

The long road of Swiss neutrality into a dead end ¹

Marco Jorio

Abstract

Switzerland is the longest continuously neutral country. With the exception of the “French period” (1798-1813), it has been able to maintain its neutrality since the 17th century and stay out of the wars between its neighbors. This success story led to the mythical elevation of Swiss neutrality; indeed, it became a central factor in national identity. Since 1945, Switzerland has been surrounded by peaceful democracies. Nevertheless, Switzerland is the only country that still clings to the Hague Convention of 1907. Neutrality – formerly an instrument of foreign and security policy – is now dictated by a supposedly binding “right to neutrality.” Since Russia’s invasion of Ukraine, this Swiss position has been met with incomprehension both at home and abroad: it has reached an impasse and needs to be rethought.

I. Introduction

In 1997, political scientist Jürg Martin Gabriel, who taught at the University of St. Gallen and the Swiss Federal Institute of Technology Zurich, wrote a study on what had until then been an untouchable maxim of Swiss foreign policy. His title: “The Dead End of Neutrality.” Together with other political scientists and lawyers he saw neutrality as being in crisis after the fall of communism in 1991 and called for traditional neutrality to be overcome, as it was an obstacle to relevant engagement with the contemporary geostrategic environment, which was necessary for security policy. “Neutrality is therefore no longer a useful instrument for optimizing security; it hinders our interests and is therefore an anachronism.” He called for a security policy “beyond neutrality” for the “security-policy hinterland” protected by

1 This article is based on my publication: Marco Jorio, *Die Schweiz und ihre Neutralität. Eine 400-jährige Geschichte*. Zurich 2023. The footnotes only list quotations and refer to publications that are not included in my book.

NATO and the EU.² This negative view of neutrality has since been adopted by other countries, or as US Ambassador Scott Miller put it undiplomatically in March 2023: “NATO is, in a sense, a doughnut – and Switzerland is the hole in the middle.”³ There is a widespread accusation of being a “security policy free rider,” which is often also extended to Austria in the same breath.⁴

While other European countries in particular view the Swiss and their dogged pursuit of neutrality with incomprehension and disbelief, a bitter battle of opinions has been raging domestically since Russia’s attack against Ukraine in February 2022, as to whether Switzerland’s traditional foreign policy stance makes sense. In the meantime, five currents have emerged, some of which are not sharply delineated from one another. The first would like to see neutrality consigned to history. Its supporters would prefer to abandon neutrality right away, following the example of Finland and Sweden, and march straight into NATO. A second strand of opinion does not want to abandon neutrality entirely, but would like to suspend it temporarily and thus adopt a policy of “occasional neutrality,” as practiced by almost all countries in the world – including by the Swiss Confederation, before it adopted permanent neutrality in the 17th century. A third group wants to preserve neutrality, yet to do so no longer with reference to the Hague Convention of 1907 but based on the United Nations Charter and other human rights-based international treaties. Above all, the principle of equal treatment, which is now contrary to international law, should be abolished. The fourth trend is represented by the majority in the Federal Council (government) and in parliament, as well as by the federal administration offices responsible for foreign policy and foreign trade. According to this view, Switzerland should stick to its current course, continue to be guided by the Hague Convention, and deviate from its traditional policy of neutrality only on the basis of legally binding resolutions of the UN Security Council. It should furthermore treat equally the warring parties, whether aggressors or victims, in the military sphere (e.g., in the case of transit and overflight permits) and in the supply of weapons, if not in the case of economic sanctions. Finally. The fifth group wants to cement Swiss

2 Jürg Martin Gabriel, *Sackgasse Neutralität*, Zurich 1997, p. 159f.

3 <https://www.srf.ch/news/schweiz/schweiz-mit-imageproblem-das-donut-loch-im-neu-en-kalten-krieg> (March 17, 2023), last accessed May 16, 2026.

4 For example, in the FAZ on May 9, 2022 (“Die Schweiz macht es sich zu bequem”) or the NZZ on March 6, 2025 (“Neutrale Trittbrettfahrer – so blickt Deutschland auf die Schweizer Sicherheitspolitik”).

neutrality and even extend it beyond the provisions of the Hague Convention and current practice: no economic sanctions, no military cooperation with anyone, no arms exports to warring parties, whether aggressors or victims. This group, which is more interested in self-isolation than neutrality, is located at both ends of the political spectrum: among the national conservatives (SVP and affiliates) and among the dogmatic anti-NATO pacifists on the left.

But there is great uncertainty in the heated debate about what neutrality is and can be today. As early as 2007, St. Gallen political scientist Alois Riklin noted a general “confusion about neutrality”,⁵ which has grown into a collective cacophony since February 2022. Everyone feels called upon to express their opinion on neutrality, or as Paul Seger, Swiss ambassador to Germany, sarcastically put it in 2000: “[...] we have two things in abundance: soccer coaches and neutrality experts. We have 8 million of them. Everyone knows the best lineup for the national soccer team, and every Swiss citizen has a clear opinion on what is neutral and what is not. We have absorbed neutrality with our mother’s milk, so to speak, from birth.”⁶

Riklin’s “general confusion” came to light in 2024 when the Military Academy (MILAK) and the Center for Security Studies (CSS), both based at the Swiss Federal Institute of Technology (ETH Zurich), found that, as in previous years, over 90% of respondents were in favor of maintaining neutrality. But for once, the researchers were not satisfied with this and wanted to know in more detail what neutrality actually meant to those surveyed. The result was sobering: around 30% were in favor of Switzerland joining NATO. This means that at least one-fifth of those surveyed believe that Switzerland can be both neutral and a member of NATO at the same time – two positions that are completely incompatible with one another.⁷

When defending or condemning neutrality, people often resort to historical arguments. However, depending on their political stance, they tend to bend history to suit their own agenda, sometimes even distorting the facts. Neutrality has become shrouded in a web of legends and half-truths that are thrown into the discussion depending on the situation. A scientific look back provides clarity on where Swiss neutrality comes from and how

5 This is the title of his contribution in Georg Kreis (ed.), *Die Schweizer Neutralität. Beibehalten, umstellen oder doch abschaffen?* Zurich 2007, pp. 111-136.

