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Linguistic Diversity in Switzerland: Going Beyond Territorial Accommodation

**Eva Maria Belser
Simon Mazidi**

The Forum of Federations, the global network on federalism and multilevel governance, supports better governance through learning among practitioners and experts. Active on six continents, it runs programs in over 20 countries including established federations, as well as countries transitioning to devolved and decentralized governance options. The Forum publishes a range of information and educational materials. It is supported by the following partner countries: Australia, Brazil, Canada, Ethiopia, Germany, India, Mexico, Nigeria, Pakistan and Switzerland.

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LANGUAGE POLICY IN FEDERAL AND DEVOLVED COUNTRIES

Project Overview

Language is a highly significant marker of individual and collective identities. It often provides an impulse for national or community affirmation and claims to self-government. Provisions to recognize and accommodate linguistic differences can be particularly salient in federations, many of which have highly diverse populations. Indeed, in quite a few cases linguistic diversity was one of the key reasons why federalism was central to a country's founding framework or the result of its constitutional evolution.

Several federal countries have designated more than one language as official (or national) languages in the federal constitution and/or legislation. In turn, the constituent units (states, provinces, etc.) may accord a similar status to one or more languages. The different designations are not merely symbolic: they usually require or lead to policies, programs and other measures to govern language use. In some nonfederal states where more than one language is spoken, a measure of authority over language policy has sometimes been devolved to regional governments (or the equivalent).

Language rules, including for service provision, are frequently an important dimension of policy sectors that are exclusively or largely the responsibility of constituent unit governments. One such sector is education. In various countries, there are calls for teaching to be given not only in officially recognized languages but also in others that are spoken by minorities that are fearful about the future of their language. Indigenous peoples in particular have concerns about the viability of their languages, many of which have a long history of suppression.

In some countries, language policies are well established and are largely uncontested. In others, the policies and/or their application are controversial – even divisive. This may be true not only in newer federations and devolved systems but also in those with a longer history. Because of their links to identity and culture (among other factors), languages can be – indeed, quite often are – a potent basis for political mobilization.

Even when political dynamics are not highly charged, pressures to change or reform language policies and programs are not uncommon. Some demands are fundamental (e.g. additional or stronger constitutional protection), while others are more administrative or technical. In light of their salience to citizens and their relevance in a range of sectors, it is not surprising that language policies are debated, reviewed and (at least in certain cases) modified.

Although there are a number of individual case studies, particularly covering countries where language has been a flash point for political division, there is a lack of comparative research. Moreover, existing comparative studies often focus on western Europe and North America. As more countries have adopted federal or devolved structures in recent decades, there is a need to expand the scope of research on language policies in plurilingual contexts.

The focus of this project is on language policy (broadly interpreted) in a range of countries that are federations or have a significantly devolved structure of government. It aims to take a holistic perspective on language policy and its place within governance arrangements. In addition to providing an overview of the country's demography, constitutional recognitions and protections, and language laws and policies, in order to encourage comparison authors were asked to address a common set of questions:

- A. What potential changes to the regulation of language – constitutional, legislative, administrative – have been proposed or are currently being debated?
- B. What are the pressures and who are the main actors behind the proposed changes?
- C. Which have received the most attention and/or seem the most feasible?

We hope that the authors' responses to these questions will inform public discussion and understanding in their own countries as well as in others where similar issues are on the agenda.

This project was developed following an initial discussion with Felix Knüpling, Vice-President (Programs) of the Forum of Federations. To provide expert advice, we created an editorial team comprised of the following: Elisabeth Alber (Institute for Comparative Federalism, Eurac Research), Linda Cardinal (Université de l'Ontario français) and Asha Sarangi (Jawaharlal Nehru University). The editorial team commented on the initial outline of the program and provided suggestions for potential authors. We were fortunate to attract leading scholars from a range of disciplines. At least one member of the editorial team reviewed and provided comments on the initial version of each paper.

Felix and I are indebted to Elisabeth, Linda and Asha for their excellent cooperation throughout the process. I would also like to express my appreciation to the authors of the country papers for agreeing to join the project and for their responsiveness to comments on their draft papers. We are grateful to Francesca Worrall for copy editing this paper. Finally, a big “thank you” to the Forum of Federations staff who administered the project and prepared the papers for publication: Olakunle Adeniran, John Light, Deanna Senko, George Stairs and Asma Zribi.

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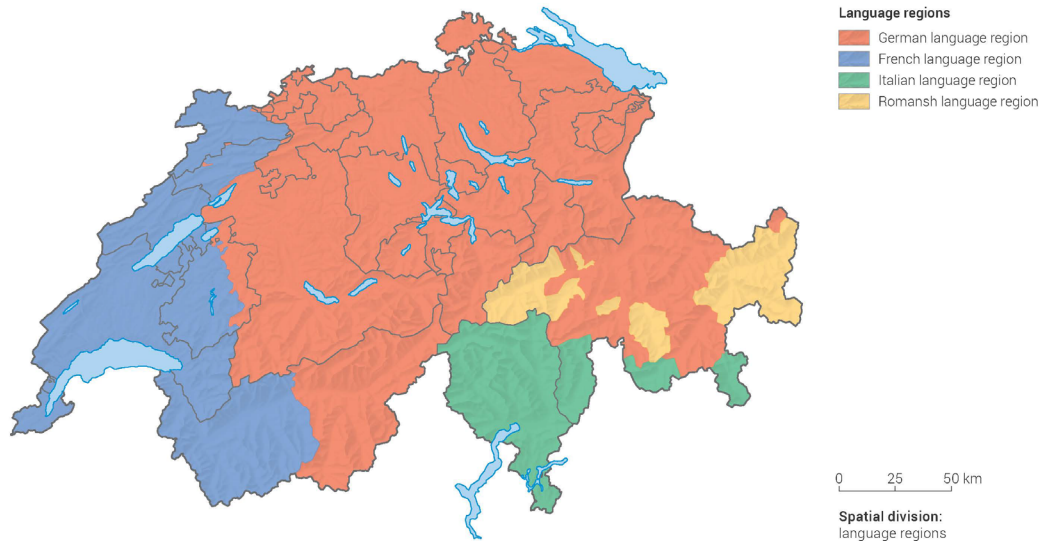
Linguistic Diversity in Switzerland: Going Beyond Territorial Accommodation

Eva Maria Belser
Simon Mazidi

SWITZERLAND



The 4 language regions of Switzerland, 2016



Introduction

Of the many languages spoken in Switzerland, four are recognized as national languages – German, French, Italian and Romansh. Multilingualism is constitutive of Swiss identity. Cooperation among the four linguistic communities and with communities speaking other languages in neighbouring states constitutes the very foundation of the country and is, in part, its *raison d'être* (Stotz 2006, 248-49). The rule *without linguistic peace, no country* applied first to the confederal and later to the federal project of Switzerland.

When the short civil war of 1847 between Catholic, conservative, mostly rural cantons and protestant, liberal, predominantly urban cantons put an end to the century-old Swiss Confederacy, Switzerland became a federation (nevertheless keeping its previous descriptor “Confederation”). The Swiss Constitution of 1848, which came into being as a peace treaty, created a central government that had limited competences and thus did not question the far-reaching autonomy of the cantons. While it seemed important to establish a common legal framework for the rapidly industrializing new state, it was considered an unnecessary threat to peaceful cooperation to harmonize controversial issues such as religion, culture and language. Military and economic unity, hence, was complemented by consideration for different languages, ideologies and aspirations. The Confederation and the cantons were, and still are, constitutionally obliged to maintain linguistic peace.

