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THE JURA PROBLEM

The inhabitants of that part of Canton Bern called the Jura are culturally and linguistically different from the majority of Bernese citizens. They are a minority in a canton to which they were annexed without their consent and those who resent this situation more strongly want to form a separate canton—a 23rd canton.

The Jura is divided into seven districts: the three anti-Separatist districts of Southern Jura (Courtelary, Neuveville and Moutier), the three Separatist districts of Northern Jura (Franches Montagnes, Porrentruy and Délémont), and the German-speaking district of Laufen, which has a common boundary with the cantons of Basle and Solothurn. Its total surface is 1,468 square kilometres, which would put it, as a canton, in tenth position after Fribourg (1,367 sq km) and Lucerne (1,349 sq km). Its population, according to the 1960 census, would be 122,282 inhabitants, 10,874 for Laufen and 110,408 for the French-speaking districts.

The present movement

The present separatist movement began immediately after the war, when the Bernese government shocked Jurassian feelings by Germanising schools in French-speaking areas. The real kick-off was given by the Moeckli affair in 1947. Mr. Moeckli, a Jurassian councillor of state, was refused the post of head of public works in the Canton of Berne. Said a representative to the Great Council: "a department as important as that of public works cannot be directed by a French-speaking councillor of state", a point-of view confirmed by two successive votes in the Council. From that year on, the Separatists of the Jura held yearly mass gatherings in Délémont. In 1948, the "Rassemblement Jurassien" was founded, and, somewhat later, its pro-Bernese counterpart, "l'Union des Patriotes Jurassiens", was created in reaction. In 1953, at the sixth Jurassian gathering at Délémont, 10,000 Separatists agreed to the Rassemblement Jurassien's "Declaration of Principle" in which a plebiscite was demanded. A plebiscite was eventually organised in 1959: 15,000 Jurassians voted for separation, 16,000 against. The Rassemblement contested the validity of these results and ascribed them to massive Bernese interference and propaganda. In March 1967, the Separatists scored what they considered to be a great victory: the Bernese government conceded that, should every other possibility be exhausted, the Jurassians could, in principle, attain

autonomy. Earlier this year, a federal commission of four, headed by former President Max Petitpierre, produced a report laying down four eventual solutions to the Jura problem. Unfortunately, the whole set-up was a "non-starter" in the eyes of the Rassemblement Jurassien and the Commission's proposals, accepted by the Great Council, were rejected outright by a hard-core Separatist leadership.

Historical background

To see why the Separatists failed in 1959, one must turn to the historical background of the Jura. This strongly gallic country, after having acclaimed the French Revolution and broken away from the prince-bishopric of Basle to which it had belonged since 990, was given to Berne at the Vienna Congress of 1815. Carefully chosen leading-citizens of the Jura were convoked by the director-canton, Zurich, to the confederal diet of the same year, and, in the presence of the Bernese delegation, were made to sign the Jura's annexion to Berne and received gold snuff-boxes in recompense. Thus the Jura was arbitrarily given to Berne, without any consideration given to the feeling of its population. This is a point to which a Separatist will constantly turn back.

Having become the legal masters of the Jura, the Bernese set about assimilating their new subjects. This was the "kulturkampf", whereby the "inferior and degenerate" Jurassians (according to the Separatists) were to be "regenerated" by Germanic culture and hard-working ideals. "It is not our concern to Germanise the Jura. What we want is to infuse it with fresh, new, German blood, so that this part of Berne marches in pace with the other Germanic parts, that it be penetrated by German energy and German solidarity and above all, that it have a German heart and a German mind." This excerpt from an article written in the "Berne Jura" in 1904 by the pastor of St. Imier is the kind of quotation on which the Separatists like to hark back.

In 1873, the Federal Government asked Berne to end its attempt at cultural assimilation, but, according to the Separatists, the Bernese felonies did not end there. One effect of Bernese domination has been an important immigration from the Canton, so that today 27.2% of the inhabitants of the six French-speaking districts are of Bernese and only 54.2% of Jurassian origin.

