

NO LEGAL TECHNICALITIES ARISE IN THE CHANGEOVER TO THE WORLD CALENDAR

A Study by the Swiss Committee for Calendar Reform of changes
in Swiss internal law, required when revised calendar is adopted.

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The point has been advanced that legal difficulties might arise with the adoption of The World Calendar. It is felt that this point may be a subject of vital discussion. Hence the following analysis concerning its lack of effects on Swiss law, shown by the legal opinions of foremost Swiss authorities, is presented herewith to show the fallacy of such statements. The changeover should be equally simple and without technical complications for all other nations.

IN 1930, the Departments of the Interior of the Swiss government met at Berne to discuss the question of calendar reform and the Swiss Committee for Calendar Reform was organized. Extended and continuous inquiries by this Committee resulted in a large majority of all important Swiss organizations and public leaders giving their assent to the necessary arrangements for introducing the reform in Switzerland—naturally in conjunction with other principal nations.

There can be no doubt, therefore, that the proposed perpetual calendar (the proposal which retains the 12-month division of the year) will be sanctioned and approved by the Swiss people.

Although the League of Nations' international conference of 1931 did not push the calendar reform proposal to a conclusion, there can be no doubt that the plan for a revision of the calendar will shortly be brought forward again, with a view to enactment.

For this reason, it has seemed desirable to the Swiss Committee to proceed with a study of the internal laws that will require modification or change, in order to comply with the new calendar, and what the necessary modifications will be. Therefore, the Committee has referred the principal questions that will arise to the foremost Swiss authorities for their legal opinions. Their answers are published in this report.

The statements herewith made, cover the most important points on which questions are likely to arise. These authoritative statements are definite proof of the need for drawing up definite recommendations and regulations in connection with the introduction of the new perpetual calendar. The advance arrangements, legal and otherwise, must be clear and definite, so that leases, contracts and agreements made under the old calendar system will continue without interruption or controversy under the new system. Certain small disarrangements and innovations must be anticipated and fully provided for.

CONSTITUTIONAL PROBLEMS

Question No. 1. What is the legal procedure to be followed in the introduction of a reformed calendar in Switzerland? Answer by Prof. Dr. D. Schindler of Zurich:

“The competence of the Confederation in the matter of introducing a new calendar comes under Article 40 of the Constitution, which gives the central government jurisdiction over weights and measures. The words *weights and measures* are defined as including all those computations that are necessary for the uniform and orderly regulation of daily life, and of economic and technical intercourse. This definitely includes measures of time (Cf. Burckhardt’s *Kommentar der Schweiz. Bunderverfassung*, 3d Edition, pp, 341-2), as well as the measurement of time—that is, the calculation of hours and days, and anything else embraced in the term *chronology*.

“There is another question of competence, however, which arises. The new calendar will undoubtedly be introduced on the basis of an international agreement, expressed in a treaty. Now, it is generally accepted that the federal government, without regard to the constitutional separation of power between the Confederation and the cantons, may conclude an international treaty on any subject. Moreover, it is generally accepted that the federal government may take the necessary measures to carry out the provisions of such a treaty. Naturally this covers the signing of a treaty between states regarding the introduction of a new calendar.

“There is almost no doubt that the Constitution of the Federation permits the signing of such a treaty. (Cf. *Constitution*, Article 85, Section 5). But if any doubt exists, the question can be put to a facultative referendum, under Article 89, Paragraph 3, of the Constitution.

“The effect which the execution of the calendar reform treaties will have on existing Swiss legislation depends of course on whether the terms of the treaty are immediately applicable. New laws will be necessary to remove contradiction, and the final correction of existing laws may be only solved through experience with the new calendar. But it would be to the interest of all concerned that everything possible be done to amend existing legislation in a formal manner, so that it may be in complete harmony with the new situation.”

