did
> not exactly pass the latest test of unity with flying colours."[5]

The common talk about Switzerland as a model has a number of very different connotations.[6] First, there is the landscape phenomenon. Whenever anyone wants to describe a landscape – not completely flat and if possible with lakes – as particularly impressive, no

2   Hugo Büttler, 'Verunsicherung und politische Führungsschwäche. Zur gegenwärtigen Lage der Schweiz', *Neue Zürcher Zeitung* [*NZZ*], 14–15 June 1997.

3   Adolf Muschg is always quoting this – e.g. in his collection of essays *Die Schweiz am Ende. Am Ende die Schweiz. Erinnerungen an mein Land vor 1991* (Frankfurt/M.: Suhrkamp, 1991), p. 179.

4   As in the revealing title of a book by Denis de Rougemont, *La Suisse ou l'histoire d'un peuple heureux* (Paris: Hachette, 1965).

5   Carl Spitteler, *Unser Schweizer Standpunkt* (Zurich: von Rasher, 1915), pp. 22 ff.

6   An extensive selection of these has been assembled by Helmut Goetz: *Der Schweizer Bundesstaat als Vorbild für Europa und die Welt? Eine historisch-politische Betrachtung zum Friedensproblem* (Frankfurt/M.: Haag und Herchen, 1996).

matter where in the world it happens to be, the Swiss topos immediately suggests itself. We have all come across them – the so-called Franconian, or Saxon, or even Chinese Switzerland. Next to the *Bundeshaus* in Bern, the seat of the confederate parliament, an artist has created an arrangement that neatly records all these metaphorical Switzerlands. There are said to be over 150 of them. Little Switzerland finds this flattering.

Curiously intertwined with this mythologization and romanticization of the landscape is the topos of the *political model*. Here again, the ways in which this has been interpreted in the recent history of political ideas have varied greatly. In the travel literature that was so popular during the eighteenth century, the experience of the Alps – newly discovered by the Enlightenment, and the object of hymns of praise from every quarter – was merged with the romanticizing projection of an unbowed and blithe-spirited mountain people. The herdsman, Alp-dweller, or simple farmer was, as it were, transfigured into the inherently good ideal human being of the Enlightenment, a blank sheet on which to project love of freedom, the work ethic, utopian existence, and ancient Roman virtues.[7] This combination of a mythologized Alpine world and projections of plain and virtuous living is tangible not only in Schiller's *William Tell*, but also – as every child will tell you – in the accounts of the homesickness of Johanna Spyri's famous children's-book heroine, Heidi, during her stay in Frankfurt.

All this has something to do with the fact that Switzerland falls outside the bounds of the familiar in recent European history. For one thing, in the midst of a Europe of grand monarchies and extravagant royal courts, the tiny *Landsgemeindekantone* (cantons with their own popular assemblies) and city-republics seemed to come closest to the ideal of the *polis* of ancient times. In this sense, for many followers of the Enlightenment they became the embodiment of *buon governo*. Secondly, the republics and the confederation, and later also the forms of direct democracy at commune, canton, and confederation level, predestined Switzerland to become a yardstick for republicans, democrats, and federalists – and occasionally still for grassroots movements. Thirdly, the process by which pre-modern Switzerland emerged as a federal state figures as a model in those tracts – from the writings of Abbé de Saint-Pierre to those of Richard Coudenhove-Kalergi[8] – which propose that the way to safeguard peace is through a grand league of nations. The American political scientist John Lukacs advised Europeans to gear themselves not so much to American developments, but more to the historical experience of the Swiss.[9] The

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7   On this, see Ulrich Im Hof, *Mythos Schweiz. Identität – Nation – Geschichte 1291–1991* (Zurich: Verlag NZZ, 1991), pp. 106–11. On the Appenzell 'Suisse en miniature', see Peter Faessler, 'Die Zürcher in Arkadien. Der Kreis um J. J. Bodmer und der Appenzeller Laurenz Zellweger', in *Appenzellische Jahrbücher 1979*, pp. 3–49; also id., *Bodensee und Alpen. Die Entdeckung einer Landschaft in der Literatur* (Sigmaringen: Thorbecke, 1985).

8   See Abbé Castel de Saint-Pierre, *Der Traktat vom ewigen Frieden* (Berlin: Reimar, 1922), p. 5 and Richard Coudenhove-Kalergi, *Vom Ewigen Krieg zum Großen Frieden* (Göttingen/Berlin/Frankfurt: Musterschmidt, 1956), p. 133; also Goetz: *Der Schweizer Bundesstaat als Vorbild* (fn. 6 above).

9   John Lukacs, 'Die Schweiz als Vorbild. Europasymbol und Europagedanke', *Frankfurter Allgemeine Zeitung* [*FAZ*], 15 Dec. 1990. In his 1993 book *The Wrath of Nations*, Lukacs argues in similar fashion for a democratic Europe that could play the same kind of role on the word stage as Switzerland played in historical Europe.

editor-in-chief of the journal *Kommune* also sees Switzerland as a "model" for the EU, and sees "a kind of Swissification of Europe" as a "hopeful path" – meaning an alternative to the classic nation-state.[10]   Fourthly, critics of permanent and professional armies have pointed eagerly to the Swiss militia.   Even Machiavelli had enthused about it as the cornerstone of true patriotism.   Fifthly, since the Second World War, Switzerland has been seen as an embodiment of political stability and prosperity – for example when there has, at least temporarily, been talk of Cameroon as the "Switzerland of Africa", or of Uruguay as the "Switzerland of South America", or of Lebanon as the "Switzerland of the Middle East".   Sixthly, critics of nation-state power-politics are not infrequently attracted by Swiss neutrality.   And last but not least (my seventh point): in the age of triumphant nationalism, multilingual Switzerland has appeared – depending on one's political point of view – either as a medieval curiosity projected into the modern age, or as a pioneering example of how nationality conflicts and linguistic quarrels can be settled.

Only this last area concerns us here.   With the reconfiguration of nation-states that has accompanied the end of international bipolarism, reflection on alternatives to the ethnically homogeneous nation-state have acquired renewed relevance.   The current interest in the Swiss constitution of 1848, which formally gave equal status to several national languages, and in the fact that Switzerland was spared the linguistic and ethnic conflicts that were so widespread in the nineteenth century, marks a renewed focus on distinctive features of the Swiss *Willensnation* ("nation by will") that had already attracted attention and interest on several occasions in the past.   These features had, for example, figured in a series of proposals, put forward after the *Völkerfrühling* (the "peoples' spring" – the revolutionary upheavals of 1848) as to how to deal with the nationality question in the Austro-Hungarian empire; they had surfaced during the First World War; reference was made to them in the arduous reconfiguration of the European order in the Versailles treaties; and, lastly, they had played a part in the efforts to ensure adequate minority-protection in the ethnically far-from-homogeneous nation-states that arose out of the ruins of the great pre- or supra-national empires in east-central and south-eastern Europe.   To quote a specific example: the act establishing Czechoslovakia, and the way in which its borders were drawn, were influenced in no small measure by the promise of the Czech delegation to Paris in 1919 that the minorities would be guaranteed equal rights and full protection, on the Swiss model.[11]   Since then, the promising idea of settling nationality conflicts by adopting the Swiss model has been advanced time and again – most recently in relation to the Cyprus question and to Bosnia-Herzegovina.

In 1958, the historian Theodor Schieder – a highly influential force in German research into nationalism – wrote an essay entitled "Die Schweiz als Modell der Nationali-

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10   Joscha Schmierer, *Die neue Alte Welt oder wo Europas Mitte liegt* (Klagenfurt-Salzburg: Wieser, 1993), p. 39; also id., *Mein Name sei Europa* (Frankfurt/M.: Fischer, 1996), p. 51.

11   Erwin Viefhaus, *Die Minderheitenfrage und die Entstehung der Minderheitenschutzverträge auf der Pariser-Friedenskonferenz 1919. Eine Studie zur Geschichte des Nationalitätenproblems im 19. und 20. Jh.* (Diss. Köln, Marburger Ostforschungen, 11; Würzburg, 1960), p. 51.

tätenpolitik" ("Switzerland as a Model for Nationality Policy").[12] This idea was taken up again by the constitutional lawyer Ernst-Wolfgang Böckenforde in 1991: Switzerland, he said, had succeeded in getting several cultural nations, each with their own ethnic-cum-cultural identity, to live together in a single state set-up. In doing this, he said, it had performed "a unique cultural feat"; it had created a model not only for the many peoples of Europe who were having to reinvent their political systems, but also a "model and example" for Europe itself, and its process of integration. For it was only by "following the [Swiss] cue that Europe…could prevent itself from once again slipping into – and possibly being destroyed by – the sorts of conflicts and hostilities between nationalities that had characterized the nineteenth century".[13]

This grand claim will here be subjected to critical scrutiny. Many of the misunderstandings in this area – for example, the notion that the Swiss cantons are ethnic entities – are due to a lack of factual knowledge. It therefore seems indispensable that we should begin with the "proper explanation and elucidation"[14] of multilingual Switzerland, of the specific way in which it came into existence, and of the concrete conditions and factors that have governed its operation since then.

Against this background, I shall then critically examine the question of Switzerland's potential as a model for the settlement of nationality conflicts. Anticipating the findings, I can say: Switzerland as a multilingual nation owes much too much to its historical development and political culture for it to be "applied" ready-made and without more ado to other constellations. The most one can do is to highlight, with all due caution, one or two aspects that may be useful in processes of supranational integration or in the resolution of minority problems.

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12   Also pub. in Otto Dann and Hans-Ulrich Wehler (eds.), *Nationalismus und Nationalstaat. Studien zum nationalen Problem im modernen Europe* (Göttingen: Vandenhoeck und Ruprecht, 1991), pp. 303–28.

13   Ernst-Wolfgang Böckenforde, 'Die Schweiz – Vorbild für Europa?', *NZZ*, 13 Dec. 1991.

14   Ibid.

1. Multinational State or Multilingual Nation? More Than Just A Question of Terminology

According not only to a large section of the media but also to many social and political scientists, the 1990s mark our entry into an age of ethnic conflicts. Whereas previously the kaleidoscope of political conflicts was perceived and interpreted almost exclusively through the bipolar prism of East–West dissension, nowadays it is ethnic affinity and identity – in short, ethnicity – that appears at every turn as *the* new paradigm for interpreting conflicts and wars. In a burgeoning literature on ethno-nationalism, writers evoke the "ubiquity of ethnic conflicts" or the "global political power of ethnic consciousness and conflict".[15]

And yet a degree of circumspection would seem to be in order in regard to "ethnicity" and its sudden elevation to the status of conflict paradigm of the nineties. It is far from certain that reality itself has changed – rather than just the perception of it. Linguistic strife and nationality conflicts are anything but new in twentieth-century Europe. What is more, on closer inspection, "ethno-nationalism as a global phenomenon"[16] can be seen to embrace a host of different situations and conflict constellations. More grave than this, however, is the fact that it often carries with it the insinuation that variety in ethnic affinity necessary generates conflicts and violence. But such a claim obscures many an aspect of these conflicts. What nationalist agitators and players deem to be the cause of their hatred must not be taken at face value; it has to be explained in the context of social changes and distortions. Where political ethnicization of social reality produces an erroneous appearance of naturalness, it is the task of critical scholarship to decode this. This is a must for any intellectual enquiry that is not content simply to describe ethno-national conflicts, but also seeks to understand their causes.

The now popular category of "ethnic identity" – a very vague entity – does not provide this kind of elucidation. It does not even enquire about the reasons for the recent virulence of ethno-nationalism. Although ethnicity and nationality are now only rarely defined in terms of primordial characteristics, "ethnic affiliation" as a "basic human need" not infrequently has what amounts to the status of a natural right conferred upon it;[17] or again, "ethnic identity", as opposed to tangible material interests, is credited with the inherent potential to "confer meaning" on a collectivity.[18] But in adopting such an approach, one runs the risk of endorsing "ethnic identity's" stylization of itself as an existential, non-negotiable category. Hence, practical considerations also dictate that ethnicity and nationality should

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15 John McGarry and Brendan O'Leary (eds.), *The Politics of Ethnic Conflict Regulation. Case Studies of Protracted Ethnic Conflicts* (London/New York: Routledge, 1993), pp. 2 ff.

16 Christian Scherrer, *Ethnonationalismus als globales Phänomen. Zur Krise der Staaten in der Dritten Welt and der früheren UdSSR* (Institut für Entwicklung und Frieden der Universität-GH-Duisburg zur wissenschaftlichen Begleitung der Stiftung Entwicklung und Frieden: INEF-Report 6; 1994).

17 By Norbert Ropers and Peter Schlotter, for example, picking up on John Burton: *Die KSZE. Multilaterales Konfliktmanagement im weltpolitischen Umbruch. Zukunftsperspektiven und neue Impulse für regionale Friedensstrategien* (HSFK-Report, 11–12; 1992), p. 38.

18 e.g. by Dieter Senghaas: *Friedensprojekt Europa* (Frankfurt/M.: Suhrkamp, 1992), pp. 117–21.

not be viewed as constants, but should instead be examined from the point of view of what has, historically, been their manifestly mutable status. However ahistorical an image they project of themselves, their virulence is none the less the result of specific social and political constellations.

For a long time – particularly in Germany and eastern Europe – "nation" and "nationality" were viewed as classificatory entities that could be defined in terms of objective characteristics. More recent research into nationalism rejects these kinds of classifications. It is broadly agreed that nations are not objective, natural entities, and that – contrary to their claims of a continuity stretching far back into history – they are social and intellectual constructs that first came into being on the threshold of the nineteenth century. The modern nation is not a pre-political entity as suggested by the Romantic notion of folkhood; it is a modern artefact generated by collective self-interpretation. It is an opined or "cognized order",[19] or, as aptly expressed by Benedict Anderson, an "imagined political community, imagined as both inherently limited and sovereign".[20]

Now, the construction of nation can occur in two distinct ways. Ernest Renan's oft-quoted classic definition of the nation as "un plébiscite de tous les jours" – a daily expression of popular will[21] – is the most succinct formulation of the classic Western understanding of the nation, as it developed historically in the bourgeois revolutions in Britain, Holland, the USA, France, and also Switzerland. "Nation" here means a politically constituted people of free and equal citizens who participate in the political institutions, demonstrate their allegiance to them by an act of will, and assume responsibility for them. The gap between this and Herder's notion of a people – an organic commonalty based on an entity rooted in distant origins – marks a crucial difference, the difference between *demos* and *ethnos*. It is mirrored in the distinction between *Staatsnation* and *Kulturnation* ("political nation" and "cultural nation"). It recurs as an ideal-typical contrast throughout the literature on nationalism, in various terminological permutations: on the one hand, we have a *Western subjective* or *political* concept of nation, tied to the sovereignty of the people as a politically constituted entity; on the other hand, there is an understanding of nation that became popular in *central and eastern Europe* and was actually a constitutive element of the "age of nationalism" – this is the *objective* or ethnic nation, defined by factors such as

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19   Emerich Francis, *Ethnos und Demos. Soziologische Beiträge zur Volkstheorie* (Berlin: Duncker und Humblot, 1965). The author takes up Max Weber's idea of nations as 'cognized communities' (p. 50).

20   Benedict Anderson, *Die Erfindung der Nation. Zur Karriere eines erfolgreichen Konzepts* (Frankfurt/M.: Campus, 1988), p. 15.

21   Ernest Renan, 'Qu'est-ce qu-une nation?', in id., *Œuvres complètes* , (Paris: Calmann-Lévy, 1947), i. p. 904. Since this remark has now degenerated into a bit of a greetings-card jingle, whilst the substance of Renan's essay is mostly ignored, I cite the passage in full: 'A nation is thus a grand affirmation of solidarity, based on a sense of the sacrifices one has made and those one is prepared to make in the future. It presupposes a past; but it is encapsulated in a tangible fact in the present: the consent, the expressly declared will to continue to live together. The existence of a nation is (if you will allow the metaphor) a daily expression of popular will, just as the existence of the individual is a constant affirmation of life.'

origin, language, culture, race, or – simply – ethnicity.[22] M. Rainer Lepsius summed up the distinction in his contrast between *Staatsbürgernation* and *Volksnation* ("citizen nation" and "ethnic nation").[23]

Switzerland is a *Staatsbürgernation par excellence*. During the second half of the eighteenth century, the Enlightenment, in its specific permutation of Helveticism – as inspired by the Helvetic Society, founded in 1761, in the wake of the three-hundredth-anniversary celebrations of the University of Basel – aimed to emancipate the individual at the same time as awakening a patriotic public spirit. This latter sought to overcome both the traditional privileges and the ancient confederate particularisms. The Italian historian Federico Chabod saw in this the origins of the modern nation as such.[24] Be that as it may, what was ultimately decisive for modern-day Switzerland was that the modern federal state of 1848, shaped from the ancient confederation of independent *Landsgemeindekantone* and city-republics in a fifty-year-long period of travail, pre-dated the age of nationalism.

The federal constitution of 1848 guaranteed political freedom, equality amongst citizens, and equal political rights for all cantons irrespective of religious and linguistic borders. Accordingly, the Swiss concept of the nation is an exclusively political one, and nationality a synonym for citizenship. From a central and eastern European perspective, however, the situation appears very different: because nation and nationality have a cultural or linguistic connotation there, Switzerland, as these countries see it, is not a nation in the proper sense, but is, rather, an entity made up of several nationalities. As the ethno-national under-standing of nation spread throughout Europe, following Italian and German unification, the ethnic-cum-linguistic diversity of Switzerland was frequently perceived as a shortcoming.

This political shift was matched by the semantic shift in the concept of the nation-state: at first this signified the legitimation, based on the sovereignty of the people, of all things political emanating from the formally constituted nation; then it was increasingly identified with the state belonging to an ethnically defined people. Thus, Friedrich Meinecke wrote:

> "The true nation-state springs…like a flower out of the unique soil of the nation…it
> is not, and does not become, national through the deliberate will of the government

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22 The now-classic distinction between *Staatsnation* and *Kulturnation* goes back to Friedrich Meinecke: *Weltbürgertum und Nationalstaat. Studien zur Genesis des deutschen Nationalstaates*, 6th ed. (Munich/Berlin: Oldenbourg, 1922). The contrast between a western and a central/eastern European nationalism derives from Hans Kohn: *Die Idee des Nationalismus. Ursprung und Geschichte bis zur Französischen Revolution* (Heidelberg: Lambert Schneider, 1950). Eugen Lemberg, meanwhile, sets 'the birth of the nation out of the territorial state' and its birth 'out of language, culture, and ideas' alongside one another as 'subjective' and 'objective' concepts of nation. See his study *Nationalismus* (Reinbek: Rowohlt, 1964), i: pp. 86–164. See also H. A. Winkler (ed.), *Nationalismus* (Königstein: Athenäum, 1978), pp. 5–46.

23 M. Rainer Lepsius, 'Nation und Nationalismus in Deutschland', in id., *Ideen und Institutionen* (Opladen: Westdeutscher, 1990), pp. 232–46.

24 Federico Chabod, *L'Idea di nazione* , new ed. by A. Saitta and E. Sestan (Barin: Laterza, 1993), p. 26.

or the nation; it does so in the same way that language, customs, and belief are, and become, national – through the unseen workings of the spirit of the people."[25]

Whereas in the Europe of the *Völkerfrühling* Switzerland was widely regarded as the embodiment and paradigm of the modern nation, since the late nineteenth century it has been viewed, at least from outside, as a multinational state. It is quite common nowadays to hear talk of "multinational" or "multicultural" Switzerland.

By contrast, within Switzerland itself the political concept of nation retained its predominance. This is also reflected in the terminology: whereas those looking in from outside ask what integrating forces have helped transcend the different "nationalities", "cultural segments", or *ethnic cleavages*[26], the Swiss talk, less grandly, of shared interests across linguistic frontiers. In essence, however, these are one and the same: where nationality and ethnicity are determined by linguistic-cultural commonality, the task of transcending them is identical with that of – to put it in Swiss terms – preserving linguistic harmony *(Sprachfrieden)*. Hence, to object that, because what follows here deals only with language, my overall title is a sham, would be wrong. Seemingly purely terminological issues of this kind conceal implications and judgements of a political kind. If use is made here of the terminology current in Switzerland, this does not just have to do with the author's origins; it is a conscious choice. Terms such as "multilingualism" and "linguistic harmony" suggest a whole; those such as "nationalities" and "ethnic cleavages" suggest fragments needing to be pieced together. That said, in Switzerland *national* affinity is one thing; the affinity of the French Swiss, the Ticinese, and the German Swiss, to French, Italian, and German *culture* respectively, as it has come to be taken for granted in recent history, is another. To put it in Meinecke's terms: political nationhood and cultural nationhood are two separate things. When eastern or central Europeans ask a Swiss person what *nationality* he or she is, they are met with total incomprehension. Multiple, overlapping identities are at the heart of the Swiss self-image, which resists the inclination of the modern nation-state to ethnic homogeneity.

2.   Multilingual Switzerland Today

Switzerland's quadrilingualism is today regarded as one of the country's "intrinsic attributes", in fact almost as a "national hallmark",[27] along with direct democracy and neutrality. Associated with this, one not infrequently finds three misconceptions. First, the unquestioning conviction that every Swiss person is endowed with a quasi-natural fluency in, or mastery of, four languages. The presence of this belief can be detected, for example, in the observation of the American political scientist Karl Deutsch that Switzerland has

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25   Meinecke, *Weltbürgertum und Nationalstaat* (fn. 22 above), p. 14.

