The Federal Charter of 1291 and the Founding of the Swiss State

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The Federal Charter of 1291
and the Founding of the Swiss State

by Albert Winkler

Most countries have a national holiday to celebrate their identity or independence, often symbolized by some heroic event or defining moment. Switzerland's day of remembrance is August 1, which commemorates the creation of an alliance in 1291 when the states of Uri, Schwyz, and Nidwalden (part of Unterwalden) established a "perpetual league" by authorizing the "Federal Charter" or Bundesbrief. This pact was perhaps an early step toward the founding of the Swiss state, because it helped define the policies relating to sovereignty, internal affairs, mutual aid, and resistance to external threats. However, the document's nature, authenticity, and actual significance in Swiss history remain unclear and subject to debate. This paper will examine this charter and discuss its historical importance.

The Federal Charter has long perplexed scholars who have tried to understand its structure, wording, and historical impact; many issues remain unresolved. Fortunately, in 1991, the seven-hundredth-anniversary celebration of the founding of the Swiss state spawned many important academic studies on the origins of the Swiss Confederation and the nature of the Federal Charter, greatly expanding our understanding of that document.¹

Bundesbrief has often been translated as “Federal Charter,” “Letter of Alliance,” “Letter of Union,” or “Covenant of 1291,” and it is best understood in the context of when it was created. In the thirteenth century, various communities that later formed part of the Swiss Confederation, including the “Forest States” or “Forest Cantons” (Waldstatt) of Uri, Schwyz, and Nidwalden, were defending themselves from external threats, including the Habsburg family, which were seeking to control them. While the people of these areas were largely free peasants, who often chose their own leaders, the Habsburgs still held judicial powers over them and could arbitrate or pass judgment on their activities, especially dealing with foreign relations.

A major step toward independence and self-rule for these communities was when the Hohenstaufen Emperors of Germany granted Uri and Schwyz charters of independence (Freibrief or Freiheitsbrief). Henry VII conferred this privilege on Uri in 1231, and Frederick II gave it to Schwyz in 1240. These endowments affirmed that the areas were under the authority of the Emperor (Reichsunmittelbar or Reichsfrei), making them independent from the local feudal powers (including the Habsburgs), but this sovereignty had to be defended, leaving many issues unresolved. Schwyz and the Habsburg family soon engaged in a lengthy contest over judicial authority, and the Habsburgs tried to assert control over Schwyz and the other Forest States through encirclement, including controlling trade.

From 1241 to 1244, Count Rudolf III von Habsburg constructed the castle of Neuhabsburg on the shores of Lake Luzern on a prominence between Luzern and Küsnacht. This fortress bordered Schwyz.

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4 The classic account of the establishment of the Swiss Confederation is Wilhelm Oechslil, Die Anfänge der Schweizerischen Eidgenossenschaft zur sechste Säkularfeier des ersten ewigen Bundes vom 1. August 1291: verfasst im Auftrag des Schweizerischen Bundesrates (Zürich: Ulrich, 1891).
and controlled commerce between Lake Luzern and Lake Zug, threatening the trade of each Forest State. Count Rudolf IV, who later ruled as Rudolf I von Habsburg, King of the Holy Roman Empire (German Empire) from 1273 to 1291, also followed this policy.\(^5\) Wielding the combined power of the Habsburg faction and the imperial prerogatives, he extended his control over the approaches to the Forest States by acquiring dozens of towns, areas, monasteries, and courts through inheritance, purchase, and other means, effectively controlling access to the Forest States from the north, east, and west.\(^6\)

To face the threats of the era and ensure mutual aid and cooperation, the states that later formed parts of the Swiss Confederation made a number of treaties and agreements. An undated document, written perhaps between 1244 and 1252, mentions an agreement between Luzern and the towns of Buochs and Stans, both in Nidwalden.\(^7\) On August 28, 1247, Pope Innocent IV wrote a letter condemning an unspecified pact between Schwyz, Luzern, and Sarnen, a town in Obwalden (also a part of Unterwalden). The Holy Father was supporting a plea by Count Rudolf III von Habsburg, who claimed that he owned these areas, and the German noble feared these states were operating autonomously. Innocent criticized this agreement because the alliance aided Emperor Frederick II with whom the Pope was then at war.\(^8\)

The earliest alliance for mutual protection between Swiss states that can be dated is a pact between Fribourg (Freiburg im Üechtland) and Bern, signed on November 20, 1243. This alliance has many features similar to the Federal Charter of 1291, including a statement that the agreement renewed an earlier understanding. Since no text of this previous accord survives, it could have been made verbally. The nature