6 Paul Seger, *Neutralität: für Krieg geschaffen – wie geschaffen für den Frieden*. Micheline Calmy-Rey, *Die Neutralität: Zwischen Mythos und Vorbild*. Basel 2020, p. 95.

7 Tibor Szvircsev Tresch, Andreas Wenger et al., *Sicherheit 2024. Aussen-, sicherheits- und verteidigungspolitische Meinungsbildung im Trend*. Zurich 2024, pp. 255 and 191.

it has changed, and perhaps even clears the way for credible and realistic neutrality in the 21st century.

II. The beginnings of neutrality

Many Swiss citizens believe that Switzerland invented neutrality, or at least that it has a monopoly on it. Yet, the non-participation of a prince, a ruling class or later a state in the wars of third parties has existed ever since wars have been documented – for over 3,000 years! Well-known from antiquity are the neutral Greek cities that did not want to participate in the constant wars within Greece: “*hoi poleis hoi metousin*,” the cities that stood in between, that is, between the warring parties (and not uninvolvement on the sidelines). Famous in this regard is the historian Thucydides’ so-called Melian Dialogue, in which the island of Melos defends its right to independence and neutrality against the imperialist claims of the great power Athens in 416 BC during the Peloponnesian War and is ultimately defeated militarily and enslaved.⁸ The Romans rejected neutrality. They called neutral behavior, analogous to the Greeks, “*medium esse*,” meaning “to be in the middle,” or “*quiescere*,” meaning “to behave calmly.” This is very close to the old Swiss concept of “*Stillesitzen*” (sitting quietly) for neutrality. However, the Romans rejected neutrality: anyone who was not *for* Rome was *against* it and would be cruelly punished if they could not defend themselves.

In the Old Testament, the prophet Isaiah puts into his God’s mouth the advice to his people that salvation lies only in peace and quiet, which is interpreted as a call for neutrality. In the New Testament, the tone is harsher. Jesus’ statement translated into Latin as “*qui non est mecum, contra me est*” (“whoever is not with me is against me”) was intended as a personal call to each individual to follow him, and was not a political concept. However, in the Middle Ages, and then especially during the religious wars of the 16th and 17th centuries, it was misused as a weapon against any kind of neutrality and, above all, against members of other denominations. In 1633-34, a clique of Zurich pastors and politicians wanted to bring their government and the other Reformed cantons (Berne, Basel and Schaffhausen) over to the side of the victorious Swedish King Gustav Adolf in order to strike

8 On the Melian Dialogue, see Wolfgang Will, *Die Untergang von Melos. Machtpolitik im Urteil vom Thukydides und einiger Zeitgenossen*. Bonn 2006.

against their Catholic confederates. The clerical warmongers railed against the “false delusion of shameful and abominable false neutrality [...] since God spurns the lukewarm, that is, the neutralists, because they are neither cold nor hot [...] The middle or neutral way is not good Christian, but the most miserable of all.” But in the end, the “abominable neutralists” prevailed in Zurich as well, and the leader of the war party, the senior pastor of the Zurich church, Antistes Johann Jakob Breiting, was neutralized by the neutralist party in the truest sense of the word.⁹

In Western civilization, with the exception of periods of euphoric enthusiasm for war, war has been regarded as evil and peace as ideal, by philosophers and theologians. This contrast between good and evil gave rise to the concept of *bellum iustum*, or “just war,” whose roots can be traced back to Plato, Cicero, and Augustine and which is once again highly relevant today.¹⁰ According to medieval thinking, a war was “just” if it met certain criteria: it had to be ordered by a legitimate authority; there had to be permissible reasons for war, above all a response to an injustice; the belligerents had to wage war with just intentions and strive to restore peace; and the warfare had to be proportionate. Above all, a party that was arbitrarily attacked was waging a just war, while the aggressor was waging a “*bellum iniustum*,” an unjust war. For this reason, neutrality was not actually permitted in the Middle Ages from a moral-theological and canon-law perspective, but it was practiced nonetheless. The Holy Father, as the highest moral authority, decided whether a war was just or unjust. And he did so! With interdict and excommunication, he tried (with little success) to tame the monster of war.

The Latin term “*neutralitas*” did not yet exist in a political or military sense in Roman antiquity. It first appeared in the Middle Ages, initially in medicine as a state between “*egritudo*”/illness and “*sanitas*”/health. In 1394, it appeared for the first time in a military sense: “*Francigenae facti fuerunt neutrales*” (“the Franks remained neutral”). In the 15th century, the term spread throughout the European languages and there began the codification of neutrality. In 1494, the judges of the Maritime Court in Barcelona compiled the legal principles of customary maritime law for trade in times of war in the “*Consolat de mar*.” This gave a special legal status to ships

9 On the Zurich war party, see Paul Schweizer, *Geschichte der schweizerischen Neutralität*. 2 volumes. Frauenfeld 1895, pp. 221-254 (cited on pp. 227/228).

10 On the doctrine of just war, see: Georg Kreis, *Der “gerechte Krieg”*. Zur Geschichte einer aktuellen Denkfigur. Basel 2006. See also the corresponding Wikipedia article with a detailed bibliography.

belonging to non-belligerents and their cargo. And in general, neutrality at sea has always been much more important in history than neutrality on land.