26   See Arend Lijphart, 'Consociational Democracy', *World Politics*, 21 (Jan. 1969), pp. 207–25, and the overview by Franz Lehner – *Grenzen des Regierens. Eine Studie zur Regierungsproblematik hochindustrieller Demokratien* (Königstein/Ts.: Athenäum, 1979), pp. 185–204.

27   Comment of the Federal Council in its 'message to chambers' *(Botschaft)* of 4 Mar. 1991 concerning the revision of the language clause in the Swiss constitution (Art. 116 BV).

managed to create a shared national character, a shared political culture, a cohesive people that speaks four languages.[28] Secondly, many believe the number of languages spoken in Switzerland is four. In fact, because of the high levels of work-related immigration that Switzerland has experienced since the late nineteenth century, the number is much greater. At the end of 1995, the population of Switzerland, numbering a good 7 million, comprised 1.3 million (19.3 per cent) foreigners – proportionally twice as many as in the Federal Republic of Germany. Thirdly, there is, in many quarters, a lurking notion that the Swiss cantons are linguistic or ethno-national entities.

Let us begin by looking at the citizens of Switzerland. Despite many a wondrous phenomenon in this country, even Swiss citizens mostly grow up speaking just *one* mother-tongue, and have to acquire other languages by learning. This requires just as much effort on their part as it does for anyone anywhere else in the world. As a result, the majority of Swiss speak only one language. Swiss multilingualism is therefore not individual, but a feature of the polity as a whole. The peculiarity lies in the fact that, rather than there being one single national language, there are four languages with equal status. For obvious political reasons, the teaching of foreign languages is particularly promoted. The smaller the linguistic region and the nearer the linguistic frontier, the earlier that teaching begins in school. This is why there are comparatively few Swiss who only understand their language of origin. But the number of those who can communicate without difficulty in more than one language is – as it is everywhere – a minority dependent upon educational level:

> "The inhabitants of Switzerland…do not consist of bi- or trilingual individuals in the traditional sense of the word. What we have in our country is a societal multilingualism – in other words, although the country is made up of four linguistic regions, the inhabitants of these regions are mostly monolingual."[29]

This unspectacular reality can be summed up in figures. Since 1860, regular censuses have reported on language distribution in Switzerland. Traditionally, this has involved asking about the language in which a person thinks and which he or she has the best command of.

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28 Karl W. Deutsch, *Die Schweiz als paradigmatischer Fall politischer Integration* (Bern: Paul Haupt, 1976). This is not the only misunderstanding in this text, which answers useful questions about the evolution of Switzerland with outlandish-seeming theories such as that of tracing medieval modes of assault against fortified places to the climbing-ability of the mountain farmers: before there was artillery, says Deutsch, rock-climbing was the only way of seizing fortified places (ibid. p. 27). An abridged and revised version of the text may be found in Volker Matthies (ed.), *Der gelungene Frieden. Beispiele und Bedingungen erfolgreicher Konfliktbearbeitung* (Bonn: Dietz, 1997), pp. 65–87.

29 *Zustand und Zukunft der viersprachigen Schweiz. Abklärungen, Vorschläge und Empfehlungen einer Arbeitsgruppe des Eidgenössischen Departementes des Inneren* (Bern, 1989) [hereinafter '*Zustand und Zukunft*'].

According to the last national census, held in 1990, the distribution of languages amongst Switzerland's 5.6 million citizens is as follows:[30]

German	73.4%
French	20.5%
Italian	4.1%
Raeto-Romansch	0.7%

This means that three-quarters of all Swiss people speak German – or, more precisely, Swiss-German dialect. About one-fifth – just over a million – speak French. Compared with 1960 and 1970, this number has risen slightly. By contrast, the proportion of Italian-speakers has declined slightly. The proportion of speakers of Raeto-Romansch, which has always had no more than regional significance, is in marked decline.

If one looks at language distribution historically, one immediately notices that there has been very little variation in this during the present century. The proportion of German-speakers has fluctuated between 72.7 per cent (in 1910) and 73.9 per cent (in 1941). French reached its highest level in 1910, with 22.1 per cent, and its lowest in 1970 and 1980, with 20.1 per cent. Italian has oscillated between 3.9 per cent (in 1910) and 4.5 per cent (in 1980). Raeto-Romansch declined slowly but steadily to begin with, from 1.2 per cent (in 1910) to 0.9 per cent (in 1980), but very swiftly after that, dropping to 0.7 per cent in 1990 (see Sections 4.3 and 5.2 below). Disregarding the latter decline for a moment, it would be fair to say that Swiss linguistic harmony shows a remarkable degree of stability: despite the fact that the population has doubled over the last 70 years, "the four linguistic regions have persisted in a remarkably constant state".[31] One reason for this – though it is undoubtedly not the whole story – is that in the nineteenth century, Switzerland embarked on a political path different from that of its powerful neighbours. Its key idea was not the ideal of linguistic-cum-cultural homogeneity, but the political resolve to forge a liberal republican polity in despite of varying traditions, cultures, and languages. That is why the Swiss describe themselves as a "*Willensnation*" ["nation by will"] – even if conscious will was in fact secondary to the realization of the need for a partnership of convenience".[32] A core component of this approach is equality of status for several languages – something that has had constitutional force since 1848 (see Section 3.3 below).

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30   Figures from the *NZZ*'s reports of 15 and 19 May 1993 on the evaluation of the national census of 1990, and from *Statistisches Jahrbuch der Schweiz 1994*, pub. by the Federal Office of Statistics (*Bundesamt für Statistik*) (Zurich: Verlag NZZ, 1993), p. 353.

31   Robert Schläpfer, *Sprachen in der Schweiz, Nationales Forschungsprogramm 21: Kulturelle Vielfalt und nationale Identität* (Basel, 1992), 2. The fact that the linguistic distribution has remained largely constant over a period of 100 years is also cited by Hans Kohn as one of the main reasons why Swiss multilingualism works: *Der schweizerische Nationalgedanke. Eine Studie zum Thema 'Nationalismus und Freiheit'* (Zurich: Verlag NZZ, 1955), p. 102.

32   Iso Camartin, 'Die Schweiz: Ein mehrsprachiges Land. Eine multikulturelle Nation?', in: Kurt R. Spillmann and Rolf Kieser (eds.), *Blickpunkt Schweiz. 27 Ansichten* (Zurich: Verlag NZZ, 1995), p. 224.

Of course, if one looks at the totality of Switzerland's inhabitants, a very different picture emerges. This is because – according to 1995 figures[33] – 1.3 million (19.3 per cent) of the Swiss population are foreigners (this does not include diplomats, seasonal workers, short-stay visitors, cross-border commuters, or asylum-seekers). Taking the total population into account, the language distribution turns out as follows:[34]

German	4,374,694	63.6%
French	1,321,695	19.2%
Italian	524,116	7.6%
Raeto-Romansch	39,632	0.6%
Non-Swiss languages	613,550	8.9%

In the case of Raeto-Romansch, the circle of speakers was always a small one; but in 1990 the number of people speaking a language other than one of the four national languages also overtook the number of Italian-speakers for the first time. The main languages concerned were: Serbo-Croat (1.9 per cent), Spanish (1.7 per cent), Portuguese (1.4 per cent), and Turkish (0.9 per cent). But in the meantime even English (0.9 per cent) has overtaken Raeto-Romansch.

Another reason why the findings of the last census, in 1990, are particularly interesting is that it was no longer based on what, in terms of linguistic statistics, is the dubious question about *mother-tongue*. Instead, people were asked about their *main language*, the one in which they thought and which they had the best command of. It is to this that the above figures refer. A supplementary question asked about *colloquial languages* – that is to say, the language or languages people used on a regular basis. (More than one answer could be given here.) According to this, of the total population of Switzerland, the following percentages speak the specified languages regularly in their everyday lives:

German	72 %
French	33 %
Italian	14 %
Raeto-Romansch	0.91%
English	10.9%
Other languages	11.2%

Hence, French, Italian, and, above all, English are much more important in the colloquial everyday world. According to the Swiss Statistical Yearbook (*Statistisches Jahrbuch*), the lower the percentage of speakers of a language, the more rarely that language is a language of sole use. Only 20 per cent of speakers of Raeto-Romansch get by with just their own language; in the case of the Italian-speakers, it is 27 per cent; in the case of the French-speakers 43 per cent; and in the case of the German-speakers as many as 65 per cent.[35]

These figures for the resident population as a whole show that the traditional stability of the Swiss linguistic landscape has begun to falter in recent decades. A number of simul-

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33 *Fischer Weltalmanach '97* (Frankfurt/M.: Fischer, 1996), p. 575.

34 *Statistisches Jahrbuch 1994* (fn. 30 above), pp. 352–4.

35 Ibid. p. 354.

taneous trends highlighted the need to reflect on these changes, and to envisage reformulating the Swiss constitution's language-clause in line with the times:

First: There were disturbing reports about the increasing extent to which Raeto-Romansch was being squeezed out of the linguistic picture: by 1990, it was a main language for only 39,632 Swiss. The fear that this language might die out in the near future prompted reflection on what might be done to bolster it. Although in principle legal regulations about language fall within the competence of the cantons, help was also sought from the federal authorities. In June 1985, a member of Switzerland's National Council (*Nationalrat* – lower chamber of parliament), Martin Bundi, put forward a motion, co-signed by all the representatives of Graubünden in the National Council, calling for a revision of Article 116 of the federal constitution – or, more specifically, for measures to strengthen Switzerland's fourth national language.

Secondly: The strong wave of immigration – deliberately driven by government and business in the decades after the Second World War – brought radical changes to Swiss society. The period of economic boom led to the creation of a modern consumer-society; at the same time, the so-called guest-workers, soon to be followed by returnees, refugees, and asylum seekers, wrought radical social changes. Over the last few decades, Switzerland has, "whether it liked it or not – developed into a multicultural society".[36] This is also reflected in the changed linguistic landscape.

Thirdly: English is inexorably gaining ground. Apart from its attractiveness to young people – whether in Geneva, Zürich, or Lugano – it is also becoming the medium of communication in ever-wider areas of science, business, and leisure, and even quite commonly now between Swiss people of differing languages. This development undermines traditional practice, whereby, in the teaching of foreign languages, priority is given to the national languages.

Fourthly: Communication within Switzerland is being rendered more difficult by the oft-evoked upsurge in dialect – the *Mundartwelle*. This does not refer to the fact that the German Swiss use only dialect in their everyday speaking, and do so across all strata and classes: this has been common practice since the First World War, if not before, and is felt by the German Swiss to be part and parcel of their identity. Unlike the situation in French-speaking Switzerland, where local and regional idioms have all but died out, dialects in German-speaking Switzerland have stubbornly held their ground. Most German Swiss have no trouble at all passively comprehending standard German – at least the written and official kind – and are very likely to have active speaking competence in it, with a marked Helvetic intonation. Linguists describe this simultaneous use of two forms of the same language – meaning here the cheek-by-jowl existence of dialect and standard German – as *diglossia*. However, for most German Swiss, the regional dialect is the language in which they can express themselves naturally and can feel at home. If they have to speak *Hochdeutsch* (standard German), many of them feel they are already half in a foreign country. Their eloquence, at any rate, usually becomes markedly constrained if they are

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36   Camartin, 'Die Schweiz' (fn. 32 above), p. 224.

obliged, as one apt formulation puts it, to "speak written German". At the last census, 66.4 per cent of German Swiss claimed not to speak standard German.[37]

In fact, talk about a *Mundartwelle* – often also in relation to the spectre of a politically fatal "Hollandization" of Switzerland – refers to something else: the massive incursion which dialect has made over the last twenty years into areas formerly reserved to *Hochdeutsch*. This includes, first and foremost, the use of dialect in advertising and the mass media. Anyone living in Germany can wax lyrical on this subject, given that hundreds of programmes broadcast on 3SAT are subtitled. Even in the area of written language – in letters to family or friends, for example – the use of dialect is on the increase. This trend towards the omnipresence of Swiss German makes communication across internal Swiss borders more difficult and is a constant cause of complaint from members of the minority-language groups. The knowledge of German they have acquired in school, in adult education, or elsewhere, is of precious little use to them in Swiss-German-dominated everyday communication – and this does not exactly increase the motivation to learn.

Fifthly: At federal level, the equal status of the various languages of Switzerland has, in any case, been more of an ideal-typical objective. Italian has been virtually non-existent in this area – not to mention Raeto-Romansch. The two chambers of the federal parliament generally communicate only in two languages. During proceedings, members of par-liament from Ticino have to battle their way through with German or French drafts of bills; an Italian version is only available at the final vote. Again, in the National Council – the representative chamber – and, since very recently, in the Council of States (*Ständerat*), in which the 26 cantons each have two seats, regardless of their size, simultaneous translation is provided in only two languages – German and French. In general, the members from Ticino say one or two introductory words in Italian, for the sake of the television, and then also speak French or German. The parliamentary committees, meanwhile, do without simultaneous translation, relying on passive linguistic competence. Over the last few years, the need to ensure a greater presence of all four languages at federal level has made itself increasingly felt.

These trends prompted proposals for a revision of the clause in the Swiss constitution that deals with language. In 1986, when the National Council and Council of States had referred Martin Bundi's motion to the government, the head of the Swiss Interior Ministry appointed a group of experts (called the "Saladin Commission" after its chairman) to "carry out a legal, historical, and linguistic evaluation of the issues raised by the proposal to revise Art. 116 of the federal constitution; and to draw up a wording for a revised version of this so-called "language clause". The terms of the commission's task were set deliberately broadly and sought to take maximum account of the intensive discussions that had recently taken place about Swiss quadrilingualism.[38] In August 1989, this commission published its report of over 400 pages on the "Current State and Future Prospects of

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37   *Statistisches Jahrbuch 1994* (fn. 30 above), p. 354.

38   Message to chambers previously referred to (fn. 27 above), p. 354.

Quadrilingual Switzerland"[39] – an encyclopaedic compendium of Swiss linguistic problems. The report also served as a basis for the extensive deliberations on the revised version of the language clause, which was finally adopted by the electorate in March 1996 (see Section 5 below).

Despite all these worries about the preservation of quadrilingual Switzerland, it should be remembered – in view of the many newly erupted linguistic disputes, bloodily fought-out nationality-conflicts, and "ethnic cleansings" – that Swiss linguistic harmony is not in any real danger. Despite notorious evocations of a gradual drifting-apart of the German Swiss majority and French Swiss minority – a phenomenon for which the term *Röschtigraben* ("fried-potato divide") has widely established itself, though the differences in potato-preparation in the two communities are minimal – the relationship of the Swiss to one another "[is] not characterized by marginalization of a racist kind or of a kind based on folkloristic ideology". Even the term "ethnic group" is not in common use in Switzerland.[40] The exception was the period of the First World War. The way in which the war was deliberately charged up, at the level of ideas and ideology, into a struggle between Western civilization and German culture presented at least the élites of German and French Switzerland with what was probably their toughest-ever test. As a rule, however, categories such as ethnic or linguistic minorities are devoid of even the slightest pejorative undertone – one need only think, for example, of *Welschland* – French Switzerland (where the German *welsch* might otherwise suggest dubious character but here means only "French Swiss"). Nor do they play any kind of prominent role legally or emotionally, as is often supposed. In Switzerland, there are hardly any federal-level regulations concerning minority protection – either in the constitution or in the law in general.[41] When Federal Councillor Felber opened the CSCE's expert meeting on national minorities in July 1991, he commented crisply that: "Swiss federalism is not grounded in the concept of a linguistic community…Rather than solving a minority problem, it has prevented one ever arising."[42] This highlights the radically federalistic structure of the Swiss state, and also the fact that the primary locus of political identification for most Swiss lies in the cantons. They are the key to understanding Swiss *Sprachfrieden*.

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39 *Zustand und Zukunft* (fn. 29 above), p. 236; see also the additional *Materialienband zum Schluß-bericht der Arbeitsgruppe zur Revision von Artikel 116 der Bundesverfassung*, ed. by the same commission, Bern 1989 [hereinafter: *Materialienband*].

40 Camartin, 'Die Schweiz' (fn. 32 above), p. 236.

41 Paul Widmer, 'Neue Widersprüche. Die nationalen Minderheiten in Osteuropa', *NZZ*, 14 Feb. 1992.

42 *NZZ*, 3 July 1991.

3. How Quadrilingualism Came about

3.1 German Origins

Contrary to the erroneous modern-day doctrine of the homogeneous nation-state, Swiss multilingualism, viewed globally, is not an exception; in world terms, it is the norm.[43] What is special about the Swiss case is that the various languages of Switzerland were guaranteed equal status in the constitution relatively early on.

Those who claim that multilingualism was already present at the birth of the old confederation are doing exactly what the popular Swiss legends about continuity do: taking modern nation-states and nations that are a good 200 years old and projecting them back into history. The whole of history is viewed through the nation-state prism, as if in permutation of a famous Hegelian dictum: "One only has to look at history in national terms, and it too will appear national."

Paradoxically, it was during the exclusively German beginnings of Switzerland that the foundations of its later multilingualism were laid. The confederation, in the form of the alliance of valleys and cities that emerged and expanded across Alemannic Switzerland in the late Middle Ages, defended the old traditions of local communal democracy against all the territorially inspired attempts at unification initiated by either secular or religious masters. Whereas most modern states took shape by combating the *particularism* of their various parts, Switzerland came into being, conversely, by preserving and cultivating both the particularism and the *autonomy* of its constituent elements. Until the Helveticism of the Enlightenment, the confederation did not display any kind of comprehensive, inclusive patriotism; each of the ancient Swiss localities (*Orte* or *Stände* – the original cantons) acted and thought solely for itself. The thirteen *Orte* (Zürich, Bern, Lucerne, Uri, Schwyz, Unterwalden, Glarus, Zug, Freiburg, Solothurn, Basel, Schaffhausen, and Appenzell) were very differently constituted, politically autonomous, sovereign polities that were merely linked to one another through bilateral or multilateral treaties and alliances pledging them to mutual assistance in the case of attack from outside. This alliance had no fixed institutions or bodies, only an assembly of delegates – the *Tagsatzung* or Diet – which was not empowered to take binding majority decisions. It is in these beginnings that many archaic-seeming Swiss traits and attitudes have their roots – from the cultivation of particular customs, through the insistence on retaining very distinct individual political constitutions and institutions, right up to the different dialects. The Swiss counterpart of what is known in Italy as *parochialismo* or *campanilismo* is the much-derided *Kantönligeist* ("canton spirit"), which involves much more than mere folklore.

In the confederation's early history, now shrouded in legend, there was no multilingualism. When Switzerland first took shape, there was, at most, the Latin in which the *Bundesbriefe* – the original pact of mutual assistance that formed the core of the confederation – were

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43 See Ernest Gellner, *Nationalism und Moderne* (Berlin: Rotbuch, 1991), pp. 69 ff.; also Hans Maier, 'Die vielen Sprachen und die Eine Welt', in: Günther Lottes (ed.), *Region, Nation, Europa. Historische Determinanten der Neugliederung eines Kontinents* (Heidelberg: Physica, 1992), pp. 45–55.

drawn up. Loosely allied to the old *Orte* or *Kantone* (the latter term gradually superseded the older one during the seventeenth and eighteenth centuries) were a number of so-called *Zugewandte Orte* ("allied localities"). They enjoyed the protection of the confederation in their efforts to secure autonomy, but they had no political rights within the alliance. In addition, the thirteen old localities owned a number of subject territories, which were administered either individually or jointly. These were the result of conquests in the days when, following the Burgundian wars at the close of the fifteenth century, the Swiss, relying on their proverbial military strike-power, had engaged in expansionist European power-politics.

Italian-speaking Ticino was a *gemeine Herrschaft* or "joint dominion" – that is to say, it was subject to several cantons and ruled by them in rotation. Large tracts of present-day French Switzerland were either linked to Bern by defensive treaty, as was, for example, the independent city-republic of Geneva) or, like Vaud, were subject-territories of the *Gnädige Herrschaften* or "Gracious Lords" in Bern. Politically speaking, there were two crucial factors here. In French Switzerland too, the city-republics were present at the start of political development, and this state of affairs only persisted in the face of the territorial aspirations of the House of Savoy and the French crown thanks to the city-republics' reliance on the confederates. In addition, Bern supported, or systematically advanced, the Reformation in the French-speaking territories under its rule or influence. The Reformation served to bolster territorial expansion, given that it put French-speaking subjects into a position of religious opposition to their erstwhile masters, whose return could then be demonized as the return of "Papism".[44] At the same time, the French monarchy dealt circumspectly with Bern, because the lords of Bern provided it with Swiss mercenaries. In the joint dominions of the old confederation, the authorities granted religious freedom, which was tantamount to encouraging the Reformation. Ticino, however, remained true to the old faith. In this pre-national age, there was no nationality problem in the modern sense. Subjects did not, in any case, have much of a say. As far as Bern was concerned, they benefited from the fact that the Bern patriciate, who were fixated on the French model when it came to political arrangements and power politics, frequently spoke French. In Ticino, the successive governors from the different confederate localities made efforts to rule the subjects in their own language. Neither direct subjects nor allies – defensive allies with lesser rights – attended the meetings of the Diet[45] on a regular basis. The sole language of negotiation and correspondence for this assembly was German. The claim that the multilingual confederation was created as far back as "the first few decades after 1500"[46] is therefore an ideological backward projection.