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\(^8\) “Breve des Papstes Innocenz IV. gegen Schwyz, Sarnen und Luzern. Lyon 28 August 1247” as cited in Oechsli, *Quellenbuch*, 43-4. This is a translation of the document from Latin into German.
of the alliance between Fribourg and Bern was “eternal,” and both cities agreed to avenge all wrongs done to the other, to provide mutual aid, and to protect each other’s independence, security, and rights of their citizens.\(^9\)

The Forest States tried to maintain their autonomy in the face of King Rudolf I’s tightening grip over them, and they waited for an opportunity to resist Habsburg power more effectively. They anticipated Rudolf’s death because his heir, Albrecht I von Habsburg, would be weak until he could consolidate his new position.\(^10\) When Rudolf died on July 15, 1291, in Speyer, Germany, the Forest States were ready to act, and they soon created an alliance to set their relationship on a firm footing of mutual aid and cooperation. This was the famous Federal Charter of 1291.

As with any primary source, the best way to understand the Federal Charter is to examine its nature and content carefully. The text is seventeen lines long, written on a piece of parchment that is approximately 8.25 inches high (209 to 210 millimeters) and 12.6 inches wide (318 to 321 millimeters).\(^11\) The document is written in a gothic script that is somewhere between the writing employed in official sources and in composing books. The Federal Charter contains contractions, superscripts, shorthand signs, abbreviations, and dashes, common devices employed by scribes at the time. However, the scribe who actually penned the document and the area where he worked remain unknown because the handwriting and the abbreviations have no known parallels in any region.

The charter is written in Latin and includes 469 words that are composed of 2,288 letters, and 304 of these words have been short-
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13 Hohlenstein, Urschweizer Bundesbrief 1291, pp. 11-13.

14 The document has been reproduced many times in upgraded Latin and in various translations. For Latin and German see, Anton Castell, Die Bundesbriefe zu Schwyz: Volkstümliche Darstellung wichtiger Urkunden Eidgenössischer Früzeit (Einsiedeln: Benziger, 1969), 36-41. For a website with the original Latin and translations into English, French, Italian, Romansh and German, see www.lexilogos.com/declaration/suisse_pacte_tableau.htm.
eral Charter directly, scholars often upgrade the Latin and use complete words.

The contents of the document may be briefly summarized. In view of the dangers of the time, each state agrees to aid the others in the face of all possible internal and external threats no matter what the expense is in people and goods. This pact renews the ancient form of the league which was also established by oath. The states agree to allow no foreign or unfree judges to have authority over them. But when disputes arise, the most prudent members of the alliance would adjudicate them, and all the members of the pact would support and uphold the judgments made. Murderers should be executed, and anyone damaging the possession of others must pay restitution. The stated agreements will "endure forever" (*in perpetuum duraturis*), and the document is dated 1291 "at the beginning of the month of August" (primo incipiente mense Augusto).

The Federal Charter is certainly no constitution that created a new state. It is simple and direct, and explains the nature of the alliance, but it has some aspects that have long puzzled historians. In fact, many of the questions are so perplexing that they may be unresolvable. The document seems to have been composed in haste, and internal evidence suggests that it was probably compiled from other sources that modern scholars have been unable to identify because they no longer exist. Pascal Ladner has written that the agreement seems to be pieced together from four sources. Two probably came from older documents, and two may have originated in Uri and Schwyz in 1291.

A document in Latin was certainly not intended for the common people who could not understand that language, but rather for those who had the expertise to read it, and those persons have never been identified. The Latin in the letter is quite obscure, leaving the impression that the manuscript could have been a translation from a German original, and Léon Kern of the University of Lausanne has stated that there are grammatical errors in the Federal Charter: "This document has been written by a clumsy scribe who committed several errors." Dr. Kern points out that eos is used on line three when eis should have been written. Likewise, nocte is found instead of noctis in line eleven, vallem or valles has been omitted before infra in line thirteen, damnfacatus

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is presented instead of dampnificatus in line fourteen, and petionem is found instead of petitionem in line sixteen.¹⁶

