

Zeitschrift: Swiss review : the magazine for the Swiss abroad
Herausgeber: Organisation of the Swiss Abroad
Band: 1 (1974)
Heft: 1

Artikel: The Federal Constitution : patched, but still alive
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DOI: <https://doi.org/10.5169/seals-906345>

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The Federal Constitution

Patched, but still alive

One seems to remember learning at school that the Constitution was written in 1848 and revised for the first time in 1874. That is inaccurate: the revision of 1874 was, in actual fact, the second attempt to rewrite the basic law. After the Constitution of 1848 there still remained 25 different military organizations, 25 civil codes, 25 labour codes and numerous purely cantonal decrees. This abundance of paragraphs considerably hampered trade, the application of the law and the defence of the country. The dual objective of the revisers was therefore:

- to increase the powers of the Confederation
- to increase the rights of the people.

The power of the Catholic Church was also to be broken (Pope Pius IX had declared himself infallible in 1870), education and marriage were to escape from the domination of Rome.

A first draft was ready on 5th March 1872. But the people refused their assent – by a majority of only 5,000 votes, which encouraged National Councillor Stämpfli to ask the Federal Council the same year to submit to the Assembly new proposals for resum-

Mr Louis d'Affry, Landammann



ing the revision of the Constitution.

This second federal draft was put to the vote on 19th April 1874. 693,362 ballot papers (478,000 in German, 177,000 in French, 38,000 in Italian and 9,000 in Romansh) had been sent out, of which 87 per cent were returned to the ballot boxes. The Constitution was accepted, in a poll whose size has never been equalled since, by 340,000 «yeses» to 198,000 «noes». It came into force on 29th May 1874.

There were 154 subsequent attempts to modify the Constitution, 83 of which met with success. The 40-page booklet in which it is contained changes every 14 months! Its size has increased by a third since 1874. A number of these modifications were much more important than the complete revision of 1874.

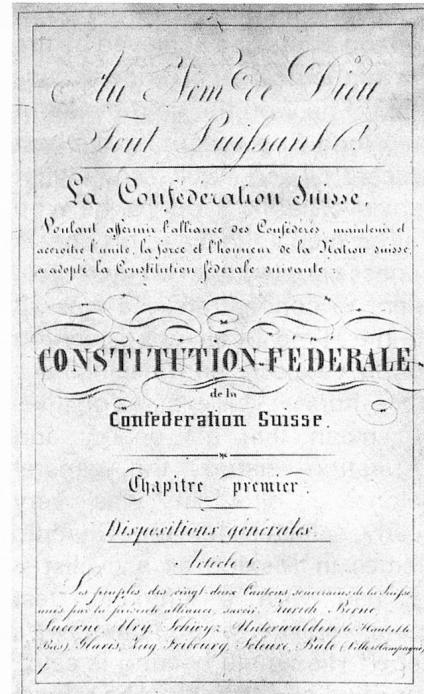
– In 1891 a new article laid down that the Constitution could henceforth be partially revised if 50,000 citizens requested it. Up till now only seven attempts of that kind have been successful.

– The same year, through a modification of the Constitution, the Confederation obtained the monopoly of bank notes, which was to be followed by new powers of intervention in economic policy.

– After the general strike of 1917 the answer to an important claim by the strikers was the institution of the system of proportional representation in the election of the National Council.

– At the time of the general strike the workers had also demanded the AVS (1925), which was to be added to the sickness and accident insurance scheme of 1890. The individual insurance scheme known as «the second pillar» followed in 1972.

– Since 1969 the Confederation



First page of the Federal Constitution of 1848.

has also intervened in land planning and, since 1971, in the protection of the environment.

– Finally, in 1971, the number of electors was doubled at a stroke when women were at last granted the right to vote after several decades of struggle.

Since 1874 there have been two attempts at a complete revision of the Constitution: in 1935 the so-called «Fröntler initiative» was submitted to the people, who rejected it.

During the Sixties the question was again raised of completely revising the Constitution, which had become confused by so many additions. According to the most eager revisers, the old Constitution should have been buried in 1974. Although there are fat volumes of new drafts, it now seems that the still vigorous centenarian will continue to fulfil its function for some years, or even decades, to come; namely, to «consolidate the alliance of the Confederates, to maintain and to promote the unity, the strength and the honour of the Helvetic nation».

(Extract «Schweizer Illustrierte»)