

**Zeitschrift:** Swiss review : the magazine for the Swiss abroad  
**Herausgeber:** Organisation of the Swiss Abroad  
**Band:** 23 (1996)  
**Heft:** 1

**Artikel:** Second reading of the federal election of October 22, 1995 :  
Switzerland's political landscape  
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**DOI:** <https://doi.org/10.5169/seals-907729>

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Switzerland and its cantons

# Federalism as the pillar of Swiss identity

**26 cantons equals 26 school and tax systems, 26 criminal codes, 26 political orders. Federalism is the central component of the way Switzerland sees itself. It is a bulwark against the much-scorned centralism and at present may be making a comeback.**

**O**n September 22, 1985, Swiss voters approved a bill to standardise the beginning of the school year by a majority of three to two. It was a question which had been causing controversy for a long time and which had

Daniel-S. Miéville \*

already been the subject of several parliamentary initiatives. At a time when the question of mobility was much in the air the fact that the school year started in one place in the autumn and in another in spring was a serious and anachronistic obstacle to the freedom of movement of families with children of school age. The people of Berne and Zurich had voted against aligning themselves with the rest of the country, and therefore the voters of Switzerland as a whole were called upon to settle the matter.

This was quite exceptional. A referendum result forced the cantons to march together in a sphere where each one of them was and still is very largely sovereign. This is how federalism works. It is one of the three pillars – the others being direct democracy and neutrality – on which the very identity of Swiss democracy is supported. A dramatic situation arose, and there was a huge row, when the people of Appenzell-Outer Rhodes had to be forced to accept

the right of women to vote at the cantonal level. It was a combat between two loyalties: to the constitution which guarantees equality of men and women and to the right of the cantons to organise themselves politically as they think fit. Appenzellers dealt with the matter themselves at the last minute by giving their women access to the *Landsgemeinde*.

When we talk of federalism in this country it is usually to deplore the natural tendency of the Swiss political system to gravitate towards centralism. It cannot be denied that such a force exists. But if we try to take a step backwards and look at these matters from a distance, Switzerland appears as a remarkable jigsaw in a very small area. We see cohabitation – in spite of surface uniformity – of as many education, legal, tax and institutional systems as there are cantons and half-cantons. It is true that the beginning of the school year has been standardised, but care has been taken not to go any further in this direction. Some would have liked to see harmonisation extended to the beginning and the duration of compulsory schooling. But each canton still maintains the specific features of its own school system.

How many people know that Switzerland possesses no fewer than 26 codes of criminal procedure? This certainly complicates the efficiency of legal proceedings involving several cantons. Only four cantons have so far voted by way of cantonal initiatives in favour of a unified criminal procedure.

In the same way each canton has its own tax system. A law on fiscal standardisation which was passed in 1993 gives the cantons eight years to make the necessary adjustments. But this merely means that by the year 2001 they will have to have standardised their systems. Although the method of paying taxes will then be the same, each canton will still be free to fix its rates as it thinks fit according to its needs. This will not eliminate the present competition between the cantons to attract the

Second reading of the federal elections of October 22, 1995

## Switzerland's political landscape

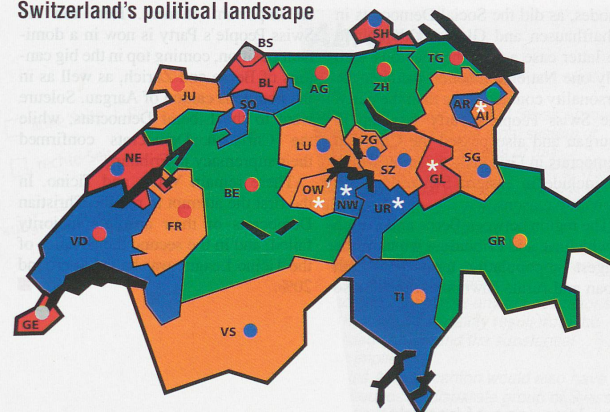
**In which regions of the country are the various parties strongest? After the initial analysis of the results of the parties in the National Council elections published in the last number, here is a geographical breakdown, mostly by canton.**

**I**f we colour in a map of Switzerland on the basis of the strongest party, we find that there is a "Jura curve" (extending from Basle to Geneva) which is essentially Social Democrat, except for Vaud and Canton Jura itself. Central Switzerland remains generally Christian Democrat, although other parties have

most wealthy taxpayers on to their territory.

