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From ancien régime to federal state

Switzerland in a revolutionary Europe

Switzerland underwent basic transformation between 1798 and 1848. It developed from confederate alliance to federal state against a background of widespread radical change throughout Europe. A historical overview.

The 1798 invasion of Switzerland by the armies of the French Directory brought a brutal end to nearly three centuries of neutrality in European conflicts on the part of the Helvetic body politic. Sheltered by this policy which it

*Georges-André Chevallaz**

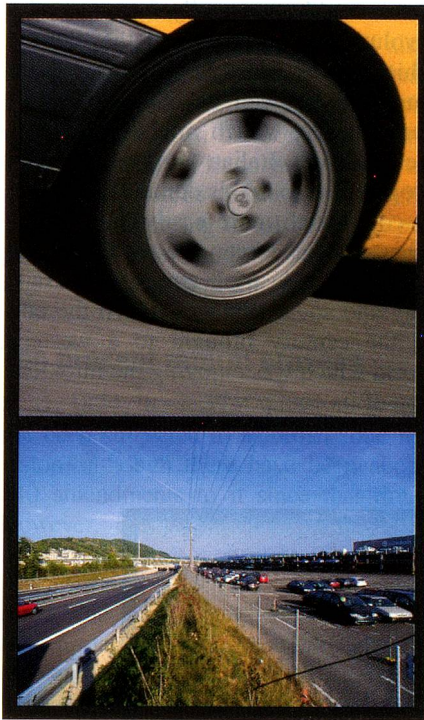
had chosen for itself and conscious of the relative weakness of its forces as well as of its own internal differences, Switzerland had maintained its independence in face of disputes between foreign princes.

In a climate of peace – apart from some religious tension here and there – and of political stability, it had been developing its economy together with its commercial, cultural and banking links with the rest of Europe. But within the sovereign cantons a ruling class, relatively few in number, had gradually seized political power to the detriment of the original democratic communities, increasing the subjection of the bailiwicks which had been conquered over the years. “Liberty there”, said Goethe, “was no more than an old tale preserved in alcohol”.

Attached to federalism

But it was liberty, appealed to by the wishes and intrigues of those close to the revolutionaries in France, that the invasion of the troops of the Directory was intended to impose. The fact was,

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however, that Switzerland was delivered to occupation. It became a foreign protectorate, a place of combat by other powers upon its territory followed by a civil war between those cantons wishing to maintain the ancien régime and those demanding reform. The “one and indivisible” Helvetic Republic, centralised at the demand of those in favour of the French model, had little success against the cantons in rebellion against it which were attached to their ancient sovereignty.

It needed all the political firmness and intelligence of Napoleon Bonaparte, who by that time had become First Consul of the French Republic, to restore peace amongst the cantons. In 1803 the man who imposed on France the most centralised regime it had ever known dictated from Paris an Act of Mediation which re-established in Switzerland the sovereignty of the cantons. “Nature”, he declared, “created your federative state; attempting to abolish it would not be the work of a wise man”.

The Diet, made up of deputies from

the cantons, plus the ancient bailiwicks which became cantons of their own with full rights, were substituted for the centralised authorities of the Helvetic Republic. Bonaparte also recognised that neutrality was the natural vocation of Switzerland, although he nevertheless required a permanent contribution of four regiments of young blood for his imperial campaigns.

Permanent neutrality

When the Napoleonic Empire fell in 1815, the Swiss Confederation found itself recognised by the great powers, and its permanent neutrality – which had previously been respected by European states as unwritten law – became a commitment in international law. But there was nevertheless an ambiguity. Associated as they came to be in the Holy Alliance, the monarchies were determined to prevent any republican or Bonapartist resurgence, and it was in this sense that they did not want to restore total independence to Switzerland. They desired to have it participate in the struggle against revolutionary movements, and they did not wish it to apply a generous asylum policy to nostalgic revolutionaries.

The result was considerable tension with the Austria of Metternich and the France of Louis Philippe, resulting in threats and even concentrations of

“ MY SWITZERLAND:

I am glad that there are so few pickpockets and thieves in Switzerland and that we don't have any war. I think it's a pity that there isn't any sea.

CARLA (12)

troops on Switzerland's frontiers. For the fact was that, even though conservative elements had regained control of some cantons, one or two of them practised substantial tolerance and the forces of youth were calling for a

democratic awakening and a liberal Europe.

It was as part of this process that a 'regeneration' movement grew up in Switzerland after 1830. The majority of cantons voted in favour of genuinely democratic constitutions. The pressure exercised by the conservative monarchs stoked the fires of Swiss independence. Liberal elements wanted a Switzerland which was more united, with total political independence, a permanent federal authority, improved economic coherence and a federal army. But the conservative cantons, mostly Roman Catholic, resisted and came together in a military alliance, the Sonderbund, which was supported by the monarchies beyond Switzerland's borders.

In 1847 the majority in the Diet, which was in favour of strengthening federal power, decided to act against the Sonderbund and to impose their views by force. This policy was implemented in a brief military campaign, conducted with skill and moderation by General

Dufour, and the result was that in 1848 the old confederation of sovereign states was turned into a federal state, in which the cantons were left part of their sovereignty but where the federal authority had overriding jurisdiction in diplomatic, economic, monetary and military matters.

Switzerland was the first country on the continent of Europe to carry out an internal revolution, modernising and democratising political structures, so that it could more easily face up to the revolutionary turmoil of the day – which was spreading throughout Europe – as well as to any military consequences which might stem from German and Italian unification. The progress made in this domain enabled it to cope much more easily than would otherwise have been the case with the enormous industrial, commercial, railway and social changes which the end of the century brought to a western world which was enjoying the intoxication of its own power. ■

Switzerland's federal constitution

Reform as bi

Switzerland wants to provide itself with a new federal constitution on the occasion of the 150th jubilee of the federal state. The constitution in force today dates from 1874 and has its roots in the original document of 1848.

Following the end of the Sonderbund War, the Swiss Diet elaborated a new draft constitution within a remarkably short time during the spring of 1848. Fifteen and a half cantons, which together represented seven-eighths of the Swiss population, approved it.

On September 12, 1848, the Diet voted to accept the new constitution, and it entered into force on November 16 of that year.

The 1848 constitution

The federal constitution of 1848 was based on a number of liberal cantonal constitutions and took from them the following principles: division of power, democracy based on the rule of law including compulsory constitutional referendum, representative democracy in legislative matters, freedom before the law including all basic freedoms (freedom of the press, right of petition, freedom of association, freedom of establishment and freedom of religion – the last two, however, applying only to Christians). Most of these principles had been introduced for the first time in 1798 with the constitution of the Helvetic Republic, but had been cancelled in the meantime.

The federal authorities were to comprise the people and the cantons, the Federal Assembly (made up of the National Council and the Council of States), the Federal Council and the Federal Supreme Court. With the recognition of freedom of establishment, abolition of internal customs (both between and within cantons) and harmonisation of external customs duties, the federal constitution of 1848 transformed Switzerland into a single economy.