With the emergence of early modern territorial states, a body of literature on state theory, law, and morality developed from 1500 onwards, starting in Italy. It initially treated neutrality as a political concept in the event of war, and ultimately led to the establishment of international law in the 17th century, with the development of the law of war. The discussions went hand in hand with the increasing rejection of the concept of *bellum iustum*. In view of the denominational warfare, in which both parties claimed to have God on their side, doubts arose as to who could determine whether a war was just. There was no longer any authority above princes and states when, after the Reformation, the Pope was rejected as the supreme authority and judge by part of Western Christianity.

The principle of political and military action was now the “*ragione di stato*” – reason of state, or interest of state. However, the sovereign state’s right to wage war (the “*jus ad bellum*”) also entailed the freedom not to have to choose one side or the other and to remain neutral. This gave rise to the “*ius ad neutralitatem*,” the right to neutrality. But since every state had the right to wage war, the neutral party no longer had the right to judge the legitimacy of a war, even in the case of an obvious war of aggression. It had to be impartial and treat both warring parties equally. The principle of equal treatment was born.

If neutrality had been seen negatively in the Middle Ages, views of it now became more favorable. In his 1513 work “*Il principe*,” the Florentine political philosopher Niccolò Machiavelli advised princes not to remain neutral and to wage war. For him, neutrality was an instrument of power politics that the powerful could use. The weak neutral, however, would be despised by the victor after the war as an unreliable friend and by the vanquished for failing to provide support in times of need. These were surely prophetic words, considering the rude treatment of neutral Switzerland and other neutral countries by the Entente powers at the Paris Peace Conference in 1919–20 and by the Allies in 1945 [...].

III. Switzerland does not maintain neutrality (14th-17th century)

“Neutral since Marignano 1515,” says a schoolbook truism. Edgar Bonjour, the old master of the history of Swiss neutrality, takes a different and more colorful view: “Rather, neutrality developed very slowly and organically from the old confederation’s alliance policy, and only gradually emerged from the twilight of international legal entanglements to a clear awareness of its essence.”¹¹ In his great history of neutrality, published in 1895, Zurich state archivist Paul Schweizer believed that neutrality was already evident in the founding years of the Swiss Confederation at the beginning of the 14th century.¹² So what is the truth? Was neutrality invoked on the Rütli at the same time as the alleged founding of the Swiss Confederation, or did it arise on that terrible day of September 14, 1515, from the blood of the 10,000 young Swiss who were slaughtered? Neither! The emergence of Swiss neutrality and its eventful history can be traced fairly well today. Numerous historians have researched this topic. “The history of the origins of neutrality is more than a myth,” said diplomat and historian Paul Widmer in 2016.¹³

In the early centuries, the Swiss Confederates were anything but neutral. Otherwise, the Confederation would never have come into being. There were, however, early forms of neutral behavior in war: monasteries and churches, as well as groups of people such as women and children, were to be spared, effectively “rendered neutral.” In addition, the cantons that joined the Confederation after 1481 – Solothurn, Fribourg, Basel, Schaffhausen and Appenzell – did not have full equality, but were obliged to “sit quietly” and mediate in conflicts between the eight old cantons. However, there is no direct link between this “internal neutrality” and later Swiss foreign policy neutrality.

The national saint Niklaus von Flüe also has nothing to do with neutrality. The President of the Swiss Confederation Pilet-Golaz, like many before and after him, celebrated him as a visionary and advocate of Swiss neutrality in his August 1 speech in 1941 on the occasion of the 650th anniversary of the Swiss Confederation. In 1981, upon the 500th anniversary of the agreement of Stans (Stanser Verkommnis), President Kurt Furgler praised his two alleged sayings, “Machet den Zuun nit zu wiit” (Don’t go too far)

11 Edgar Bonjour, *Geschichte der schweizerischen Neutralität. Vier Jahrhunderte eidgenössischer Aussenpolitik*. 9 volumes. Basel 1970-1976, vol. 1, p. 19.

12 Schweizer (note 9), pp. 24/25.

13 NZZ, June 6, 2016.

and “Mischt euch nicht in fremde Händel” (Don’t get involved in foreign conflicts), as “simple statesmanlike wisdom of timeless value.” Except that Brother Klaus never said that. It was the Catholic Lucerne historian Hans Salat who put these words into the mouth of the hermit in Ranft in 1537, in order to dissuade the Reformed Bernese from occupying what was then still Catholic Vaud (and subsequently introducing the Reformation). Even today, national conservative advocates of “integral” neutrality refer to national saint Niklaus von Flüe as a forefather and patron saint for their traditional concept of neutrality.

Neutrality did not originate in the Battle of Marignano in 1515, either. In fact, the Swiss Confederates became involved in European politics shortly after 1500. But they were not a great power. Apart from their military prowess and cruelty, they lacked all the characteristics of a great power compared to real ones such as France, the Habsburgs, or Venice: central leadership, economic resources, professional diplomacy. At best, the Swiss Confederation was a regional military power in its own backyard – in northern Italy and Burgundy. With the defeat of 1515, the Swiss did not “reflect” on neutrality, as Edgar Bonjour claimed. They continued to fight battles in northern Italy, but now as mercenaries of the French king or the Habsburg emperor. Until shortly before 1900, Marignano was not even a topic in the history of neutrality. It was only Ferdinand Hodler’s battle painting from 1900 and the young Basel historian Emil Dürr in 1915 that popularized Marignano as a major turning point for the Swiss Confederation towards beneficial neutrality: “Ex clade salus”, salvation comes from defeat, i.e. salutary neutrality, has been engraved on the battle monument in Marignano since 1965.¹⁴