Federalism may perhaps be rejuvenated by enabling the cantons to reconcile the very different ideas of their future expressed by the French-speaking and German-speaking regions. There is now talk of defusing the crisis caused by the refusal to change the *Lex Friedrich* – which regulates acquisition of property by persons resident abroad – by making its application subject to cantonal rather than federal law.

Switzerland's political landscape



Colour = Strongest party after the 1995 elections. Second strongest party marked by a spot within the main colour.

★ Cantons with majority voting (only 1 seat in the National Council).

■ Liberal Democratic Party  
■ Social Democratic Party  
■ Swiss People's Party  
■ Christian Democratic Party  
■ Liberal Party

in this area. So is the conservative though European bloc of the Liberals and in Jura the Christian Democrats – who were among the founding fathers of the new canton. This scenario was confirmed at the last election. The Social Democrats came out top in the cantons and half-cantons of Basle City (with a huge 10% jump in votes), Basle Rural, Neuchâtel and Geneva. The Liberal Democrats were top in Vaud (although the Social Democrats were only a few tenths of a point behind them); and the Christian Democrats were ahead in Jura, with the Social Democrats replacing the Liberal Democrats in second place.

Traditionally Catholic central Switzerland is in large majority Christian Democrat. Almost all the cantons of the *Sonderbund* – this refers to the brief civil war in 1847 – made up that region, grouped round the bastion of Lucerne. Last October Christian Democrat supremacy in Lucerne itself, Schwyz, Zug, Upper Unterwalden and even Uri –

if we consider the result for the Council of States – was confirmed. But for the first time in nearly a century the Liberal Democrats took Lower Unterwalden; and in Zug, Lucerne and Schwyz there was a strong advance (more than 10% in all of them) by the Swiss People's Party. But the latter was to the detriment of the Christian Democrats rather than the Liberal Democrats. Apparently a substantial part of the conservative electorate of these cantons no longer feels represented by the more traditional centre-right parties, particularly (but not only) on European integration.

In eastern Switzerland no party has any great advantage over the others, although here too the Swiss People's Party was the most successful in 1995, particularly in Appenzell and St. Gall. But in spite of their losses the Christian Democrats did remain on top in the important canton of St. Gall and – in accordance with tradition – in Appenzell-Outer Rhodes. The Liberal Democrats came out ahead in Appenzell-Outer

made considerable inroads. Eastern Switzerland is on the whole mixed. The region between Berne and the Rhine has a Swiss People's Party majority. Ticino



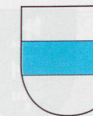




Giuseppe Rusconi

remains Liberal Democrat and Valais Christian Democrat.

Let us take a closer look, starting with the "Jura curve", i.e. that part of Switzerland which mainly borders on France and has a big city at either end, Basle and Geneva. It is a region which has good relations with its large neighbour and for this reason is not afraid of it in any way. The defensive attitude often found in regions neighbouring on Germany is completely absent. Traditionally, the Social Democrats and Liberal Democrats are well represented

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	ZH Zurich	BE Berne	LU Lucerne	UR Uri	SZ Schwyz	OW Upper Unterwalden
Joined the Confederation:	1351	1353	1332	1291	1291	1291
Seat of government:	Zurich	Berne	Lucerne	Altdorf	Schwyz	Sarnen
Population in 1995 (in 1,000):	1168.6	941.8	337.9	35.9	120.6	31.0
Foreign nationals (in 1,000):	239.7	102.5	47.3	3.0	18.2	3.2
Land area in km <sup>2</sup> :	1729	5961	1494	1077	908	491

NW Lower Unterwalden	GL Glarus	ZG Zug	FR Fribourg	SO Soleure	BS Basle City	BL Basle Rural
						
1291	1352	1352	1481	1481	1501	1501
Stans	Glarus	Zug	Fribourg	Soleure	Basle	Liestal
36.0	39.4	90.4	222.2	237.3	197.1	251.3
3.0	8.1	16.7	29.8	36.1	49.3	38.9
276	685	239	1671	791	37	518



Rhodes, as did the Social Democrats in Schaffhausen and Glarus, although in the latter case as in other cantons with only one National Council member the personality counted more than the party. The Swiss People's Party was top in Thurgau and also passed the Christian Democrats in Grisons – a canton which we include in eastern Switzerland for economic reasons.