The German character of this political entity was also mirrored in its name: from the fifteenth century, it was known by outsiders variously as *gemein Eidgnossschaft des*

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44 See Allemann, *25 mal die Schweiz* (fn. 1 above), pp. 155–8 and pp. 411–14.

45 See the condensed history of the confederation in the collection of essays originally published in Theodor Schieder's *Handbook on European History* and now republished as *Geschichte der Schweiz*, under the name of the authors Hans von Greyerz *et al.* (Munich: dtv, 1991).

46 Marcel Schwander, *Schweiz* (Munich: Beck, 1991), p. 48. The author is otherwise outstandingly well-informed about French Switzerland.

großen punds obertütscher landen von Stetten und lendern ("confederation of the great league of cities and countries of upper Germany"), *liga vetus et magna Alamaniae superioris* ("great and ancient league of upper Alemania"), and *Alter großer Bund in obderdeutschen Landen* ("great and ancient league in upper German lands").[47] This character was reinforced by the successful wars which the "frommen tütschen" ("godly Germans") – as the confederates styled themselves at that time – waged against mighty Burgundy in 1476 and 1477. Their victories created that reputation for unbeatable military efficiency which immediately made the term *Schweizer* or "Switzer" into a synonym for a lansquenet or mercenary. Paradoxically, at that time, the French king – of all people – ended up advancing the cause of the German confederation: the higher wages and various other material privileges he granted to the Swiss lansquenets were not available to those who "so usserthalb den Marchenn der Eydtgnossenschafft und einer andern Nation und Sprach, dann tütscher unnd unss Eydtgnossenn nitt underwurffig sind" ("are from outside the marches of the confederation, are of a nation and language other than the German, and are not subject to us confederates").[48] This had to do with competition. At that time, the Swiss mercenaries were keen to demarcate themselves from run-of-the-mill lansquenets, because to them – members of a rural population that had always been notoriously poverty-stricken and prolific – Swiss origin was a guarantee of lucrative earnings. It is estimated that about half the excess of births over deaths in the seventeenth century, and 35 to 40 per cent in the eighteenth century, was trimmed away by mercenary service.[49] Moreover, the considerable sums which the European monarchies paid to Swiss councillors and influential politicians to secure the recruitment of mercenaries were an important source of the early accumulation of capital in Switzerland. It was during this period that the saying "Point d'argent, point de Suisses" ("No money, no mercenaries") – commonly heard at the European courts – was coined.[50]

As far as their documents and treaties were concerned, after the victories over Burgundy in 1476 and 1477, the confederates self-confidently drew these up exclusively in German – even with Savoy, the Pope, Milan, and France. During the sixteenth century, bilingual Fribourg pursued a course of active Germanization, in order both to demonstrate its allegiance to the confederation and to profit from the advantages previously described. In other words, irrespective of French-speaking and Italian-speaking subjects and allies, the old confederation as it existed before the French Revolution unquestionably viewed itself as a *German* polity.

There are two respects in which the genesis of the old confederation was of importance for the future federal state despite the hiatus of 1798. For one thing, the way in which the

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47   Im Hof, *Mythos Schweiz* (fn. 7 above), pp. 28–34. Also Hermann Weilenmann, *Die vielsprachige Schweiz. Eine Lösung des Nationalitätenproblems* (Basel-Leipzig: Rhein, 1925), p. 50. This revised version of a 1923 dissertation for the University of Kiel was the first detailed examination of the theme.

48   Quotation taken from Walter Haas, 'Sprachgeschichtliche Grundlagen', in: Robert Schläpfer (ed.), *Die viersprachige Schweiz* (Zurich-Köln, 1982), p. 66.

49   von Greyerz *et al.*, *Geschichte der Schweiz* (fn. 45 above), p. 75.

50   Carl Hilty, *Vorlesungen über die Politik der Eidgenossenschaft* (Bern: Max Fiala, 1875), p. 107.

early confederate state took shape, only gradually establishing its independence from the empire, was distinct from the development of the early territorial states that resulted from the expansion of feudal-cum-patrimonial rule.[51] The confederation developed according to the associative logic that underlies unions of more or less independent agrarian or urban republics. This league of small states was held together solely by its members' shared interest in affirming their independence. Combined with the republican or oligarchic-cum-democratic composition of its membership, the idea of confederation fostered a markedly *contractualistic political culture* or "an intrinsically republican style of statecraft" from the very outset.[52] In the absence of the authority of powerful feudal princes – and also of the protection these would have been obliged to afford – the cantons were forced, for good or ill, to rely on themselves to reconcile the kind of conflicting interests and disputes which not infrequently led to civil war. They had to negotiate alliances and treaties and, where conflicts arose, submit themselves to jointly agreed arbitration procedures. Some have sought to construe the old confederation as "an almost ideal embodiment" of collective security.[53] It is at any rate the case that peace-makers and examples of successful dispute-settlement began to play a prominent role in confederate tradition very early on, alongside the heroic ancient battles. The Covenant of Stans (*Stanser Verkommnis*) of 1481, and its broker, Niklaus von Flüe, are examples of this, as is the legend of the *Kappeler Milchsuppe*, which relates how, at the height of the religious hostilities, Protestant and Catholic Swiss set aside their confessional differences and sat down to a shared bowl of soup. The defence of independence against external attack thus goes hand in hand with respect for the "great compromisers", as American tradition calls them.[54] Not the least of the tasks in which this internal integration was required to prove itself was the difficult one of striking a balance between town and country – one of the hallmarks of Swiss state formation. The city republics for their part embodied the rational calculus of interests and strategies, whilst the *Landsgemeindekantone*, with their free peasantry, contributed the irrepressible agrarian might that proved so intractable to the medieval knightly armies and thus created the basis for a gradual distancing from the empire.

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51   Whereas earlier historiography viewed the emergence of the Swiss state as a case apart, attention has recently been focused on European parallels – notably the Netherlands and Bohemia. On this, see Johannes Burkhardt, 'Die Schweizer Staatsbildung im europäischen Vergleich', and the reply by Volker Press, 'Die Schweiz – steter Weg zur eigenen Identität', in: Lottes (ed.), *Region, Nation, Europa* (fn. 43 above), pp. 271–93. Karl W. Deutsch's essay also relies on the notion of the special case, seeking to use the outcome as a model. The striking thing about Swiss history, he says, is the series of decisions that could have come out differently. And Swiss history, he says, is unique in that people actually did the most sensible thing: *Die Schweiz als paradigmatischer Fall* (fn. 28 above), p. 39.

52   J. R. von Salis, *Schwierige Schweiz* (Munich-Vienna: Orell Füssli, 1969), p. 27.

53   Adolf Gasser, *Geschichte der Volksfreiheit und der Demokratie* (Aarau: Sauerländer, 1939), p. 107; and now in systematic fashion Sabine Jaberg, *System kollektiver Sicherheit in und für Europa in Theorie, Praxis und Entwurf. Ein systemwissenschaftlicher Versuch* (Diss. Münster, 1996), pp. 302–60.

54   Deutsch, *Die Schweiz als paradigmatischer Fall* (fn. 28 above), pp. 39 ff.

The other aspect of pre-revolutionary confederate history that had a lasting effect was the way in which the victories over Burgundy, and the resultant force of well-paid "Switzers" or mercenaries, created the beginnings of a common bond between the very distinct members of the confederation.[55] These beginnings were strengthened in the Swabian war of 1499 – known as the *Schweizerkrieg* in Germany.[56] After a number of lengthy disputes and wars between the Swabian League and the confederates, the Emperor Maximilian I was finally forced to recognize the special development of the confederation. It was during the violent processes of demarcation between the Swiss and their Swabian neighbours that the stereotypes of the *Kuhschweizer* ("Swiss cow") and *Sauschwaben* ("Swabian pig") – still influential today – first emerged. And it was at this time that the confederates first embraced the originally pejorative appellation *Schweizer* that had been imposed on them by outsiders. At the end of the fifteenth century, the feeling of confederate affinity was so strong that, despite profound religious dissension – which was played out militarily on several occasions – the confederates managed to a large extent to keep their territory out of the Thirty Years War, prompting Grimmelshausen's *Simplizissimus* to regard the place as "ein irdisch Paradis" ("an earthly paradise").[57]

3.2   Political Beginnings: 1798

The birth of Swiss multilingualism can be dated precisely. It began in 1798, with the invasion of French troops and the half home-grown, half imported revolutionary upheaval. The old confederate estate-based system of rule failed to put up more than isolated resistance to the invasion, and the old political order collapsed. Revolutionary France brought Switzerland individual political freedom, "the transition from oligarchic to egalitarian democracy",[58] and the liberation of the subject territories. With the *République Helvétique*, it bestowed on it a short-lived, centralistic unitary state along French lines, and, in constitutional terms, the start of multilingual Switzerland.

The Club des Suisses, founded in Paris in 1790, had carried the slogans of the revolution out to all the cantons, and they spread like wildfire, particularly in the French-speaking areas. Revolution, massively supported by France, broke out as early as 1792 in the Republic of Geneva. Many of its protagonists came from the French-speaking subject-territories belonging to Bern. The *pays de Vaud*, in particular, was a hub of revolutionary agitation during the eighteenth century. It was no accident that the transitional assembly convened after the collapse of the old Switzerland met in Lausanne, in 1798.

The institution of the Helvetic regime marked the beginning of a paradoxical development in which none other than the nationally unitarianist, centralist French Revolution presided

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55   See Im Hof, *Mythos Schweiz* (fn. 7 above), pp. 34–53.

56   See Willibald Pirckheimer, *Der Schweizerkrieg*, newly ed. by Heinrich Scheel (Berlin: Militärverlag der DDR, 1988).

57   Quotation from Muschg, *Die Schweiz am Ende. Am Ende die Schweiz* (fn. 3 above), p. 62.

58   Georg Kreis, 'Die moderne Schweiz als Produkt ihrer Geschichte', in: Spillmann and Kieser (eds.), *Blickpunkt Schweiz* (fn. 32 above), p. 35.

over the emergence of multilingualism in Switzerland. And although the revolutionary upheavals fell on particularly fertile ground amongst the non-German-speaking subjects – as was natural – it was these very subjects who then resolutely campaigned to remain within a newly fashioned Switzerland. The revolutionary uprising of the subjects against their old masters was not aimed at securing union with the mighty neighbours whose language they shared.

The process was set in motion by the Ticinese. In 1797, after Bonaparte had conquered Habsburg Lombardy and the Cisalpine Republic had been proclaimed, Valtellina, Bormio, and Chiavenna broke away from the Raetian leagues and declared union with the new republic. But the Ticinese political élite preferred affiliation to Switzerland over what amounted to annexation to their linguistic kin over the border. When, in February 1798, partisans from the Cisalpine Republic advanced on Lugano, they were driven back by the local population, who proceeded to proclaim Ticino a free and equal member of the confederation, under the watchword *liberi e Svizzeri* ("free and Swiss"). Hans Kohn has rightly underlined the political significance of this decision by a linguistic minority: "Political loyalty and the ideal of constitutional freedoms were more important than commonality of race and language, and more important than the new ideal of 'national independence'"[59]

Developments followed a similar course in Vaud, where, in 1798, the invading French troops were given a rapturous welcome. Once Bern had been occupied, and Vaud, Valais, and the Italian provinces were to be taken out of the confederation – which would have meant that Switzerland was squeezed back almost entirely to its German-speaking territory – it was, of all people, the revolutionary Vaudois who resolutely committed themselves to defending the territorial indivisibility of the Helvetic Republic created out of the ruins of the old confederation. Frédéric César de Laharpe, who exerted a degree of influence over the Directoire, managed to get the plan for division dropped.

The constitution of the Helvetic Republic was printed "synoptically" in French, German, and Italian, and was distributed from Paris for propaganda purposes.[60] It was adopted in Aarau in April 1798, with the army of occupation in protective attendance and under pressure from the French. Shortly after the unitary republic had been constituted, the legislature decided that the law gazette, the official journal, and the individual laws that were to be posted in the various communities, should be published in the three languages. The Helvetic Republic's Directory, formed on the French model, rejected the justice minister's proposal that a single binding text in one original language be agreed upon. The ideal of equality was conscientiously adhered to, and efforts were made to ensure equal status for all three languages. The Directory was served by one German-speaking and one French-speaking secretary. For practical reasons of demarcation, German was decided upon as the language of command for the Helvetic legion that fought on behalf of the French. On the other hand, the first-ever pan-Swiss coinage to be introduced was inscribed

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59   Kohn, *Der schweizerische Nationalgedanke* (fn. 31 above), pp. 32 ff; similarly, von Salis, *Schwierige Schweiz* (fn. 52 above), p. 52.

60   Valentin Gitermann, *Geschichte der Schweiz* (Zurich: Büchergilde Gutenberg, 1949), p. 355.

in Latin. "Helvetia" still appears on some coins today – offering a way round the problem of their only having two sides, thus leaving one of the three languages out of account. When the Ticinese joined the Helvetic Republic in July 1799, they had expressly insisted that all Helvetic laws and resolutions should also be printed in Italian, at the state's expense. To begin with, however, this was not done; trilinguality was regarded as virtually impossible.[61]

Whereas it is now blinkered German Swiss who champion Switzerland at any price, historically speaking the exact opposite was the case: that Switzerland managed largely to preserve its territorial integrity despite revolution and occupation, and that it went on to develop into a state where language-differences were transcended, is, precisely, not something which it owes to the majority. The credit for this must go, rather, to the Ticinese and Romansch. In an astute essay, Herbert Lüthy rightly underlined on this fact:

> "Here, at the moment of Switzerland's greatest weakness, something of a miracle occurred – probably the greatest miracle in Swiss history, and one that we tend to overlook: for this was the true birth-date of modern Switzerland – which we all too frequently confuse with the Switzerland of ancient times – and it is from this that it has derived its legitimation for the last century and a half."[62]

Underlying the decision to uphold Swiss integrity was the prospect of increased *political participation*. The likelihood of this seemed greater within the context of a geographically limited canton than on the periphery of hypercentralistic unitary states. In large swathes of French Switzerland, *Protestantism* also played its part in establishing boundaries with monarchist, Catholic France, and in promoting Swiss integration. Geneva, Neuchâtel, and Vaud espoused the teachings of Calvin. From the time of the Second Helvetic Confession, when these merged with Zwinglianism, which was also centred on the city-republic rather than being a monarchical national church, "the distance between Geneva and Zürich was less than that between Zürich and Wittenberg, or than that between Geneva and Paris, despite the language barrier".[63] Later on, as is well known, there would be the added factor of opposition between republicanism and monarchical regimes.

Once French troops had left Switzerland on the orders of Napoleon, the collapse of the Helvetic Republic came within a few days. The much-reviled Directory, which was blamed for turning Switzerland into a theatre of war, was put into cold storage. A confused power-struggle broke out between, on the one hand, followers of the *ancien régime* and federalists, and, on the other, revolutionary unitarians and former members of subject communities. Napoleon put an end to the ongoing turmoil by imposing a new constitution, the so-called Act of Mediation (*Mediationsakte*), on Switzerland in 1803. This ended the reviled centralism and re-established the old federation of sovereign statelets – prompting the original Swiss cantons to fête the First Consul as a reincarnation of William Tell. At the same time, the emancipatory achievements of the revolution – political equality,

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61   Weilenmann, *Die vielsprachige Schweiz* (fn. 47 above), pp. 179 ff.

62   Herbert Lüthy, *Die Schweiz als Antithese* (Zurich: Arche, 1969), pp. 11 ff.

63   von Salis, *Schwierige Schweiz* (fn. 52 above), p. 43.

freedom of conscience and religion, universal male suffrage – survived. The former subject territories, like those which had merely had allied status prior to 1798, were given equal rights: Aargau, Thurgau, Vaud, Ticino, Graubünden, and Sankt Gallen were established as sovereign members of the confederation, which now comprised nineteen cantons.

As the rapid collapse of the Helvetic Republic demonstrated, the French model of a centralistic *nation une et indivisible* was incompatible with the traditions of the old confederate polities, with their multifarious forms of self-government. The long-term political effect of the Act of Mediation derived from the fact that it reconciled the structural principle of the old confederation – an alliance of sovereign city-republics and *Landsgemeindekantone* (supplemented by the new cantons) – with revolutionary-cum-egalitarian equality and a new *esprit national*. As a result, the Act of Mediation served as a reference-point which radicals and liberals could turn back to when the revolutionary reshaping of the cantons began in 1830 – and indeed when the 1848 federal constitution was drawn up. It is also because of this that, despite the humiliation of foreign occupation and annexations, Napoleon was never demonized by the Swiss as the incarnation of all things evil or *Welsch*:

> "The intellectual climate in German-speaking Switzerland in 1813 was radically different from that in Germany. In Switzerland there was no mood of national renewal, no movement of national rebellion….The Swiss harboured no hostility towards Napoleon. The almost pathological hatred which many German writers harboured towards the 'foreign tyrant' was something that remained unknown in Switzerland. The educated Swiss mostly shared the view of Goethe and Heine, and the common folk saw Napoleon almost as a second William Tell."[64]

As far as the languages were concerned, during the Mediation period, German began once again to move centre-stage – first, because parts of French-speaking Switzerland had been annexed by France (the prince-bishopric of Basel in 1793, Geneva in 1798, the principality of Neuchâtel in 1806, and Valais in 1810 – on account of the importance of its passes), and secondly because the rejection of the revolution meant that Vaud declined in importance. Besides this, because Fribourg was once again sending its German-speaking patricians to the Diet, Vaud and Ticino became the two exceptions there. The final blow to equality of status for the different languages came when, following the Battle of Leipzig and the Congress of Vienna, the protagonists of the confederate *ancien régime* experienced an upturn in their fortunes.

3.3   From the Restoration to the Modern Federal Constitution

Following its defeat, France had to return the annexed territories. Valais, Neuchâtel, and Geneva now became sovereign cantons with equal rights. The Vienna Congress once again removed the mostly French-speaking former prince-bishopric of Basel from France and attached it to Bern as compensation for the lost Vaudois lands. The territorial shape of

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64   Kohn, *Der schweizerische Nationalgedanke* (fn. 31 above), p. 47.

present-day Switzerland was now fixed. From that time, the country consisted of 22 cantons – 25 if each of the half-cantons of Nidwalden, Basel, and Appenzell are counted separately.[65] The Jura is an exceptional case. It became a source of conflict precisely as a result of this territorial transaction, and in 1979 the northern part became a separate canton (see Section 4.4). At the Congress of Vienna, many toyed for a time with the idea of incorporating Switzerland into the German Reich. In the end, the big powers guaranteed Switzerland its territorial integrity and pledged it to "perpetual neutrality".[66]

The so-called Federal Pact (*Bundesvertrag*) of 1815 – the term "constitution" was deliberately avoided – was essentially a creation of the conservative Bernese constitutional lawyer Karl Ludwig von Haller. As is well known, von Haller's magnum opus – *Restauration der Staatswissenschaft oder Theorie des natürlich-geselligen Zustandes, der Chimäre des künstlich-bürgerlichen entgegengesetzt,* lent its name to this era. Whilst the princes of Europe were busy reinstating the legitimacy principle, the *Restoration* in Switzerland was returning to the old loosely-connected federation of states. This, of course, now consisted of 22 rather than 13 cantons, as the subject territories emancipated during the revolutionary period retained their political independence – and were soon to form part of the spearhead of democratic constitutionalism. In the old cantons, the old rulers returned to their posts; in the new ones suffrage was drastically curtailed via a property qualification. The Restoration also brought with it a "romantic renewal of the national language of the ancient confederation".[67] But the use of German as the sole national language was so uncontroversial that it was not even deemed necessary to mention linguistic usage in the 1815 Federal Pact. Proceedings and resolutions were drawn up exclusively in German; even the oaths had to be taken in German.

This was a world upside-down: whereas revolutionary French centralism had introduced modern-day trilingualism into Switzerland, the return to the confederation brought with it a return to a single language! Admittedly this did not make a great difference in practice, given that the confederation could not force any of the independent cantons into the majority's language. The official national language was German, but the representatives of Geneva, Neuchâtel, and Vaud used their own language, whilst the Ticinese, in order to be understood, used French. The confederation acted as a safeguard against homogenization. The end result was that the proceedings of the Diet became *de facto* bilingual; in 1821 a formal resolution was passed stipulating that in case of doubt the German text was the decisive one. The equality of the languages was thus not completely abolished. This was particularly true of the official languages in the multilingual cantons of Graubünden, Valais, and Bern.[68]

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65   Constitutionally, the half-cantons have the same powers as the cantons. Where they are restricted is in the Council of States, where all the cantons, whatever their size, have two seats, but the half-cantons have only one.

66   Markus Kutter, *Die Schweizer und die Deutschen* (Frankfurt/M.: Fischer, 1997), pp. 97–105.

67   Weilenmann, *Die vielsprachige Schweiz* (fn. 47 above), p. 203.

68   See Ulrich Im Hof, 'Die Viersprachigkeit der Schweiz als Minoritätenproblem des 19. und 20. Jahrhunderts', in: Beat Junker *et al.* (eds.), *Geschichte und politische Wissenschaft. Festschrift für Erich Gruner zum 60. Geburtstag* (Bern: Francke, 1975), pp. 59 ff.

