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THE MAINTENANCE OF SWISS NEUTRALITY IN THE PRESENT WAR.

Swiss neutrality derives an added interest at the present moment from the fact that the country forms one of the small so-called neutralized States, that is to say, it was devoted a century since by agreement among the Great Powers to a condition of permanent neutrality. This status, however, may, from the international standpoint, be lawfully defended by the country itself should it ever be assailed either by the powers originally guaranteeing its neutral condition or by others.

Immediately, therefore, on the outbreak of the present war, Switzerland undertook to vindicate and protect its neutral inviolability. A glance at the various measures and methods incident to this action will, it is hoped, possess no little interest for every student of present day public affairs. We shall, in examining Swiss policy, find a remarkable and constant activity on the part of the executive government, nor would it be too much to assert that this attitude contains many a lesson for neutral States at the present time.

The Swiss polity realizes every aim of a truly democratic federal organization. Executive power resides in a Council of seven members elected by Parliament for a three-year term of

service, but since political tradition demands the constant reelection of the Council, save for loss by death or very infrequent resignation it is a permanent body, from which there is chosen by Parliament each December only a Chairman of the Council for the ensuing year this Chairman being termed President of the Confederation.

The direction of the country's foreign affairs has been until recently in the hands of the annually chosen President, but by recent legislation this branch of the government is assigned to a member of the Federal Council to be permanently exercised, irrespective of the Presidency. The Council's Secretary, termed Chancellor, is chosen at the same time as the Council by Parliament and for the same period but is also practically a permanent office. Parliament itself consists of two houses, the one composed of one hundred eighty-nine members chosen in single Federal Electoral Districts by popular vote for three-year service, and the other house, intended to represent the States but constitutionally identical with the representatives, is composed of forty-four members chosen by the States or Cantons, this latter Council being termed the Council of States while the other is designated as the National Council; when the two meet together for federal elections or to exercise their prerogative of pardon, the joint meeting is termed Federal Assembly. Parliament which has two regular sessions only and two supplementary sessions as well, is convoked by the Federal Council which lays before it the *Tractanda* or program of its work.

On July 31st, 1914, the Federal Council summoned Parliament by telegraphic notification to its members to convene on the third of August, and at the same time issued an ordinance of preliminary mobilization (*mise de piquet*), and on the following day, the international prospect having rapidly darkened, it ordered a formal mobilization (*mise à pied*) of the country's citizen-soldiery, Switzerland having no "regulars." Within forty-eight hours over 400,000 fully equipped soldiers, by general consent the most accurate marksmen in Europe, were in complete readiness on all the frontiers and 250,000 additional

troops were prepared to join them at a day's notice. Such was the result of the remarkably efficient training of the Swiss militia-army, which, while claiming no exclusive time from the citizen save the few days necessary in each year to develop the soldier, yet produces a perfectly drilled army at well nigh a moment's notice.

This action of the Federal Council was followed on August 2nd by a prohibition of export of food products in general and of cattle and fodder, a step essential to safeguard Switzerland's comparatively slender resources. On August 3rd Parliament in joint session at Berne adopted without change the measures laid before it by the Council in the form of resolutions comprising a declaration of neutrality, the conferring of practically unlimited executive authority on the Council, authorization to the Swiss National Bank to issue five franc notes (these being subsequently made legal tender), and lastly the election, in pursuance of the National Constitution,¹ of a General of the Army. This official is chosen only in time of national stress, the present General, Ulrich Wille, being the third so chosen; his predecessors were Henri Dufour, elected at the time of the uprising in Neuchâtel against Prussia in 1857, and Hans Herzog, chosen to command the Swiss forces during the Franco-Prussian war in 1870.

Having thus placed the care of the country in the hands of the Federal Executive Council, Parliament on the same day, adjourned. The Council immediately took measures to exercise its extraordinary powers, these powers being, it need not be stated, quite outside of the Constitution if there is a strict construction of that instrument, and yet thought to be quite within the constitutional capacity of Parliament to confer as well as of the Council itself to exercise regard being had to the international situation, as the Constitution² directs that the Council shall "guard the exterior interests of the Confederation, especially its international relations and all foreign affairs; it shall look to the maintenance of external security, and the

¹ Art. 85, Sec. 4.