CIVIL CODE CHANGES

Question No. 2. How far will the provisions of the Swiss Civil Code become inapplicable under the new calendar and what changes must be made? Answer by Prof. Dr. Fritzsche of Zurich”

“Examination of the laws of contracts—for example, with reference to the time allotted for fulfillment of obligations, wages, rents, employment, etc.—shows that these require certain definite changes with the introduction of a perpetual calendar. For instance, the end of a month never falls on a Sunday under the new calendar,

and certain passages in the law (see Law of Obligations, Section 77, numbers 2-3) providing for this contingency are no longer necessary. The old provisions for legal holidays will require examination and revision. The labor legislation now in force provides that wages of workers must be paid at intervals no greater than two weeks, with the result that these pay periods never coincide with the entire or half of the calendar month. The regularity of the new calendar suggests that each month may contain two periods of repayment; it is evident that this would greatly simplify the keeping of accounts, payrolls, records and statistics. . . .

“The new calendar provides for a weekly period of eight days at the end of each year (and similarly at the end of the half-year in leap years). The present Swiss law dealing with the weekly rest period visualizes only the hitherto existing week of seven days. It should be amended to fit these exceptional cases, as any conflict with the existing rest-day should be avoided.

“The Civil Code deals at length with questions of time as related to legal process, but calendar reform should not offer any special difficulties in this respect. However, whatever questions arise should be simplified; at all times simplification of time problems should be insisted upon. This applies also to the calendrical aspects of the cantonal civic code.

“To summarize: no particular difficulties need to be expected from the standpoint of the present Swiss Code with the introduction of a perpetual calendar of 12 months. In fact, some simplifications will be introduced, which in the aggregate will be important and desirable, not only from a practical viewpoint, but also in their legal and procedural connection.”

PRIVATE LAW

Question No. 3. Will the proposed reform of the calendar have any effect on the codes of private law and citizenship law? Answer by Dr. Url. Stampa, Director of the Citizenship Bureau of the Swiss Confederation, Berne:

“Certainly no adverse effect. I can say without hesitation that no one need suspect any *prejudice* in the new arrangement of the calendar. The advantages that it brings to civil life can also be shared by the code of laws that regulate the rights and duties of citizens. The recording and authentication of dates, as in our vital statistics, will be simplified, and it will not suffer at all in the transitional period.

“For instance, there are many operations which start at the beginning of a month and expire at the end of a month. In case a transaction is to expire at the end of February under the old calendar, the question arises: does it expire on February 28 or 30, under the new calendar? The new calendar does not contain the dates March 31, May 31, August 31: definite legislation must provide that the dates of March 30, May 30, and August 30 should be substituted.

“Certain other questions will arise around the new dates of February 29, February 30 and April 31, as well as the dates designated as *Worlds Day* and *Leap Year Day*. These questions must be studied and definitely met in the transitional legislation.”

INSURANCE LAWS

“*Question No. 5. How will the revision of the calendar affect insurance laws?*
Answer by Dr. Müller, counsel for the Swiss insurance companies:

“It can be said with emphasis that the introduction of the proposed perpetual calendar will not cause any special difficulties. This is true for the entire Swiss civil code, the laws of contract, the insurance laws of 1908 and the legal remissions and ordinances of the Confederation. The periods of time, which are known as ‘Fristen’ in the law, are stipulated entirely on the basis of days, weeks, months or years. Some of the provisions of article 77 of the *Law of Obligations* or contracts will lose their present importance, because they apply mainly to the irregularities and changeabilities of the old calendar. But in general the legal problems that arise in insurance matters can be easily dealt with, under the new calendar,—such as, whether an event took place a day earlier or a day late, whether the burning of a building or the loss of a ship took place on a day covered by the insurance contract, or whether the date can be fixed for any given event in which an insured person is involved.”

In conclusion, the Swiss Committee desires to state that all the authorities agree in condemning proposals for a 13-month calendar. It is clear that such a drastic change would be followed by great difficulty and that many provisions of Swiss law would be inapplicable to such a system.

Prof. DR. E. MARCHAND, *President*
E. HOFMEISTER, *Vice-President*
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