In the days of Metternich, which saw the withdrawal of all the civil rights secured during the revolution, suppressing the spirit of freedom and equality awoken by the revolutionary upheavals proved no easy task in Switzerland. Guaranteed neutrality, political diversity, and the relatively minor potential for repression in the cantons turned the country into a refuge for émigrés and victims of political persecution from all over Europe. These included, to mention but a few: Ludwig Snell, Benjamin Constant, and the Magdeburg teacher Heinrich Zschokke, who became perhaps the most successful artisan of Swiss identity.[69] To the liberal and radical forces in Switzerland, the advent of these mostly ideologically trained kindred spirits was highly opportune. Centred around a handful of outspoken newspapers, they formed a radical liberal opposition. Once again, the impetus came from outside. After the July Revolution in Paris, the liberals in Thurgau made the first move by demanding a plebiscite on a new constitution. Within a year the eleven most populous cantons had revised their constitutions and had them endorsed by plebiscites. Sovereignty of the people, freedom of the press, equality before the law, and the freedom to exercise a trade or profession replaced the patriciate and guilds restored to power by the Restoration. The fact that this movement named its own programme "Regeneration" shows how great a desire there was to return to earlier, more just conditions.

Refugees from all over Europe flocked to the regenerated cantons. "During the 1830s, a wanted notice issued by a princely house had [often] been enough to identify a foreigner as a kindred spirit".[70] The liberals in Switzerland, with their belief in technology and progress, made a particularly important contribution to education. Drawing on many of the ideas of Helveticism – for which, it must be said, no less a personage than Heinrich Pestalozzi had served as a publicist – they introduced compulsory schooling and set up a state education system comprising secondary schools, teacher-training colleges, grammar schools, technical and industrial schools, and also universities (in Zürich in 1833 and in Bern in 1834). In these new educational institutions in the "regenerated" cantons, political refugees from all over Europe found numerous opportunities for exerting influence as academics or journalists. Regeneration and democracy thus profited in no small degree from censorship, professional exclusion, and intellectual repression – particularly in the German-speaking countries.

Because the Restoration was being watched over internationally by the Holy Alliance, Switzerland repeatedly found itself in difficulties. A number of radical newspapers were forced to cease publication. Time and again, the big powers issued threats and ultimatums demanding that the nidus of revolutionary activities be stamped on. In many cases, the regenerated cantons were obliged to give in to the foreign pressure and expel those political refugees, who – like Giuseppe Mazzini's national revolutionary movement "Giovane Italia" – were organizing guerrilla expeditions against Savoy, or at least were suspected of preparing further revolts. However, the pressure from foreign powers "helped in no small measure to mobilize the population's resolve to maintain independence."[71]

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69   On this, see Kutter, *Die Schweizer und die Deutschen* (fn. 66 above), pp. 106–27.

70   Adolf Muschg, *Gottfried Keller* (Frankfurt/M.: Suhrkamp, 1980), p. 128.

71   Beatrix Messmer, 'Die Modernisierung der Eidgenossenschaft – Sattelzeit oder bürgerliche Revolution?' in : Thomas Hildbrand and Albert Tanner (eds.), *Im Zeichen der Revolution. Der Weg*

This, in its turn, proved useful to those national forces of liberalism and radicalism who were pushing for the loose confederation to be done away with. The radicals in particular, acting impetuously and with a markedly anti-clerical thrust, declared war on those in power in the traditionalist cantons, and on the Jesuits and "ultramontanes" all over Switzerland; their aim was to replace the Federal-Pact system with a modern state.[72]

As the political upheavals wrought changes in the composition of the Diet, so the linguistic differences began to pose a problem for the confederation. This points up the nexus that connects democratization and nationalism and makes the latter such a complex phenomenon: so long as a section of the people is excluded from political participation, its language remains irrelevant; but where governments depend on the nation in the sense of the totality of citizens, language and ethnic affiliation acquire a higher status. With the end of the Restoration came a return to equality between the languages. To begin with, however, the gap between, on the one hand, liberals and radicals, who stood for the democratic regeneration of the whole confederation, and, on the other, the conservatives, who championed their own hereditary privileges, religious schooling, particularist customs-tariffs, and restrictions on the free flow of traffic, grew visibly wider. The political differences here mostly coincided with the old religious divide. When young radicals began more and more frequently to band together and mount "guerrilla attacks" on the bastions of Catholic conservatism and of the Jesuits, the three original cantons joined with Lucerne, Zug, Fribourg, and Valais to form a separatist league – the *Sonderbund*. The radicals were not willing to accept this blatant violation of the Federal Pact. With only the slimmest of majorities in the Diet – 12 votes out of 22 – they secured the dissolution of the *Sonderbund* (if necessary by force), the expulsion of the Jesuit order, and the revision of the Federal Pact. A decisive factor in terms of the issues being considered here was that the linguistic divide did not coincide with the political divide: two at least semi-French-speaking cantons – Valais and Fribourg – were amongst the members of the *Sonderbund*.

November 1847 saw the start of the *Sonderbund* war. The Genevan Guilleaume-Henri Dufour was appointed general of the Diet forces – a move that soon proved extremely felicitous. Dufour combined strategic skill and superior warfare with political-cum-psychological shrewdness; he frowned upon any kind of hatred and carefully avoided any kind of rhetorical stigmatization of the enemy, instead encouraging his troops to adopt a tolerant attitude to the Catholic religion. A skilfully conducted blitzkrieg against the two *Sonderbund* strongholds, Fribourg and Lucerne, lasted 25 days and claimed only 98 dead

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zum schweizerischen Bundesstaat 1798–1848 (Zurich: Chronos, 1997), p. 25. On the crucial part played by German émigrés in Zurich's educational system after 1830, see the informative study by Gordon A. Craig, *Geld und Geist. Zürich im Zeitalter des Liberalismus 1830–1869* (Munich: Beck, 1988).

72 On radicalism, see Peter Wende's article in: Otto Brunner, Werner Conze, and Reinhart Koselleck (eds.), *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, vii (Stuttgart, 1984), pp. 113–33; also Albert Tanner, 'Alles für das Volk. Die liberalen Bewegungen von 1830/31', in: Hildbrand and Tanner (eds.), *Im Zeichen der Revolution* (fn. 71 above), pp. 51–74.

and 493 injured.[73] Metternich and the French foreign minister issued several threats of armed intervention, but it did not come to that. For the radicals in Europe, the *Sonderbund* war was a signal: "The uplands heard the first shots fired", wrote the poet Freiligrath. Metternich's fears proved justified: only a few weeks after the *Sonderbund* cantons had capitulated, street-battles broke out in Paris, Vienna, and Berlin.[74] The big powers in the Holy Alliance now had other worries to keep them from intervening.

When the *Völkerfrühling* broke out in the capitals of Europe, Switzerland remained calm. A constitutional committee was convened as early as February 1848 – less than three months after the end of the war. The *Sonderbund* cantons were represented on it on an equal footing. Only six weeks later, the committee submitted a draft constitution. This was adopted by the Diet in May and presented to the cantons to be voted on shortly afterwards. The Diet established that fifteen and a half cantons had voted in favour of the draft, and on 12 September 1848 the new federal constitution came into force. Thus, in the midst of the revolutionary year of 1848, Switzerland managed, unmolested by the big powers and of its own free will, to create a modern federal state based on the principles of representative democracy and with its own central legislature and executive.

The US-style institutional combination of the democratic majority principle (as embodied in the numerically based system of representation in the National Council) and federalism (each canton sends two councillors to the Council of States) also made itself felt in regard to the language issue. At the plenary session of the Diet at which the draft constitution was deliberated, the representative from Vaud proposed the addition: "Les trois langues parlées en Suise, l'allemand, le français et l'italien, sont langues nationales" ("The three languages spoken in Switzerland – German, French, and Italian – are national languages"). No one language, he said, must be allowed to claim exclusivity to the detriment of the others. None of the parties objected to this proposal. The representatives of all 22 cantons initially agreed on the following wording:

> "The three main languages in use in the Confederation are declared to be official; the Federal Chancellery is charged with ensuring that the decisions, laws, and resolutions of the federal authorities are drawn up in German and French, at Confederation expense."[75]

The drafting committee ultimately opted for the simpler wording. On 27 July 1848, Article 109 of the federal constitution was adopted without further discussion:

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73   Carlo Moos, '"Im Hochland fiel der erste Schuß". Bemerkungen zu Sonderbund und Sonderbundskrieg', in: Hildbrand and Tanner (eds.), *Im Zeichen der Revolution* (fn. 71 above), p. 169. Slightly different figures are quoted elsewhere, e.g. in Gitermann, *Geschichte der Schweiz* (fn. 60 above), p. 472.

74   On this, see Werner Näf, *Die Schweiz in der deutschen Revolution. Ein Kapitel schweizerisch-deutscher Beziehungen in den Jahren 1847–1849* (Frauenfeld-Leipzig: Huber, 1929); the appendix documents numerous expressions of solidarity from Germany to the Swiss radicals.

75   Quotation from Weilenmann, *Die vielsprachige Schweiz* (fn. 47 above), p. 219.

> "The three main languages of Switzerland – German, French, and Italian – are the national languages of the Confederation."

In retrospect, it is astonishing how unproblematic multilingualism and the national regulations concerning it were seen as being at that time, or were even felt to present any kind of difficulty. The process of endowing quadrilingualism with intrinsicality, making it into what the Federal Council in 1991 called an "intrinsic attribute" and a "national hallmark",[76] was actually a result of late nineteenth-century national ideology – albeit one that continues to influence the Swiss self-image and perception. In view of this, it is surprising there was so little fuss about the language question in 1848:

> "What inevitably impresses one nowadays is not so much the awareness of the differences that marked out those involved, but the confidence that there was sufficient common ground for the union to be possible. Without the crucial underlying ideologies of a free and progressive liberalism, the Confoederatio Helvetica would probably never have come into being: the youthful state had other things to worry about than the linguistic diversity of its members."[77]

The fact that Switzerland at that time had anticipated the *Völkerfrühling* by several months – indeed, by several decades when it comes to its creation of a democratic federal state – did much to foster its political integration, and to render it immune to the allurements of the nationality principle. As is well known, there was no lack of covetous feelings towards Ticino in the *Risorgimento*; nor was the German nationalist movement devoid of nationalist power-fantasies and greater-German leanings. In the Paulskirche in Frankfurt, for example, there was talk of "winning back the renegade possessions at the source and mouth of the Rhine"[78] – though the first German national assembly did, at the time, acknowledge "the destructiveness of politicizing the ethnic principle to such an extent as to transform it into racial dogma".[79]

Allowance was already made for the linguistic minorities in the very first elections to the Federal Council (the newly created executive), with a seat for one Vaudois and one Ticinese representative. Even today, the French and Italian areas continue have a claim, by custom, to two of the seven seats on the Federal Council. That said, after 1848 the primary task of the confederation – whose official name, *Confoederatio Helvetica* (familiar from the "CH" on car number-plates) rather obscured the break with the old confederation – consisted not in overcoming oft-evoked *ethnic cleavages*, but in integrating the losers of the civil war into the modern state.

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76   Message to chambers (fn. 27 above), pp. 2 and 6.

77   Camartin, 'Die Schweiz' (fn. 32 above), p. 225.

78   Wilhelm Mommsen, *Größe und Versagen des deutschen Bürgertums. Ein Beitrag zur politischen Bewegung des 19. Jahrhunderts, insbesondere zur Revolution 1848/49*, 2nd ed. (Munich: Oldenbourg, 1964), pp. 113 ff.

79   Hans Rothfels, 'Das erste Scheitern des Nationalstaats in Ost-Mittel-Europa 1848/89', in: Dieter Langewiesche (ed.), *Die deutsche Revolution von 1848/49* (Darmstadt: WBG, 1983), p. 231.

A decisive role here was played by the so-called Neuchâtel Crisis. This canton had belonged to Switzerland since 1815, but the king of Prussia also had sovereign rights over it. The seizure of power by the radicals in 1848 was followed, in 1857, by a counter-coup – which, however, failed. When the imprisoned royalists were not allowed to go free, Prussia broke off relations with Switzerland and threatened to intervene. Switzerland mobilized its forces, and the Federal Council once again appointed Dufour general. Enthusiasm for the war stifled many of the differences that were continuing to smoulder after the civil war[80] – but it never actually came to hostilities, because the king of Prussia gave way following the intervention of Napoleon III. Three years later, as a mark of gratitude for Napoleon's support against Austria, the Kingdom of Sardinia ceded northern Savoy to France. Since Switzerland had for many years exercised a kind of *droit de regard* over Savoy, many radicals once again tried – unsuccessfully – to fan the flames of war: the Swiss government upheld the principle of neutrality.

3.4 Factors in National Integration

Universal equal (male) suffrage was introduced by the regenerated cantons in 1830–1, and by Switzerland as a whole in the constitution of 1848. (Women have only been part of the voting population since 1971.) Switzerland was thus the first country on the European continent in which the principles of modern democracy were realized. Its new constitution brought a high degree of political integration and identification at a time when, in the countries round about, bourgeois movements were foundering, and, following the brief *Völkerfrühling*, princes and monarchs were once again taking the helm. The forces of republicanism, radicalism, and liberalism in Switzerland undoubtedly felt themselves superior to these latter rulers, following their triumph. Democratic participation marked Switzerland out from its neighbours; the democratic right to self-determination, in the sense of being specifically centred on the *demos*, differed from the narrow ethno-national version that was to emerge later. The way in which the confederation evolved is reflected in the markedly federalistic structure of the state, based on communal and cantonal self-government. This is where the roots of Swiss citizens' identification with their state lie. The downside of the various particularisms is the ponderous, conservative undertone that characterizes politics in Switzerland.

After 1848, as in the past, Switzerland's pride in its achievements was endorsed by countless individuals who took refuge there. This time, however, big-power pressure on the "hotbed of revolution" persuaded the Swiss radicals to listen to the dictates of political caution and curb their revolutionary messianism. Despite unconcealed sympathy for the revolutionary movements in Lombardy, for the attempted uprisings by Garibaldi and Mazzini, and also for the various German revolts, the Swiss government stuck to its position of neutrality and, for fear of intervention by foreign powers, had several leading revolutionary figures expelled. In contrast to what had happened before 1848, when countless protagonists of the *Vormärz* (pre-revolutionary period) in Germany had fought

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80   On this, see Eduard Fueter, *Geschichte der Schweiz seit 1848* (Zurich-Leipzig: Orell Füssli, 1928), p. 85.

for regeneration in Switzerland, refugees in the 1850s were forbidden to organize politically.[81] Democratic radical solidarity dictated that precedence be given to safeguarding Swiss interests. In the 1815 accord, the big powers had justified the guarantee of Swiss neutrality on the grounds that such neutrality and "its independence from any outside influence accorded with the true interests of European politics as a whole".[82] What the revolutionary radicals had only reluctantly acquiesced to before 1848 now became accepted as *raison d'état*. Neutrality in Switzerland serves a dual function: that of safeguarding independence from outside, and that of promoting integration within.[83]

The first signs of a linguistic problem came in 1854. When the time came to set up the national university which the education-hungry radicals had long called for and which was provided for in the national constitution, a "Minority Front of French Swiss and Conservatives of Both Confessions" was formed which proceeded to scupper the plan.[84] This alliance, at first sight somewhat disconcerting, is highly revealing. One half of it was defending the Catholic educational system against the onslaughts of the radicals – always the most resolute campaigners against Jesuits and against ultramontane attempts to keep the population in ignorance. The French Swiss, meanwhile, suspected that a national university might leave them culturally and linguistically submerged and were therefore equally doggedly defending their cantonal jurisdiction over education. This coalition provides a good illustration of the way in which the various opposing currents in Switzerland criss-cross one another and overlap at many points. Town and country, highland and lowland, religious fragmentation, and multi-ethnic composition together form what the historian Erich Gruner has called *Kraftfeldervielfalt* – multiple force-fields[85] – and what theoreticians of democracy have termed "overlapping memberships" or "cross-cutting cleavages".[86] This shows that what marks out the Swiss nation is not homo-genization but, on the contrary, the pulling-together and political systematization of its particularism:

> "Almost every Swiss person is in some way or other a member both of a majority
> and of a minority. The Protestant, French-speaking Valaisan belongs to a majority
> religion and a linguistic minority at national level, whilst at cantonal level he
> belongs to a linguistic majority but a religious minority. The Ticinese conservative

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81   On this, see my essay 'Helvetische Abgrenzungen im 19. Jahrhundert', in: *Tel Aviver Jahrbuch für deutsche Geschichte*, 26 (1997), Deutschlandbilder, pp. 25–60.

82   As quoted in Denis de Rougement, *Aufgabe oder Selbstaufgabe der Schweiz* (Zurich: Rascher, 1941), p. 85.

83   Wolf Linder, *Swiss Democracy. Possible Solutions to Conflict in Multicultural Societies* (Houndsmills and New York: St Martin's Press, 1994), pp. 13 ff. and 36 ff.

84   Im Hof, 'Die Viersprachigkeit der Schweiz' (fn. 68), p. 62.

85   e.g. in Erich Gruner, *Die Parteien in der Schweiz. Geschichte, neue Forschungsergebnisse, aktuelle Probleme*, 2nd ed. (Bern: Francke, 1977), pp. 18 and 30.

86   On this, see Arend Lijphart, 'Consociational Democracy', *World Politics*, 21 (Jan. 1969), p. 207–25.

is a member of a party of government and at the same time belongs to a linguistic minority at national level, but within the canton he is part of a political majority."[87]

In 1874, the constitution was completely revised. Requirements imposed by rapid industrialization were one factor in this, but so were the radical changes that had occurred in Switzerland's power-political landscape in the wake of Italian and German unification and, above all, of the surprisingly rapid German defeat of the French, resulting in a desire on the part of the Swiss to modernize their army and place it under the control of the confederation, which it had not been up to then. Joint stands against such a move were repeatedly made by the rural conservative cantons and the French Swiss, who had very different reasons for wanting to preserve their cantonal autonomy and were suspicious of any kind of centralization. The draft revision failed to get through at the first attempt in 1872. After this, the liberals made hefty concessions to their fellow adherents of federalism in French-speaking Switzerland, under the watchword "Il nous faut les Welsches!" – "We need the French Swiss!" The 1874 version then secured the necessary majority. The most significant amendment, apart from national jurisdiction over the army, was the introduction – following the example of many cantonal constitutions – of the optional referendum on legislation, thus hugely extending the scope for direct democratic participation.

In its early version, the referendum constituted a popular "right of veto".[88] Since the people, in its capacity as sovereign, wielded legislative power, all laws passed by parliament ultimately required its sanction. Thirty thousand signatures (in 1977 the number was raised to 50,000) were enough to force a law to be submitted to the people for consideration. This instrument of direct democracy in itself tempered the liberals' predominance in party politics (also asserted via the majority-vote system in place until 1919); but it very quickly also produced, as an indirect effect, a huge pressure for consensus. The opposition parties, and all the minorities, discovered the potential of the referendum and used it as a weapon to wrest concessions from the liberal majority and to push through their own interests. The liberals' monopoly on power was successfully broken both by the losers of the *Sonderbund* in the last century and by the social democrats in this: in 1891, the liberals for the first time granted the Catholic conservatives a seat on the Federal Council, and in 1919 a second; in 1929 a representative of the Bauern- und Gewerbepartei (Farmers' and Guildsmens' Party, now known as the Volkspartei or People's Party) was elected to the Council; in 1943, the first social-democrat made his entry there; and, finally, since 1959 the Federal Council has always been made up according to the so-called "magic formula" of 2:2:2:1, whereby the three large parties each

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87   Thomas Fleiner, 'Die Stellung der Minderheiten im schweizerischen Staatsrecht', in: Ulrich Häfelin *et al.* (eds.), *Menschenrechte, Föderalismus, Demokratie. Festschrift zum 70. Geburtstag von Werner Kägi* (Zurich, 1979), pp. 115–28.

88   In his history of Switzerland since 1848 (fn. 80 above, p. 105), Eduard Fueter has described the referendum as Switzerland's 'most original political invention', and it is now regarded all over the world as a synonym for any kind of plebiscite. Fueter believed this popular right should be the focal point of any history of Switzerland for foreigners. Wolf Linder took this recommendation to heart – see his *Swiss Democracy* (fn. 83 above), pp. 84–137.

have two seats, and the Volkspartei one. The principle of collegiality within the executive is, like the referendum, a peculiarity of Swiss democracy. In contrast to the Westminster model, it precludes competitive confrontation between government and opposition. With the help of the referendum, the role of the opposition is played by the people itself – in other words, practically speaking, by shifting coalitions of interests.

As well as determining the composition of the executive, the pressure for consensus produced by the referendum encouraged the development of various permutations of power-sharing, political tie-in, and supra-proportional representation of religious and linguistic minorities. The fact that since 1848 two Federal Council seats have been reserved, by custom, to the Romance-speaking areas has never been called into question. It is in any case one of the peculiarities of concordance-based democracy that, because of the direct-democracy component, majority decisions are generally replaced by compromises.