The basic rules for achieving this are simple: The federal government is multilingual and supports multilingualism. This is particularly important for the small language groups; the cantons decide autonomously on their own language policies but must respect the linguistic minorities traditionally living in their territories.

These policies are well-established and uncontested. They are part of a general commitment to governing and living together in respect of linguistic diversity, and a constitutional commitment on the part of the people and the cantons to promote (not just tolerate or recognize) cultural diversity. Current debates about Swiss language policies do not challenge these fundamental principles. They are, rather, related to the shortcomings of strictly territorial approaches when it comes to accommodating traditional linguistic communities living outside their core areas, such as Italian-speakers living in Bern and Romansh-speakers living in Zurich, and to including new and/or nonterritorial language groups, such as Portuguese- or Tigrinya-speakers and Yenish- or Sinti/Manouches-speakers.

In this paper, we first examine the foundations of Swiss language policy. After a brief discussion of the territorial distribution of languages in Switzerland, we present the legal framework for the recognition and protection of languages, and explain its three pillars – freedom of use of each language, territoriality, and federal promotion measures. We then turn to current debates and pressures for change. In doing so, we look at the changing linguistic landscape of Switzerland, and examine the extent to which internal and external migration require a (partial) de-territorialization of language policy. In addition to the need for nonterritorial protection of language communities, we explain why foreign-language teaching has become a sensitive issue and what English has to do with it. Finally, we identify possible reforms and improvements to the current language policy framework. A rebalancing of the three pillars of Swiss language policy is needed to allow measures that promote linguistic diversity beyond the traditional core area of linguistic communities.

The Languages and Language Rules of Switzerland

The Swiss framework for the recognition and protection of languages is based on three pillars: individual language rights, the territoriality principle, and measures that promote understanding and exchange and support for small national language groups. Overall, the framework is designed to accommodate territorially based linguistic groups and to allow for the peaceful coexistence of different monolingual areas.

The territorial distribution of Swiss languages

Of the many languages spoken in the country, Switzerland recognizes four as national languages. German, French and Italian have been the official languages of the country since the founding of the Confederation in 1848. Romansh was added in 1938, mostly as a reaction to an increasingly hostile European environment (including Benito Mussolini's irredentist claim that Latin speakers would be much better off as part of the Italian family) (Valär 2013, 257–72). The four national languages are also the official languages of the Confederation. The cantons, in contrast, typically recognize one (and sometimes two) national language as their official language.

The largest language group is the German-speaking population, which currently constitutes about 62% of the total population. For spoken communication, the German-speaking population uses a variety of Alemannic dialects, which are collectively referred to as Swiss German. Standard German is mostly limited to written communication or when dealing with the authorities. Almost 23% of the Swiss population speak French as their main language. Italian is spoken by about 8% and Romansh by about 0.5% (Federal Statistical Office 2021, 7). Romansh is a Rhaeto-Romance minority language and is divided into five regional dialect groups (Sursilvan, Sutsilvan, Surmiran, Putér and Vallader), each with its own standardized written language (Berthele 2021, 132). Efforts to preserve these endangered languages led to the creation of a common written form called Rumantsch Grischun, which has been used by the Confederation and the Canton of Graubünden for official texts since 1997 (Haller 2016, note 94). Given its artificial creation and its weak anchoring in everyday life, its status and use has remained controversial (Kägi-Diener 2014, note 21).

French is the main language in the western part of Switzerland, known as *Romandie*. Italian is the main language in the southern Canton of Ticino and in the four southern valleys of the neighbouring Canton of Graubünden. Romansh is also traditionally spoken in the alpine valleys of Canton of Graubünden, the easternmost canton. The remaining parts of Switzerland (65% of its territory) are mostly populated by German-speakers.

The three pillars of Swiss language policy

Swiss language policies are determined by a complex framework of European, national, cantonal, intercantonal and local provisions (Borghi and Previali 2018, note 26). The starting point and first pillar of the framework is the *freedom to use any language*, a fundamental right expressly enshrined in the Swiss Constitution of 1999. It guarantees everyone the right to learn and practice the language of their choice, and to use it when communicating privately, in public and with government authorities. The freedom to use *any language* refers not only to the four national languages and other traditional languages, but also to all other languages, including sign languages and tactile alphabets. Language freedom is supplemented by other fundamental rights, such as the prohibition of discrimination based on language and complementary guarantees in criminal proceedings. Furthermore, linguistic freedom is an essential

precondition for the effective exercise of numerous other fundamental rights, such as free speech. It also contributes to the protection of the private, intellectual, artistic and religious spheres and the guarantee of participation in political life.

The much older principle of *territoriality*, the second pillar of Swiss language policies, substantially restricts the freedom to use any language for communication with public authorities (Federal Supreme Court, decision 122, 236, 239). As a rule, citizens must use the official language(s) as determined by the different orders of government when communicating with public authorities, and they must accept that public services and education – public and private – are provided only in the official language(s) (Biaggini 1997, 113).

Under article 70(1) of the Swiss Constitution, German, French and Italian are recognized as fully fledged official languages at the federal level and are thus used for federal authorities' communication with citizens and with other official bodies. In contrast, Romansh only enjoys semi-official status: it is an official language only when federal authorities deal with people who speak the language. When communicating with federal authorities or receiving services provided by the federal administration, citizens can use the national language of their choice – irrespective of their place of residence. All federal laws, regulations and communications are available simultaneously in German, French and Italian and have equal legal status. Texts of particular importance, and documents for federal elections and referendums, are also published in Romansh. Finally, decisions of the Federal Supreme Court are published in the language of the proceeding and not officially translated. Lawyers and law practitioners are hence required to read case law in all official languages.

The Swiss Constitution assigns responsibility for determining the official language at the subnational level to the cantons. They are largely autonomous in this regard. By choosing the official language, cantons, as a rule, also determine the language used by their authorities, schools and public services. Most opt for only one national language. Cantons may set special rules for certain districts or municipalities (for instance, traditional minority regions or cantonal capitals), introduce non-national languages as (partial) official languages (for instance, English in public research and university teaching), or allow education in languages other than official languages. However, they rarely make use of this authority (Belser and Waldmann 2015, note 26).

The cantonal competence to autonomously choose their official language is, however, constrained by article 70(2) of the Swiss Constitution, which requires cantons to take into account two criteria. First, they must *respect the traditional territorial distribution of languages*, and second, they must *take account of autochthonous linguistic minorities*. As cantons are historic entities, their borders sometimes overlap with traditional settlement patterns of the Swiss linguistic communities. Cantons that are traditionally home to more than one autochthonous national language group must accommodate minority groups (for instance, French-speakers in the traditionally francophone parts of the dominantly German-speaking Canton of Bern, or German-speakers in the traditionally germanophone districts of the dominantly French-speaking Canton of Fribourg). There has been little dispute over whether a linguistic group is autochthonous or not: the constitutional obligation relates to national linguistic communities that have settled in an area for time immemorial, not to communities that have moved to a specific area after the founding of the federation.

Only a few cantons are affected by the constitutional constraints. Indeed, 22 of the 26 cantons are traditionally monolingual and thus recognize only one language as their official language and, in most cases, the language of instruction in schools. Of these, 17 are German-speaking, four are French-

speaking (Geneva, Jura, Neuchâtel and Vaud), and Ticino is the sole canton that has only Italian as an official language. In monolingual cantons, the official language of the canton is also the official language of all local governments (Glaser 2020, note 6). As a result of the multilevel territorial approach to languages, Italian-speakers living in the cantons of Basel and Bern can address the federal authorities in Italian, but they must communicate with the cantonal and local authorities in German and send their children to German-teaching schools. As the same rules apply to German-speakers living in Geneva, the system leads to a variable understanding of whether a person is a member of the majority or a minority, depending on their place of residence and on the official partner of communication.