The peace treaties concluded by the Swiss Confederates with the House of Habsburg (the “Erbeinung” of 1511) and with their southern neighbor France, victorious in northern Italy, in the “Eternal Peace” of Fribourg in 1516, were important for the later development of neutrality. In these treaties, the Swiss Confederates undertook not to come to the aid of the respective enemies of the other party to the treaty. Since the two Catholic world powers, i.e. the Habsburgs and France, waged war against each other repeatedly for 250 years, the Swiss Confederates had no choice but to “sit

14 Just a few years ago, Marignano was celebrated as the great turning point on the occasion of its 500th anniversary. See Markus Somm, *Marignano: Warum die Schweiz keine Grossmacht wurde*. Bern 2016 (3rd ed.). Older: Georg Thürer, *Die Wende von Marignano*, Zurich 1965.

quietly” during the wars between these two powers – but not in all other wars. The Treaty of 1516 only ended Switzerland’s southern expansion and not territorial expansion in general, as traditional historiography claims. Indeed, it was in the 16th century that its western expansion began. This was driven primarily by the western cantons, above all Bern, and was directed against the Duchy of Savoy and the various smaller principalities in what is now French-speaking Switzerland (the counties of Gruyère and Neuchâtel, the Prince-Bishopric of Basel). In 1536, Bern, Fribourg, and Valais conquered Vaud and other Savoyard territories across denominational lines. And as late as 1602, Swiss troops, together with their allies from Geneva, pillaged the Savoy-owned neighborhood of this same city. There was no neutrality.

However, the Swiss Confederation was already confronted with specific foreign policy neutrality issues in the 16th century. In 1522, Margaret of Austria, as governor of the Habsburg Free County of Burgundy, and King Francis I of France, as Duke of Burgundy, granted the two Burgundian territories “bonne et sûre neutralité” (good and secure neutrality). In this neutrality treaty, the Swiss Confederates were appointed as guarantors – without being asked, and rather reluctantly. However, they never exercised their guarantee obligation until the annexation of the Free County by France in 1668. In 1536, the Zurich delegate to the Federal Diet (the congress of cantonal envoys) demanded that the Swiss Confederation heed “unpartung und neutralitet” (impartiality and neutrality) in the war that had broken out again between Habsburg and France, marking the first use of the term neutrality in Switzerland. Even during the Schmalkaldic War from 1545 to 1547, the Reformed cantons refused to come to the aid of the Protestant imperial estates, pointing to the danger of civil war with the Catholic cantons. For the first time, the Diet prohibited the passage of troops and the transport of foreign war material through the Swiss Confederation for the duration of the war. And as late as 1610, the four Reformed cantons of Zurich, Bern, Schaffhausen, and Basel refused to join the Protestant Union in the Holy Roman Empire, arguing that “this would give our other confederates cause to sit still and remain neutral.”¹⁵ In all these cases, it was a matter of so-called “occasional” neutrality in a specific war. There was still no question of permanent neutrality.

15 Schweizer (note 9) p. 212.

IV. Switzerland discovers permanent neutrality (1618-1714)

Switzerland's permanent neutrality only came about in the 17th century, during the Thirty Years' War and the numerous wars instigated by Louis XIV. Modern international law emerged in the same century, for example through the Dutchman Hugo Grotius, who also addressed the issue of neutrality in his seminal work "*De jure belli ac pacis*" from 1625. In it, he obliged the neutral parties to allow both warring parties to pass through their territory peacefully. In 1648, the Swiss Confederation gained recognition as a sovereign state under international law in the Peace of Westphalia. This paved the way for the development of neutrality, as only sovereign states can be neutral. The path to neutrality was not straightforward during the Thirty Years' War. At the moment that the war broke out, the Catholic cantons had been in an alliance with Spain since 1585. Small detachments of Spanish troops were allowed to march through Switzerland on the "*Camino de Suizos*." Zurich and Bern had formed a military alliance with the Protestant Margrave of Baden in 1612.

In the early years of the war, however, the Swiss cantons shifted to a policy of neutrality, not least under the impression of the bloody turmoil in the Grisons (Graubünden). Alliances were no longer renewed; military passage was no longer granted; warring parties, such as the aforementioned "Swedish Party" in Zurich in 1633–34, were "neutralized." There were isolated incidents of massive border violations in the Basel and Lake Constance areas, which led to the conclusion of the Swiss Confederation's *Defensionales von Wil* in 1647. This and the subsequent federalist-inspired *Defensional* ordinances created a common national defense for the first time and formed a kind of precursor to the Swiss Army. However, not all cantons participated with equal enthusiasm. Nevertheless, there were repeated border occupations by Swiss troops over the next 150 years, mainly to protect the exposed north-western part of Switzerland.

After the Thirty Years' War – and this was new – the Swiss Confederation continued its policy of neutrality, which was limited to war, even though it was politically and economically heavily dependent on France. France increasingly exercised a kind of protectorate over Switzerland and for decades had the sole right to recruit up to 16,000 men in Switzerland. When Louis XIV occupied the neutralized Free County of Burgundy in 1674, the Swiss Confederation preferred to remain neutral and not exercise its protective function for the Spanish Free County. It issued its first official declaration of neutrality. Some historians thus date the beginning of neutrality to 1674.

