

The growth and nature of the Swiss state

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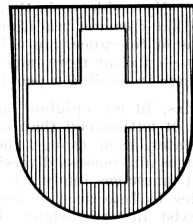
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SWISS NATIONAL DAY

1st August



1291 - 1938

In a time full of anxiety, political upheavals and universal distress, when the spectre of war is constantly threatening the peace of a tired and torn world, our country is celebrating on Monday the six-hundred and forty-eighth anniversary of its birth.

It behoves us, who are far from home, to let our thoughts wander back to the land of our fathers; alas! we shall not see the fires lit up on the mountain tops at eventide, nor shall we hear the church bells ringing; but deep down in our hearts we shall, if only for a few fleeting moments, share the emotions of our kinsmen across the sea. —

There is no need nor justification to celebrate this day by noisy demonstrations, and to kindle patriotism by sentimental orations; the times we are passing through are grave and full of dangers, and demand more than ever that unity which is so continuously proclaimed by innumerable speakers both here and at home.

Since the incorporation of Austria into the German Reich, a wave of patriotism has passed over our homeland; in unmistakable language the Government, Parliament and the entire population have declared that any infringement on our independence, from whichever side it might come, will be resisted to the last.

Party strife, which, unfortunately so often disturbs the peace at home, has at last for the time being, disappeared; with a laudable unity every party has sanctioned the

measures which our government has taken to secure the safety of our people. Let us hope that this unity and peace will be a lasting one, in this unity alone lies the strength of a nation.

In the economic sphere the outlook is more hopeful than during the last few years, some of the huge and alarming deficits in the Federal, cantonal and local administrations have been considerably reduced, and in some instances have disappeared. Banks and industrial concerns show better returns and unemployment is on the downward grade.

Gratifying as this may sound, we are however, still a long way off from the prosperity which at one time our country enjoyed, and the optimistic note struck here should not encourage us to lessen our endeavours to put our house in order.

It has been said, that other countries are in the same boat as ourselves or even worse off, it may be so, but it is all the same a poor consolation. We have a splendid example of what a country can achieve, if it has the will to pull together, in the country which is extending to us its hospitality; when some years ago this great nation seemed heading straightway to disaster, a wave of patriotism and self denial swept through all ranks of the community, with the result that the stormy tide was weathered and the ship was safely steered into the harbour. —

The history of our land is full of glorious deeds and achievements, and in the darkest times

men of good will and farsightedness have led the country from darkness into the light.

We have every reason to be grateful that we have been spared the horrors of war, and our homes and our dear ones have escaped destruction. Do we appreciate these facts in full, should this not encourage us to work in harmony together for the betterment of our national existence? The banner of liberty still flutters over a free country, the liberty of opinion and press are still jealously guarded as a sacred inheritance.

Let us then, dear compatriots, on this, our national day, renew the oath which our ancestors far back on that sacred ground on the Rütli have sworn, to stand together as firm as a rock in stormy and fair weather. Then the sun will shine once again over the silvery mountain and over a free and unfettered country, once again the motto "One for all, all for one" will celebrate its resurrection, and thousands of our countrymen all over this earth will look back proudly to the land which in memory is for ever engraved in their hearts.

Then, we shall feel the significance of the fires which blaze up in the darkness of the night, and the ringing of the bells which spread their harmonious sounds from hamlet to hamlet, and from the depth of our soul will emerge the gratitude to the Lord of all creation who has in his infinite goodness watched over the destiny of our country.

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THE GROWTH AND NATURE OF THE SWISS STATE.

By Professor Dr. MAX HUBER.

Former President of the

Permanent International Court of Arbitration.

The Swiss state may be regarded as the most characteristic creation of the Swiss people. Not only politics, but the type and scope of Switzerland's cultural achievement are closely connected with the structure of the state, a state which gives free play to individual liberty in communities of diverse types, and unites these communities in a federal commonwealth.

The political institutions of the Switzerland of to-day largely resemble those of the liberal, democratic, constitutional states, particularly the United States of America. To the outside observer, the peculiarity of this "oldest republic" resides in the extensive participation of the individual citizen in the legislation (initiative and referendum), in the stability of the government, and quite especially in the federation of a number of small political communities, varying in race, language and culture, on a footing of absolute equality.