Cantons with significant linguistic minorities traditionally living in specific regions or municipalities cannot define themselves as monolingual, based on article 70(2) of the Swiss Constitution (Richter 2005, 1247). Consequently, three cantons are bilingual and have German and French as official languages (Bern/Berne, Fribourg/Freiburg and Valais/Wallis). The Canton of Graubünden/Grischun/Grigioni is the only trilingual canton, and the only one that recognizes Romansh as an official language. All the multilingual cantons have a constitutional basis for their official languages. These constitutions either explicitly or implicitly define intracantonal language districts, or they delegate the choice of determining subcantonal official languages to districts or municipalities. With the exception of a few regions or municipalities, it is common – not only in monolingual cantons but also in multilingual ones – for only one official language to be spoken in each district or municipality. The application of the principle of territoriality, in other words, leads to a fairly strict separation between the languages. Rather than being a truly quadrilingual country, Switzerland is more of a *mosaic made up of monolingual regions with monolingual identities* (Lüdi 2007, 160).

Finally, language peace is achieved through mutual understanding and dialogue among the different monolingual regions and identities. Thus, the third pillar of Swiss language policies consists of a set of *measures promoting understanding between linguistic communities and supporting the smaller linguistic groups*. To this end, the Swiss Constitution mandates the Confederation and the cantons to encourage understanding and exchange between linguistic groups, thereby concretizing the general aim of promoting internal cohesion and cultural diversity (article 70(3), Swiss Constitution). To fulfill its mandate, the federal government, among other measures, sets incentives for teacher and student exchanges, and adopts federal recruitment policies and media, radio and TV regulations.

The Swiss Constitution also mandates the Confederation to support measures by the cantons of Graubünden and Ticino to preserve and promote the Romansh and Italian languages. Based on the *Federal Language Act* (article 22), the Confederation grants Ticino annual financial assistance of approximately CHF2.5 million for measures that safeguard and promote Italian language and culture (Federal Council 2021, note 45). To protect and promote Romansh and Italian, Graubünden receives annual financial support of approximately CHF5.2 million per year for measures in education, translation, publications, the production of school books, and other more specific projects (Federal Council 2021, note 28). The fact that these support measures are intended exclusively for the traditional settlement areas of the Romansh and Italian linguistic communities, and do not apply to other cantons where nowadays significant numbers of Romansh and Italian speakers live, bears witness to the strictly territorial approach of Swiss language policies.

Current Debates and Pressures for Change

Given the importance of languages as markers of identity, it is not surprising that language issues are often sensitive and contentious. In the last decade, the disagreements that have attracted media attention and stirred emotions have been around foreign-language teaching. Maintaining and enabling direct communication between groups — especially between German- and French-speakers — through adequate language teaching in the other national languages is undoubtedly crucial. Traditional language policies are, however, being challenged even more profoundly by the growing need to accommodate language groups that traditionally have never been or are no longer concentrated in a particular area. This new challenge, which requires the (partial) de-territorialization of language policies, may stem from a linguistic landscape that is changing as a result of internal and external migration. Alternatively, it may be attributable to increasing sensitivity to the needs of small traditional language groups that in the past were not recognized as vulnerable and were victims of negative stereotypes.

Switzerland's changing linguistic landscape

The linguistic landscape in Switzerland has considerably altered over the last decades. First, internal migration has had a significant impact on the linguistic composition of the Swiss Confederation and all its units, thus challenging the territorial approach to language policies. Second, external migration has brought numerous new language groups to the country. These communities, which are not geographically concentrated, increase the linguistic diversity and complexity of the country and raise the issue of the role of non-national languages, in particular English.

De-territorialization of national linguistic communities

Over the last 50 years the number of German, Italian and Romansh speakers has fallen, while the number of French speakers has increased (Federal Statistical Office 2021, 6). The vast majority of German- and French-speakers continue to live in their traditional language areas, where their linguistic interests are accommodated. Most Italian- and Romansh-speakers, in contrast, live outside their traditional language areas and are spread among urban centres such as Basel, Bern, Geneva, Lausanne and Zurich (Federal Council 2021, note 16). Outside their traditional areas, minority language speakers have to deal with local and cantonal authorities not recognizing their languages as official languages, and run the risk of losing their linguistic and cultural identities.

These changes in the linguistic landscape of the country also affect the *traditional language areas*. Italian-speakers are still the vast majority of the population in the Italian-speaking region of Ticino. In contrast, only two-thirds of the Romansh-speakers in the Romansh area indicate Romansh as their main language; one-third is German-speaking, which challenges the preservation and promotion of the small language(s), even in their traditional settlement areas (Glaser 2020, 2352–53). Romansh-speakers and, to a certain extent, Italian-speakers, increasingly want to be accommodated in their places of residence — irrespective of whether they have traditionally settled in those areas and of demographic changes.

Linguistic communities that have *traditionally never lived in a specific core area* or in an area where their languages were officially recognized also face considerable challenges. As is the case in many countries, nonterritorial languages have been overlooked and neglected in Swiss language policy. Hence, today they are still struggling to find their place in the federal set-up of the country. As a result, speakers of nonterritorial traditional languages find themselves in a situation like that of foreign nationals speaking nonnational languages and are under considerable pressure to assimilate — linguistically and culturally. For decades, these communities have also suffered from negative stereotypes, discrimination and

systematic, often repressive assimilation policies that included the separation of children from their parents – Switzerland’s “lost generation.”