Switzerland's decision to remain neutral, or to "sit quietly," was based firstly on the structural inability of the confederation of cantons to pursue a coherent and power-based foreign policy (in a rather striking analogy with today's European Union!), secondly, to internal political and religious disputes, and thirdly, to its geopolitically exposed location between the permanently warring French and Habsburg great powers. The Swiss, but also other countries, increasingly began to perceive Switzerland as neutral. As early as 1659, the Basel Antistes (senior pastor) Lucas Gernler spoke in a funeral sermon of the "well-established old Swiss neutrality and impartiality." In 1668, the German writer Hans Jakob Christoffel von Grimmelshausen praised Switzerland in *Simplicissimus* as an island of peace, and as early as 1690, Dutch ambassador Pieter Valkenier spoke of the "absolute, independent, sovereign and at the same time neutral republic."¹⁶

Once the Swiss Confederation had adopted a policy of neutrality, it also began to perform "good services" (although this term did not yet exist). As early as 1636, the Diet approached the warring parties with a peace initiative "out of Christian compassion." In 1642, the Reformed cantons attempted to mediate peace between Protestant powers, as did the Catholic cantons in the War of the Spanish Succession in 1705 between Catholics. The warring parties reacted negatively to these peace negotiations, seeing them as favoritism toward the enemy on the part of the Swiss Confederation. Peace negotiations are always delicate – even today.¹⁷ Nevertheless, Swiss neutrality achieved its first international recognition when the French king and the Holy Roman emperor decided to hold the third and final peace congress to end the War of the Spanish Succession in 1714 in neutral Switzerland, in Baden in the now canton of Aargau, following Utrecht and Rastatt – although the Swiss authorities were not consulted. It was during this period that the first pictorial representations of neutrality emerged.

16 On neutrality in the second half of the 17th century, see Thomas Maissen, *Wie die Eidgenossen ihre Neutralität entdeckten. Frühneuzeitliche Anpassungen an eine veränderte Staatenwelt*. In: Kreis (note 5) 51-65.

17 See also my article in the NZZ of May 6, 2024, *Die Schweiz vermittelt wieder – über die Versuche der eidgenössischen Politik im kriegsgeschüttelten Europa Frieden zu schaffen*, on the occasion of the Ukraine conference at Bürgenstock on June 15-16, 2024.

V. Switzerland enjoys its neutrality (1714-1798)

The short 18th century from 1714 to 1789 was a peaceful time for Switzerland. There were numerous wars abroad: the War of the Polish Succession (1733-1738), the War of the Austrian Succession (1740-1748), and the Seven Years' War (1756-1763). At the start of each such conflict, the Federal Diet notified all warring parties of Switzerland's neutrality, which they more or less willingly confirmed. This gave neutrality a contractual character for the duration of the war. As soon as the events of war approached the Swiss border – and this was always on the Upper Rhine – the Diet sent troops to what is now northwestern Switzerland. It included the regions just beyond the border, such as the Habsburg Fricktal and the four forest towns on the Upper Rhine (Rheinfelden, Säckingen, Laufenburg, and Waldshut) as well as the imperial part of the Prince-Bishopric of Basel (today's canton of Jura) in Swiss neutrality. These neutralized imperial territories were called "security districts" or "bulwarks."

In the 18th century, Prussia and Great Britain rose to become great powers. They weakened the hegemony of the two Catholic great powers, France and Habsburg. Surprisingly, the two "hereditary enemies" allied themselves in 1756 in the so-called "renversement des alliances", i.e. reversal of alliances or diplomatic revolution. For the first time, the Swiss Confederation was almost completely surrounded by a single alliance. Switzerland feared that it could suffer the same fate as Poland, which was later divided among its neighbors. A Bern councilor said some years later: "Nous nous trouvâmes mieux entre deux nations ennemies qu'entre deux qui sont amies" (We are better off between two enemy nations than between two that are friends).¹⁸

Two new issues relating to neutrality policy arose during the wars of the 18th century: economic neutrality and ideological neutrality. Following protests from the warring parties, the Diet decided that private individuals were allowed to supply foreign armies with provisions, provided that both sides were treated equally. The press also flourished in Switzerland in the 18th century, especially in the Reformed cities. During the Seven Years' War, some of them openly sided with Protestant Prussia, prompting protests from France and Austria, who insisted on neutral reporting. The Reformed authorities made little intervention in terms of press censorship, but they did ban public celebrations of Prussian victories.

18 Bonjour, *Geschichte der schweizerischen Neutralität I* (note 11) pp. 36 and 39.

Until the 18th century, the Swiss Confederation contributed little to the theoretical development of the law of neutrality within the framework of international law. Its neutrality policy was pragmatic, almost artisanal. It was not until Emer de Vattel of Neuchâtel published his epoch-making work “*Le droit des gens*” in 1758 that modern neutrality law was presented in a separate chapter, which he developed on the basis of Swiss neutrality practice. Although he adhered to the concept of just war in principle, he effectively abolished it by granting all states an almost unrestricted right to war – and to neutrality.

VI. Switzerland loses its neutrality and then regains it (1798-1815)

The old Swiss neutrality came to an end during the Revolutionary Wars. The Swiss Confederation survived the War of the First Coalition (1792-1797) unscathed. On the basis of defensive regulations, there was even a large-scale occupation of the border in northwestern Switzerland. This was also when the term “armed neutrality” first appeared. However, when Austria, following the victories of the young General Bonaparte in northern Italy, gave revolutionary France free rein in Switzerland in the Treaty of Campoformio in October 1797, this meant the demise of the Old Swiss Confederacy and with it the old Swiss neutrality. Switzerland was occupied by French troops in 1798 (not, as is commonly claimed, by Napoleon, who was in France preparing for the Egyptian campaign). The occupying power transformed Switzerland into a centralized satellite state based on the French model and, like other “daughter republics”, created the Helvetic Republic. But the idea, indeed the dream of neutrality, lived on in mythical exaggeration as the lost “peaceful security of the fatherland.” In courageous, even bold advances, Swiss politicians first attempted to restore neutrality with the Directory (as early as 1798) and then twice with Napoleon in 1803 and 1812. The term neutrality did appear in the treaties imposed by the victorious Grande Nation, but on its own terms. The two eminent historians of neutrality, Paul Schweizer and Edgar Bonjour, called this “pseudo-neutrality”.

