

The Federal Constitution of 1848: three national languages

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The Federal Constitution of 12 September 1848 settled the question for the new federal state. Its Article 109 declared the three principal languages of Switzerland, German, French and Italian, to be national languages of the Confederation.¹ Lüdi describes the clause as the decisive turning point: from 1848 the three principal languages were inscribed in the constitution as national languages, while the distinction between national and official languages came only later.² The provision did not establish an apparatus of translation and did not prescribe how federal authorities should use the three languages. It created a principle of equal dignity from which the later rules on publication, on the composition of authorities and on the language of proceedings were derived.

The person of Stefano Franscini illustrates the practical meaning of that principle in the first federal government. On 16 November 1848 the Federal Assembly elected Franscini, a statistician and former member of the Ticino government, to the first Federal Council, in the third ballot with 68 of 132 votes. He headed the Department of the Interior until his death on 19 July 1857 and organized the first federal census of 1850. In 1855 he unsuccessfully sought a professorship of statistics or of Italian language and literature at the new federal polytechnic school in Zurich.³ The episode shows how thin the Italian-speaking presence in the federal institutions still was. A single Italianspeaking member of the Federal Council, a handful of members of Parliament and a federal administration that worked almost entirely in German formed the institutional environment of Italian in the first decades of the federal state.

1 1874 and 1938: Romansh and the distinction between national and official languages

The total revision of the Federal Constitution of 29 May 1874 repeated the language clause of 1848 in its Article 116.⁴ The next change came in the 1930s, under the pressure of Italian Fascism. The Fascist regime claimed that Romansh was an Italian dialect and used that claim to support irredentist ambitions towards the Grisons and Ticino, a context described in Chapter D.I. The Grand Council of the Grisons asked the Confederation in September 1935 to recognize Romansh as a national language. The federal authorities presented the amendment as a measure of cultural self-assertion within the *geistige Landesverteidigung*, the spiritual defence of the country.⁵ On 20 February 1938 the people and all cantons approved the revision of Articles 107 and 116 with 91.6 per cent of the votes cast, at a turnout of 54.3 per cent. The new Article 116 read: "Das Deutsche, Französische, Italienische und Rätoromanische sind die Nationalsprachen der Schweiz. Als Amtssprachen des Bundes werden das Deutsche, Französische und Italienische erklärt."⁶

The amendment of 1938 had a consequence that is easily overlooked. By adding Romansh as a fourth national language without making it an official language, the constitution for the first time distinguished between the two categories. Italian was now expressly both a national and an official language of the Confederation. Its status as an official language meant that federal legislation, federal decisions and communications of the federal authorities had to be available in Italian. The language thus acquired a constitutional function that went beyond the symbolic recognition of 1848.

2 Notes

1. Lüdi, "Plurilinguismo" (above), describes the clause as inscribing "the three principal languages", German, French and Italian, as national languages of the Confederation. ↩
2. The German wording of Art. 109 of the Federal Constitution of 12 September 1848 is usually given as "Die drei Hauptsprachen der Schweiz, die deutsche, französische und italienische, sind Nationalsprachen des Bundes". On the significance of the clause see Lüdi (above). ↩
3. Marco Marcacci, "Franscini, Stefano", HLS, version of 21 April 2022, <https://hls-dhs-dss.ch/de/articles/003508/2022-04-21/>. Chapter C.I treats Franscini's career in Ticino. ↩

4. Swissvotes, "Anerkennung des Rätoromanischen als Nationalsprache", short description of federal vote no. 124, <https://swissvotes.ch/vote/124.00/kurzbeschreibung-de.pdf>, which describes the three-language rule in force before 1938. ↩
5. Swissvotes, vote no. 124 (above), which dates the initiative of the Grisons parliament to September 1935 and places the amendment within the spiritual national defence of the 1930s. On the Fascist claims to the Grisons and Ticino see Chapter D.I. ↩
6. Swissvotes, vote no. 124 (above), with the results (91.6 per cent yes, turnout 54.3 per cent, all cantons in favour, highest approval in Geneva with 98.9 per cent) and the new text of Art. 116. ↩

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