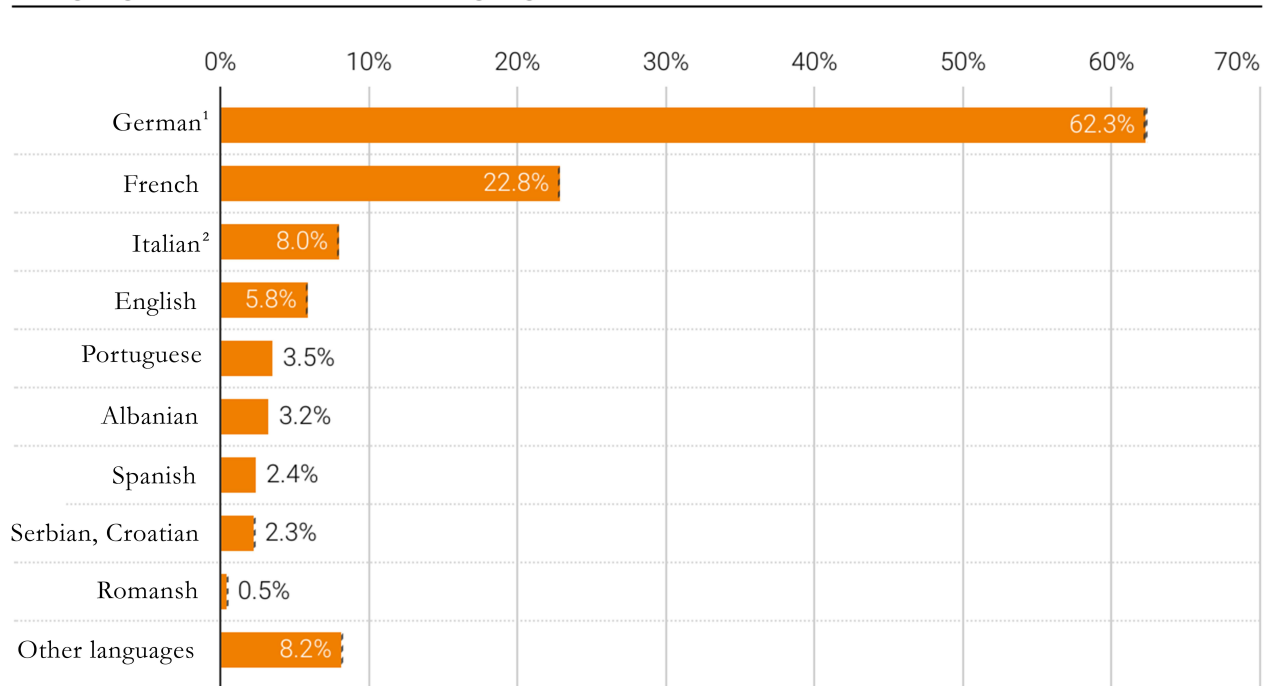
In 1998, the Yenish and the Sinti/Manouche communities were finally recognized as national minorities by the federal authorities, after Switzerland ratified the European Framework Convention of the Protection of National Minorities. Ever since, the Confederation, the cantons, and local governments have been exploring new ways to accommodate speakers of small and dispersed linguistic groups. However, a provision aimed at promotion of the Yenish and Sinti/Manouche communities’ culture and facilitating the nomadic way of life did not come into force until February 2021 (article 17, *Federal Act on the Promotion of Culture*). Now the Confederation can financially support the Yenish and Sinti/Manouche communities and the “A Future for Swiss Travellers” foundation (Belser 2021, 36, 40-42). It is questionable whether these initiatives are sufficient for the protection and promotion of nonterritorial autochthonous languages. Undoubtedly, however, they serve as a learning laboratory, producing new ideas and strategies that are also of great interest to the increasingly dispersed national language groups.

The increasing importance of non-national languages

Languages that were brought to the country more recently through immigration have never been geographically concentrated. Nontraditional language speakers hence face challenges similar to those faced by traditional communities, which never were or no longer are geographically concentrated. However, as these communities are not considered autochthonous, they have no constitutional claim that their interests should be taken into account. They are also not considered linguistic minorities under national or international law – despite their increasing number and presence in the country (sometimes for several generations). Almost 23% of today’s Swiss population indicates a non-national language as their main language. English (5.8%) and Portuguese (3.5%) are the largest groups, followed by Albanian (3.2%), Spanish (2.4%), and Serbian or Croatian (2.3%). Most of these communities continue to grow (Federal Statistical Office 2021, 8), and many of these languages are spoken far more frequently than Romansh. English is used almost as often as Italian (see figure 1).

Figure 1: Languages declared as main languages

Languages declared as main languages



/// Confidence interval (95%)

¹ or Swiss German

² or dialect from Ticino, Italo-Grison

Permanent resident population living in private households. The proportion is calculated in relation to the population that has indicated a main language (missing value are excluded). Persons interviewed could indicate more than one main language.

Source: FSO - Structural survey (2020)

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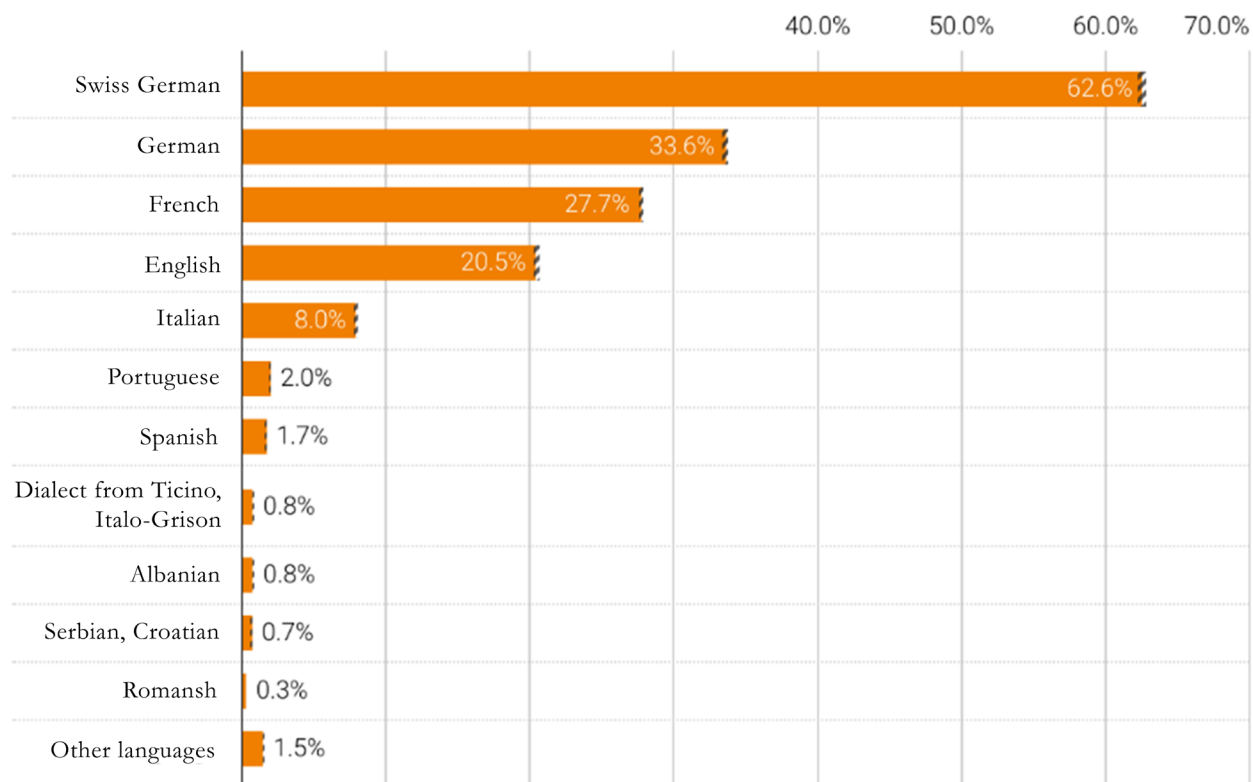
Allophone-speakers enjoy the individual right to use their languages but, as a rule, they cannot claim special rights when dealing with public authorities. Due to the principle of territoriality, linguistic assimilation is required in public life. According to the *Foreign Nationals and Integration Act*, foreign nationals must familiarize themselves with the social conditions and way of life in Switzerland and learn a national language (article 4(4)). If they wish to communicate with federal, local or cantonal authorities, allophones must choose the official language spoken in their locality. However, some cantons and municipalities, in particular cities, make considerable efforts to accommodate foreign language speakers by, for instance, translating laws and other relevant information or supporting extracurricular first-language teaching. These measures, crucial for educational success in a national language, are, for the most part, insufficient, as they are in force only in metropolitan areas and hence not available to most allophones. For these communities, and similar to the situation of the Romansh-speaking community outside the Canton of Graubünden, the preservation and promotion of new linguistic communities and the protection of their cultural identities is left to the private efforts of the communities.

Of all the non-autochthonous languages, *English plays a special role*. Not only has it become the most important “new” language in the country, it is also used as a language of wider understanding and as a

second (working) language by both Swiss and foreigners. The question of how to integrate English into language policy goes beyond the protection of nontraditional linguistic communities (see figure 2).