We shall only fully grasp both what Switzerland has in common with other states, and what seems to be peculiar to her, if the three following circumstances are kept in mind.

Firstly, Switzerland is a country whose constitution has slowly and organically developed, from its beginnings at the end of the 13th century, out of the peculiarities of her peoples and her geographical structure. The only moment at which Switzerland was subjected to an unhistorical constitution with an alien ideology was at the time of the French Revolution in 1798. By the Act of Mediation of 1803, however, she returned to institutions native to her history, and was fully restored to political balance when, in the constitutional struggles of 1815-1848, she found the form in which the principle of liberal democracy and constitutional unity were best adapted to her own nature. The constitutional law of Switzerland, like her civil law, was not made: it grew. It is a law whose roots reach deep down the centuries.

Further, although Switzerland did not shut herself off from outside influences, politically she went her own way. Based on ancient Teutonic liberties, and originating in the movement for communal independence which spread over a large part of Europe in the 13th century, the confederation was a league of townships and rural communities, of citizens and peasants. Of all the mediaeval leagues between free communities, the *Eidgenossenschaft* alone survived. It was formed and developed in conscious opposition to, and in the struggle with, the local dynasties striving for political absolutism, and hence against the prevailing political current. With the 17th century, the league of sovereign peoples became a state with ruling members and families, yet in comparison with the rest of Continental Europe the elements excluded from political power still retained a considerable degree of self-government and economic independence. The Swiss state, however, had to pay for this shadowing of its original *republican* character in the crisis of the Revolution and a temporary political dependence at the end of the 18th century. When equal political rights were won for all Swiss citizens in the 19th century, it was possible nearly everywhere to link up with an ancient tradition of political freedom or self-administration. The stability of political conditions certainly has its roots in this tradition, whose origin lies deep in the unconscious heritage of the race.

Finally, the Swiss state, from its beginnings, has always been a federal commonwealth of political communities, of townships and rural districts with a markedly individual life. The *Eidgenossenschaft*, till the end of the 18th century a loose assemblage of ruling sovereign *Orte* (members) with subject districts, and of other allies such as cities, rural communities and spiritual princes, was nevertheless regarded as a state by other countries. Since 1815 a confederation of states, it has been since 1848 a federation of 25 cantons with equal rights. The federative principle of organization, however, is not confined to the Confederation itself. It would not be truly federative if the cantons did not, in their turn, put into practice the principle of local autonomy within their own jurisdiction. It is impossible to understand what the Swiss state, with its peculiar form of liberty, really is, if the independence and diversity of local life is not grasped. Not only has local self-administration been from early times the school of political

democracy, but liberties receive their most effective guarantee from the fact that the smallest natural local communities have an extensive influence on the actual administration of police and school laws, and even on church life. While the majority of states have been created from above, with the crown or some other supreme central power as their starting-point, Switzerland was built up from the periphery, with parishes and rural districts as constituent elements.

Every system, every human idea, bears within itself the danger of self-destruction by going to logical extremes. The far-reaching decentralization of a country of such diverse cultural elements as Switzerland makes united action difficult at moments when unity is necessary for the development of its members and the preservation of the whole. In the federation of 1848, Switzerland found the unity which enables her to hold her own in the political and economic struggle. Politics, like life, know no formulas which are valid for all time. In the half-century preceding the world war, politics, with a strongly economic bias, were largely dominated by the idea of the expediency of uniformity. This idea gained ground in the distress due to the war and the world crisis. To-day, at a time of high spiritual tension, the sense of the federative principle of the Swiss state has re-awakened. The prime task now facing her politicians is to find the golden mean between the uniformity and the diversity which are both indispensable to the life of the nation.

As a historical growth, the institutions of the Swiss state are not directly applicable in other conditions. But the problem lying at the root of the Swiss state, the freedom not only of the individual, but of communities differing in type and even in language, is that now confronting the nations, and particularly the European nations, in their mutual relationships. The peculiarity of the Swiss state is therefore not merely the destiny imposed upon it by history and its place in the world. It may well be a mission.