² Art. 102, Secs. 8, 9 and 10.

assertion of the independence and neutrality of Switzerland; it shall protect the country's inner security and the maintenance of peace and order." Parliament, however, as we have seen, determined to arm the Council for all emergencies and effected this, before adjournment, by resolutions, as above stated; these were as follows:

"1. The Swiss Confederation declares its settled purpose to maintain its neutrality in the threatened war. The Federal Council is authorized, in such form as it may deem proper, to communicate this declaration of neutrality to the belligerent powers and to those who have recognized Swiss neutrality and the inviolability of its territory.

"2. The Federal Assembly approves the mobilization decreed by the Swiss Council and its action touching the quality of legal tender imposed upon bank notes.

"3. The Federal Assembly confers unlimited power upon the Council to take all measures necessary to the security, the integrity and the neutrality of Switzerland, to protect the credit and the economic interests of the country, and especially to assure the provisioning of the public.

"4. For this purpose the Federal Council shall possess unlimited credit and is authorized to contract all necessary loans.

"5. The Council shall account to the Assembly in its next session touching its employment of the unlimited powers now given it.

"6. These present Resolutions, hereby declared to be *urgent*, shall become immediately enforceable."

The last resolution was intended to obviate any possible recourse to a demand of *referendum* in pursuance of Article 89 of the national constitution which submits all laws and resolutions of Parliament to referendum excepting such as are of an urgent character (*dringlicher Natur*).

Accordingly on August 4th the Federal Council issued the Declaration of Neutrality, authorized by Parliament, a portion of which we shall venture to give in full since it is of great significance and well illustrates the Swiss spirit.

"By reason of the war now existing between divers European powers, the Swiss Confederation, inspired by its immemorial traditions, is firmly resolved to in no wise depart from the principles of neutrality so dear to the Swiss people, which so well correspond to its aspirations, to its interior organization, and its situation with

respect to other States, and which have been formally recognized by the signatory Powers in the treaties of 1815.

"By virtue of the special authority conferred upon it by the Federal Assembly, the Council declares that the Swiss Confederation will maintain and defend by every means at its disposal its neutrality and the inviolability of its territory as these were recognized by the treaties of 1815; it will itself observe the strictest neutrality toward all belligerents."

The declaration then proceeds to refer in detail to the treaties of 1815 affecting both Swiss and the neighboring Sardinian territory and by which the long-observed immunity from war in these districts is secured. What were these treaties? A brief enumeration of them is essential to an adequate understanding of the Swiss situation. The treaties of May 30th, 1814, known as the First Peace of Paris, and signed by Austria and France, France and Great Britain, France and Portugal, France and Prussia, France and Russia, and France and Sweden and Norway, contained carefully drawn provisions intended to secure an enlargement of the Swiss borders as well as the independence of the country. The identical provisions of these treaties touching Switzerland were taken up at the Congress of Vienna where Switzerland maintained a vigorous representation, with the result that on March 20th, 1815,³ a formal declaration was issued by the Powers which had signed the treaties at Paris and in which the new status of Switzerland was set out in great detail and the country's territorial organization was completed essentially as it exists today: "As soon" runs the declaration, "as the Swiss Diet shall have formally acceded to the stipulations of the present instrument a document shall be prepared containing the recognition and guarantee upon the part of all the Powers of the perpetual neutrality of Switzerland within its new frontiers, which document shall form part of the general treaty to be prepared as a sequence to the Peace of Paris of May 30, 1814." This declaration received formal confirmation at the hands of the Swiss Diet (*Tagsatzung*) sitting at Zurich, May 27, 1815, and appears

³ Descamps and Renault. *Recueil International des Traités du XIXe Siècle*, Vol. 1, p. 363.