The region between Berne and Zurich to which we add Fribourg – which is the biggest in population terms – is both urban and rural. Town suburbs are also

an important element. Here too the Swiss People's Party is now in a dominant position, coming top in the big cantons of Berne and Zurich, as well as in the populous canton of Aargau. Soleure went to the Liberal Democrats, while the Christian Democrats confirmed their supremacy in Fribourg.

There remain Valais and Ticino. In the first the attempt to rob the Christian Democrats of their absolute majority failed, and in the second the advance of the Ticino League was halted at around 20%.

of medieval England was the Norman nobility.

### The origin of the white cross

While the coats of arms of individuals distinguished them from each other, those of cities, countries or communities kept people together. The Swiss coat of arms came about in this wise: the chronicler reports that at the Battle of Laupen in 1339 the Bernese and their allies – those of Uri, Schwyz, Unterwalden, Oberhaslital and Simmental – stitched on a white cross as their common symbol.

The rules of heraldry were laid down centuries ago. There is nothing new. This is the way it goes: if you want to be part of it, accept the tradition; if you do not like it, keep out of it.

### Strict colour regulations

A coat of arms is always coloured. Out of the many natural tinctures heraldry uses black, red, green, blue and purple. There are also the metals: or (yellow) and argent (white). The ordering of metals and colours is based on one important rule: colours must be separated by a metal, and vice versa. This leads to strong contrasts. But the rule was sometimes breached, as the Bernese heraldry specialist, Hans Jenni, points out. Since gold was worth more than silver or black, some bearers of arms brought new colourings to their coats of arms when they had done particularly well in an endeavour. "The rule was kept most strictly", he says, "when the Confederation was made up of eight cantons. From 1803 on the politicians had more to say than the arbiters of heraldry". He uses as examples Aargau, which put black against blue, and Thurgau, which put a golden lion in a silver field – which were real heraldic sins.

In the days when armorial bearings decided matters of life and death, it was very important that they should be im-

The language of heraldry

## Coats of arms represent established order

You find them on coins and seals, castles and schools, flags and even motor cars. Coats of arms are ancient symbols of the independence of families, municipalities and cantons.

had to be painted with a sign visible from afar. In this way those who met him knew whether he was friend or foe.

In the great hosts that set out for the Crusades there were so many coats of arms that the simple man was overwhelmed. Recognising and knowing all

Alice Baumann

about coats of arms became an art. Those versant in it were the heralds. The word descends from Middle English 'herald' – which itself came from the Germanic 'Heer-Walt', the man who orders the host. The name well expresses the original purpose of the coat of arms, which was to ensure order in battle. The herald gave his name to the science of heraldry. In France the technical terms were laid down in the Middle Ages, and most of them were used in English because the ruling class

## Why there is no canton for the Swiss Abroad

The community of the Swiss Abroad is frequently described as the Fifth Switzerland, which is a reference to the four linguistic cultures. Following the introduction and the later extension of voting rights for our compatriots abroad, the idea of a special constituency for them was examined. But in the end it was rejected for both legal and political reasons.

Two motives lay behind the decision to give the Swiss Abroad the right to vote by correspondence from July 1, 1992. The first was to give those Swiss Abroad interested in the political process in Switzerland the opportunity of taking part. The second was a desire to integrate the Swiss Abroad into the political life of our country. For this reason it was immediately made clear that after registration at their diplomatic post those resident abroad entitled to vote would be in the same position as voters at home, i.e. they would be entered on the electoral roll in a Swiss municipality of their choice.

In our system it is the Swiss municipality of origin which gives the right to vote. But according to the principle of freedom of movement throughout Switzerland any other municipality of residence in the country may give the same right by analogy. So logically speaking the right to vote for the Swiss Abroad could be included in this system only if an actual canton for them were established, which would so to speak create its own "right of origin". But the possibility of creating such a canton immediately posed many legal questions which finally made such a structure appear unrealistic. The most important unanswered questions were as follows:

- Would the change in the constitution indispensable for the creation of a new canton be approved by the people and the cantons?