The separation of the Jura in a northern and southern part existed

before its annexion to Berne. The North was turned towards Porrentruy, which became the seat of the prince-bishops of Basle after the reformation, and the South was attracted by Biel. There has, at all times, been a north-south distinction in the Jura due to geographical and economic factors. Both parts are however French-speaking (although, owing to Bernese immigration, 16.8% are German-speaking). The North is predominantly Catholic and the South is Protestant. The Jura is unique among Swiss cantons in that the two confessions have always existed side by side. Contrarily to cantons such as Geneva, Neuchatel, Basle and Zurich, the Jura did not abruptly switch over to Protestantism under the influence of a wilful reformer, but was exposed to both Catholicism (from neighbouring France and Porrentruy) and the ideas of the Reformation, oozing north from Biel and the reformed Canton of Berne. The Jura has always lived in a spirit of ecumenism and the actual catholic-protestant differences have been much overplayed. Whatever strife there may have been, it has been subsequent to Bernese implantation and therefore the religious question does not overstep the political issue. Today, 53.4% of Jurassians are Protestant, 45.7% Catholic.

Another problem to be solved separately is that of the district of Laufen. As Basle had opened her bridges to the passage of the Allies in December 1813, the Congress of Vienna decided, in acknowledgment, to give her the German-speaking part of the old bishopric. The diplomats in Vienna, apparently incomplete in their geographical education, thought that the linguistic border lay at the cluse of Aesch, whereas it lay in fact some 6 miles to the West, at the cluse of Liesberg. In this way, Laufen was incorporated to the Jura and hence to Berne, instead of Basle. The Laufen Valley lies on the outer fringe of the hinterland centred on the metropolis of Basle known as the "Regio Basiliensis". It is economically turned towards Basle and not Délémont, and the Rassemblement Jurassien is quite prepared to let its population determine freely whether it should join the cantons of Basle-Country or Solothurn. In the case of a created free Jura, it would be geographically severed from the Canton of Berne.

Separatist feelings

The Separatists see their land as having been colonized and alienated by their German-speaking master and occupant, Berne. Their manner of speech and, surprisingly, their feelings are comparable to those of nationalists in newly independent countries. One might argue that there is not so much difference between being part of Berne or a 23rd canton, since in both cases the Jura would be part of the Helvetic

Confederation and not independent. Separatists don't see it that way. Although they have no intention of breaking away from Switzerland, of being independent (or joining France, as has been suggested), they view their future cantonal independence as something as tangible and worthy to be fought for as complete national independence. Leaders of the Rassemblement Jurassien constantly refer to the Jura's cultural heritage, its language, its way of life and its glorious history. To them, the creation of a new canton is not only the sole way of securing the survival of the Jurassien people, but also of guaranteeing its harmonious development in all that makes life worth living for. "Nation" and "State" are two very different concepts for them. The former is primordial, it refers to the "people" (in French, *peuple*) whereas the latter is just a judicial construction which may or may not correspond to an ethnic reality. The Separatists have a champion in Charles de Gaulle. They fully support his Quebecan antics and fervently repeat one of his pompous statements on that occasion: "It is the genius of our age that people (*les peuples*) may freely decide on their fate". They willingly lean on the U.N. charter of human rights to support their cause and would contemplate appealing to international instances, although this has not been seriously undertaken up to now. The Rassemblement Jurassien has developed a distinct ideology, whose main signature is an anti-Bernese fanaticism of an almost Pasleyite character. This resentment against Berne evolves in a plain anti-Germanism and one of the Rassemblement's latest war-cries is for a holy alliance among French-speaking cantons to hedge the growing and unbalancing influence of German-speaking Switzerland. The most involved Separatists consider the Jura as the last outpost of latinity in a Germanic wilderness. The fact that

Bernese immigration, influence from Biel and the "bernisation" of parts of the Jura have made the Separatists a practical minority has exacerbated their feelings. They view this evolution as one more proof of their alienation.

Berne's pacifying efforts

Faced with such a climate in its northern reaches, the Canton of Berne has decided to set up an enquiry, which eventually became a federal enquiry, that of the "four wise men" (who were Max Petitpierre, Fritz T. Wahlen, Pierre Graber and Raymond Broger, two *Romands* and two German-Swiss). The Commission's findings were published in May of this year. Having situated the Jura problem in both its Bernese and Swiss context, the report suggests four solutions for a way-out.

The first would be to ask the people of the Jura whether they would agree to form two half-cantons (the three northern districts forming one half and the three southern ones forming the other). This theoretically seductive solution would, in the Commission's view, be rejected by those intent on having one unified Jura and those wanting to remain Bernese citizens.