Today’s neutrality came about after Napoleon’s fall between 1813 and 1815 and was not, as a recent legend claims, imposed on Switzerland at the Congress of Vienna. After Napoleon’s defeat in the Battle of Leipzig, the Diet declared Switzerland’s independence and neutrality on November 18, 1813. Over the next two years, Swiss politicians stubbornly attempted

to obtain recognition of their freely chosen neutrality from the victorious powers. The latter were initially angered by the declaration of neutrality, with Metternich raging, or they were simply uninterested. They wanted to win Switzerland as an ally and a transit country – not as a neutral spectator. They ignored the decision of the Diet and, despite its protests, marched unperturbed through Switzerland and over the Jura passes into the interior of France at the turn of 1813-14.

After Napoleon's first abdication, the First Peace of Paris on May 30, 1814, stipulated that Switzerland should regain its independence and govern itself. There was no mention of neutrality. Switzerland was not represented at the peace negotiations in Paris. The great powers decided on Swiss independence over the heads of the Swiss people – in their own interests. They were interested in a sovereign Switzerland. Their aim was to create a cordon sanitaire around France, where “the embers of revolution were still smoldering”. To this end, they strengthened the neighboring states: the United Netherlands (including the former southern Habsburg Netherlands, now Belgium) was created. The victorious Prussia received the Rhine provinces and took over the “guard of the Rhine.” The new southern German states created by Napoleon, such as the Grand Duchy of Baden and the Kingdom of Württemberg, remained in place. And the Kingdom of Sardinia-Piedmont regained the neutralized Duchy of Savoy on the other side of the Alps, with the victorious powers forcing Switzerland, without asking, to guarantee Savoy's neutrality. The Swiss Confederation also played a central role in this overall geostrategic concept. The great powers, led by Austria under Metternich, which was responsible for Switzerland, sought to provide it with a secure and easily defensible border in the Jura and to replace pre-revolutionary French influence with allied, particularly Austrian, dominance.

In September 1814, at the invitation of the victorious powers, Switzerland sent a three-member delegation to Vienna with the primary goal of securing recognition of its independence and neutrality, in addition to territorial expansion. The official delegation consisted of the mayor of Zurich, Hans von Reinhard, as head of delegation, the chief guild master of Basel, Johann Heinrich Wieland, and the Fribourg State Councillor Jean de Montenach. Right at the outset, the Congress immediately formed a Swiss committee chaired by the Austrian diplomat with Swiss roots, Johann von Wessenberg. The Russian representative, Johannes Kapodistrias from the Greek island of Corfu, played an important role, taking on a kind of advisory function. The high-profile committee demonstrates the great importance that the vic-

torious powers attached to Switzerland as state on the frontline of France, alongside the German, Polish, and Italian questions.

The ministers initially did not respond to the Swiss delegates' insistence on recognition of neutrality. After Napoleon's surprise return from Elba, the Congress of Vienna hastily acceded to Switzerland's wishes. In the preamble to the Swiss Declaration of March 20, 1815, it stated that neutrality was in the "general interest of Europe." However, it made formal recognition contingent upon the ratification of the Vienna Congress acts by the Swiss Confederation. The great powers, which considered Switzerland unreliable due to its internal divisions and the autonomy of its cantons, effectively put it in a headlock. It was only when ratification was obtained – and after Switzerland (not very neutrally) even participated militarily in the campaign against Napoleon in July-August 1815, after massive allied pressure – that Switzerland received the long-awaited recognition at the Second Congress of Paris on November 20, 1815. Even then, however, the great powers were still not interested in Swiss neutrality. The Swiss delegate Charles Pictet de Rochemont had to draft the declaration himself.

VII. Switzerland develops its neutrality (1815-1914)

From 1815 onwards, the Swiss Confederation was recognized as a neutral state under international law – the first state ever to receive such recognition. But what this meant in concrete terms was not clear. Switzerland had to develop its neutrality itself in the newly organized Europe. The period between 1815 and 1848 was relatively peaceful. However, the great powers continued to think little of Swiss neutrality and in 1817 forced the Swiss Confederation into the Holy Alliance, a conservative Christian pact against revolution and liberalism. It was not until around 1830 that Switzerland extricated itself from this situation, which was contrary to its neutrality, and left the Holy Alliance.

Neutrality was an issue when the federal state was created. The fathers of the 1848 Federal Constitution rejected the inclusion of neutrality in the objectives (purpose articles?) of the new federal state, as it is "not a constitutional and political principle that belonged in a federal constitution, since it was impossible to know whether it might not have to be abandoned in the interests of the country's own independence [...]. Neutrality was a means to an end [...] to secure Switzerland's independence; the Confederation

alone had to reserve the right, under certain circumstances, to abandon its neutral position.”¹⁹ However, in the so-called competence articles (Art. 74.6 and 90.9), they transferred the maintaining of neutrality to the Federal Council and the Federal Assembly (Swiss Parliament). Neutrality has been enshrined in the Federal Constitution since 1848, but its implementation is not defined. This was also the case in the Federal Constitutions of 1874 (Art. 85.6 and 102.9) and 1999 (Art. 173.1a and 185.1). The “neutrality initiative” submitted in 2024 and the more moderate counterproposal of the Council of States of June 19, 2025 (already rejected), therefore represent a break with the Swiss tradition of neutrality.