Most of the text is written in the objective form (indirect discourse), which means that the author wrote in third person. This is evident in the first line which reads, “Therefore, know all men that,” (Noverint igitur universi quod) or more to the point “they know” (Noverint). However, the phraseology shifts unexpectedly to the subjective voice (direct discourse), when the scribe writes in the first person plural. The sixth line states, “We have promised, we have established, and we have ordained” (promisimus, statuimus, ac ordinauimus). The seventh line reads, “our resident” (noster incola), but then on the same line, the wording returns

to the objective form, “he shall be” (fuertit), and the grammatical voice remains objective for the rest of the document.\textsuperscript{17}

While each participating state should have received its own copy of the agreement, only one now exists, and it is located in the Bundesbriefmuseum (Federal Charter Museum) in Schwyz. Uri’s copy may have been destroyed in the fire in Altdorf in 1799 during the Napoleonic Wars, but this remains uncertain. What appears to be a German translation of the Federal Charter is located in Stans in Nidwalden. Known as the “Nidwalden Copy” (Nidwalden Fassung), the date of the translation is unknown, but the nature of the script suggests that it was written near the year 1400.\textsuperscript{18}

The Federal Charter fails to state who was the common enemy threatening the Forest States. The statement that the agreement is made “regarding the malice of the age” (malician temporis attendentes) is vague. While the Habsburgs may have been that threat, they are nowhere mentioned. Much of the Federal Charter is confusing, and some of the terminology is hard to understand. What is meant exactly by the terms universitates and communitates remains unclear. They were unspecified corporate bodies, and they could have been villages, communities, or areas of various legal standings. Also, the word homines clearly refers to persons, but their precise social status is unknown; they could have been free peasants or those who owed various forms of feudal obligations.\textsuperscript{19}

At that time, cities and states placed official seals on documents, which validated them. For instance, the alliance between Zurich, Uri, and Schwyz on October 16, 1291, only two months after the Federal Charter, states that “our seal” upon the document attests its authenticity.\textsuperscript{20} Each of the three Forest States should have placed seals on the Charter. Uri’s insignia is correct, but the seal of Schwyz is missing, and the wax symbol for Nidwalden is erroneous. The phrase “among the mountains of the lower valley,” (Intramontanorum Vallis Inferioris), seems to refer to Nidwalden, but the seal on the item surprisingly

\textsuperscript{17} H[arry] Bresslau, “Das älteste Bundnis der Schweizer Urkantone,” Jahrbuch für schweizerische Geschichte 20 (1895): pp. 29-32.
\textsuperscript{18} Sablonier, Gründungszeit ohne Eidgenossen, p. 163. In Sablonier’s opinion, the date for the Nidwalden Copy is uncertain.
\textsuperscript{19} Ibid., pp. 165-6.
\textsuperscript{20} “Erstes Bündnis zwischen Zürich, Uri und Schwiz. Zürich, 16. Oktober 1291,” in Oechsli, Quellenbuch, pp. 49-50.
belongs to Obwalden, an upper part of Unterwalden. Someone ignorant of the difference between the two states could have placed Obwalden’s seal on the document at a later date, an unlikely possibility, but the incorrect seal could mean that Nidwalden never formally sanctioned the source. Similarly, Schwyz’s seal could have been removed later, but the missing symbol could also mean that the state had second thoughts about the Charter and likewise did not authorize it. Also, it is curious that the first state mentioned in the text is Uri, but the first seal on the document (going from left to right) is the lost seal of Schwyz.

No contemporaneous account exists on the creation of the Federal Charter that includes how, why, and by whom the pact was negotiated. The men who made the agreement are not listed in the source, and the document is unsigned. A highly questionable claim presented centuries later states that Walter Fürst, Arnold de Melchtal, and Werner Stauf-
facher were involved in forming an agreement, but the Federal Charter was not part of the oath these men supposedly took. The lack of names on the Charter is curious because the agreement between Zurich, Uri, and Schwyz on October 16, 1291, lists the fourteen men who made that alliance.

While the accord between Zurich, Uri, and Schwyz states that the alliance was negotiated in Zurich, the Federal Charter gives no location of its origins. Folklore indicates that swearing a pledge of loyalty, known as the Rütli Oath, occurred on the Rütli meadow above Lake Luzern, but the Federal Charter has nothing to do with that story. The known meeting places of the Forest States in the late Middle Ages include Schwyz, Stans (in Nidwalden), and Beckenried (also in Nidwalden). Any of these locations could have been used as gathering places when the Federal Charter was concluded.

