

1996 and 1999: the modern language article

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The language article was revised again on 10 March 1996, when 76.2 per cent of the voters and all cantons approved the new text. The new Article 116 kept the four national languages, made Romansh a partial official language for dealings with Romansh speakers, and added a mandate for the Confederation and the cantons to promote understanding and exchange between the linguistic communities. It also authorized the Confederation to support measures of the cantons of the Grisons and Ticino to preserve and promote Romansh and Italian.¹ The total revision of the Federal Constitution of 18 April 1999, in force since 1 January 2000, distributed the content of the old article among Article 4 on the national languages, Article 18 on the freedom of language and Article 70 on the official languages and the duties of the Confederation and the cantons.² The original text of 1999 published in the Official Compilation states in Article 70 paragraph 1: "Die Amtssprachen des Bundes sind Deutsch, Französisch und Italienisch."³ Year Instrument Status of Italian 1798 Helvetic Republic Official language with German and French 1803–1848 Mediation and Federal No federal language rule. Ticino governs Treaty in Italian 1848 Federal Constitution, National language with German and Art. 109 French 1874 Federal Constitution, Unchanged Art. 116 1938 Revision of Art. 116 National and official language. Romansh national only 1996 Revision of Art. 116 Federal support for Italian in Ticino and Grisons 1999 Federal Constitution, National and official language Art. 4, 18, 70 2007 Languages Act Detailed rules on use and promotion

The history thus shows a sequence of steps from recognition to organization. The Helvetic Republic proclaimed equality, the constitution of 1848 gave Italian a durable status, the amendment of 1938 defined that status as official, and the reform of 1996 added the idea of active promotion. The Languages Act of 2007, examined below, finally gave the constitutional principle detailed legal content. Each step answered a concrete political situation: revolutionary equality in 1798, the founding of

the federal state in 1848, the Fascist threat in 1938 and the fear of a weakening of national cohesion in the 1990s. For Ticino, every step reinforced the position of a canton that had been governed for three centuries in a language that was not its own and that now held a constitutional guarantee for its language in the federal state.

1 Notes

1. Swissvotes, vote no. 425, "Bundesbeschluss über die Revision des Sprachenartikels in der Bundesverfassung (Art. 116 BV)", 10 March 1996, <https://swissvotes.ch/vote/425.00> (76.17 per cent yes, turnout 31.03 per cent, all 23 cantons in favour). The content of the revised article corresponds to the later Art. 70 paras. 1, 3 and 5 of the Federal Constitution of 1999 (below). ↩
2. Federal Constitution of the Swiss Confederation of 18 April 1999, SR 101, Art. 4, 18 and 70, texts at <https://www.droit-bilingue.ch/en-it/1/10/101-4-7.html>, <https://www.droit-bilingue.ch/en-it/1/10/101-18-23.html> and <https://www.droit-bilingue.ch/en-it/1/10/101-70-82.html>. ↩
3. Bundesverfassung der Schweizerischen Eidgenossenschaft vom 18. April 1999, AS 1999 2556, Art. 70 para. 1, original publication at <https://fedlex.admin.ch/filestore/fedlex.data.admin.ch/eli/oc/1999/404/de/pdf-a/fedlex-data-admin-ch-eli-oc-1999-404-de-pdf-a.pdf>. ↩

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