It was not until the second half of the 19th century that Switzerland’s neutrality was challenged. The army was mobilized several times. In doing so, it pioneered the development of internment. During the Second Italian War of Independence in 1859, Switzerland had to intern thousands of soldiers, including several warships, on Lake Maggiore on its southern border. This was essentially a dress rehearsal for the internment of 88,000 soldiers from Bourbaki’s army in 1871 during the Franco-Prussian War, when the French Eastern Army was pushed back to the Swiss western border in a pitiful state by the German advance. This was the first time the Red Cross had been deployed, just a few years after its founding in 1863. This created the image of Switzerland as the good Samaritan of Europe. Neutrality was now associated with humanitarianism.

The emergence of warring nation states sparked an international debate on neutrality under international law, which culminated in two conferences in The Hague, resulting in a first “Convention respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land” in 1899 and a second in 1907. The Federal Council was initially opposed to codification under international law, as it believed (rightly, as history would show) that this would restrict its ability to shape its neutrality policy. The Hague Convention was still based on the now outlawed “*jus ad bellum*,” the right of every state to wage war, whether as an aggressor or a defender. Furthermore, it was tailored to warfare between two armies or two navies and was not designed for modern forms of warfare. It did not cover aerial warfare, economic warfare, terrorist warfare, propaganda and espionage

19 Auszug aus dem Abschiede der ordentlichen eidgenössischen Tagsatzung des Jahres 1847. IV. Theil, Verhandlungen, betr. die Revision des Bundesvertrages [Bern 1848]. Excerpt from the recess of the ordinary federal assembly of 1847. Part IV. Negotiations concerning the revision of the federal treaty (Bern 1848), pp. 51 ff.

warfare, and, of course, cyber warfare. In 1907, warfare was still considered a legitimate continuation of politics by other means, as the Prussian military strategist Clausewitz put it.

Switzerland is still the only country that applies this agreement from the age of imperialism and colonialism to the letter and, as a journalist recently put it, “preaches it like the gospel.” One of the main points of contention in today’s debate on neutrality revolves precisely around this question: to what extent is the Hague Convention still valid in the context of the UN Charter and other more recent international conventions, and does it even contradict current international law?²⁰

VIII. Switzerland oscillates between integral and differential neutrality (1914-1938)

During the First World War (1914-1918), neutrality ensured internal national cohesion, which was threatened by class struggle and the language conflict between German and French. It was respected by the warring parties in their own interests. The four warring neighbors lacked the military strength to extend the two fronts from the Swiss border to the North Sea and the Adriatic Sea by a further 350 km across Switzerland. Moreover, none of the parties had any interest in driving Switzerland, with its army of over 200,000 men, into the arms of the enemy. With two neighbors on each side of the war and two stable fronts on its borders, Switzerland enjoyed virtually “ideal” neutrality for four years. However, there was always the latent danger of bypass operations across neutral territory. Switzerland developed a lively humanitarian activity, positioning itself as a beacon of light in turbulent times.

Nevertheless, the nature of the war changed, and with it neutrality. For the first time, the war was not only fought as a military conflict, but as a total war that affected all areas of society and government: the economy, culture, diplomacy, and propaganda. The neutral countries felt the effects immediately. Both sides courted Switzerland with elaborate propaganda campaigns. They tried to win over public opinion by acquiring newspapers or attempting to place favorable articles in the Swiss media. They also organized elaborate cultural exhibitions to demonstrate their cultural supe-

20 On Switzerland and the Hague Convention, see Marco Jorio, *Die schweizerische Neutralität stösst im Ausland heute auf Unverständnis*, NZZ, May 27, 2025. See the article by Markus Mohler in this book.

riority over the enemy. Above all, however, Switzerland was drawn into economic warfare. Fearing that goods vital to the war effort would reach enemy territory via Switzerland, the country, like the neutral Netherlands before it, had to allow its entire foreign trade to be controlled by the belligerents. Otherwise, it ran the risk of falling under sanctions. From May 1915, trade with Germany was controlled by the Swiss Trust Agency in Zurich, and from October 1915, trade with the Entente powers was controlled by the Swiss Economic Surveillance Society (*Société Suisse de Surveillance économique SSS*) in Bern (popularly known as “*Souveraineté Suisse Suspendue*” or “*Swiss sovereignty suspended*”). Nevertheless, in the second half of the war, Switzerland slid into an economic and supply crisis, which ultimately led to the failed national strike of 1918.

As part of the Europe-wide “Never Again War” movement, Switzerland joined the newly founded League of Nations in 1920 after a heated referendum campaign. Opponents focused on the argument of neutrality (as they did again at the end of the 20th century when Switzerland joined the UN). The League of Nations was the first collective security organization in history that did not allow for neutrality. However, at Switzerland’s insistence, 27 states confirmed Swiss neutrality as a special case in the London Declaration of February 13, 1920. They exempted Switzerland as the only member state free from the obligation to participate in military sanctions, as provided for in the League’s statutes, but not from economic sanctions. The country’s neutrality, which had previously been practiced without adjectives, now became “differential” neutrality. In 1928, the big thunderbolt against war struck: an international convention, the Briand-Kellogg Pact, prohibited wars of aggression. This meant that there was no longer a right to wage war; the medieval concept of “just war” was back. Once again, there were victims and perpetrators who could not be treated equally, not even by neutral countries. Switzerland also ratified this convention, but did not draw any conclusions for its neutrality policy.