The date on the document, “at the beginning of August” (incipiente mense augusto), which was interpreted as August 1 in the nineteenth century, is also strange because a more specific date would be expected on a document north of the Alps. Breaking the month into parts, such as “at the beginning” or “at the end,” were expressions in widespread use in manuscripts in Italy at that time, while the use of exact dates was more common in the areas associated with the German Empire including the Forest States. In view of all these problems, the authenticity of the document must be questioned. It could have been produced at a later time than stated, or it could simply be a forgery.

The question of medieval forgery is complicated. While many persons and states falsified documents to gain financial or political advantage or to cause mischief, many items that were copied after the date on the items contain accurate information. Often scribes copied sources because the originals became damaged and hard to read, and they made transcripts to preserve the desired knowledge. These newer replicas often contain reliable intelligence even though later forms of writing and more recent materials—such as ink and parchment—were used in making the copies. Frequently, the challenge for modern scholars is to decide which parts of documents are fabrications and which are authentic.

22 Oechsli, Anfänge, p. 294.
As Professor Sablonier observes, “Every Medievalist knows that hundreds of surviving sources from the Middle Ages (especially those that grant privileges and establish fundamental relationships) have been forged or contain inauthentic parts that have been intermingled [with accurate materials] or been placed later [in the source].” While Dr. Sablonier never states that the Federal Charter is a fake, he suggests that its contents may have been created between 1320 and 1330, and he also indicates that the internal evidence in it makes 1309 as the most likely date for its composition. If so, the manuscript was probably given the date of 1291 to make it appear more noteworthy because it was older. Sablonier’s main argument is that the question of the authenticity of the Federal Charter “must be earnestly addressed” (ernsthaft gestellt werden muss).

The radiocarbon dating method is the most scientific and potentially the most accurate means of dating the parchment on which the Federal Charter was written. The approximate year of death for the goat or sheep from which the parchment was made can be identified by measuring the amount of radioactive carbon still in the hide. The document has been tested, and with a certainty of 68 percent, the parchment was produced between the years 1265 and 1295. At roughly 18 percent probability, 1280 is the most likely time of death, and there is an 85 percent chance that the material was created between 1252 and 1312. This date range is exactly what would be expected, but a later time frame is possible because of the 15 percent probability that the parchment dates from 1352 to 1385.

These conclusions mean that the parchment upon which the Federal Charter was written is clearly of late medieval origin, but the date of this material may differ from that of the source’s content. The parchment could have been clipped from another document written at the


25 Sablonier, Gründungszeit, 170.


appropriate time, and the text could have been added later. The fact that the manuscript has relatively narrow margins, especially on the right and left sides, could be evidence that the material was cut from another source and was the wrong size for its intended purpose. However, the strongest indication that the content of the Federal Charter dates no later than the fourteenth century is the existence of the Nidwalden Copy from roughly 1400.

The importance of the Federal Charter on medieval Swiss history was minimal because the manuscript was either ignored or forgotten almost as soon as it was written. On October 16, 1291, the states of Zürich, Uri, and Schwyz created a defensive alliance that was supposed to last for three years. This pact was curious because Nidwalden was not part of the agreement, and the accord makes no reference to the charter of early August 1291. If the Federal Charter was considered valid, then Nidwalden should have been party to the later alliance, and the earlier agreement should have been mentioned. Clearly the Forest States had created no tight alliance by 1300, and no forerunner to the modern Swiss nation existed at that time.\(^\text{28}\)

The Battle of Morgarten on November 15, 1315, was one of the most important events in forming the Swiss state. At that time, Uri, Schwyz, and Unterwalden (Nidwalden and Obwalden combined) met a Habsburg invasion and destroyed its army, thus maintaining their security and independence.\(^\text{29}\)

On December 9, 1315, shortly after the battle, the Forest States created the “Three States’ Pact” (Dreiländerbund), the “Brunner Pact” (Brunner Bund or Brunner Vertrag), the “Brunner Letter” (Brunnener Brief), or the “Morgarten Letter” (Morgartenbrief). This source is written in German for all to understand, and it states for whom it was intended. “Therefore, we announce and disclose to the fellow countrymen of Uri, Schwyz, and Unterwalden to all those who read this letter or hear it read that” (Dar vmb so ku[i]nden vn[d] offene[n] wir die lant lu[i]te von Vre vo[n] Swits vn[d] von Vnd[er]walde[n] alle[n] die[n] die disen Brief lesen od[er] h[e]rent lesen daz).\(^\text{30}\) It refers to no earlier agree-

\(^{28}\) Sablonier “Das neue Bundesbriefmuseum” in Entstehung, p. 170.

