Part **II.—**History.

The Swiss Confederation is made up of twenty-two small states, differing from each other in nearly every point,— religious, political, social, industrial, physical, and linguis­tic; yet it forms a nation the patriotism of whose members is universally acknowledged. History alone can supply us with the key to this puzzle ; but Swiss history, while thus essential if we would thoroughly grasp the nature of the Confederation, is very intricate and very local. A firm hold on a few guiding principles is therefore most desirable, and of these there are three which we must always bear in mind. (1) The first to be mentioned is *the connexion of Swiss history with that of the empire.* Swiss history is largely the history of the drawing together of bits of each of the imperial kingdoms (Germany, Italy, and Burgundy) for common defence against a common foe—the Hapsburgs ; and, when this family have secured to themselves the per­manent possession of the empire, the Swiss League little by little wins its independence of the empire, practically in 1499, formally in 1648. Originally a member of the empire, the Confederation becomes first an ally, then merely a friend. (2) The second is *the German origin and nature of the Confederation.* Round a German nucleus (the three Forest districts) there gradually gather other German dis­tricts ; the Confederation is exclusively German ; and it is not till 1803 and 1815 that its French- and Italian-speak­ing “subjects” are raised to political equality with their former masters, and that the Romansch-speaking Leagues of Rhætia (Graubünden) pass from the status of an ally to that of a member of the Confederation. Even now, though by the constitution three languages (German, French, and Italian) are recognized as official, the overwhelming majo­rity of the population of the Confederation is German-speak­ing (2,030,792 out of 2,846,102 in 1880), and the capital was fixed at Bern by a law of 1848, having previously shifted between various German-speaking towns, while in olden days the diet always met in some German-speaking place. (3) Swiss history is *a study in federalism.* Based on the defensive alliances of 1291 and 1315 made between the three Forest districts, the Confederation is enlarged by the admission of other districts and towns, all leagued with the original three members, but not necessarily with each other. Hence great difficulties are encountered in looking after common interests, in maintaining any real union ; the diet was merely an assembly of ambassadors with powers very strictly limited by their instructions, and there was no central executive authority. The Confeder­ation is a *Staatenbund,* or permanent alliance of several small states. After the break-up of the old system in 1798 we see the idea of a *Bundesstaat,* or an organized state with a central legislative, executive, and judiciary, work its way to the front, an idea which is gradually real­ized in the constitutions of 1848 and 1874. The whole constitutional history of the Confederation is summed up in this transition to a federal state, which, while a single state in its relations with all foreign powers, in home matters carefully maintains the more or less absolute inde­pendence of its several members.

Swiss history falls naturally into five great divisions : I. the origins of the Confederation—up to 1291@@1; II. the shaking off dependence on the Hapsburgs—up to 1394 (1474) ; III. the shaking off dependence on the empire— up to 1499 (1648) ; IV. the period of religious divisions and French influence—up to 1814 ; V. the construction of an independent state as embodied in the constitutions of 1848 and 1874.

I. On August 1, 1291, the men of the valley ©f Uri (“homines vallis Uranie ”), the free community of the valley

of Schwyz (“ universitas vallis de Switz ”), and the associa­tion of the men of the lower valley or Nidwald (“ communi­tas hominum intramontanorum vallis inferioris ”) formed an Everlasting League for the purpose of self-defence against all who should attack or trouble them, a league which is expressly stated to be a confirmation of a former one (“antiquam confederationis formam juramento vallatam presentibus innovando”). This League was the foundation of the Swiss Confederation.

What were these districts ? and why at this particular moment was it necessary for them to form a defensive league ? The legal and political conditions of all differed, (*a*) In 853 Louis the German granted *linter alia)* all his lands (and the rights annexed to them) situated in the “ pagellus Uroniæ” to the convent of Sts Felix and Regula in Zurich (the present Fraumünster), of which his daughter Hildegard was the first abbess, and gave to this district the privilege of exemption from all jurisdiction save that of the king (*Reichsfreiheit).* The abbey thus became possessed of the greater part of the valley of the Reuss be­tween the present Devil’s Bridge and the Lake of Lucerne, for the upper valley of Urseren belonged at that time to the abbey of Dissentis in the Rhine valley, and did not become permanently allied with Uri till 1410. The privileged position of the abbey tenants gradually led the other men of the valley to “ commend ” themselves to the abbey, whether they were tenants of other lords, or free men as in the Schächenthal. The meeting of all the inhabitants of the valley, for purposes connected with the customary cultivation of the soil according to fixed rules and methods, served to prepare them for the enjoyment of full political liberty in later days. The important post of “protector” (advocatus or vogt) of the abbey was given to one family after another by the emperor as a sign of trust ; but, when, on the extinction of the house of Zäringen in 1218, the office was granted to the Hapsburgs, the protests of the abbey tenants, who feared the rapidly rising power of that family, and perhaps also the desire of the emperor to obtain command of the St Gotthard pass (of which the first authentic mention occurs about 1236, when of course it could only be traversed on foot), led to the recall of the grant in 1231, the valley being thus restored to its original privileged position, and depending immediately on the emperor. (*b*) In Schwyz we must dis­tinguish between the districts west and east of Steinen, In the former the land was in the hands of many nobles, amongst whom were the Hapsburgs ; in the latter there was, at the foot of the Mythen, a free community of men governing themselves, and cultivating their land in common ; both, however, were politically subject to the emperor’s delegates, the counts of the Zürichgau, who after 1173 were the ever-advancing Hapsburgs. But in 1240 the free community of Schwyz obtained from the emperor Frederick II. a charter which removed them from the jurisdiction of the counts, placing them in immediate dependence on the emperor, like the abbey men of Uri. In a few years, however, the Hapsburgs contrived to dispense with this charter in practice. (*c*) In Unter­walden things were very different. The upper valley (Obwald or Sarnen, so called because of its position with regard to the Kernwald) formed part of the Aargau, the lower (Nidwald or Stanz) part of the Zürichgau, while in both the soil was owned by many ecclesiastical and lay lords, among them being the Hapsburgs and the Alsatian abbey of Murbach. Hence in this district there were no privileged tenants, no free community, no centre of unity, and this explains why Obwald and Nidwald won their way upward so much more slowly than their neighbours in Uri and Schwyz. Thus the early history and legal position of these three districts was very far from being the same.

@@@1 For the legendary origin, see Tell.