Figure 2: Languages usually spoken at work

Employed population



/// Confidence interval (95%)

Permanent resident population 15 years or over. Persons interviewed could indicate more than one language.

Source: FSO - Structural survey (2020)

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Since it is not an official language, English can only be used by public authorities and in communication with public authorities when there is a legal basis for it. At the federal level this is particularly important for the area of research: *The Federal Act on the Federal Institutes of Technology* provides for instruction in German, French and Italian and, depending on usage in teaching and research, English as well. Other areas in which English is used as a de facto official language concern the promotion of movies or the field of aviation and international agreements (Baumann 2005, 35–36). In addition, numerous cantons accept English-teaching private schools as part of their strategy to be attractive to expats; some also offer bilingual education at the high school level.

Although this is based on limited empirical evidence, many Swiss people would probably agree that the use of English is accepted in mixed language groups to ensure greater comprehension and because it is a non-native language for all. French and Italian speakers learn Standard German in school, which Swiss Germans only use in specific settings as they commonly speak dialect, making it difficult for their

compatriots to understand or converse with them (Berthele 2021, 128). Thus, English seems simply an easier choice as a bridge between Swiss people from different linguistic regions. Indeed, in their working environments French- and German-speakers use English almost twice as much as another national language (Stephens 2021).

In the future, it might be useful to think about how to regulate the use of English as an official language beyond the field of research. As it is often the most important second language for migrants, a more flexible approach when dealing with the authorities should be considered. English could also play a role as a bridge between the authorities and people who do not yet speak the local official language adequately. A progressive example is the Canton of Aargau, which provides in its constitution that the authorities may communicate in English if other parties to the proceedings do not suffer any disadvantages as a result.

The need for nonterritorial protection of linguistic communities

The principle of territoriality obliges the federal government and the cantons to protect and preserve the languages in their traditional core areas. The principle reflects a *static approach* to language policy and prevents the shifting of linguistic borders. In this way, the territoriality principle has both an enabling and an excluding effect.

It is enabling as it guarantees all persons the right to address the local and cantonal authorities in the traditional language(s) of the area. Hence, the principle helps to protect and promote (small) linguistic communities that form a traditional majority in a given area. According to article 1 of the constitution of Ticino, for example, the canton is a “democratic republic of Italian culture and language.” Even though only 8% of the Swiss population speaks Italian – and numerous allophone-speakers move to the southern canton – Ticino is under no obligation to accommodate non-Italian speakers. The principle of territoriality, rather, allows for the preservation of the Italian-speaking character of the canton and the linguistic assimilation of newcomers, Swiss or non-Swiss. As a result, the Federal Supreme Court has repeatedly ruled that the canton is not obliged to run public schools in a language other than Italian or to admit private schools operating in another language (Federal Supreme Court, decision 138, 123).

Likewise, the Canton of Graubünden is allowed, if not encouraged, to preserve the traditional language areas, and to promote the use of Italian and Romansh in public life and education. Italian is recognized as an official language of the canton, although it is only spoken in four southern valleys. The Federal Supreme Court usually upholds cantonal or local restrictions to linguistic and economic freedoms that are in the interests of the small linguistic communities; for instance, the obligation to put up posters and publicity in Romansh only (Federal Supreme Court, decision 116 Ia, 345).

At the same time, the principle of territoriality is exclusionary in that a person can *only* address the authorities in the official language(s). The territorial approach to official languages, in other words, forces linguistic communities that do not traditionally live in a given area to learn and practice the official languages of their places of residence (Richter 2005, 147–48). Linguistic homogeneity and assimilation are thus, to a certain extent, essential components of the territoriality principle. The need for people to adapt linguistically to their areas of residence affects speakers of various languages – German-speakers living in French- or Italian-speaking cantons and vice versa, Italian- and Romansh-speakers settling outside their traditional settlement areas, speakers of small traditional languages that

are not recognized as official languages, as well as speakers of languages that have come to the country through immigration.

At the subnational level, the static approach is effective in promoting and protecting a national minority language when it is the traditional majority language, such as in the Canton of Ticino. When that national minority language is a traditional minority one at the subnational level, it becomes a much greater challenge. For Italian-speakers living in the trilingual Canton of Graubünden, the challenge is not for Italian to be recognized as an official language, but rather for it to be used effectively in cantonal administration, health care and other areas of everyday life (Federal Council 2020, 3236). Much of the current language debate in the canton thus focuses on foreign language teaching and the (contested) obligation of German-speaking pupils to study Italian as a second language (Federal Supreme Court, decision 143 I 361). The challenges facing Romansh-speakers of the canton are even greater, as their language is in decline as a main language. The reasons for this are, among others, emigration, cross-linguistic mergers of municipalities, changes in the media landscape (such as the disappearance of the Romansh daily press), and low acceptance of the standard language Rumantsch Grischun (Federal Council 2020, 3235).

In addition, the influx of foreign language speakers into Graubünden as a consequence of the development of tourism in the mountains renders the preservation of the endangered language more challenging. Although the canton has comprehensive legislation on language policy, the Romansh language is being pushed back or even displaced by German as an official, working and everyday language in its traditional area (Bisaz *et al.* 2019, notes 53-58). Even in this area, half the resident population now states German as its main language (Federal Council 2021, notes 15-16). As a result, and since virtually all Romansh-speakers are fully bilingual, they adapt linguistically when they are in mixed-language groups. As an everyday language, Romansh therefore comes under pressure even in its traditional core area when the context is multilingual; for example, in bilingual communities when it comes to official communications, or at community meetings (Federal Council 2020, 3236).

A still more important difficulty, however, stems from the fact that numerous members of the small, traditional language communities have left the areas in which their languages are officially recognized. Nowadays, only 35.2% of Romansh-speakers still live in the traditional area of settlement where their linguistic needs are accommodated. The *de-concentration, or de-territorialization, of the Romansh language* is due to a complex set of reasons, such as low demographic growth in the peripheral and mountain regions, and migration to the valleys and urban regions. Around 65% of Romansh-speakers currently live outside their traditional core area, which is why they are sometimes referred to as the Romansh "diaspora." About half of them have settled in other areas of the Canton of Graubünden, the other half is dispersed in the rest of Switzerland (Federal Council 2021, note 16).

These demographic changes lead to a highly problematic situation that is not sufficiently captured by current language policies. No official promotion of the use of Romansh in public life or in education is provided for outside its traditional core area. Romansh-speakers settling in other areas of the Canton of Graubünden can still use Romansh when communicating with cantonal authorities, but they must linguistically integrate into German-speaking local communities when it comes to schooling, public services and public participation. The situation of Romansh-speakers is even more challenging when they live in other cantons, which do not recognize Romansh as an official language and are neither bound to nor subsidized for supporting or promoting the national language.

The city of Zurich currently has the fifth-largest Romansh-speaking community in Switzerland, but the promotion and preservation of Romansh falls largely to private initiatives – a Romansh association, a mixed choir and, since 2016, a Romansh-speaking nursery (Krummenacher 2019). It is not clear that the language will be able to flourish in this heterogeneous and multilingual city with barely any official support. Without a Romansh-speaking diaspora to pass on its linguistic and cultural heritage, a decline in Switzerland's already endangered Romansh-speaking community is almost inevitable (Kägi-Diener 2014, note 47).

Foreign-language teaching – controversies and concerns about the future of multilingualism

Foreign-language teaching has become a sensitive issue in Swiss language policy. The cantons have agreed to horizontally harmonize it, but recent moves to strengthen the role of English have challenged the fragile compromise.