\(^{29}\) For the most complete account of the battle in English, see Albert Winkler, “The Battle of Morgarten: An Essential Incident in the Founding of the Swiss State,” Swiss American Historical Society Review 44, no. 3 (2008): pp. 3-25.

\(^{30}\) For a copy in the original medieval German, see Hohlenstein, Uhrscheizbrief, pp. 19-22. For a modern German translation, see “Der Dreiländerbund. Brunnen, 9 Dezember 1315,” in Oechsli, Quellenbuch, pp. 64-6.
ments, including the Federal Charter, which could hardly have been the model for this alliance. The seals of Uri, Schwyz, and Unterwalden are affixed to it, and the Morgarten Letter is clearly authentic. The treaty bound the three states to cooperate on any military ventures, to aid one another in times of emergencies, to guarantee peace among the signers, and to assure cooperation on all matters dealing with foreign powers. Significantly, this accord would "remain eternally and continuously" (ewig und stete beliben) binding on the states, and it is still valid today. As such, it may be considered the founding document of the Swiss state.31

In the following decades, new members joined the Three States’ Pact. Luzern joined in 1332, Zurich in 1351, both Zug and Glarus in 1352, and Bern in 1353. None of these pacts refer to the Federal Charter of 1291, but each treaty is a milestone in the development of the Swiss nation.32 These states formed the “Eight Old Areas” (Acht Alte Orte), which was the political union that helped the Swiss Confederation to survive and to acquire new members in the fifteenth century.

Early historians of the Swiss Confederation also ignored the Federal Charter. Prominent among them is Aegidius Tschudi, who wrote the extensive “Swiss Chronicle” on which he was working as late as 1570.33 Often called the Herodotus of Swiss history, Tschudi has been criticized for perpetuating myths of Swiss history including the stories of Wilhelm Tell’s revolt, the swearing of the Rütli Oath on November 8, 1307, and the attack on the nobles’ fortresses on January 1, 1308. However, Tschudi was thorough in his research, and his history includes at least 750 archival sources including official acts, charters, deeds, legislative and monastic records, and books of commemoration.34 Curiously, he fails to use the Federal Charter. Either he did not know of its existence, which is unlikely, or he did not think it was authentic.

The Nidwalden Copy or German translation of the Federal Charter is first mentioned in the sources in 1616 because it helped resolve a controversy between Nidwalden and Obwalden, but the Latin version is not mentioned until the next century.35 An archival register in Schwyz first lists the document in 1724. Johann Heinrich Gieser, a scholar from Basel, “discovered” the item around 1758 or 1759, and he published it in 1760.36 While the Charter had become known, it had little immediate impact on the writing of Swiss history.

The eminent Swiss historian, Johannes von Müller, sometimes known as the Swiss Thucydides, pays little attention to the Federal Charter in his monumental “Histories of the Swiss Confederation.” In the first volume, initially issued in 1780, he published a translation of the item, but he downplayed its importance in a footnote. He identifies the source as “the oldest record of the Swiss Confederation” (die älteste


Urkunde der Schweizerischen Eidgenossenschaft), but he also wonders how it could have escaped Tschudi’s “diligence” (Fleiß) in finding records. Müller assigns little significance to the document and indicates that there was nothing revolutionary in it when he asks, “What is [so] rebellious in these old Swiss agreements?” Following Tschudi’s lead, Müller chooses to give significance to the story of Wilhelm Tell and the supposed revolts of 1307 and 1308.

Researchers first questioned the authenticity of Wilhelm Tell and the Rüti Oath in the eighteenth century, and pragmatic historians continued their attacks in the following century. Wilhelm Vischer and Ernst Ludwig Rochholz were among the prominent historians to argue that the stories of Tell and the Rüti Oath were folklore. This meant that the traditional dates for the founding of the Swiss state in 1307 and 1308 could not be valid, leaving the door open for another time to be suggested for the beginning of the nation.

In 1835 Professor Joseph Eutych Kopp argued that the Federal Charter was the oldest document in the formation of the Swiss Confederation when he wrote that August 1, 1291 had “won” as the starting point of the state. Other important historians were divided in their opinions on the Federal Charter including Johannes Dierauer and Karl Dändliker who both wrote impressive multi-volume histories of Switzerland late in the nineteenth century. Dierauer states in his first volume of the “History of the Swiss Confederation,” initially published in 1887, that the Federal Charter creates an “eternal pact” and “laid through this deed, the first foundation of the Swiss Confederation.”