- Where would the centre of such a canton be and what would its infrastructure look like?

- Would it be possible to force over 500,000 Swiss Abroad who were at the same time subject to the legal system of their country of residence to become citizens of this canton? As a rule motivation for exercising the right to vote rests on a complex link to an actual place, whether it is the municipality of origin or a place in which the voter once lived. An abstract creation could not replace this.

- Would not the extension of the jurisdiction of a Swiss Abroad canton to Swiss citizens living abroad be in breach of the sovereignty of the country of residence?

- Would Swiss Abroad find acceptable any tax obligations towards Switzerland which would certainly result from the creation of a Swiss Abroad canton and the substantial extension of their rights implied?

The creation of a Swiss Abroad canton would also have little sense on political grounds. A disparate group of Swiss citizens, linked only by the fact that they live abroad, would immediately risk turning into a political eccentricity. Such marginalisation of the Fifth Switzerland, however, would be diametrically opposed to the objective of civic integration. The interests of the Swiss Abroad can be looked after through existing political structures and with the support of the Organisation for the Swiss Abroad, which is recognised by the government, more efficiently than through the creation of a new canton which it would be virtually impossible to provide with a proper legal basis.

Minister Thomas Füglistler, head of the Service for the Swiss Abroad at the Federal Department of Foreign Affairs

mediately identifiable. A coat of arms with only one colour was theoretically possible. But in practice it scarcely ever happened. The simplest pattern for a coat of arms was a straightforward division. Zurich, Zug and Lucerne, for example, are divided into blue – possibly symbolic of their lakes – and white.

### Stylised forms

Figures and objects, plants and animals, heavenly bodies and beasts of fable provided many design opportunities. But they all had one thing in common: they were simplified to the point of formality. A heraldic lily, for example, bears practically no resemblance to its

botanical origin. The heraldic sun makes the astronomer smile. Indeed heraldry created its own image language. "They are never illustrations. Coats of arms are signs; they must be as easy to read as traffic signs". This is how Hans Jenni explains their symbolism.

The terms used to describe an armorial bearing (the technical expression is 'blazoning') are disconcerting, but the definitions are clear. For example, stars represent a number. Specialist Jenni explains how Aargau added three stars when it took possession of the Freiamt, the county of Baden, and the Fricktal. The thirteen stars on the Valais coat of arms also represent the number of districts.

### 'Dexter' and 'sinister'

A peculiarity of heraldic language was the use of directions. What we call right is left on a coat of arms. This stems from the warlike origins of heraldry. Right and left were as seen by the wearer. The shield was worn on the left arm. In advancing the right hand side of the shield was turned towards the enemy. The heraldic right may also be interpreted as forward and the left as behind. So the figures and signs on an armorial bearing always look to the right, which means they are advancing. This is because advancing is judged better than retreating. Exceptions are Cantons Neuchâtel and Schwyz: their crosses are on the wrong side.

SH  
Schaffhausen



AR  
Appenzell-  
Outer Rhodes



AI  
Appenzell-  
Inner Rhodes



SG  
St. Gall



GR  
Grisons



AG  
Aargau



Joined the Confederation:  
Seat of government:  
Population in 1995 (in 1,000):  
Foreign nationals (in 1,000):  
Land area in km<sup>2</sup>:

1501  
Schaffhausen  
73.9  
13.9  
298

1513  
Herisau  
54.2  
7.8  
243

1513  
Appenzell  
14.7  
1.5  
173

1803  
St. Gall  
440.7  
80.5  
2026

1803  
Chur  
184.2  
25.7  
7105

1803  
Aarau  
523.1  
93.9  
1404

TG  
Thurgau



1803  
Frauenfeld  
220.3  
42.0  
991

TI  
Ticino



1803  
Bellinzona  
302.1  
80.6  
2812

VD  
Vaud



1803  
Lausanne  
602.1  
153.4  
3712

VS  
Valais



1815  
Sion  
269.3  
45.2  
5224

NE  
Neuchâtel



1815  
Neuchâtel  
164.2  
36.4  
803

GE  
Geneva



1815  
Geneva  
391.7  
147.7  
282

JU  
Jura



1979  
Delémont  
69.0  
8.1  
836