In keeping with this, political parties, and most types of associations, duplicate the federative-cum-cantonal structure of the state: in most cases, national parties are merely umbrella-organizations for strong cantonal associations. And in all the large parties, political antagonisms have never run along language-lines, but have instead cut across them. Apart from in the Jura, there are no parties with an ethno-national basis in Switzerland. A whole series of major pan-Swiss associations – student groups, for example, or military officers' societies, or the Schweizerische Alpen Club – had already adopted a rota-system or proportional arrangements for their national executives during the nineteenth century.[89]

One last point that should be made is that the version of the Swiss constitution's language-clause that was in force until 1966 did not date from 1874. It was altered in 1938, as part of the "intellectual defence of the country" through which Switzerland, fenced around by the Axis powers, sought to confront nationalistically and ethnically justified annexations.[90] Granting the status of an equal fourth national language-group to the tiny Raeto-Romansch minority – which was confined to the canton of Graubünden and even there was in a minority – was a highly symbolic token of Switzerland's resolve to assert itself. It deliberately pitted the Swiss ideal of the *Staatsbürgernation* – the citizen nation – against the notion of the linguistically, tribally, or indeed racially construed community, and, in doing so, affirmed Switzerland's own federally based "diversity in unity". The Federal Council's message to chambers "On the Purpose and Mission of Switzerland" stated that:

> "It is precisely because we reject the view that race can give birth to the state or
> determine its borders…that we have the freedom and strength to remain mindful of
> our cultural links with the great civilizations. The Swiss notion of the state was not
> born of race, nor of flesh; it was born of the mind…Respect for the rights and
> freedoms of the human person is so deeply rooted in the Swiss notion of law,

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89   Im Hof, 'Die Viersprachigkeit der Schweiz' (fn. 68), p. 64.

90   On this, see the lecture given by Karl Meyer at the 1938 international historians' congress in Zurich: 'Die mehrsprachige Schweiz. Geschichtliche Voraussetzungen des eidgenössischen Sprachenfriedens', in: *Aufsätze und Reden* (Zurich, 1952), pp. 355–78.

culture, and the state that it can, without fear of contradiction, be described as a common treasure of Swiss thought. We recognize the human person as the supreme creative force in intellectual life; and the state has, within its own legal sphere, set the kinds of limits that flow from the nature of the human person and its rights."[91]

This stress on the political equality of all the languages spoken in Switzerland raised a non-standardized regional language, frayed into several dialects, to the status of a national language. A new distinction was made between the four *national languages*, whereas, for obvious practical reasons, the number of *official languages* was left at three. Until the recent change in 1996, the article of the constitution relating to language (116 BV) read:

"German, French, Italian, and Raeto-Romansch are the national languages of Switzerland. The official languages of the confederation are German, French, and Italian."

3.5 The Promotion of Quadrilingualism to Intrinsic National Characteristic

Despite all this, political integration came under massive pressure at the end of the nineteenth century. Switzerland unexpectedly found itself facing new challenges as a result of the revolutionary shifts in power-politics that redrew the map of Europe after the Crimean War. The successful unification of the belated Italian and German nations brought a radical transformation in its geopolitical situation: in addition to its "arch-enemy", the House of Habsburg, Switzerland now had three powerful nation-states as its neighbours – from this point on, it really did become a "small state". Even though the unifications had been imposed by the dynasties of Piedmont and Prussia, the nationalist outlook began to gain ground. From then on, the nationality principle, or ethno-nationalism,[92] was credited with an almost intrinsic potency.

This could not but have an effect on Switzerland. Whereas, prior to this, the language-question had not been a major source of conflict at the national level, it now threatened to become one. Indeed, it was at this moment, when the existence of bilingual countries such as Savoy/Piedmont, Schleswig, and Alsace seemed to have become outmoded, that "the deliberate creation of a multilingual regime based on equal rights began in earnest in Switzerland".[93] Full equality was now established for the French language at national level, and efforts were made to heighten the profile of Italian. When the federal constitution was revised in 1874, it was also translated into Raeto-Romansch, at confederation expense – albeit with the reservation that this version did not have "ultimate

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91   As quoted by Kohn, *Der schweizerische Nationalgedanke* (fn. 31 above), pp. 113 ff.

92   For Ernest Gellner, nationalism and ethno-nationalism are one and the same thing: he defines nationalism succinctly as 'a political principle that states that political and national entities must be congruent' (*Nationalismus und Moderne* (Berlin: Rotbuch, 1991), p. 8.

93   Im Hof, 'Die Viersprachigkeit der Schweiz' (fn. 68), p. 63.

validity".[94]   The revised federal constitution also stipulated, incidentally, that all three national languages were to be represented in the Federal Court. This was one of the few formal regulations about minority protection to have been instituted at national level.

The 1874 revision of the federal constitution did not affect the language clause, which was taken over verbatim as Article 116. In the same year, the confederation undertook a series of measures designed to get the claim of French and Italian to equal status translated into reality – in the military, in education, and in the administration.[95]   However, it is noticeable that the ideological depiction of multilingualism as a core element of Swiss identity – if not, indeed, as some kind of Swiss *mission* – came about within the historical context of the power-political upheavals that first lent impetus to nationalism and the nationality principle. The process was probably set in motion by Carl Hilty in his "Lectures on the Politics of the Confederation":

> "It is not by virtue of race, or language, or history that the peoples of the present-day confederation form a long-established whole. Their union rests upon a political notion of more recent date; their nationality is, even today, *only the product of an idea.…*All the powers of nature, language, blood, and tribal distinction draw the Swiss apart rather than together – towards the north, the west, the south, towards their tribal fellows, with whom they were, after all, politically united for many centuries and who, in our day, have everywhere revived these powerful old memories – a kingdom of Italy and a German empire whose like has not been seen in world history since Odoacer and the Hohenstaufens. What holds Switzerland together in the face of, and in the midst of, these huge empires of its nearest blood-relatives and tribal fellows is *a touch of the ideal*, the knowledge that, in many respects, it constitutes a *better* state, that it is *a nationality that stands far above mere ties of blood or language*."[96]

Hence, it was not until many years after the creation of the modern confederation in 1848 that Switzerland's multilingualism began to be represented as a distinctive feature of the Swiss self-image. Almost as a mirror-like counter-trend to the powerful nationality-principle – whose logic threatened to tear Switzerland apart – and as an unequivocal political-cum-ideological demarcation from modern ethno-nationalism, the quadrilingual political nation was now increasingly acquiring identificatory significance: *La Suisse à contre-courant* – Switzerland against the tide.[97]

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94   Weilenmann, *Die vielsprachige Schweiz* (fn. 47 above), p. 221.

95   Ibid. pp. 63 ff.; also *Zustand und Zukunft* (fn. 29 above), p. 41.

96   Hilty, *Vorlesungen über die Politik der Eidgenossenschaft* (fn. 50 above), pp. 16 and 28 ff. (my emphases).

97   Even in the pre-revolutionary period, the beginnings of a split had begun to appear between Swiss radicals and German and Italian émigrés, who considered that Switzerland had no nationality 'in the proper sense'. Like a number of others, Gottfried Keller, though all his life describing himself as a German writer, none the less defended the republican *Willensnation* against the adherents of ethno-nationalism. On this, see my essay 'Helvetische Abgrenzungen' (fn. 81 above).

Another facet of this "construction of national identity"[98] during the last third of the nineteenth century was neutrality, which, from being a necessity imposed by the European powers, was now reminted as a moral virtue. As a counter both to the centrifugal, fragmentizing nationality-principle and to the narrowly ethno-national right to self-determination, a view of neutrality was now offered in which the latter was projected back into early confederate history and removed from the realms of time, to become "perpetual". Neutrality and quarilingualism were intermeshed with one another as quasi-religious elements: both were seen as safeguarding culturally heterogeneous Switzerland against the ethnic or objective concept of nation that was then gaining the upper hand in Europe.

The attempt, in the age of triumphant nationalism, to endow the Swiss supra-national *Willensnation* with a kind of intrinsicality, a sacredness almost, giving it the aura of something better, something morally superior, was meant to offset a widespread feeling of inadequacy. Devoid of any kind of unity of language, literature, religion, origin, or natural environment, Swiss nationality – so concluded, for example, the influential constitutional lawyer Johann Caspar Bluntschli in 1869[99] – had an aura of "incompleteness and imperfection". Again, Pasquale Mancini described a state without the solid foundations of the nationality principle as "un mostro incapace di vita" ("a monster incapable of life").[100] In Switzerland, various contradictory strategies of idealization were employed to try to remedy this shortcoming. These included raising the Swiss *Willensnation* to a sphere above that of the merely natural, or depicting multilingualism as a historically momentous corrective to nationalist hatred and as a precursor to European peace between nations. Others raised neutrality to the status of ultimate peace policy – a process in which the Red Cross, with its mirror version of the Swiss national symbol, played an important role. And yet others engaged in a "nationalization of the masses",[101] by repeatedly and very effectively evoking – in songs, schoolbooks, celebrations of national heroes, *Tellspiele* (pageant plays relating the deeds of William Tell), and patriotic speeches delivered on the national holiday – the old, idealized foundation stories and legends, with the aim of

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98   On this, see the two stimulating collections Guy P. Marchal and Aram Mattioli (eds.), *Erfundene Schweiz. Konstruktionen nationaler Identität* (Zurich: Chronos, 1992) and François de Capitani and Georg Germann (eds.), *Auf dem Weg zu einer schweizerischen Identität 1848–1914. Probleme, Errungenschaften, Mißerfolge* (Fribourg: Universitätsverlag, 1982).

99   As quoted in Guido Hunziker, *Die Schweiz und das Nationalitätsprinzip im 19. Jahrhundert. Die Einstellung der eidgenössischen Öffentlichkeit zum Gedanken des Nationalstaates* (Basel-Stuttgart: Helbing und Lichtenhahn, 1970), p. 158.

100   As quoted by Schieder in Dann and Wehler (eds.), *Nationalismus und Nationalstaat* (fn. 12 above), pp. 38 and 331.

101   George L. Mosse, *Die Nationalisierung der Massen. Politische Symbolik und Massenbewegungen von den Befreiungskriegen bis zum Dritten Reich* (Frankfurt/M.-Berlin-Vienna: Ullstein, 1975), orig. pub. in Eng. as *The Nationalization of the Masses* (New York: Howard Fertig, 1975). Recent research in nationalism has shown that the 'nationalization of the masses' was a generalized process, by no means confined to Germany. A pioneering role here was played by Eric J. Hobsbawm and Terence Ranger (eds.), *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983), and Paul Nora (ed.), *Les Lieux de mémoire*, 6 vols. (Paris: Gallimard, 1984–93).

straightforwardly equating freedom with the Swiss nation.[102] When necessary, the Alps – much mythologized since the Helveticism of the Enlightenment – were also enlisted, in their capacity as a natural, God-given shield to the fatherland.[103] These strategies were indeed successful in compensating for the inadequacy in so far as Switzerland remained unshaken by any centrifugal ethnic conflicts until 1914, despite sometimes powerful linguistic disputes in neighbouring countries – from the dissension in Alsace to the Italian *Irredenta* and the controversy over nationality that had exercised Austria-Hungary without pause since 1848.

Notwithstanding all the strategies of demarcation, the Swiss élites also felt the pull of the new concept of the national: in the age of nationalism and national literature, the Swiss intelligentsia were powerfully attracted by their mighty neighbours. Gottfried Keller and Conrad Ferdinand Meyer, for example, numbered amongst the great novelists of German literature, and both of them – albeit in contrasting ways – felt deep links with Germany and German culture.[104] Meyer did not really know what to make of the new federal state created in 1848, but he was fascinated by Germany and its victories: "Now powerfully seized by a feeling of kinship that had ripened imperceptibly [within me], I responded to these momentous events by shuffling off my French nature."[105] Politically in the opposite camp to Keller, Meyer hated Swiss provincialism and was obsessed with the idea of ardently lived-out historical grandeur. One factor in this obsession was that Switzerland, having secured its confederate state, was now moving along in untroubled waters, whereas Germany, with a failed revolution behind it, remained a restless country of perpetually questing revolutionary upheaval. Meyer was not alone in his fascination. At the close of the nineteenth century, for certain sections of the German Swiss élite, Germany's economic prosperity, outstanding universities, and cultural importance clearly tempered the razor-sharp distinction between republican freedom and princely rule which had still existed in 1848. The rapidly increasing numbers of Germans present in Switzerland during the years of economic boom played their part in making the ideological demarcation from Germany less clear and less certain than would appear from today's perspective. In the

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102   On this, see Marchal and Mattioli (eds.), *Erfundene Schweiz* (fn. 98 above); also the numerous studies done as part of the research programme 'Cultural Diversity and National Identity' sponsored by the Federal Council as part of the foundation celebrations in 1991.

103   Evidence of this is provided by the national anthem. The martial 'Rufst du mein Vaterland' was translated into French and Italian during the Neuchâtel Crisis of 1857 and was adopted as the national anthem. The second verse runs as follows: 'There where the Alpine ring, Thee no protection brings, God-giv'n shield, Shall we like rocks stand fast, By danger ne'er downcast, 'Gainst all pain steeled.' During the 1970s, the bellicose words were felt to be no longer appropriate to the times and the old anthem was replaced by the Swiss hymn of praise 'When the Alpen firn grows red, pray, free people of Switzerland, pray. Your godly souls divine the presence of God in your lofty fatherland.'

104   On this, see the classic study by Karl Schmid, *Unbehagen im Kleinstaat. Untersuchungen über Conrad Ferdinand Meyer, Henri-Frédéric Amiel, Jakob Schaffner, Max Frisch, Jacob Burckhardt*, 3rd ed. (Zurich-Munich: Artemis, 1977; first pub. 1963).

105   As quoted in Hunziker, *Die Schweiz und das Nationalitätsprinzip* (fn. 99 above), p. 169.

larger cities, it seemed – incredibly in today's context – that dialect was beginning to lose ground to spoken standard German.[106]

Without this fascination for German culture, it would scarcely be possible to explain why it was that the First World War took Switzerland almost to breaking-point. Sections of the political-cum-military élite in German-speaking Switzerland felt an emotional affinity with the German empire – on whose supplies of coal, Switzerland was, incidentally, materially dependent. In contrast, the heart of French Switzerland beat as one with that of France and the Entente.   Even though sympathies were not perfectly congruent with linguistic groupings,[107] the totalized nature of the war made an inner taking-of-sides unavoidable. This called into question the dual affiliation to, on the one hand, culture, and, on the other, the republican *Willensnation*. In a lecture delivered to the Neue Helvetische Gesellschaft in December 1914, the author and Nobel prizewinner Carl Spitteler – much read in Germany at the time – attempted to reactivate this affiliation. He declared his allegiance to Switzerland, making the patriotic distinction between, on the one hand, cultural-cum-linguistic next-of-kin and, on the other, the Swiss brotherhood that transcended all linguistic boundaries:

> "Do we or do we not wish to remain a Swiss state, representing a single political entity to the outside world?…But the difference between neighbour and brother is a huge one. Even the best neighbour can, in certain circumstances, turn the canons on us, whereas a brother fights on our side in the battle. No greater difference can be conceived of than this."[108]

However great the "solidarity with German intellectual life", Switzerland, said Spitteler, could not adopt a different stance towards the German Reich than it adopted towards any other state – that of "neutral reserve at a friendly-cum-neighbourly distance".   Hence, Spitteler considered neutrality to be Switzerland's "existential ground", even though this straightforward fact had been complicated by war propaganda. "The dangerous hiss of an evil temptation" is how Spitteler described "[appeals] made in the name of racial, cultural, or linguistic affinity":

> "[Such affinity], so we are told, should automatically lead us to identify with the German cause in this war. As if this were a matter of philology! As if every canon of every nation did not speak the same ghastly universal language!"[109]

From the outset, French Switzerland harboured a deep mistrust of Ulrich Wille – appointed general during this period. Wille had undergone part of his military training in Germany and was married to a woman from the Bismarck family. The fears were not unfounded:

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106   Walter Haas, 'Die deutschsprachige Schweiz', in: Schläpfer (ed.), *Die viersprachige Schweiz* (fn. 48 above), p. 106.

107   On this, see the richly documented study by Jacob Ruchti, *Geschichte der Schweiz während des Weltkrieges 1914–1919* (Bern: Paul Haupt, 1928), i: Politischer Teil, pp. 98–266.

108   Spitteler, *Unser Schweizer Standpunkt* (fn. 5 above), p. 7.

109   Ibid. pp. 12 ff.

the general not only moved in Germanophile circles within the military-political élite; he also fantasized about abandoning neutrality and entering the war on the side of the German Reich.[110]

In March 1915, serious riots broke out in protest at German Swiss circles sympathetic to, or believed to be sympathetic to, Germany. At the start of 1916, it was the so-called "Colonel Affair" that triggered a bout of unrest. Two Germanophile general-staff officers had passed information to the Central Powers and had been only mildly reprimanded for their actions; this provoked protests in the French part of Switzerland, and these, in their turn, elicited counter-demonstrations in the German part.[111] In June 1917, the foreign minister, Federal Councillor Hoffmann, tried, with the help of the radical social-democrat politician Robert Grimm, to persuade Russia to conclude a separate peace, and this fact became known to the public. Western Switzerland, which, like France, feared that this might free up Germany on the eastern front, indignantly denounced Hoffmann's initiative as a violation of neutrality. Only the resignation of Hoffmann and the election of the Genevan Gustav Ador, president of the Red Cross, as his successor were deemed sufficient proof of national reconciliation, and somewhat tempered the divide.

In the Second World War, Switzerland was better prepared. The military threat, it is true, was infinitely greater, and the real balance of power obliged little Switzerland to tread an extremely precarious path between self-assertion, co-operation, and complicity – a path that is currently causing unprecedented controversy. But in contrast to what had happened in the First World War, the political-cum-intellectual demarcation did not pose any major problems. Sympathies with Fascism and Nazism were of limited extent in Switzerland. And the so-called intellectual defence of the country could mesh in seamlessly with the defensive constructions and moral hyperbole of the late nineteenth century.[112]

4.   Switzerland Is Founded on Sovereign Cantons, not on Nationalities

4.1   "Peoples and Sovereign Cantons"

The Swiss confederation of *Landsgemeindekantone* and city-republics is centuries older than modern nationalism, which only emerged hand in hand with democratization. The Swiss cantons, formerly known as *Stände* (estates) or *Orte* (localities), are fundamentally different from the straightforward administrative districts of France. The thirteen ancient

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110   This is documented in the pamphlet by Niklaus Meienberg, *Die Welt als Wille und Wahn. Elemente zur Naturgeschichte eines Clans* (Zurich: Limmat, 1987).

111   See Ruchti, *Geschichte der* Schweiz (fn. 107 above), pp. 157–95.

112   de Rougemont , for example (in *Aufgabe oder Selbstaufgabe der Schweiz* (fn. 82 above), pp. 57 ff.), sought to transfigure Switzerland in a dark period of history, marrying together neutrality and multilingualism in a kind of secularized doctrine of predestination and depicting them as the basis of Swiss inviolability: 'Switzerland is truly inviolable only because it is the living witness, the promise of a confederate Europe, the reality of which it demonstrates by uniting the three great civilizations – the Germanic, the Italian, and the French – in a *single* state.'

Orte were not alone in affirming their sovereignty and peculiarities; the later confederates or *Zugewandte Orte* were also self-governing polities with highly individual traditions. The Republic of Geneva, which had no more than a defensive alliance with Bern but was for a long time both the largest city in Switzerland and – as the "Protestant Rome" – the most influential culturally, is a case in point; but so are Valais and Graubünden, strategic masters of the major Alpine passes to Italy, and both products of alliances of their own.

An old joke relates how a Swiss schoolchild, being asked where babies come from, replies: "Das isch vo Kanton zo Kanton verschide" – "It varies from canton to canton." Whatever the truth of the matter, this witticism nicely sums up the diversity of the political systems and peculiarities in the twenty-six cantons and half-cantons.[113] Despite the great increases in mobility, the cantons continue, even today, to be the prime political entity to which most Swiss relate. That said, cantons are neither administrative sub-units of a centralized authority, nor – as a widespread misconception would have it – linguistic-cum-ethnic constructions. Most of them are, rather, independently operating political entities, formed during the Middle Ages, which entered into alliances with one another of their own accord. Significantly, the body representing the cantons – the *Ständerat* – is known as the *Conseil des Etats* and *Consiglio degli Stati* in the Romance languages. The cantons have therefore also been called *Stäätchen*[114] ("little states") or *Miniaturvaterländer*[115] ("miniature fatherlands"). The federal state created in 1848, which was based on the American model, took account of this evolution by achieving a ticklish balance of power between the confederation and the cantons. This involved, amongst other things, violating the straightforward majority-principle: any change to the constitution requires a double majority, namely the numerical majority of the people and the majority of the states – in other words, of the cantons. The small cantons thus carry a disproportionate weight politically. What, in practice, acts as a form of minority protection for such cantons is also one of the causes of the inertness of the Swiss political system.

In its first article, the federal constitution, using an interesting turn of phrase, lists the individual "*peoples* [*Völkerschaften*] of the twenty-three *sovereign cantons*" (my emphases).[*] At cantonal level, the right to self-determination, in the sense of a democratic "right to self-constitution",[116] does indeed go hand in hand with individual cantonal

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113   The most well-informed study on this is still that of Fritz René Allemann, *25 mal die Schweiz* (fn. 1 above),. It does not deal with Switzerland as a separate entity, instead allowing to disappear entirely behind its constituent elements.