in the Final Act of the Congress of Vienna under date of June 9th, 1815, as Articles 74-84.⁴

At the Second Peace of Paris, November 20th, 1815, Swiss neutrality and territorial inviolability were reaffirmed and the neutral quality was extended to the Savoyard districts adjoining Canton Geneva, through arrangements agreed upon with Sardinia in a series of treaties culminating in that signed at Turin, March 16th, 1816.⁵

With these treaty provisions touching permanent neutrality in force, the Council (mindful, also, of Swiss obligations as a neutral power under the provisions of the Hague conventions of 1907) notified, as has been stated, belligerents and neutrals alike of its attitude in the neutrality proclamation of August 4th, above recited. To this announcement the governments of both France and Germany replied in cordial terms, the French minister of Foreign Affairs, however, taking occasion to note that the right claimed by Switzerland under the treaties of 1815 to occupy the Savoy neutral districts in case of attack, should form the object of a special agreement between the two countries. While the Federal Council failed to concur in this view, it was nevertheless determined not to press a position which, in all probability, would scarcely involve the country in any actual operations.

Following this notification to the Powers, the Federal Council issued a formal appeal to the Swiss people urging them to support the government to the utmost in the difficult tasks now confronting it. On October 1st it issued a second appeal insisting now upon moderation in all public expression of opinion especially on the part of the press. This latter point had become the more necessary in view of an exceedingly diverse trend of opinion arising from the racial differences existing throughout the country and consequent sympathy with the various bordering belligerents; so acute had this situation become some months later that on July 27th, 1915, the Council felt itself obliged to issue a formal announcement supplementary to the first and warning the press that infringements of

⁴ Descamps and Renault, Vol. 1, pp. 461-463.

⁵ Descamps and Renault, p. 550.

an attitude of strict neutrality would bring offenders within reach of penal provisions specially announced to meet the emergency.

Meantime the Council proceeded to elaborate a variety of measures touching *economic* regulation of the country. To notice these in detail would unduly expand any such article as the present. We can do no more than indicate the classes of regulation thought necessary by the Council whose wisdom has been amply vindicated by subsequent events. The Council, in fact, at once initiated a strictly paternal *régime* throughout the country; export was checked or completely cut off; a maximum price was declared in many instances; the Confederation announced a monopoly of many articles of food, as, for example, in the case of rice, sugar, *etc.* The vast milk and cheese output was brought under Federal control, and all arbitrary and unreasonable advance in prices was brought under the strictest provisions of penal legislation. The problem of *import*, likewise, was brought within the Council's sphere of activity, as it became essential to arrange with neighboring governments for the furnishing to the Swiss people of various classes of provisions and goods indispensable to the maintenance of life and comfort; and, also, to secure, wherever possible, rights of transit through bordering territories for goods coming from remote sources. In this field of effort, owing to the rapid increase in the classes of articles from time to time declared contraband by the belligerents, fresh difficulties constantly presented themselves. Measures directed primarily by one belligerent against another could not fail, in the end, to strike the far away neutral, such as Switzerland. Nevertheless, provisioning of the country has proceeded with unexpected success, nor does it seem likely that any dangerous scarcity of actual necessities will occur. Of the features attending the announcement of a *moratorium* proclaimed at once by the Federal Council upon assuming its duties as guardian of the country, nothing especial need be said as this feature at once became common throughout Europe. The principle, however, was on August 26th, 1914, extended to the case of landlord and tenant, the latter being secured, in the event of need, against unreasonable expulsion from leased prem-

ises, thus applying and expanding delays already allowed by Article 265 of the Swiss Code of Obligations. It may be added that at the same time (August 17 and December 4) the Council provided by ordinance that a debtor domiciled in Switzerland and owing money abroad, should have the right to meet his foreign creditor by moratory provisions similar to those allowed a debtor domiciled in the foreign country in question as against his creditor in Switzerland.