The second solution would be to ask the citizens of the three Separatist districts whether they would like to form a separate canton.

The third would be to divide Berne into two half-cantons. The Commission does not however believe that Berne, one of the largest and most populated cantons of the Confederation and the one that had played a most prominent rôle in its history would accept to become a half-canton.

The fourth solution, and this is the one on which the Commission lays the greatest hopes, is to devise a special statute for the Jura, which would be autonomous within the Canton of Berne. The Commission specifies how the Bernese Constitution could be

amended to remain consistent with the new arrangement and provide, in particular, that 5 Jurassians (and not three, as at present) be represented in the National Council. The Commission believes that this solution is the one which would carry the greatest adhesion within the Jura.

The Rassemblement's objections

Not so with the Rassemblement Jurassien. Right from the start, it has refused to credit the "four wise men Commission" with the partiality entitling it to the role of mediator. It is a fact that the idea of a Commission to enquire into the Jura problem originated in Bernese government circles and that, initially, the four wise men were to be paid for their services by the Canton. To acquire greater credibility and weight, the Commission and their enquiry became sponsored by the Confederation, so that in the view of its four members, the Commission was truly Federal, and not just a Bernese creation. This is disputed by the Rassemblement, who is now claiming for a "confederal" commission initiated by *all* the cantons. The fact that it was Berne, and not the whole Confederation, that had called for an enquiry has viciated its chances of acceptance from the outset. The Separatists pretend that Berne's endorsement of the Commission's report was just a show of weakness, and not a manifestation of good will. Their anti-Bernese intransigence is such that they will not hear of an autonomy which, they say, is to be "granted" to them. Freedom is a thing to be *fought* for! The whole country should disavow Berne and make the bear crawl!

Apart from its non-acceptance of the Commission's mediating quality, the Rassemblement differs from the four wise men on two major issues.

The four wise men say that the Jura should become independent from Berne only if it could be clearly proved that such was the wish of the majority. Owing to the existence of other pro-Bernese and middle-of-the-road tendencies, the Jura problem could not be solved by a dialogue pursued solely between the Rassemblement and the authorities of Berne. The four wise men have refused to credit the Rassemblement with a fully representative quality and have insisted that the discussion should be joined by all parties. The Separatists have wriggled out of their 1959 defeat, which showed that the majority of the Jura was anti-Separatist, by various theories. One of them is that Berne exerted massive psychological pressure on the non-gallic population of the Jura: the defeat just reflected the bad will of voters who were not even true Jura citizens. Another way to demonstrate that the 1959 results do not prove anything is to go back over a century in the Canton of Vaud, where, at one

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time, an initiative for the return of Vaud to Berne gathered 20,000 signatures. "Which of the descendants of these signatories would dream today of bringing Vaud back to Bern?" argue some Separatists... "in the same way, which of the descendants of those who have voted against separation would do so, in a few generations, when the Jura will have become free?"

The other point on which the four wise men and the Rassemblement disagree concerns those who should be entitled to vote for the creation of a new canton. The Federal Commission stays faithful to the Federal Constitution's 43rd article, which says that only those who have their domicile in a particular canton may vote there and that no-one may be a voter in two cantons. Any change of this rule should be preceded by a referendum aiming at a revision of this particular aspect of the Constitution. The Rassemblement agrees that the 43rd article is perfectly acceptable in the case of matters which concerns the resident-voters directly, such as local investments, but that an issue such as the very-existence of a canton ought to be submitted to all those who are its citizens, irrespective of whether they actually reside in it or not. Therefore the 47,000 Jurassians who live outside the Jura ought to be given the right to voice their opinion on the separation issue. As an example pointing to the justness of their views, the Separatists like to cite the case of Sarrebrücken, whose inhabitants were called to make known their wish concerning their eventual reannexation to Germany in 1935 and where Sarrebrücken citizens came from all parts of Germany to vote on their province's fate.

No common understanding

The great majority of the Swiss frown on the Separatists' demand, and find their intransigent attitude regarding the Federal Commission's proposals specially distasteful. They believe that their behaviour has been, in the main, contrary to the spirit

of tolerance that has guided the Confederation since its creation. Their action not only disrupts the country's political harmony, but mars its reputation in the eyes of the world.