114   Ibid. p. 9.

115   Lüthy, *Die Schweiz als Antithese* (fn. 62 above), p. 8.

*   This sentence has been deleted in the revision of the Federal Constitution, voted on April 18, 1999. The revised version now says: "the Swiss people and the cantons".

116   The use of this term was repeatedly suggested by Federal Councillor Anton Philipp von Segesser, as a way of ensuring that the difference between the democratic and national connotation of the right to self-determination did not become blurred: see Hunziker, *Die Schweiz und das Nationalitätsprinzip* (fn. 99 above), p. 79. See also my article 'Selbstbestimmung und Sezession als Herausforderung für die internationale Staatengemeinschaft', *Blätter für deutsche und internationale Politik*, 11/1994, pp. 1355–67.

constitutions, a collective memory, and distinct institutional forms, all of which have quite definitely assumed some of the characteristics of a quasi-ethnic demarcation, in the sense that a "feeling of community" exists. The *demos* of cantonal popular sovereignty does therefore have at least elements of a specific *ethnos*[117] corresponding to it – and in German-speaking Switzerland these would include dialectal nuance. The term *Völkerschaften* signifies what used to be known as "historical-cum-political individualities" in the Austro-Hungarian Empire. These too had roots going back to the Middle Ages. Of course, there is also a difference here, given that under the Habsburgs, the sovereign always meant the monarch. The Liberal Adolph Fischhof, whose 1869 book *Österreich und die Bürgschaften seines Bestandes* proposed one of the first of many programmes seeking to reform and rescue the Habsburg monarchy following the flare-up of the nationality conflicts in 1848–9, had a fine nose for this *differentia specifica*:

> "What essentially attracts the Austrian politician about Switzerland is the fact that *thanks to its self-government*, national dissension and linguistic conflicts are phenomena entirely unknown to [it]. The different nationalities live in brotherly harmony there, because none of them claims priority for itself or its language, because each of them independently safeguards its material and cultural interests and looks to its national development undistracted by its neighbours. If one were to give Switzerland institutions that ran counter to its political nature, if one were to impose a centralist constitution on it, it would soon become the scene of political and national struggles which, in their bitterness and state-imperilling vehemence, would be not one whit inferior to our own. For, in so far as it is the object of modern representative constitutions to safeguard the right of peoples to self-determination, there can hardly be any more flagrant violation of the constitutional principle than to transplant a centralist constitution from a nation-state into the soil of a multinational one; because in such a soil, a centralized constitution does not enable each nation to determine its own fate; instead, it hands over to one single nation the right to determine the fate of all the others."[118]

With the exception of Sankt Gallen – "an artificial entity dreamed up in the ivory towers of Paris"[119] – those cantons that did not achieve independence until after 1803 also had their own individual historical bases. The crucial factor, for our purposes, is that the cantons, whilst being individual part-states and "peoples" in the sense described above, are not ethnic-cum-linguistic entities in the sense of modern nationalities. Switzerland consists, not of four cantons, cultural nations, or nationalities, as is still claimed even in the recent

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117   That there is no historical *demos* without an *ethnos* is an idea examined systematically by Dan Diner: 'Gedächtnis und Institution. Über zweierlei Ethnos', in id., *Kreisläufe. Nationalsozialismus und Gedächtnis* (Berlin: Berlin Verlag, 1995), pp. 115–21.

118   Adolph Fischof, *Österreich und die Bürgschaften seines politischen Bestandes* (Vienna: Wallishauffer'sche Buchhandlung, 1869), pp. 100 ff. (my emphases). On this, see also the outstandingly well-informed study by Robert A. Kann, *Das Nationalitätenproblem der Habsburgermonarchie. Geschichte und Ideengehalt der nationalen Bestrebungen vom Vormärz bis zur Auflösung des Reiches im Jahre 1918*, 2nd ed., 2 vols. (Graz-Köln: Böhlau, 1964).

119   Allemann, *25 mal die Schweiz* (fn. 1 above), p. 261.

literature,[120] but of twenty-six cantons. The borders of these do not coincide with the linguistic borders. For one thing, the linguistic areas consist of very different, contrasting cantons. For another, there are five multilingual cantons. One author who investigated the Swiss model in the 1930s dubbed this aspect – one that has always been very difficult to comprehend in Germany, where there is an objective concept of nation – *Unterländerung der Volksgruppen*, "geo-spersal of ethnic groups". Notwithstanding the strange terminology, his description of the phenomenon is very apt:

> "But even much-lauded Switzerland, which is greatly overrated in regard to the legal institutions it has created to deal with nationality matters, is *not a multinational state* but a federation of *numerous small nations* that maintains national peace to a large extent by geo-spersing its ethnic groups and thus largely localizing tensions between different nationalities. As a result of cantonal division, the individual ethnic groups in Switzerland have a peculiarly fragmented appearance, the reason being that even this paradise of multinational harmony is not founded on nationalities, though it gives them much more scope than they actually use for their own distinctive existence. If we are looking for an exact definition of the situation: Switzerland is a poly-ethnic state that displays a unique combination of *étatisme* and weak national traditions; it is not a true multinational state."[121]

My aim here is not to give a thumbnail sketch of the diversity of the twenty-six cantons and their peculiar political traits. What I do wish to do is to illustrate the non-congruence of the linguistic borders or nationalities and the cantonal divisions, by reference, first, to the motley French-speaking area, and, secondly, to the multilingual cantons.

4.2   Multifarious Romandie

You will not understand anything of French-speaking Switzerland – Romandie – if you look at it solely through the prism of common language. Its six cantons (Vaud, Genève, Neuchâtel, Jura, and bilingual Fribourg and Valais) are much too heterogeneous for this, despite their common cultural-cum-linguistic orientation towards Paris – and this is one of the reasons why talk of Romandie provokes such ambivalent feelings there.[122] Romandie has no centre, nor does it constitute a single administrative or topographical entity. Politically speaking, a much more decisive factor than any contrast between town and country or mountain and valley is the fact that three French Swiss cantons are Protestant. Language and religion thus lie athwart one another. This fact was highlighted by the French political scientist André Siegfried, in a perspicacious little book on Switzerland:

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120   e.g. in Peter Alter, *Nationalismus* (Frankfurt/M.: Suhrkamp, 1985), p. 21.

121   M. H. Boehm, *Das eigenständige Volk* (1932), as quoted by Schieder in Dann and Wehler (eds.), *Nationalismus und Nationalstaat* (fn. 12 above), p. 324: n. 55 (my emphases).

122   '"Ne dites plus jamais Romandie!" Gewissensbisse bei der Bezeichnung eines Landesteils', *NZZ*, 2 Aug. 1996; similarly Maurice Chappaz, 'La Suisse Romande: Die Welschschweiz', *Merian* 1/28 (Jan. 1975), 'Die Schweiz', p. 67.

"By a piece of good fortune whose beneficent effects cannot be praised enough, the linguistic borders do not coincide with the religious ones, nor do either of them coincide with those of the cantons: both German and French Switzerland contain Protestants and Catholics, such that there could never even be cause for the emergence of an alliance of language and religion centred on a particular area."[123]

The highly centralized *Canton de Vaud*, created by the Vaudois Jacobins of the *République Helvétique*, remains the most French of all the cantons. Communal autonomy plays no part here, in contrast to the situation in Valais, where it is all. Prefects are appointed by the government. At the same time, however, Vaud is Protestant and sees itself as "the leading force in, and heart of, Romandie…the geographical and intellectual link that binds French Switzerland together".[124]

Protestantism and revolutionary traditions are also hallmarks of Neuchâtel, which, as a Prussian-cum-Helvetic hybrid, was long considered a curiosity: though allied to the confederates from the sixteenth century, it remained in the possession of the House of Orléans-Longueville, passing to Prussia when the latter died out. The monarch was far away, and the divided sovereignty presented no problem within the confederation. But this division could no longer be reconciled with the confederation created in 1848. This led, in 1857, to the "Neuchâtel Crisis" which I have already mentioned.

Then comes the ancient and proud city-republic of Geneva. Previously territorially uncon-nected to Switzerland, it now shares a four-kilometre border with it, being otherwise completely surrounded by France. With Bern's help, Geneva managed, from the fifteenth century, to assert its independence from both Savoy and France. Economically and culturally it was at least on a par with the confederate city-republics. It was from here that Calvinism set forth and changed the world, and Geneva became a refuge for the Protestants of France. Religious disputes in early sixteenth-century Geneva led to the latter being named "Huguenots". Whether the name is a corruption of "eidgenots" (*Eidgenossen* – confederates) or whether it derives from Besançon Hugues, the spokesman of the confederate anti-Savoy party, is a matter of dispute.[125] In 1602, Savoy tried one last time to reconquer the city. Since the American Calvinist and democrat Woodrow Wilson designated the city of Calvin, Rousseau, and Dunant the headquarters of the League of Nations, Geneva has developed into the most cosmopolitan of the Swiss cantons. Just how deeply the particularism of the *Völkerschaften* runs, even in French Switzerland, is demonstrated by the fact that Geneva, once annexed by France, celebrates the Restoration as an act of liberation, whereas in neighbouring Vaud it is the Revolution that is honoured as such.[126]

French-speaking Jura (see Section 4.4.) and the bilingual cantons of Fribourg and Valais have, for their part, remained Catholic. Notwithstanding its Francophone unity – which

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123   André Siegfried, *Die Schweiz. Eine Verwirklichung der Demokratie* (Zurich: S. Hirzel, 1949), pp. 115 ff.

124   Allemann, *25 mal die Schweiz* (fn. 1 above), p. 408.

125   Ibid. p. 447.

126   Schwander, *Schweiz* (fn. 46), p. 111.

dates only from the mid-nineteenth century, when French Swiss *patois* gave way to literary French – French Switzerland is almost predestined, by its religious and political diversity, to be the pioneer of particularism and cantonal sovereignty within the confederation. The French Swiss speak of *la fédération* rather than of the nation. Hence, a concept of nation prevails here which demarcates itself no less resolutely from the French *nation une et indivisible* than does the German Swiss concept from the pre-political, objective German nation. Internally centralist Vaud, for example, conducts itself externally as a bulwark of Swiss federalism. And whilst the French Swiss cantons are unanimous in their rejection of German Swiss efforts at homogenization, the ethnic-cum-linguistic line there is broken by multi-layered cross-cutting coalitions of interests.

4.3 The Multilingual Cantons

The misconception that the Swiss cantons are ethnic entities has world-wide currency. It even surfaces in the UN's proposals for creating two cantons on Cyprus. One of the factors that tells against it is the existence of the multilingual cantons.

Staunchly Catholic Fribourg is culturally and intellectually much more strongly oriented to Paris than are the other French-speaking cantons. Two-thirds of its inhabitants have French as their mother-tongue, and one third German; the language-divide runs right down the middle of the cantonal capital. Interestingly, linguistic policy in Fribourg has tended, at various turning-points in the city's history, to follow political opportunity. When the city was accepted into the old confederation, the authorities encouraged the advance of the confederation's official language and suppressed French. When, in the midst of a Reformed environment, Fribourg later developed into the bastion of the Counter-Reformation, the patriciate promoted re-Latinization, prefixing a stylish "de" to many a name that had previously been Germanized. Since the constitution of 1857, which put an end to the liberal party-dictatorship at the point of the confederate bayonets of the Sonderbund war, the canton has been officially bilingual. The Catholic university, founded in 1889, also regarded itself from the outset as the intellectual heart of European Catholicism and was bilingual. And yet, for a long time Fribourg appeared a purely French-speaking city. Fritz René Allemann observed that no other multilingual canton "[took] less account of its minority than this same city of Fribourg which, in its patrician past, had tried so desperately hard to emphasize its German character". One would look in vain here, said Allemann, for that "typical Swiss tradition of having regard for minorities – indeed, of actually granting them something of a privileged position precisely because of their numerical disadvantage".[127] Of course, there are two factors to take into consideration here. In addition to Fribourg's isolated position as a French-speaking *Sonderbund* canton, there was the fact that it straddled a linguistic border. For a long time, the Francophones exploited their majority position within the canton, for fear of being drawn into the slipstream of the Alemannic territories around them. Since then, the minority has managed, through tough negotiations, to secure equal status for itself: in 1990, the two official languages were set on an equal footing in the cantonal constitution, under strict

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127   Allemann, *25 mal die Schweiz* (fn. 1 above), pp. 372 and 374.

observance of the territoriality principle; and in 1991, names of streets began to be indicated in both languages.[128]

Without the impetus which Bern lent to the process of state formation, there would be no French-speaking Switzerland – as has already been observed. And yet in 1815, very little of this remained in Bern's possession; since the secession of the northern Jura in 1978, the canton of Bern has had only a small Francophone minority, in the southern Jura. Its members make up 7.8 per cent of Bern's inhabitants (1990 figures), and, despite their opting to remain in the old canton, they see themselves less as Bernese than as southern Jurassiens. Whereas the three Bernese Jura-districts of Moutier, Courtelary, and La Neuveville are French-speaking, Biel/Bienne – which has been allied to Bern since the Middle Ages – is the bilingual Swiss city *par excellence*.

Wallis/Valais is also bilingual. Whereas German (24.9 per cent) is spoken in the upper part, southern Valais is French-speaking (59.7 per cent). In the former bishopric of Sion/Sitten, the use of Latin until the eighteenth century, the prevalence of Catholicism, and the history of this Alp-enclosed mountain-valley, which could literally be sealed off by the turn of a key at the Saint-Maurice gate,[129] all combined to bridge the language-divide – and still do so. Although the Germans of upper Valais prided themselves on the fact that the bishop of Sitten had renounced his rights over them as early as 1631, and had to acknowledge them as "freye Landslüt…ein frey demokratisches Volk" ["as free inhabitants, as a free democratic people"],[130] they themselves continued to hold sway over southern Valais until the invasion of the French. Following the return of the *Département du Simplon* annexed by Napoleon, there was heavy fighting as the population of upper Valais attempted to reassert their former rule. Here, the dividing-line between former subjects and erstwhile rulers more or less coincided with the linguistic divide, and this lent the political quarrels in Valais a particular vehemence. The possibility of the canton's being split along the linguistic divide seemed, more than once, to be on the cards.[131] Finally, however, the feeling of being *one* people prevailed – though it was only after 1847 that Valais became a modern state based on popular sovereignty. Despite all the dissension, French and German were both acknowledged as official languages in the nineteenth century. At the turn of the century, new linguistic conflicts arose, because German-speaking Swiss from upper Valais began migrating in greater number to fertile southern Valais. The erstwhile masters laboured under what amounted to an obsession with their minority status, until the constitution of 1907 introduced linguistic safeguards for the German minority. The construction of the Simplon Tunnel in 1906 and the Lötschberg Tunnel in 1913 were seen as bringing deliverance to upper Valais, creating as they did the conditions needed for the development of industry and tourism.

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128 Marcel Schwander, *Fondue und Röschti. Grenzgänge zwischen Deutsch- und Welschschweiz* (Zurich: Vontobel Stiftung, 1993), p. 15.

129 Heinrich Zschokke, *Die klassischen Stellen der Schweiz und deren Hauptorte in Originalansichten dargestellt* (Karlsruhe-Leipzig, 1942; repr. Dortmund: Harenberg Kommunikation), p. 235.

130 Weilenmann, *Die vielsprachige Schweiz* (fn. 47 above), p. 145.

131 Im Hof, 'Die Viersprachigkeit der Schweiz' (fn. 68), p. 59.

What is by far the largest canton, Graubünden – a veritable labyrinth of mountains and high-lying valleys – is the only one with three official languages. 65.3 per cent of its resident population have German as their mother-tongue, 17.1 per cent Raeto-Romansch, and 11 per cent Italian (1990 figures). Another 6.1 per cent have a mother-tongue other than one of these. The linguistic landscape is that of a sort of Switzerland-within-Switzerland, and the same is true of Graubünden's history. The traditions of the Holy Roman Empire persisted longer here than elsewhere – as witnessed by the Raeto-Romansch language. The bishopric of Chur preserved ancient continuities and maintained a certain cohesion when Chur Raetia was partially Germanized, both upriver along the Rhine and by the Valaisans from upper Valais. The alliance of leagues that made up Graubünden was put to the test in the Swabian War of 1499, and shortly afterwards it conquered Valtellina, the strategic barrier between Austria and Milan.   Unlike the confederation, Graubünden's 49 free *Gerichtsgemeinden* ("jurisdictional communes") combined the idea of federation with the democratic majority-principle. Linguistically, it was "the only multilingual state within the old confederation in which power was not held exclusively by Germans.…In the three Raetian leagues, the communes of all four linguistic groups asserted their independence from the overall league even more visibly than was the case in Valais".[132]   The equality of status was a product of practical circumstance: Latin had long been the compulsory language of written documents, alongside German as the official language of the alliance. The alliance transcended the linguistic diversity. It also proved stronger than the religious divide, which had set the Catholic Grey League (around Disentis) against the two mainly Reformed Raetian leagues and had drawn Graubünden into passionate and bloody involvement in the Thirty Years War. Here too, ethnic-cum-linguistic and religious differences were not congruent, but cut across one another. The Reformation found supporters in all three language-groups. As one expert has commented dryly, the linguistic situation in Graubünden "sometimes seems too complex even to the champions of diversity".[133] And the reasons for the decline of Raeto-Romansch go back an extremely long way. When the city of Chur was Germanized during the fifteenth century, the Raetian mountain-valley dwellers lost their focal point. Although their language were given a boost during the seventeenth century, as a result of various translations of the Bible, it had to contend with the opinion of a number of Graubünden enthusiasts of the Enlightenment, who believed that Romansch stood in the way of the general improvement of popular education.[134]

Gemeinden (communes) and *Kreise* (districts) play a much more important role in Graubünden than in the other cantons. Most importantly, each commune decides in-dependently in what language early schooling will be delivered. If a commune decides to change to another language, the canton cannot interfere with this. The most frequent change-over has been to German. Whereas in the middle of the last century, half of all the

132   Weilenmann, *Die vielsprachige Schweiz* (fn. 47 above), p. 153.

133   Iso Camartin, 'Die Beziehungen zwischen den schweizerischen Sprachregionen', in : Schläpfer (ed.), *Die viersprachige Schweiz* (fn. 48 above), p. 343. The author was professor of Raeto-Romansch at the ETH in Zurich.

134   On this, see Jachen C. Arquint, 'Stationen der Standardisierung', ibid. pp. 173 ff.

communes still spoke mainly Romansch, today the figure is less than a quarter. The extent of communal freedom – remarkable even for Switzerland – is therefore no cause for idealization. Indeed, this freedom has been a factor (one of several) in the disappearance of Raeto-Romansch. Of course, it was others that ultimately tipped the scales. For one thing, it has economic causes: Graubünden's mountain valleys number amongst the major areas of emigration of the last two hundred years; and when the construction of the Brenner and Sankt Gotthard railways drastically reduced the economic importance of Graubünden's mountain passes over the Alps, the area became almost totally depopulated. Tourism provided only a partial substitute, and, what was more, in the economic boom that came after 1945, it increased the pressure exerted by the German language. Secondly, Raeto-Romansch is hampered by its own extreme fragmentation – in more than just the topographical sense. In point of fact, there is no such thing as *Raeto-Romansch per se*. This, the smallest of all the Swiss national languages, comprises a large number of spoken languages and several written variants. The most important are Ladino (in the Engadin) and Surselva (in the Vorder Rhine valley). All the written forms of Raeto-Romansch are recognized as cantonal languages in Graubünden. This very plurality, and the lack of a shared written language, helped ensure the dominance of German. The various Raeto-Romansch idioms are sometimes so far removed from one another – not only geographically, but also linguistically – that their speakers are only too pleased to switch into German, which all of them know. (German is the universal foreign language in later schooling.)[135]

All attempts made so far to unify Raeto-Romansch have failed. Its promotion to the status of a national language in 1938 was followed by the publication of the *Dicziunari Rumantsch Grischun*. In addition, the confederation subsidized the various Raeto-Romansch language-books and school-books, which are published not by the canton of Graubünden, but by the *Lia Rumantscha* – the umbrella organization for all Raeto-Romansch associations. Since the gradual fraying of Raeto-Romansch was undoubtedly one of the major causes of its dramatic decline over previous decades, a new phase of unifying standardization was initiated: in 1982, the Zurich Romance specialist Heinrich Schmid unveiled a new language – *Romansch Grischun* – constructed, in collaboration with the *Lia Rumantscha*, out of all the various Raeto-Romansch idioms. To begin with, it did not get a very good reception from those concerned. The belated standardization is certainly a ticklish enterprise, given that, realistically speaking, any attempt to preserve the language must be prepared for "the risky undertaking of existing in a bilingual world" and of preserving the mother tongue *alongside* the German language. The precarious situation of Raeto-Romansch speakers, so the specialist Iso Camartin judges, "will not permit of any experiments with unification that might unthinkingly put at risk their intimate colloquial relationship with their regional language. For it is precisely this relationship which confers the greatest immunity to any temptation to exchange the language of childhood for the language of the working environment."[136]

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135   Florentin Lutz and Jachen C. Arquint, 'Die rätoromanische Schweiz', ibid. pp. 259 ff.