In the field of railway regulations, also, it has been found necessary to modify the law of June 24th, 1874, touching railway obligations, so as to avert forced liquidation attempted in the case of weak lines deprived of normal traffic. The Federal Tribunal, should such a case arise, will refer it to the Federal Railway Department which will investigate the merits of each case and suspend any attempt to take advantage of situations due to the war.

The measures found necessary to meet the extraordinary expenses incident to mobilization and maintaining the country's military force soon obliged the Federal Council to seek financial aid through some means outside of the Confederation's ordinary sources of supply. These, which are summarized in Article 42 of the National Constitution, do not comprise the power of *direct* taxation, but are derived from tariff and excise sources, through the Confederation's administration of the Post, Telegraph and Telephone service, the monopoly of powder and alcohol, the military exemption tax, *etc.*, and in the last resort from contributions of the Cantons, according to their wealth and population. The existing war situation having strained the Federal finances to the uttermost and the Cantonal governments having no adequate means of raising revenue sufficient to meet the national want, the Council on February 12th, 1915, laid before Parliament, then in its winter session, a proposition looking to the enactment of a new constitutional provision permitting the laying of a direct tax *for the period of the war only* on both property and income. The result of this step was that Parliament, on the 15th day of April following, determined to lay before the people a project of constitutional

amendment on the lines proposed by the Council, the proposition for constitutional change containing the hitherto unknown feature of a grant of authority to the Federal Assembly to carry out the proposed amendment by any such measure or measures as it should deem proper, these measures not, therefore, to be subject to referendum vote. On April 23rd, June 6th was fixed by the Council as the date for a popular vote on the constitutional proposal and provision was made at the same time for taking the suffrages of all men under the colors, with the result that the amendment was accepted as proposed by Parliament by a vote of 452,117 as against 27,461 opposed, this being the highest numerical majority ever attained in the many votes on constitutional change in Switzerland.

On August 17th, following, the Council laid before Parliament a message reciting the problems attending the execution of the new constitutional mandate. Owing to the fact that the tax was intended to fall on both property and income and was to be laid in a great national crisis, the details to be faced were many and perplexing. On September 29th, the Federal Assembly formally declared the new amendment in force. The tax is laid on property exceeding 10,000 francs in value and income in excess of 2,500 francs; widows with only narrow means of support are to enjoy a special exemption, as also families of limited means and with four or more children to support under eighteen years of age. The rate of tax is progressive from one to fifteen francs per thousand on property and from $\frac{1}{2}$ of 1% to 8% on revenue. The exempt classes include all government industries, the Swiss National Bank, the Communes as property owners, and ecclesiastical corporations in so far as their holdings are of strictly public character, together with charitable corporations, and transit companies in so far as their capital should be found to pay no dividends. The tax is to fall due in six-month periods, that is to say in the latter half of 1916, and of 1917. These and other details were carefully elaborated by resolution of Parliament on December 29th, 1915, and on the following day the Federal Council promulgated a scheme in detail looking to the collection of

the taxes *through the Cantons* which are authorized to retain one-fifth for their own needs. With the cessation of the war the constitutional authorization for the tax will automatically expire.

Mention should be made, however briefly, of Swiss action in the maintenance and development of Red Cross work. This having originated on Swiss territory, it seems strikingly appropriate that Switzerland should afford the most signal aid in the care of prisoners of war and their repatriation in the various countries of their origin. The work has been carried on upon a great and increasing scale and will form not the least feature in the future history of the war illustrating the practical possibilities of a country so thoroughly imbued with the neutral spirit as is present-day Switzerland. Switzerland's external efficiency from a military standpoint also has certainly proved a stronger aid than the treaties of 1815 in the protection of its territorial integrity. No violations of this in fact, save technical ones committed by air craft, have been at all in evidence. Switzerland, in truth, illustrates in the highest degree the success to be attained through the existence of every virile quality in a government which is the most truly democratic in the world as well as the most careful of the interests of its citizens and the most successful in conserving them at all points. In every respect Swiss neutrality is well deserving of the study and imitation of all interested in world affairs today.

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