The Separatists say the four wise men are partial judges of their predicament. This is not unfounded and the Commission's critical attitude towards the Rassemblement and its methods transpires in its report, a fact which can be excused a long way because both the Rassemblement's representatives and those of the "Groupe Béliier" (a militant organisation) have refused to help the Commission in any way in its fact-finding efforts. But even if the Separatists get a "confederal" commission to study their case, they will find no more objectivity. The majority of the Swiss plainly look askance at their struggle.

The Rassemblement has a few excellent polemicists, among whom Roger Schaffter, its vice-president, whose pamphlet called "20 years of struggle" is written with ardent Jurassian fervour, forcing the reader to realize that, to some people at least, the Jura's present situation is resented deeply and that the occasional Jurassian outbursts have deeper motivations than a transient grudge against Berne. The problem of finding out how deeply pro-"free Jura" sentiments are really rooted, of sizing the degree of sincerity in the Separatists' brashness and weighing the heckling element can only be solved by one who has lived in the Jura for a very long time. According to a member of our "Club des Jeunes", Jurassian autonomy is a deeply felt issue. He comes from Moutier and tells me that in 1961, after three large farms had been burnt down in the vicinity, the atmosphere reigning in his town (populated by both Separatists and anti-Separatists) was unbearably tense. People were living in constant fear of seeing the next-to-one building, which belonged either to a well known Separatist or Jurassian Patriot, blown up. Nobody dared speak out over the Jurassian issue in any way, and squadrons of "Groupe Béliier" and "Jeunesses Civiques" youths, headed by armed lieutenants from the army, were patrolling the countryside. The

situation was for a while a good foretaste of what has been happening in every township of Ulster during recent months.

The Commission's findings

The Commission, viewing the Rassemblement's behaviour objectively and not attempting to penetrate the feelings of its members in any way says the following in its report:

"The leaders and spokesmen of the Rassemblement compare the Jurassian people to the oppressed people who have fought, or are fighting, for their independence. Thus Algeria, a former colony that has had to win its independence through a long war, and Czechoslovakia, whose wishes of independence have been repressed by the occupation of her soil by a foreign army, are cited as comparisons. In a letter addressed to the Consultative Assembly of the Council of Europe on September 25th, 1968, by the Women's Association for the Defence of the Jura, mention is even made of Biafra. As though there were any common measure between these countries and the Jura, whose political freedom today solely depends on the will of Jurassians.

As regards the methods employed by the Rassemblement, the aim is:

1. In the Jura, to create an atmosphere of tension and exaltation or even occasionally of civil war by provocations, pressures on the inhabitants and recourse to an appropriate terminology that dramatises the situation in warping reality. Inlying troop pickets are qualified as military occupations. Those Jurassians who do not share the Rassemblement's views are considered as traitors and the lackeys of the oppressor. The Bernese, he is an enemy with whom no negotiation is possible, etc. Youth has been organised and conditioned through the creation of the "Groupe Béliier" which puts its "receptive credulity" to use in political action. Young people are encouraged to commit offences or inconsiderate actions in the name of their most generous qualities: the love of the motherland, disinterest,

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the desire to devote oneself to a cause and even to sacrifice everything to it. The excesses that they are thus brought to commit are hailed as patriotic exploits and acts of courage. There reigns today in the Jura, according to evidence given to the Commission by Jurassians of all tendencies, an atmosphere of insecurity and fear. In some regions, people no longer feel free to be frank. The term of terror has even been used;

2. In the outside world, to give the impression that there is within Switzerland an oppressed people to whom freedom is refused. Berne is not alone to be blamed, but Switzerland and her institutions fall under denigration. The language used is the following: "...the Fatherland, that which constitutes our carnal and native land, is the Jura and nothing else. As for our spiritual fatherland... it is France and her civilisation. Switzerland is not a fatherland... it's a federation, a cooperative society... It is therefore quite in vain for you to appeal to our patriotism." (Le Jura libre, 8th January 1969).

Attempts are made at arousing French-speaking Switzerland against the German part, in an effort to extend to the federal level the antagonism reigning between a part of the Jura and Berne. Worse, the Rassemblement has not shrunk from discrediting Switzerland abroad and has sought to internationalise the Jurassian question in attracting foreign attention onto it. This behaviour, together with the refusal of engaging in discussions with non-approved interlocutors is one of the major obstacles to the start of negotiations of the Jurassian question. The Commission believes that these facts could not be left unmentioned. This is not an appreciation but the plain acknowledgment of precise facts".