Harmonized approach

In the Swiss federal system, the main responsibility for education lies with the cantons (article 62(1), Swiss Constitution). Traditionally, all cantons focused on the national languages when teaching foreign languages, but pressures to strengthen the role of English have increased over time. In recent years, several German-speaking cantons have raised the question of whether French should be replaced by English as the first foreign language in schools. Not surprisingly, the issue has generated a great deal of media interest and has been vividly debated throughout Switzerland.

In 2004, the cantonal ministers of education jointly adopted a new language-teaching strategy, with the aim of further developing horizontal harmonization. The strategy recommended that all children start learning a second national language and English in primary school (Schweizerische Konferenz der kantonalen Erziehungsdirektoren 2004, 2). As a result of the lack of consensus over the policy, the order of the languages taught – whether a national language or English should be the first foreign language – was to be coordinated regionally (Lienhard and Nuspliger 2016, 117–18). The recommendation was taken up by the Intercantonal Agreement on Harmonization of Compulsory Education (Harmos Concordat) in 2007. It states that teaching the first foreign language should begin at the latest in grade three and the second foreign language at the latest in grade 5; cantons have the choice of the order of the languages (article 4(1), Harmos Concordat). Twenty-three cantons are currently implementing the language-teaching strategy of the cantonal educational ministers. Twenty-two of them follow the so-called grade 3/5 model proposed in the intercantonal agreement. The Canton of Ticino requires pupils to learn three foreign languages, and thus has its own model.

The regional coordination mandated by the Harmos Concordat represents a typical Swiss compromise: Children in central and eastern German-speaking cantons start with English and take French later (Leybold-Johnson 2016). In multi- or monolingual cantons along the French-German linguistic border (Basel-Stadt, Basel Landschaft, Bern, Solothurn, Fribourg and Valais), they take a national language in grade 3 and English from grade 5 on. Finally, in the monolingual French-speaking cantons pupils start with German in grade 3 and add English from grade 5 on (Federal Office of Culture 2015, 8). This fragile compromise has recently been challenged by some cantons that envisaged reducing foreign-language teaching at the primary school level to one language only, and to give priority to English over the national languages.

Language tensions

Starting in 2015, initiatives aiming to limit foreign-language teaching at the primary level to only one language were put to the vote in six German-speaking cantons (Basel Landschaft, Lucerne, Zurich, Aargau, St. Gallen and Nidwalden), as well as in Graubünden. Most of these initiatives proposed to give English precedence over French. All of them were accompanied by heated and emotional debates throughout Switzerland. In particular, the announcement by the Canton of Thurgau to remove French from the primary school curriculum caused much uproar in French-speaking cantons, which feared that efforts toward national cohesion would be undermined if international English was given priority over French.

This language strife was fought out not only in the political arena but also with legal arguments. Some scholars argued that the introduction or abolition of a second foreign language at primary school level lies exclusively with the cantons, as they are constitutionally responsible for education (article 62(1), Swiss Constitution). Other scholars have pointed to articles 61*a* and 62(4) of the Constitution, which oblige the cantons to *harmonize* (not unify) and coordinate education. They conclude that this entails a duty to either agree on foreign-language teaching or to implement the intercantonal compromise agreed on by the cantonal ministers of education. They also referred to the subsidiary competence of the Confederation to issue regulations when harmonization of school education is not achieved by means of coordination (article 62(4), Swiss Constitution), and to the constitutional mandate of the federal government and the cantons to encourage understanding and exchange between linguistic communities (article 70(3), Swiss Constitution), which presupposes to give high priority to teaching national languages.

In reaction to the Canton of Thurgau's announcement that it would ban French from the primary school curriculum, the French-speaking federal councillor Alain Berset, head of the federal Department of Home Affairs, proposed an amendment to the *Federal Language Act*, the aim of which was to formally secure the position of the second national language by stipulating that teaching in the second national language must begin at the primary school level. Although the competence of the federal government to adopt such an amendment was contested in academia, the proposal made an impression and was sufficient to dissuade the Canton of Thurgau from adopting its plan. In 2017, the Grand Council, the legislative body of the canton, rejected the amendment with a very narrow margin. After the amendment was waived, further federal legislation on this issue was put on hold and calm returned – at least temporarily – to the language strife.

Potential Reforms and Improvements

Even though the protection and promotion of Swiss language diversity is generally considered successful, there is a considerable need for reforms to the language policy framework. The main challenge is to develop and implement strategies to encourage multilingualism in linguistically complex societies. This requires a rebalancing of the three pillars of Swiss language policies, together with measures promoting linguistic diversity reaching beyond traditional linguistic areas.

Rebalancing the language policy pillars

In order to effectively rebalance the three pillars of Swiss language policies, the second pillar, the principle of territoriality, must be prevented from overshadowing the other two pillars.

First and foremost, the traditional territorial approach should not be seen as a blank cheque for limiting individual language freedoms. When the constitutionally guaranteed freedom to use any language is being restricted, the requirements for restrictions of fundamental rights under the Swiss Constitution must be thoroughly examined, as in any other human rights limitation. The public interest, or purpose, of the principle of territoriality is not to prevent changes in the country's linguistic composition, but to preserve linguistic peace and protect linguistic minorities. It is with this public interest in mind that the proportionality of the measure in relation to the public purpose must be assessed. The extent to which it is necessary to provide services only in the official language(s) in a particular canton, district or municipality, therefore, depends on the public interest to be achieved and the proportionality of the restriction, and not on the mere (and blind) enforcement of the principle of territoriality.

Providing services in only the official language may often be justified with regard to primary education. Schools form the foundation of a community and are key to the linguistic integration on which polities, especially those with far-reaching direct democratic rights, depend. Teaching and mastering a solid understanding of the official language is, therefore, indispensable. However, a thorough proportionality test might lead to the conclusion that bilingual education or other measures to preserve and promote the native languages of pupils and their families would be more appropriate. The response might be altogether different when other services, in particular health services, are at stake.

The support measures for mutual understanding and linguistic diversity must also move beyond a strictly territorial approach. Consequently, article 70(2) of the Swiss Constitution needs to be understood in a more flexible way. Its aim is to promote linguistic peace and preserve linguistic plurality. Even though the national languages are formally equal, Italian and Romansh have a very different status as working and everyday languages, compared with French and German. Moreover, the existence of the Romansh language is even threatened. Thus, language protection and promotion must vary according to the extent to which a language is endangered. Furthermore, cantons where traditional minority-language speakers settle must also qualify for federal support. Preserving and promoting Italian and Romansh and safeguarding the quadrilingual character of Switzerland are no longer just the responsibility of the cantons of Ticino and Graubünden, they should be a concern for all Swiss public authorities.

Promoting multilingualism beyond existing language boundaries

The need to protect and promote national minorities outside their traditional areas is becoming increasingly important to multilingual Switzerland. This is also a demand that the Advisory Committee on the Framework Convention for the Protection of National Minorities made in its opinion a long time ago. The Committee drew attention to the need to protect Italian- and Romansh-speaking internal migrants in its first opinion (Advisory Committee FCNM 2003, notes 23, 66 and 72) and reintroduced the recommendation at each reporting cycle, calling on Switzerland to pay more attention to the situation of Italian- and Romansh-speaking populations living outside their traditional core area in large cities, particularly with regard to access to language teaching (Advisory Committee FCNM 2018, note 106; 2013, note 108; and 2008, note 27).