Dändliker is more skeptical about the importance of the Federal Charter in the founding of the Swiss state in his “History of Switzerland” first published in 1884. He writes that the year 1291 is “uncertain” (unsicher) in its importance, but 1315 is “significant” (gesichert).

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40 Kopp, Urkunden, 1: p. 3. See also Bresslau, “Die älteste Bündnis,” p. 4.
concludes that, "the battle at Morgarten and the eternal pact of Brunnen 1315 have authenticated the existence of the [Swiss] Confederation." 42

The Federal Charter of 1291 was elevated to the founding document of Switzerland not by a consensus of the Swiss people or of Swiss historians but by an act of government. The nineteenth century was an era of enhanced nationalism in many European states as they celebrated their identity through a national holiday. While many Swiss cities, regions, and cantons had local festivities, Switzerland was behind the times because it had no day for a national celebration. On November 5, 1889, the seven members of the Federal Council (Bundesrat) gave a mandate to the Departments of the Interior and of the Military to write a report on a national holiday. These agencies presented their report on November 21, stating that the Swiss Confederation began on August 1, 1291, with the Federal Charter. The Federal Council validated the report on December 14, 1889, also announcing that a national celebration would be held on August 1, 1891. 43

Elevating the year 1291 to the founding date of the Swiss Confederation had certain advantages. Soon after accepting the report, the nation could have its six-hundred-year celebration in 1891 and would not have to wait until 1915 for a much better date. Not only would 1891 be an earlier date for a celebration, but there was just enough time to prepare for it. In addition, Bern would have its seven-hundred-year celebration for its founding in 1891, meaning that Bern and rest of Switzerland could share in each other’s festivities.

The Swiss press responded almost immediately to the mandated national holiday, and the newspapers disagreed on the need for the celebration. On December 27, 1889, the Thurgauer Wochen-Zeitung stated that the national observance was a good idea. The Winterthurer Landbote responded on January 5, 1890, and disagreed, affirming that in the "mind and consciousness" (Gemüth und Bewusstsein) of the Swiss people, August 1, 1291 did not exist as the date of the founding of the state. The Züricher Post expressed a similar opinion on January 19, 1890, affirming that it was somewhat surprised and astonished by the

message from the federal government elevating the status of the Federal Charter. The newspaper agreed that a national holiday was a good idea, but August 1, 1291, had no place in the mentality of the modern Swiss and was also completely unknown to 99 percent of former generations. Clearly, the Charter was an important source, but “we in no way know with certainty if it was the first [document] of its kind or was only a consequence of older alliances.”

The Swiss Federal Council used the power of the government to promote the Federal Charter of 1291 as the founding document of the Switzerland. Not only did the state promote the festivities of 1891, it also granted a prestigious commission to Professor Wilhelm Oechsli to write a scholarly book of commemoration supporting the national celebration. Clearly, Dr. Oechsli knew what was expected of him, but he was more than just a historian-for-hire who blindly followed the state-approved position. He states that other years were more important than 1291 in the founding of the Swiss nation: “We would, therefore, hardly go wrong if we set the founding of the three-states agreement, and with it the beginning of the Swiss Confederation, in the time frame from 1245 to 1252.”

More recently, Karl Meyer has expressed a similar opinion when he argues that the evidence suggests that historians look for a date of early alliances among the Forest States sometime between the years 1240 and 1252. However, the Swiss school system has supported August 1, 1291, as the founding date of the nation as a matter of patriotism and has taught the importance of that date to generations of Swiss, most of whom accept it without question.

Criticism from historians on the use of the Federal Charter as the founding document of the Swiss state has increased over the years. Scholars are still skeptical about the item’s content, authenticity, and importance in history, and the fact that the federal government elevated

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45 Oechsli, Anfänge, [v].

46 Ibid., 272. “Wir werden daher kaum fehlgehen, wenn wir die Entstehung des Dreiländerbundes und damit die Anfänge der Eidgenossenschaft in die Zeit von 1245 bis 1252 setzen.”

the status of the document for national festivities. As Professor Sablonier states, “the so-called founding of the Swiss Confederation in 1291, which was the occasion of great national anniversary celebrations first in 1891, then in 1941, and also again in 1991, is a figure of political discourse and not of historical argumentation.”48 In view of all these problems and misgivings, the importance of the Federal Charter as the founding document of the Swiss Confederation must remain highly questionable.

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