So much for the Rassemblement. The Commission's report also presents the Bernese point of view:

"In the old Canton, there is a tendency at underestimating the importance which the Jurassian problem has, not only for the Canton of Berne, but for the whole Confederation. The general feeling is that the Jura has benefitted from ample good will and generosity, embodied more particularly in the constitutional disposition that recognizes the existence of a Jurassian people, distinct from that of the old Canton. This generosity and this comprehension have not been paid back in return. On the contrary, the feeling is that every new concession and every pacifying step are considered and exploited by the Rassemblement as an avowal of weakness on the part of Berne. There is a growing lassitude at being treated in an often arrogant and injurious manner, not in the least designed to inspire conciliatory dispositions... However, understandable as the feelings of the Bernese in the old Canton may be, they must not forget that it has its share of respons-

ability in the present situation, and that although the constitutional revision of 1950 has been a positive gesture towards the Jura, renewed incidents and errors more psychological than material have given the Rassemblement Jurassien motives and pretexts for continuing and hardening their anti-Bernese campaign".

Future procedure

What next? In this plainly negative climate, the Commission believes that it would be harmful to organise a plebiscite where Jurassian voters would be confronted with the bare choice of "status-quo or separation". To present such antagonistic issues to the choice of Jurassians would only awaken old rancours. It is therefore far wiser to proceed towards autonomy in smaller steps. The Commission then proposes the following:

Before being bluntly asked whether they want to remain in Berne or get out, the Jurassians will be asked to vote on a clearly defined autonomy statute within the Canton of Bern. As other Bernese citizens are equally concerned, this will be a cantonal vote. If both the old canton and the Jura agree to this autonomy statute, it will be enacted. Only then would the question of a separation of the Jura from Berne be submitted to Jurassian voters, who would have to choose between the freshly voted autonomy statute and the formation of a new canton. If the statute of autonomy is rejected by the old Canton and accepted by the Jura or vice versa, it would then be abandoned and would place Jurassians before the status-quo and separation alternative. Should the six French-speaking districts be in disagreement in this plebiscite and the overall balance of votes incline against separation, then the right is reserved for the three separatist districts to form a separate canton. Conversely, should the majority of the Jura favour separation, then the three anti-separatist districts may vote for a continued attachment to Berne.

The Separatists want a free Jura, eventually sliced into two half-cantons. They naturally groan at the prospect of being left with the three northernmost districts of the canton, the most beautiful maybe, but the poorest. To the best of our knowledge, the Rassemblement has not yet clearly stated whether it would be prepared to accept a free Jura comprising the three districts of Franches Montagnes, Délémont and Porrentruy. It has however made known that such a canton, although deprived of the upper Birse Valley and its wealthy watch and machine-tool industries, would be economically viable.

A new element has been the creation of a third force movement, favourable to the statute of autonomy, which is presided by the mayor of Tramelan. Its efficiency as a political body has still to be tested.

An uncertain future

As things now stand, it is true to say that the situation has worsened, in the Jura during recent years. It is not that the Rassemblement has massively gained new adepts but rather that its position has not changed, and even hardened, although political circumstances have definitely improved since the days when the present Separatist movement was first hived off. A softening on Berne's side has not been met by a corresponding attitude in Separatist circles and this has probably induced a hardening of the Union of Jurassian Patriots, faithful to Berne. The chasm between the two tendencies is therefore inevitably widening. However, we should not overdramatise: taking the Ulster comparison, we find that this strife-torn province has to be scaled down thirteen times, both in surface and population, to attain the dimensions of the six French-speaking districts of the Jura. This shows at least that there cannot, fortunately, be any common measure between the crisis in the Jura and Northern Ireland. There has been nothing in the Jura that even foreshadowed the generalised window smashing and arson that every town in Ulster has experienced recently. It must be pointed out that in Ulster, the evil (basically, inter-denominational resentment) is very deeply ingrained, whereas enmity in the Jura is relatively recent, Cromwell having been dead a long time when the Jura was awarded to Berne. Furthermore, pure-stock Jurassians have really had less to complain about than Catholics in Northern Ireland. Still, let the situation stagnate for another hundred years, and we shall positively be having a Northern Irish situation. Nobody believes the Rassemblement wants this, although it has by no means proved it by its behaviour up to now.

(P.M.B.)

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