These recommendations are profoundly challenging Swiss concepts of linguistic diversity and language policy. Official-language designation and teaching official languages at the subnational level are part of the constitutionally guaranteed right of cantons to organize themselves autonomously. In addition, promoting and protecting Italian and Romansh is traditionally considered the exclusive task and privilege of the cantons of Ticino and Graubünden, which are financially supported by the

Confederation. Aside from financial transfers, the other cantons have nothing to do with it (Belser 2018, 100–101).

The relationship between federalism and the protection of minorities outside their traditional areas of settlement will continue to be challenged. Beyond financial assistance by the Confederation, the Lia Rumantscha, an organization founded in 1919 to promote the use and study of the Romansh language, calls for solutions outside the tried and tested principle of territoriality. In their 2019 study for the Federal Office of Culture on measures for the preservation and promotion of the Romansh and Italian languages and cultures in the Canton of Graubünden, Bisaz *et al.* conclude that it is necessary to ensure that language education is also provided for children of Romansh-speaking parents outside both the traditional linguistic area and the Canton of Graubünden. They say that the focus should be on promoting educational offers, and conclude that Romansh/German and Italian/German bilingual schools in German-speaking cantons such as Zurich could be a way forward (Bisaz *et al.* 2019, note 207). Indeed, initial approaches by the city of Zurich and the Canton of Basel Stadt offer supplementary classes in Romansh for primary-level pupils whose main language is Romansh.

The Federal Council has confirmed this shift in strategy and stated that Romansh must be promoted outside its traditional core area (Federal Council 2020, 3236). As a result, in June 2021 the Federal Office of Culture launched funding of CHF400,000 a year until 2024 to support projects in the Romansh "diaspora." For example, contributions are intended for projects in the field of education, but they are also to be used for strengthening the digital presence of Romansh to improve and simplify use of the language (Federal Office of Culture 2021). This can be seen as an effort in what the Advisory Committee described in its fourth opinion as a growing realization by the Swiss authorities that “a strictly territorial approach to minority rights would not adequately reflect and accommodate the needs of persons belonging to minorities in a modern, dynamic and mobile society” (Advisory Committee FCNM 2018, note 104).

In order to launch such initiatives, monolingual cantons and municipalities must participate in the promotion of multilingualism. As language promotion is also the responsibility of the Confederation, the federal tier should financially support such measures. The current legal basis in the *Federal Language Act* and the corresponding *Federal Language Ordinance* allows for support for projects on the acquisition of a national language outside its traditional core area through bilingual teaching, in particular projects that develop teaching concepts and other didactic tools (article 16, *Federal Language Act*; article 10, *Federal Languages Ordinance*). This legal basis is, however, only sufficient for the *promotion* of bilingual teaching models. Deciding how such teaching models can be integrated into the regular school curriculum remains the responsibility of the cantons. Measures going beyond the promotion of bilingual teaching models, such as those dealing with their introduction and further development, cannot be decided by the Confederation unless the legal framework is amended.

As we stated above, almost 23% of today’s population indicate a non-national language as their main language. While most of the permanent Swiss population is bilingual or multilingual, particularly non-nationals, a relevant number of people live in Switzerland with limited or no knowledge of an official language. Foreigners migrating to Switzerland have a legal obligation and strong incentives to learn the official language of their place of residence. A high-quality and accessible language-promotion policy, hence, is of great importance. It should include the creation of incentives to learn the local official language and to provide translation services where necessary (Achermann and Künzli 2011, 407). The distribution of these non-national languages among the four language regions is by no means uniform. Serbian and Croatian, as well as Albanian, are spoken predominantly in German-speaking areas, and

Portuguese mostly in French-speaking areas. Spanish is more evenly distributed, and English is concentrated in the urban regions of Zurich/Zug and Basel as well as the Lake Geneva region (Federal Council 2021, note 15). As a result, a language promotion policy must be tailored to the sub-national level. To be successful, linguistic integration also requires federal, cantonal and local coordination, and more financial support than it currently receives.

Conclusion

The language policy framework in Switzerland, understood as a means to secure peaceful relations between language communities and to preserve and promote linguistic diversity, is well established and broadly accepted. The broad aims are operationalized through three pillars, which underlie the constitutional order and shape language policy. Although they are largely uncontested, there is considerable need to adapt the pillars to the country's changing linguistic landscape.

First, the Swiss Constitution provides for linguistic freedom, which guarantees the right to learn and practice the language of choice, and to use it when communicating privately, publicly and with authorities. As the individual right guarantee is much younger than the principle of territoriality, it has not yet taken its rightful place as a fundamental right guarantee, allowing the judiciary to challenge cantonal and local language policies and practices that do not sufficiently accommodate linguistic communities speaking a non-official language in their locality. There is, therefore, a need to strengthen individual rights and to apply strict proportionality tests when public authorities restrict the use of non-official languages.

Second, the approach for official language designation is strictly territorial. The Confederation is multilingual – there are three fully fledged official languages – German, French and Italian – and Romansh has semi-official status. These languages can be used for communication between federal authorities or between federal authorities and citizens. The responsibility for determining official languages at the subnational level lies with the cantons, which are largely autonomous, but must comply with the constitutional requirements of respecting the traditional territorial division and taking into account autochthonous linguistic minorities. As a consequence, only cantons that traditionally have significant linguistic minorities living in a particular part of their territory are multilingual. Within these multilingual cantons, it is common for only one official language to be spoken in each district or municipality.

The territorial approach has led to a strong linguistic compartmentalization, with monolingual regions and identities. While this system enables the preservation of small autochthonous linguistic communities in their traditional areas, it also makes the protection and promotion of diaspora communities more difficult. New challenges make it clear that there are limitations to language policies based on the principle of territoriality. The number of Romansh speakers in Switzerland is decreasing, and the language is threatened both within and outside its traditional core area. Italian, while it is not endangered, is in a precarious situation outside the Canton of Ticino. Language policy must take these realities into account by protecting and promoting Romansh and Italian beyond their traditional areas.

A more asymmetric approach would advance the protection of linguistic diversity in an increasingly diverse linguistic landscape. Such an approach would allow small linguistic communities in their traditional areas to protect their languages and pressure newcomers to linguistically integrate while, at the same time, oblige large traditional linguistic communities to open up their language policies to make

room for minority language speakers who move to their area. Among other measures, there is a need to more actively promote educational offers outside the traditional core areas of minority languages.

The third pillar of Swiss language policy is based on measures to promote understanding between linguistic communities, with an emphasis on supporting the smaller language groups. Such measures should be broadened and offered more widely to members of national minorities. Hence, financial and other support for small linguistic groups must be expanded and also be made available to cantons and local governments that are not traditionally home to national minority language speakers. In addition, the promotion of linguistic diversity, dialogue and mutual understanding must reach beyond the official languages of the country.

Nonterritorial autochthonous language groups that are recognized as vulnerable and non-traditional language groups from abroad, particularly English speakers, are also challenging strictly territorial approaches to linguistic diversity. Because there is no legal basis to regulate the use of non-national languages in official communications, governments' approaches to these languages are pragmatic. During the COVID-19 pandemic, for example, the Federal Office of Public Health published relevant information in about 20 languages, which it referred to as the languages of Switzerland's migrant population (Federal Office of Public Health n.d.). Further efforts are needed in this area. Undoubtedly, the Confederation must play a key role in promoting nonterritorial and non-autochthonous languages. However, cantons and local governments must also strengthen their horizontal cooperation when it comes to accommodating allophones and providing services, particularly in first-language education. The huge potential of online teaching, discovered and improved during lockdowns, will hopefully help promote multilingualism more effectively beyond a strictly territorial approach to language policy.