136   Camartin, 'Die Beziehungen zwischen den schweizerischen Sprachregionen', ibid. pp. 345 f.

Of the four Italian-speaking valleys of Graubünden (Val Mesolcina/Misox, Val Calanca, Poschiavo/Puschlav, and Bregaglia/Bergell), Bergell had espoused the Reformation, whereas in Puschlav an arrangement based on parity had been agreed upon. The Engadin was recruited to Calvinism from bases in Bergell and Puschlav, and it soon became a fanatical adherent (mention has already been made of the Bible translations). This in itself shows that the Italian-speaking valleys of Graubünden, which had never been under confederation rule as the Ticinese had been, were not mere appendages. Although Graubünden lost Valtellina again in 1815, Italian irredentism never aroused much response in its four Italian-speaking valleys. Under the Chur government, from which they were cut off by the Alps, they enjoyed considerable freedom. During this century, the four valleys came together to form the umbrella-organization Pro Grigioni Italiano, which, together with the Lia Rumantscha, secured federal subsidies for language-promotion. Of course, Graubünden's smallest language-group – unlike the Raeto-Romansch group – can look directly to a major cultural region for support.

The widespread habit of referring to Ticino as *Svizzera italiana* – Italian Switzerland – leaves out of account not only Graubünden's four *valli*, but also the fact that Italian is the mother-tongue of many of the foreigners who have settled in Switzerland, and is thus spoken all over the country. Reference has been made to the thumbs-down given to the Cisalpine Republic; but Ticino's integration during the nineteenth century was not always an easy process. Tensions arose not only from the *Kulturkampf* – the struggle between Church and State – but also from the impoverished Ticinese economy. The mass depopulation of Ticino's mountain-valleys, and the migration of its inhabitants to work as chimney-sweeps, grooms, coachmen, masons, and chestnut-vendors, was notorious. Despite this, irredentist calls for annexation – a recurrent phenomenon in Italy from 1859 – fell on deaf ears. Ticinese radicals who had supported the *Risorgimento* as volunteer mercenaries turned away in disappointment when the unification of Italy assumed a monarchical hue.[137] It was only after the construction of the St Gotthard Tunnel in 1882 that jobs began to be created. The tourist industry too – no insignificant factor – also got off the ground at this time. The expansion of this, combined with the mass purchase of holiday homes by German-speaking Swiss and by Germans, aroused fears of a loss of cultural-cum-linguistic identity amongst the Ticinese. As early as the 1930s, the Swiss Federal Court explicitly granted the canton the power to take measures to safeguard its traditional language, even in cases where the language upon which restrictions are imposed is another national language.[138]

In 1990, 9.8 per cent of the Ticinese population stated that their mother-tongue was German. Given that, for the majority of these individuals, Ticino is a place of retirement, linguistic integration is minimal, and the canton's linguistic homogeneity is therefore being

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137 For an informative account of this, see Hunziker, *Die Schweiz und das Nationalitätsprinzip* (fn. 99 above).

138 *Zustand und Zukunft* (fn. 29 above), p. 223; Schieder (see fn. 12 above), pp. 328 and 320) – saw this judgement as the key to 'a model of conservationist language-policy, which takes the principle of territorial autonomy and develops it into a form of protection for linguistic and cultural areas that is elevated to the status of a right of settlement'.

eroded. This gives rise to constant complaints. Another contributory factor here, besides tourism and mass immigration, is the fact that Italian, though a national language on an equal footing with the others, has in practice taken a back seat. In addition, it has lacked the kind of cultural and intellectual aura which gave French its prestige for such a long time. Since the start of labour-based immigration in the second half of the last century, Italian has been regarded – and continues to be regarded – as the language of the *Gastarbeiter*. The expert group appointed by the Swiss government came to the conclusion that, although not in danger of extinction, the Italian language in Ticino did merit increased support from the confederation.

4.4 The Canton of the Jura: A Difficult Birth

The canton of the Jura, the product of a scission from Bern, is scarcely twenty years old. Because the federal constitution guarantees the cantons territorial integrity and does not provide any mechanism for reconfiguring Swiss territory, the secession of the Jura raised complex constitutional problems. Only with the help of third-party mediation did it prove possible, in an arduous process, to balance the opposing interests. Since there is a clear analogy between this birth and many other secessionist movements, I shall deal with the individual steps that led to the creation of a canton of Jura in greater detail than is called for by the language question *per se*.

Historically, the dispute arose from the fact that, at the Vienna Congress in 1815, French-speaking Jura had been annexed to Bern as compensation for the loss of Aargau and Vaud. Besides being entirely pre-democratic in character, this transaction could not be justified in terms of the legitimacy principle either: the Jura had been part of the prince-bishopric of Basel since 999 but, following the latter's destruction in the upheavals of the revolution, had been left without a master. It is not surprising that opposition to the alien regime soon began to stir in the Jura; since then, tensions have erupted on a regular basis. The official language of Bern was German, but historical and linguistic tensions were mixed with religious ones here – and this, according to Eric Hobsbawm, is what often turns nationalism into an explosive "cocktail".[139] An autonomist tendency began to make its presence felt as early as 1830. And in 1836, when the Große Rat (cantonal parliament) in Bern ratified an anti-clerical concordat, the Jura fell into a state of turmoil. When a reinvigorated Catholicism declared war on the modern age with the publication of the *Syllabus errorum* in 1864 and of the dogma of papal infallibility in 1870, the Swiss liberals responded, in the so-called *Kulturkampf*, by repeatedly defying "Jesuits" and "ultramontanes", and this rekindled the Jura conflict. Bern persecuted and suppressed dozens of priests faithful to Rome; the church law of 1874 prohibited all public processions and made clerics subject to election by the commune – an affront to Catholic canon law: "During this period, the northern Jura suffered psychological wounds that took years to

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139   Eric J. Hobsbawm, *Das imperiale Zeitalter 1875–1914* (Frankfurt/M.: 1989), p. 205.

heal; for the violation of religious feelings is something that persists in the memory for generations."[140]

During the First World War, the Jurassiens mobilized their defensive reflex against the threat of "Germanization", but the separatist movement soon fizzled out. The economic depression of the 1930s hit the region particularly hard and reactivated old fears. In 1947, the conflict flared up again, when the cantonal parliament in Bern refused a councillor from the Jura jurisdiction over the planning department – a post to which he was entitled on grounds of seniority – because he spoke French. This provoked bitter protests. Bern rewrote its constitution; its first article now stated that Bern comprised "the people of the old part of the canton and that of the Jura", and that political power rested "upon the totality of the people in the old part of the canton and in the Jura". The Jurassiens thus first achieved recognition as an independent people in 1950; they were even allowed their own flag. This was a one-off phenomenon: no other canton is based on more than one people, not even the multilingual ones.[141]

However, as is almost always the case in these kinds of conflicts, the term "people of the Jura" concealed numerous pitfalls. Despite their recourse to language, the separatists underpinned their demand for independence with historical arguments – only in this way could they lay claim to German-speaking districts as well. Because their desire for secession was driven by the notion that, after eight centuries of affiliation to an autonomous prince-bishopric, it was impossible ever to become truly Bernese, Fritz René Allemann has claimed to see in this conflict "something typically Swiss".[142] But as well as the historical and ethnic unity of the Jura, there is its historical and ethnic fragmentation: the region falls into two parts – not just geographically. The prince-bishopric of Basel was a comparatively loose political entity, and the southern part had followed Bern in espousing the Reformation. Whereas this part had been incorporated into the Swiss system of defence, the north stuck constitutionally to the empire and was repeatedly caught up in the latter's turmoils from the time of the Thirty Years War. It was only with the advent of the French, who, in 1792, first declared a *République rauracienne* and then proceeded to annexe this, that the Jura achieved unity (temporarily), in the form of the *Département du Mont Terrible*. But the centrifugal forces of history then took effect once again, reinforced by industrialization. Whilst the Catholic parts of the region went into economic stagnation, Biel and the districts of Saint Imier and Moutier rose to become centres of the Swiss clock- and watchmaking industry. They attracted immigrants on a mass scale; these settled in the southern Jura, strengthening the latter's ties with Bern. Hence, on closer inspection, it can be seen that the oft-evoked *peuple jurassien un et indivisible* and its *unité ethnique*

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140 Hans von Greyerz, *Nation und Geschichte im bernischen Denken. Vom Beitrag Berns zum schweizerischen Geschichts- und Nationalbewußtsein* (Bern: Staatlicher Lehrmittelverlag, 1953), p. 240.

141 Daniel Thürer, *Das Selbstbestimmungsrecht der Völker. Mit einem Exkurs zur Jurafrage* (Bern: Stämpfli, 1976), pp. 209 ff.

142 Allemann, *25 mal die Schweiz* (fn. 1 above), p. 479. It says a lot about the author's political nous that despite the title of his 1965 book, he devotes a separate chapter in it to the Jura

crumbled into a Francophone Catholic north, a Francophone but Reformed south, and a German-speaking Catholic Laufental.

Only in the north, in the three *Bezirke* or districts of Porrentruy, Saignelégier, and Delémont, did the agitation of the separatist *Rassemblement jurassien* fall on fertile ground. With their own flag, their annual *Fête du peuple jurassien* in Delémont, their weekly newspaper *Jura libre*, and their militant youth-organization *Les Béliers* (literally "rams", but also an allusion to the medieval battering-ram), the separatists possessed effective vehicles for publicizing their political aspirations. In 1959, a widely supported petition or "popular initiative" (*Volksinitiative*) resulted in a referendum on the separation of the Jura. As expected, the electorate of Bern rejected the proposal by an overwhelming majority. But no one had reckoned on the initiative also being narrowly defeated in the Jura itself. Once again, the old opposition between north and south had proved stronger than language: even the French-speaking south (the districts of La Neuveville, Courtelary, and Moutier) had voted no. That said, the slogan of the Bernese anti-separatists – "Votez non, et on n'en parlera plus!" ("Vote no, and we'll say no more about it!") – turned out to be a pipe-dream. In the 1960s, some of the separatist Jurassiens graduated to direct action and bomb attacks. Roland Béguelin, one of the powerfully eloquent leaders of the *Rassemblement jurassien*, sought to secure the solidarity of French-speaking Switzerland and of the *ethnie française*, and, in his most extreme utterances, distanced himself from Switzerland.

This dangerous escalation prompted a series of attempts at mediation. A reconsideration by the Bern government, combined with proposals from a "Commission of Good Offices" initiated by the Federal Council, eventually resulted in a plan providing not only for an autonomy statute for the Jura but also for further referendums. In March 1970, an "Addendum to the Constitution of the Canton of Bern on the matter of the Jura Region" was adopted by an overwhelming majority. It acknowledged the right of the population of the Jura to self-determination. That population was now to go to the polls to decide "whether the whole area or individual parts thereof wished to form a new canton, join another canton, or continue to form part of the canton of Bern".[143] In order to take account of the unequal interests, and in order to avoid the pitfall usually associated with these kinds of referendums – that of one minority problem being replaced by another – a territorially differentiated three-stage procedure was adopted. Petitions (*Volksinitiativen*) were used to request: first, a vote on the question of the formation of a new *canton*; then, in *districts* where the no-voters had been outnumbered, the option of a further referendum about staying in, or breaking away from, Bern; and, finally, in case of secession, the option, in a third round of voting, for *border communes* to decide whether to join the new canton or Bern. In the case of Laufental, the option of joining another canton was also provided for. The right to self-determination was meant, in this way, to be decided upon "in units of the smallest possible size", via a "cascade-style series of plebiscites".[144]

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143   Text in Thürer, *Das Selbstbestimmungsrecht der Völker* (fn. 141 above), pp. 241–3.

144   Ibid. p. 217.

This differentiation made it possible for an independent canton to be created even where the majority in the Jura as a whole remained loyal to Bern. At first, the *Rassemblement jurassien* was reluctant to take part in the plebiscites. It demanded that the right to vote be restricted to "autochthonous" Jurassiens – which would have been against the constitution. It also had doubts about the propriety with which the polls would be conducted. These were allayed when the confederation undertook to monitor the voting.[145] The "cascade" could now begin. It confirmed the north–south divide. However, in 1974 a narrow majority of the residents of the Jura as a whole now voted for an independent canton; predictably, agreement ranged from 74 per cent in the northern district of Freiberge to 24 per cent in southern Courtelary. In Alemannic Laufental, three-quarters of the voters said no. Once a majority had been achieved in the Jura as a whole, the separatists began vociferously calling for unity, but the procedure that had been opted for allowed countervailing interests to be taken into account. The northern Jura formed itself into a canton, and the secession was given an overwhelming seal of approval in a national referendum conducted in 1978. Since then, the Swiss constitution has talked of "the peoples of the *twenty-three* sovereign cantons".

This complicated birth did not solve all the problems, but it did ease tensions in regard to the Jura question. The *Rassemblement jurassien* has continued to call for the incorporation of the south, or at least for a half-canton to be created. In 1990, the Swiss Federal Court declared the *Unir* initiative, which sought to pledge the government and parliament of the Jura canton to do what it could to promote unification, inadmissible; despite this, the canton has passed legislation obliging its government to work towards this goal. Meanwhile, the majority in the southern Jura have remained resistant to these siren-songs. This situation is unlikely to change at least "as long as the 'barricade-fighting' generation continues to set the tone in the plebiscites. The wounds which the separatists have inflicted on their opponents in this passionate struggle are too deep for that."[146]

When, in 1984–5, it became known that the Bern government had given lavish financial support to the pro-Bernese referendum committee, this added fuel to the Jurassian fire. In the Laufental, the scandal tipped the scales: having narrowly voted for Bern in 1983, the district was now ordered by the Federal Court to re-stage the poll. This time, Laufental voted to join Basel, to which it has belonged since 1994. The commune of Vellerat, the last to vote, opted to go over from Bern to the canton of Jura. The national referendum required for this took place in 1996.

According to one specialist with an intimate knowledge of the Jura question, its ultimate solution was due, on the one hand, to the persistent and experienced political leadership of the separatists, and, on the other, to the "generous readiness of the Bernese government and people to concede the right of self-determination to the Jurassiens". As regards the overall Swiss situation, however, he highlights a different aspect: "The fact that the Jura question did not turn into a powder-keg in the midst of quadrilingual Switzerland is due primarily to

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145 Kurt Müller, 'Kanton Jura: Differenzierte Lösung eines komplexen Problems', in: id. (ed.), *Minderheiten im Konflikt. Fakten, Erfahrungen, Lösungskonzepte* (Zurich: Verlag NZZ, 1993), p. 142.

146 Ibid. p. 144.

French-speaking Switzerland, which, despite its sympathies for the Jurassiens, toiling under the heavy hand of Bern, remained alert to anti-Helvetic endeavours to bring about a united dissenting Romandie."[147]

5. The Laborious Revision of the "Language Clause"

5.1 Linguistic Freedom versus the Territoriality Principle

The Bundi motion of 1985, which urged the confederation to make a stand against the demise of Raeto-Romansch, then in its death-throes, prompted the Federal Council to appoint an expert commission. This was to undertake a detailed examination of all problems relating to language, given that, in the view of the government, the "marked increase in indifference towards quadrilingualism" was a threat not only to the linguistic minorities, but to "the national identity of the country as a whole".[148] In 1989 the working group submitted a report that was tantamount to an encyclopaedia of Swiss linguistic problems, at the same time proposing two versions of an amendment to the constitution. This triggered a wide public debate and a series of parliamentary consultations that went on for several years,[149] leading ultimately to a change to the constitution in March 1996.

The report – *Zustand und Zukunft der viersprachigen Schweiz* ("Present State and Future Prospects of Quadrilingual Switzerland") – laid the blame for the growing disquiet on the "marked increase in indifference to quadrilingualism", the "general debasement of multilingualism", and the increasing "competition from English". From the point of view of Switzerland as a whole, the core problem, said the report, was the *Mundartwelle* – that is to say, the "trend towards the elimination of the so-called diglossia typical of German-speaking Switzerland", meaning the co-existence of dialect and standard German. The growth of dialect, said the report, lessened the incentive for Romance-speakers to learn German and at the same time eroded the ability of German-speaking Swiss to communicate with speakers of other languages at home and abroad and with German-speakers from other countries. The report concluded by asking trenchantly whether a shift was under way towards a "two-and-a-half-language Switzerland". This could, it said, be taken as referring not only to the national decline of Italian, but also to the advance of English to the status of second language, and to the fact that the Swiss were now only half-able to communicate in the other national languages.[150] Of course, when it came to reflecting on what was to be done, the experts got tangled up in contradictions.

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147 Ibid.

148 Message to chambers (fn. 27 above), p. 2.

149 On this, see, *inter alia*, the supplement to the *NZZ* of 16 Apr. 1991 *Die viersprachige Schweiz* and the Presseschau Bundesverfassung Sprachenartikel (PS 728), Bern 31 Dec. 1995.

150 *Zustand und Zukunft* (fn. 29 above), pp. I–XIII.

Not the least of these was that, on the one hand, the report was dominated by an alarmist tone: national identity and political integration were under threat, it claimed; Switzerland had "got itself into a drastic situation as far as certain linguistic aspects were concerned".[151] At the same time, the report observed that the high degree of public sensitivity to the language difficulties was "not an indication of the existential explosiveness of the problem"; these were, it said, "relatively fortunate times, [in which] a society was able and willing to take steps to ensure the preservation of linguistic and cultural traditions".[152]

A recurrent theme of the report was regret at the increasing indifference and mere juxtaposed existence of Swiss nationals of different tongues. From this, the report concluded that multilingualism, bilingualism, multiculturality, and mutual understanding needed to be promoted in a more systematic fashion than before. The experts stressed that Swiss linguistic harmony – *Sprachfrieden* – owed much to the territoriality principle. This imposes a "duty of assimilation" in all public affairs on anyone who moves to a different linguistic area.[153] The setting-up of French schools in German-speaking Switzerland has been prohibited by the Federal Court, except in Bern, where it is permitted on account of the presence of federal employees. The justification cited is that German-speaking Swiss might then want to set up German-speaking schools in Ticino and in French-speaking Switzerland. On the other hand, the committee concluded that, in those very areas where a linguistic minority tipped over into a majority, as was often the case in communes in Graubünden, the territorial principle did not work.[154] It therefore recommended that the principle of territoriality be subjected to cautious revision and that individual linguistic freedom and bilingualism be given a higher profile. Turning to the call for greater mutual understanding, the report proposed that the television stations of the three linguistic regions should broadcast country-wide. But it also cited the pitfall inherent in such an undertaking: reception of German Swiss television in Ticino and in French-speaking Switzerland could render the linguistic-cum-cultural integration of German-speaking Swiss even more difficult.[155]

Finally, the report lamented the triumphal advance of English, and the supposedly "gloomy" prospects for the future which it entailed: "For a traditionally multilingual country such as Switzerland, the major issue in the future will in fact be whether the three great cultural languages will not become isolated from each other as a result of the pre-eminent position of English."[156] But this view overlooks the fact that English, beloved of

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151 Ibid. pp. 309 ff.

152 Ibid. p. 258. By the way, linguistic problems surfaced, albeit peripherally, in another government-appointed expert committee which, from 1989 to 1991, was reflecting on the future of Switzerland: *Schweiz morgen. Vier Szenarien zur schweizerischen Zukunft. Bericht der Eidgenössischen Expertenkommission an den Bundesrat* (Bern, 1991). The public reaction to these scenarios was admittedly quite minor: over the last few years, Switzerland has been too preoccupied with its past to give much attention to the future.

153 *Zustand und Zukunft* (fn. 29 above), p. 193.

154 Ibid. pp. 199 ff; also pp. 346–55.

155 Ibid. p. 115.

156 Ibid. pp. 259 ff.

young people in every area of the country, facilitates the kind of cross-linguistic comprehension being called for, and can thus promote mutual understanding. Why should the existence of Switzerland be jeopardized if the global *lingua franca* gradually attains to a position which it already holds in many other multilingual countries – the position, namely, of an "intra-national medium of communication for all" – particularly since this would cancel out the negative effects of the much-lamented *Mundartwelle*?[157]

The report on the one hand warns that, as a result of the growth in dialect, the German Swiss are losing their diglossia, and thus also their ability to communicate both at home and abroad. At the same time, however, it traces this growth to the way in which the electronic media use the cosiness of dialect as a "home advantage" against foreign channels that broadcast in the same language. The proportion of dialect broadcast on DRS (Radio der Deutschen und Rätoromanischen Schweiz), which stood at about one third in 1970, increased to one half over the next ten years, and to about two-thirds by 1980;[158] in the case of German-speaking television, the figure is about one third. Conversely, however, the number of foreign stations in Switzerland has increased over the same period, and is currently one of the highest in Europe.[159] It would seem that radio and television are reinforcing linguistic affiliation to the detriment of national broadcasters of other languages: "French Swiss choose television programmes broadcast from France; German Swiss choose those broadcast from Germany. German and French Swiss are sitting back-to-back."[160] In line with this, over the last few years most newspapers have stopped dividing their television listings into "home" and "foreign" and now arrange them by language. Could it be that the increasing importance of television is one of the factors driving the recent promotion of ethno-linguistic affiliation, to the detriment of other kinds? The obverse of this development is, of course, that the dialect-speaking German Swiss is encountering spoken standard German at closer quarters than ever before in his everyday life. One is therefore justified in doubting the claim that the German Swiss is losing his competence in the standard language.[161]

After the publication of the report, the Swiss ministry of the interior set the *Vernehmlassungsverfahren* or consultation procedure in motion. This typically Swiss legislative procedure involves gathering statements of opinion from cantons, associations, interest-groups, experts, and all those potentially affected. This is intended to help ensure as broad a consensus as possible – an advisable move given that, thanks to the referendum, one can easily end up holding a plebiscite on every piece of legislation. In the present

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157　This is the view expressed by Urs Dürmüller, 'Englisch in der Schweiz', in *Materialienband* (fn. 39 above), pp. 1–14, and in id., 'Englisch als neues Verständigungsmittel zwischen den Angehörigen verschiedener Sprachgemeinschaften', *Gesetzgebung heute* (1991), 1: pp. 124–32.