References

- Achermann, Alberto, and Jörg Künzli. 2011. *Welcome to Switzerland: Sprachenrecht im Zuwanderungsstaat*. Bern: Stämpfli.
- Advisory Committee FCNM. 2003. “First Opinion on Switzerland.” ACFC/INF/OP/I(2003)007. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008bce8>
- _____. 2008. “Second Opinion on Switzerland.” ACFC/OP/II(2008)002. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c307>
- _____. 2013. “Third Opinion on Switzerland.” ACFC/OP/III(2013)001. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c6bd>
- _____. 2018. “Fourth Opinion on Switzerland.” ACFC/OP/IV(2018)003. <https://rm.coe.int/4th-advisory-committee-opinion-on-switzerland-english-language-version/16809002ca>
- Baumann, Max. 2005. “Die Amtssprachen des Bundes sind Deutsch, Französisch, Italienisch und Englisch.” *SJZ* 101: 34–38.
- Belser, Eva Maria. 2018. “Accommodating National Minorities in Federal Switzerland – Old Concepts Meet New Realities.” In *Revisiting Unity and Diversity in Federal Countries: Changing Concepts, Reform Proposals and New Institutional Realities*, edited by Alain-G. Gagnon and Michael Burgess, 79–111. Studies in Territorial and Cultural Diversity Governance Ser 11. Leiden: BRILL.
- _____. 2021. “Vom Umgang mit Gleichheit und Vielfalt im Föderalismus, im Rechtsstaat und in der Demokratie.” *ZSR* 140 (II): 5–117.
- Belser, Eva Maria, and Bernhard Waldmann. 2015. “Art. 70.” In *Bundesverfassung, Basler Kommentar*, edited by Bernhard Waldmann, Eva Maria Belser, and Astrid Epiney 2015, 1201–219. Basel: Helbing Lichtenhahn Verlag.
- Berthele, Raphael. 2021. “The Selective Celebration of Linguistic Diversity: Evidence from the Swiss Language Policy Discourse.” *Journal of Multilingual and Multicultural Development* 42 (2): 125–36. <https://doi.org/10.1080/01434632.2020.1715989>
- Biaggini, Giovanni. 1997. “Sprachenfreiheit und Territorialitätsprinzip.” *Recht*: 112–24.
- Bisaz, Corsin, Emilienne Kobelt, Caroline Rausch, and Michael Strebel. 2019. *Massnahmen zur Erhaltung und Förderung der rätoromanischen und der italienischen Sprache und Kultur im Kanton Graubünden: Evaluationsbericht im Auftrag des BAK*. Aarau: Publikationsreihe des Zentrums für Demokratie Aarau (ZDA).
- Borghi, Marco, and Adriano Previali. 2018. “Droit suisse des langues.” In *Schweizerisches Bundesverwaltungsrecht: Vol. IX, Bildungs-, Kultur- und Sprachenrecht*, edited by Bernhard Ehrenzeller, 645–809. Basel: Helbing Lichtenhahn Verlag.
- Federal Council. 2020. “Dispatch on the Promotion of Culture in the Years 2021–2024.”
- _____. 2021. “Switzerland’s Combined Report on the Implementation of the Council of Europe Framework Convention for the Protection of Minorities.” https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/rapport-combine-minorites-langues-minoritaires_FR.pdf

Federal Office of Culture. 2015. *Harmonisierung des Sprachunterrichts: Bericht zueinander der WBK-S*. Bern. https://www.fri2frei.ch/data/web/fri2frei.ch/uploads//pdf/harmonisierung_sprachunterricht_bericht_edi_wbk_s_2015_02_17_d.pdf

_____. 2021. “Der Bund und der Kanton Graubünden entwickeln die Förderung des Rätoromanischen und Italienischen weiter.”

<https://www.bak.admin.ch/bak/de/home/aktuelles/nsb-news.msg-id-83892.html>

Federal Office of Public Health. n.d. “Coronavirus: Information in the languages of Switzerland’s migrant population.” <https://www.bag.admin.ch/bag/en/home/krankheiten/ausbrueche-epidemien-pandemien/aktuelle-ausbrueche-epidemien/novel-cov/downloads-in-verschiedenen-sprachen/informationen-in-sprachen-der-migrationsbevoelkerung.html>

Federal Statistical Office. 2021. *Sprachliche Praktiken in der Schweiz: Erste Ergebnisse der Erhebung zur Sprache, Religion und Kultur 2019*. Neuchâtel.

_____. 2020. “Languages.”

<https://www.bfs.admin.ch/bfs/en/home/statistics/population/languages-religions/languages.html>

Glaser, Andreas. 2020. “Sprachenverfassung.” In *Verfassungsrecht in der Schweiz: Vol. III*, edited by Oliver Diggelmann, Maya Hertig Randall, and Benjamin Schindler, 2351–370. Zurich, Basel, Geneva: Schulthess.

Haller, Walter. 2016. *The Swiss Constitution in a Comparative Context*. 2nd ed. Zurich, St. Gallen: Dike.

Kägi-Diener, Regula. 2014. “Art. 70.” In *Die Schweizerische Bundesverfassung: St. Galler Kommentar*, edited by Bernhard Ehrenzeller, Benjamin Schindler, Rainer J. Schweizer, and Klaus A. Vallender. 3rd ed., 1442–460. Zurich, St. Gallen: Dike.

Krummenacher, Jörg. 2019. “Das Rätromanisch lebt und feiert – aber schwindet.” *NZZ*, August 16.

Leybold-Johnson, Isobel. 2016. “Initiative Aims to Shake up the Language Debate.” *swissinfo.ch*, June 16. https://www.swissinfo.ch/eng/french-english-or-both-_initiative-aims-to-shake-up-the-language-debate/42212020

Lienhard, Andreas, and Kurt Nuspliger. 2016. “Kantonale Fremdspracheninitiativen im Kontext übergeordneten Bundesrechts.” *ZBl* 117: 115–38.

Lüdi, Georges. 2007. “The Swiss Model of Plurilingual Communication.” In *Receptive Multilingualism: Linguistic Analyses, Language Policies and Didactic Concepts*, edited by Jan D. ten Thije and Ludger Zeevaert, 159–78. Hamburg Studies on Multilingualism 6. Amsterdam: John Benjamins Publishing Company.

Richter, Dagmar. 2005. *Sprachenordnung und Minderheitenschutz im schweizerischen Bundesstaat: Relativität des Sprachenrechts und Sicherung des Sprachfriedens*. Beiträge zum ausländischen öffentlichen Recht und Völkerrecht 158. Habilitation thesis, University of Heidelberg. Berlin: Heidelberg: Springer.

Schweizerische Konferenz der kantonalen Erziehungsdirektoren. 2004. “Sprachenunterricht in der obligatorischen Schule: Strategie der EDK und Arbeitsplan für die gesamtschweizerische Koordination.”

Stephens, Thomas. 2021. “English as a Common Language in Switzerland: A Positive or a Problem?” *swissinfo.ch*, April 4. <https://www.swissinfo.ch/eng/english-as-a-common-language-in-switzerland--a-positive-or-a-problem-/46494332>

Stotz, Daniel. 2006. "Breaching the Peace: Struggles Around Multilingualism in Switzerland." *Language Policy* 5 (3): 247–65. <https://doi.org/10.1007/s10993-006-9025-4>

Valär, Rico. 2013. *Weder Italiener noch Deutsche! Die rätoromanische Heimatbewegung, 1863–1938*. Baden: Hier + Jetzt. PhD diss., University of Zurich.

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