158　*Zustand und Zukunft* (fn. 29 above), p. 111.

159　Werner A. Meier, *Auswirkungen internationaler Kommunikationsstrukturen auf die schweizerische Medienkultur unter besonderer Berücksichtigung kultureller Souveränität und nationaler Identität, Nationales Forschungsprogramm 21* (Basel, 1991), p. 7.

160　Schwander, *Schweiz* (fn. 46), p. 56.

161　On this, see Walter Haas, 'Die deutschsprachige Schweiz', in: Schläpfer (ed.), *Die viersprachige Schweiz* (fn. 48 above), p. 108.

case, a total of 88 statements were received. Above all, the cantons stressed the fact that jurisdiction over language lay with them. Protection of national linguistic minorities was also their responsibility in the first instance, they said; the confederation must only intervene on a subsidiarity basis and in conjunction with themselves. Most of the statements wanted to see the principle of territoriality enshrined in the constitution. As the government summed it up, it was above all the French-speaking cantons and organizations that "insisted on a strict application of the principle of territoriality in all language areas. Only in this way could the language borders, and thus also linguistic harmony, be preserved."[162] The main line of conflict was thus defined.

On the basis of the expert report and the statements of opinion, the Federal Council put the following proposed reformulation of the language clause before parliament in 1991:

" 1. Freedom of language is guaranteed.

2. German, French, Italian, and Raeto-Romansch are the national languages of Switzerland.

3. The confederation and the cantons strive to ensure the preservation and promotion of the national languages in their areas of use. The cantons take special measures to protect national languages under threat in a particular area; the confederation assists them in this.

4. The confederation and the cantons promote understanding between the language communities and proper representation of all four national languages at the pan-Swiss level.

5. The official languages of the confederation are German, French, and Italian. In dealings between the confederation and Raeto-Romansch citizens or Raeto-Romansch institutions, Raeto-Romansch is also an official language. Details are regulated by legislation."[163]

This was certainly not revolutionary. Ranged against the newly adopted freedom of language was the principle of territoriality: "preservation of the national languages in their areas of use". But it was precisely in the area of tension between the two that the parliamentary deliberations were to get bogged down. In the Council of States, freedom of language met with stiff opposition from the French-speaking representatives. They pointed out that this could be claimed not only by members of the linguistic minorities, but also by the many German Swiss residents in their parts of the country, and they therefore argued for it to be deleted. Whereas the French-speaking members of the council insisted on the strict application of the principle of territoriality, the members from Graubünden advocated flexibility, in order to afford greater protection to Raeto-Romansch. The Ticinese, for their part, considered mutual understanding across linguistic frontiers to be more important.[164]

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162 Message to chambers (fn. 27 above), p. 24.

163 Ibid. p. 27.

164 See Verhandlungsheft 91.019: 'Bundesverfassung, Sprachenartikel, Parlamentsdienst', Bern, 10 Dec. 1995, pp. 47–64.

The two chambers debated the language clause in an arduous to-and-fro that lasted until 1995. On several occasions, the whole procedure was left hanging by a thread, and it was only out of concern for the endangered Raeto-Romansch language that nothing was done to tear this. The main difficulty lay in the fact that the original enthusiasm of the French-speaking parliamentarians for the Bundi motion had waned. They feared a weakening of the territoriality principle and of the linguistic sovereignty of the cantons. The crunch question for multilingual Switzerland – that of the sensitive relationship between French-speaking and German-speaking Swiss – had thus been touched upon.

As is well known, the referendum on the European Economic Area in December 1992 hit this raw nerve particularly painfully: with a turn-out of 78.3 per cent, a figure almost unequalled since 1945, the EEA was rejected by the narrowest of margins – 50.3 per cent to 49.7 per cent. The difference was all of 23,295 votes. However, the indispensable majority of the cantons gave a quite different impression: 16 cantons against, and 7 in favour (all the French-speaking ones and the two that make up Basel). In French-speaking Switzerland, more than 70 per cent voted for the EEA; and in German-speaking Switzerland 56 per cent voted against. The same kind of divergence has occurred repeatedly since then – in the November 1993 vote on facilitating naturalization for young foreigners, for example; or in the June 1995 vote on the relaxation of restrictions on the acquisition of landed property by foreigners. Of course, there are several dichotomies in operation here: town and country, young and old, the educated classes and the non-university-educated, upper and lower income-levels; but the gap between French Swiss and German Swiss is a particularly sensitive one politically. Because of a reluctance to do anything in the debate that might worsen this gap, the parliamentarians eventually deleted both items – freedom of language and the territoriality principle – from the language clause. The *rapporteur* in the Council of States, Riccardo Jagmetti, conceded that the resultant slimmed-down version was not much of a feat:

> "In the article, we have not touched on the major issues relating to national coexistence in a country with several languages. Our text contains neither a guarantee of the principle of territoriality nor an assurance of linguistic freedom, nor, in particular, any stipulation as to how these two principles are to be combined…We could not reach agreement on the formulation. It appears that we in Switzerland *are quite capable of solving such problems in practice, and of shaping coexistence in a positive way, but that we exhibit some difficulty articulating what we are living.* Of course, this is better than the other way round."[165]

In practice, this was tantamount to an admission – notably by the French-speaking Swiss – that the delicate balance of interests was assured with the type of administration of justice that the Federal Court had provided up to then.[166] The following final version, the product of years of deliberation, was finally passed on 6 October 1995 – unanimously by the Council of States and with very few votes against by the National Council:

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165   Ibid. p. 85 (my emphases).

166   On this, see *Zustand und Zukunft* (fn. 29 above), pp. 188–249.

" 1.   German, French, Italian, and Raeto-Romansch are the national languages of Switzerland.

   2.   The confederation and the cantons promote understanding and exchange between the linguistic communities.

   3.   The confederation supports the measures taken by the cantons of Graubünden and Ticino to promote the Raeto-Romansch and Italian languages.

   4.   The official languages of the federation are German, French, and Italian. In dealings with persons of Raeto-Romansch tongue, Raeto-Romansch is also an official language of the confederation. Details are regulated by legislation.

This version was put to the vote on 10 March 1996 and was adopted by the "sovereign" (the electorate) with a 76.1 per cent share of the vote. Had the mountain laboured for more than ten years to bring forth a mouse? Yes, if one views the result from the point of view of legislative efficiency. But this criticism is tempered by the fact that the arduous deliberations and public debates had reminded the Swiss of the difficult prerequisites for, and conditions governing, their linguistic harmony. In addition, the preconditions for confederation measures to support the two small minority languages had been improved.[*]

A more serious objection is that, given the multicultural realities of urban life, it has long since ceased to be enough simply to defend traditional quadrilingualism. Whilst defending Swiss linguistic minorities, so the criticism goes, and forking out millions for them, the authorities require foreigners to conform to their Swiss environment in a way that "takes on board a loss of human potential in the form of the linguistic and cultural assets brought in by immigrants". This "disproportion", it is said, is particularly striking because "more than half of foreign residents are Italian nationals and thus have command of one of the official languages of Switzerland".[167] But things are not quite as static as this. In 1990, Switzerland – whose prohibitive naturalization practices were nicely captured in the wickedly funny film-comedy *Die Schweizermacher* – did at least introduce the option of dual nationality, with not very many votes against. As a result of this, the person seeking naturalization is no longer required to give up his traditional national or cultural ties.[168]

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[*]   The completely revised Constitution, adopted by the people's vote on April 18, 1999 sustains these formulations; see articles 70, 4 and 8.

167   Gita Steiner-Khamsi, 'Ausländische sprachliche Minderheiten in der Schweiz', in: *Materialienband* (fn. 39 above), p. 90.

168   Georg Kreis, 'Schweizer als Ausländer – Ausländer als Schweizer', *NZZ*, 26 Oct. 1990. Compared with similar procedures in Germany, the amendment to the law on dual nationality went through astonishingly smoothly. The practical background to it was the fact that, once the internal market had been created, EU citizens were no longer willing to forgo their advantages, and so their rate of naturalization fell drastically – despite the fact that only minimal integration problems were associated with them.

5.2   Confederation Help for Raeto-Romansch and Italian

No one contradicted the alarmist tenor of the expert report in so far as it related to the endangered Raeto-Romansch language. The new article of the constitution raised the latter to the status of a partial official language and converted the confederation's jurisdiction over its promotion and preservation into a duty. In doing so, it created an explicit basis for financial assistance. This benefited Raeto-Romansch radio and television broadcasting, which since then has almost doubled – from what was previously five hours a day and just less than an hour a month respectively. Direct support from the confederation has also increased. This includes not only subsidies for the *Lia Rumantscha* and for school textbooks, but also monies for further-education courses for adults (particularly language-learning for those moving into the area), advanced language-study, and grants for publishers and print media. The umbrella language *Rumantsch Grischun* also seems gradually to be finding more favour, particularly amongst speakers of the most endangered idioms. The efforts of the confederation to enhance the status of Raeto-Romansch would be more effective if a common written language could be agreed on voluntarily within the canton.[169]

That said, there are strong indications that all these measures can at most delay the further decline of Switzerland's fourth national language. The expert report talks of "actual evidence of disintegration".[170] Given that it is already certain that there will "never again be an adult monolingual Raeto-Romansch-speaker",[171] the experts pinned their hopes on an intensive, well-targeted promotion of bilingualism amongst Graubünden Romance-speakers.

The increase in confederation subsidies that has come about since 1996 as a result of the new language-clause has also profited the Italian-speaking valleys of Graubünden and Ticino. As early as 1991, the Federal Council reinstituted the plan for a university "that would help consolidate cultural identity throughout the region and would, not least, in its capacity as a Swiss university, confer increased prestige and functionality on the Italian language in Switzerland".[172] On previous occasions, this project, the earliest plans for which go back to 1844, had always come to nought. In October 1996, the *Università della Svizzerra Italiana* was opened in Lugano and Mendrisio.

6.   Not a Model, but a Useful Object of Study

Even without recourse to the myth of the "special case", there are, as has been shown here, a number of rational factors that can be cited to explain why – with the exception of the First World War – Switzerland has never experienced mass linguistic discord or unresolvable tensions between its various linguistic-cum-cultural areas. That said, the

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169   *NZZ*, 21 Dec. 1995.

170   *Zustand und Zukunft* (fn. 29 above), p. 265.

171   Ibid. pp. 260 ff.

172   Message to chambers (fn. 27 above), p. 34.

difficulties and contradictions that emerged during the revision of the constitutional language-clause also serve as an answer to the question of Switzerland's suitability as a model: how can a concrete historical experience be distilled into a model that need only be "applied", roughly correctly, to quite different constellations, if that experience, though managing somehow to function in practice, cannot even be set out in simple terms by Swiss legislators? To this extent, the answer to the question posed in my title – namely, whether Switzerland can serve as a model – must be "No". Abstracting general guide-lines from the specific conditions in which the political system originally emerged is not possible – or is only possible at the cost of being left with a lesson that is, precisely, abstract.

That said, it is possible to use Switzerland as a basis for studying a collection of concrete experiences that may be helpful as regards the management and de-escalation of nationality conflicts of a potentially violent kind – provided these experiences are treated cautiously, with common sense and an appreciation of contextual differences. I shall here summarize once again the major elements of this kind of "practical application".

1. The foundations of the Swiss state were laid long before the emergence of today's conflicts over nationality and language. The notion of global confederate patriotism was invoked from the late Middle Ages onwards, and in fully fledged fashion from the eighteenth century. Both Machiavelli and Voltaire were aware of the intimate relationship between patriotism and republicanism: "A republican is always more attached to his fatherland than a subject is to his, for the simple reason that one is more fond of one's own property than of one's master's.".[173] The combination of individual freedom, a new shared sense of patriotism, and an attitude of veneration to the Alps that was typical of Enlightenment Helveticism prompted the Italian historian Federico Chabod – as I have already said – to ascribe the emergence of the modern idea of the nation entirely to eighteenth-century Switzerland. Whatever the truth of this, there is no doubt that Swiss history symbolizes the possibility, in principle, of bridging linguistic and ethnic differences within a political "nation by will".

2. One of the inherent conditions for this is a renunciation of the desire to unify distinctive individual historical sovereignties, identifications, and traditions. Formulas such as "L'unité par la diversité" or "E pluribus unum" may sound clichéd, but it was the inordinate amount of care and attention paid to cantonal differences, traditions, and institutions that formed the basis on which the edifice as a whole was able to cohere via associative, voluntary links. A story put about by Karl W. Deutsch relates how village-dwellers in the border regions of eastern Europe, on being asked to state their nationality, are supposed to have replied uncomprehendingly: "We're from here." It is almost as if this backwoods attitude had been deliberately cultivated in Switzerland. Nothing that can be done at commune or canton level has been centralized – in the EU this basic federalist idea is nowadays known as subsidiarity.

3. Most of the cantons have developed their unique political character in the course of a lengthy historical evolution. In this process, each particular citizenry – the *demos* of the

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173   As quoted in Kohn, *Der schweizerische Nationalgedanke* (fn. 31 above), p. 301.

old republics and especially of modern-day popular sovereignty – created a memory of its particularity and a collective affinity. What the Swiss constitution describes as a "people" undoubtedly displays features of an *ethnos*, without this being based on any linguistic-cum-ethnic commonality. These two are not absolute opposites. For one thing, for a long period of history, affiliation was a precondition for participation in the old republics. For another, up to now there are still no universalist democracies that are not rooted in particular states. None the less, the precedence given to self-determination, in the sense of the democratic "right to self-constitution", over its narrower ethno-national acceptation, is still of interest.

4. The comparatively high degree of democratic participation is related to the great diversity of small-scale sovereign actors. It was, and is, not least the French-speaking Swiss and Ticinese – in other words, the linguistic minorities – that have exploited, and continue to exploit, this advantage over the centralist nation-states that share their language. In Switzerland they were also, and still are, pioneers of federal independence, opposing confederate tendencies to unification. That is why, in 1998, Switzerland, unlike Germany, celebrated not only the anniversary of the bourgeois revolution and federal constitution of 1848, but also – albeit reluctantly (as always) on account of the French occupation – the events of 1798, when egalitarian democracy triumphed over the old oligarchies, when the subject territories were liberated, and when equality of rights for a plurality of national languages was established.

5. The idea of confederation, and the long period of self-assertion by small and very small self-governing republican polities on, as it were, the Alpine periphery of the European territorial dominions, led to the emergence of a specific political culture. In addition to sovereignty, this comprises a long tradition of contractualism: after a number of bloody wars, the Swiss were forced to learn to put their trust in compromise and voluntary subjection to common arbitration-procedures. The very emergence of this kind of democratic culture was blocked in neighbouring Austro-Hungary, and the delay in the latter's democratization was partly responsible for the nationality conflicts running out of control once the crown ceased to be able to keep them in check. Of greater impact from today's perspective is the fact that Communism once attempted to solve the nationality question by, as it were, territorializing it and subjecting it to a unique kind of formal federalization: since all subpolitical entities were overlaid by the hypercentralist unity party, experience of the practices and rules of democratic self-government and conflict resolution was totally lacking. The old, complex relationship between democratization and nationalism that has repeatedly surfaced since the French revolution once again makes itself felt here. Of course, democracy does not of itself solve all nationality conflicts; but there is no doubt that, without the option of democratic procedures, such conflicts become more acute.

6. Another element of the political culture of Switzerland is the comparatively long experience the Swiss have of plural affiliations or identities. What the German Swiss experience as problematic on account of their difficult relationship with Germany since the late nineteenth century appears simpler for the French- and Italian-speaking Swiss – the combination of a clear cultural affiliation with the self-evident political affiliation that comes with being a Swiss citizen. In addition, multilingualism and the fact of having

several national languages of equal status makes every Swiss aware from childhood of the unusual and thought-provoking fact that there are people who, though strangers, are also part of one's own world. This can awaken interest in what is other, what is strange.

7. In the nationalist age, it was possible to enlist the old foundation-stories about particularist differences to combat the rapidly increasing power of ethno-nationalism. It was only at this point that, in addition to other compensatory strategies of integration (neutrality, republican freedoms, the mythologization of the Alps), multilingualism was ideologized as the core feature of the distinct, politically construed Swiss nation and was endowed with a sacred status as Switzerland's own unique mission. The positive side of this self-stylization was that, to the strongly federalist trend – which gave the minorities more weight than they were entitled to numerically – there was now added an active political determination to work against homogenization. Tendencies in this direction result not only from state-led ideologies of unification; they are also at least partly natural concomitants of the industrialization and social mobilization of the modern age. The principle of territoriality can counter them, but it is no panacea. The Swiss experience teaches us that this principle must be handled in a flexible way: the more endangered a language is, the less appropriate the principle is. The decline of Raeto-Romansch in any case shows that, even with the best will in the world, socio-technocratic linguistic policy has its limits.

8. The sovereignty of the cantons has counteracted linguistic tendencies to homogenization, just as, conversely, multilingualism has bolstered the cantons against modern-day efforts at centralization. Political integration and consensus in Switzerland rest on a complicated system of so-called *cross-cutting cleavages* or "multiple force-fields". Linguistic, religious, cantonal, cultural, and economic differences and contrasts criss-cross one another, with the result that, instead of there being straightforward "battle-fronts", there is a multi-layered interpenetration of majorities and minorities. These kinds of constellations provide a favourable context for any attempt to temper ethno-centrism through decentralization and federalization.[174] Where every group can potentially be in a minority, no one thinks of reducing democracy to the majority principle. In fact, it is more likely that, conversely, democratic culture will be taken to imply respect for minorities.

9. If I have laid stress on concrete historical and political constellations in trying to make Switzerland comprehensible, this has certainly not been with the object of proving that to federalize or "cantonalize" ethnic conflicts is impossible where other circumstances and preconditions prevail. The example of Switzerland does show what sort of time-scales are needed for processes of democratization and democratic federalization to be successful; and knowledge of this fact can be a salutary antidote to all-too-brashly optimistic socio-technocratic approaches which believe that acute nationality conflicts can be laid to rest by "conflict management" based on a handful of simple recipes. Lasting settlement takes time.

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174   On this, see also the Basel charter on federalist conflict-settlement: *Der Friede beginnt im eigenen Haus – Der Weltfriede beginnt mit dem innern Frieden der Staaten*, an account of which is given in *NZZ*, 6 Oct. 1995.

10. Switzerland has benefited from the fact that three of its languages are European world and cultural languages. It was because of this that, for a long time, the idea of learning the other respective languages held a certain attraction. Besides this, French-speaking Switzerland never felt itself culturally in a minority or inferior; on the contrary, in its own view and in the perception of the German-speaking majority, it had the status of a model in many areas of everyday life: culture, cuisine, table-manners, etiquette, fashion, style, elegance, intellectual style – in short *savoir vivre*. This state of affairs made regard for the language of a minority much easier. Since English has become the global *lingua franca* and US influence on science and culture has made itself felt all over the world, this has abated. Instead of learning French or German as their first foreign language, most young people would rather opt straight away for English. Could this not in fact facilitate understanding between the different languages? At all events, the doom-and-gloom view of civilization, which says that what nationalism did not manage to achieve in the nineteenth century – namely, the disintegration of Switzerland into its constituent linguistic-cum-cultural parts – could well be accomplished by the current indifference to other language-groups, is not a compelling one.

11. Fear of the centrifugal force of the different languages has always been present in Switzerland. What has held them together was the certainty that they had more of a voice and were in safer hands in Switzerland than in Germany, France, or Italy. External pressure and neutrality acted as added integratory forces: for a long time, demarcation from the outside reinforced internal integration. But this has ceased to function nowadays. In fact, the habit of standing aloof, which has hardened into a real isolationist syndrome, seems to be having the opposite effect: now that neutrality has been undermined and the myth of the special case has crumbled, the rejection of European integration – which, in the case of the German Swiss, has a lot to do with fears about identity – has met at the very least with incomprehension in French-speaking Switzerland. This issue, as was dramatically demonstrated by the plebiscite on the European Economic Area, rekindles old antagonisms. One of these is the division between French-speaking and German-speaking Switzerland. It is mainly the latter that has squandered the opportunity to link into the European changes. Perhaps the minorities will again be the ones to give it a helping hand.

Despite all this, the idea – not infrequently to be found haunting the German media – that Switzerland may start to crumble away at the edges of its linguistic borders appears to me to have little basis in reality. By analogy with a famous dictum of Tito's, according to which he governed a country that had two alphabets, three languages, four religions, and five nationalities, and that these lived in six republics, were surrounded by seven nations, and had to make do with eight national minorities, one might say: Switzerland is a small state consisting of a fragile political nation that is made up of four languages, two religions, and twenty-six partially sovereign cantons, and is, moreover, surrounded by mighty and not always innocuous big powers and nation-states. For all that, it has not fallen apart.