During this era under Federal Councilor Giuseppe Motta from Italian speaking Ticino, Switzerland had its first experiences with economic sanctions and the conflict between neutrality as per the Hague Convention and the doctrine of collective security. After Italy’s invasion of Abyssinia (Ethiopia) in 1935, Switzerland reluctantly and incompletely adopted the economic sanctions imposed by the League of Nations. As demanded by the League, it banned the export of arms and ammunition to Italy. It also imposed an arms export ban on the victim, Abyssinia, invoking Article 9

of the Hague Convention – just as it is doing today in the case of Ukraine. This article requires equal treatment of both warring parties in the supply of war material from private production. Switzerland's interpretation was met with fierce opposition in the League of Nations. On November 2, 1935, several representatives in the League Council accused Federal Councilor Motta, who was present, of violating international law by invoking the Hague Convention, citing the statutes of the League of Nations. They argued that international law had since evolved with the League's condemnation of war and the Briand-Kellogg Pact of 1928. In doing so, they were following the lead of the star among international lawyers at the time, the Greek representative Nikolaos Politis, who in his book "*La neutralité et la paix*" published that same year rejected neutrality altogether.²¹ A neutral party should no longer treat the aggressor in the same way as the victim.

Motta and his international-law advisors were not impressed by this. Since the League of Nations had failed to fulfill its peacekeeping mission, Switzerland obtained an agreement from the League in 1938 that it would no longer have to impose economic sanctions. Switzerland thus effectively withdrew from the League and moved from "differential neutrality" to an "integral neutrality." But this term was also new, as it did not exist before 1920.²²

IX. "Switzerland has maintained its neutrality to a reasonable extent"²³

The Second World War was the greatest test of Swiss neutrality. On August 31, 1939, the Federal Council issued a declaration of neutrality, as it had done in previous wars, which the belligerent states recognized but did not respect. The outbreak of war marked the beginning of the greatest "death of neutrality" in world history, as the Bern historian Walter Hofer called

21 Nicolas Politis, *La neutralité et la paix*, Paris 1935.

22 It is thus an anachronism when, for example, the "Security 2025" report, based on official documents, refers to the years from 1815 to 1920 as a period of "absolute and integral" neutrality and even asserts a policy of neutrality in the case of economic sanctions, which did not in fact exist before 1920. See Tibor Szvircsev Tresch, Andreas Wenger et al., *Sicherheit 2025. Aussen-, sicherheits- und verteidigungspolitische Meinungsbildung im Trend*. Zurich 2025, p. 156.

23 Kaspar Villiger, *Auch die Schweiz hat Schuld auf sich geladen*. In: Kenneth Angst, *Der Zweite Weltkrieg und die Schweiz. Reden und Analysen*. Zurich 1997, p. 17.

it.²⁴ The worst offenders were the Axis powers, which occupied one neutral country after another, especially Germany (Denmark, Norway, the Benelux countries, Yugoslavia, Greece) and Italy (Albania, Greece, Yugoslavia), but also the Soviet Union (Finland, the three Baltic states). Even the Allies, who liberated the world (and Switzerland) from the Nazi and fascist threat, disregarded neutrality when it suited their war efforts (Iceland, Portuguese Azores). Like the Germans before them, the Western Allies did not respect Switzerland's air neutrality and, despite all protests from Bern, carried out air warfare in Swiss airspace, including bombings that ultimately left around 100 people dead, hundreds injured, and caused extensive property damage. Swiss airspace was a war zone.

Both sides in the war also waged a ruthless economic war against Switzerland (and other neutral countries) in violation of international law, imposing a double blockade around the country. This brought Switzerland to the brink of existential crisis. After France's defeat in June 1940, the country was almost completely surrounded by the two Axis powers and largely cut off from the world market. It was now integrated into the new European economic space dominated by Hitler's Germany and forced to make a number of economic concessions that violated its neutrality, such as granting loans to Germany and Italy, the so-called clearing billion.

At the start of the war, as in previous wars, the Federal Council had imposed an arms export ban, but this was lifted on September 8. France made its recognition of Switzerland's neutrality conditional on the delivery of the weapons it had ordered. For the Federal Council, formal recognition by France was more important than the arms export ban. It was outright blackmail. By lifting the arms export ban, Switzerland maneuvered itself into a trap under neutrality law: due to the principle of equal treatment under the Hague Convention (Art. 9), which was already dubious at the time, Switzerland had to allow arms deliveries from private production to the German Reich and Italy from 1940 onwards, as it did to the Western Allies. The Federal Council adhered, as far as possible, to the formalistic and highly legalistic principles of neutrality under the Hague Convention. In 2000, Zurich-based international law expert Daniel Thürer, like former

24 Walther Hofer, *Neutralität als Maxime der schweizerischen Aussenpolitik*, Berlin 1956, p. 172.

President Villiger before him, attested that Switzerland had “essentially complied” with the principles of neutrality.²⁵

Even during the war, but especially after it ended, people in Switzerland wondered whether and to what extent neutrality had saved Switzerland from a German and Italian invasion. Extensive research, mainly conducted abroad, into the objectives and warfare of the Axis powers has revealed the reasons for Switzerland’s “sparing.” It was not economic reasons, as is currently assumed by the mainstream in Switzerland. Neither Swiss arms exports nor the Swiss National Bank’s gold trading were decisive in deterring Hitler and Mussolini from attacking, but rather (changing) geostrategic and military reasons, which were determined by the current war situation and warfare. In the first months of the war, Hitler ordered that the neutrality of Switzerland and other states be respected because he could not afford another campaign after Poland. After the encirclement at the end of June 1940, when neutrality actually became obsolete, neutral Switzerland unwittingly took on a new role as a neutral buffer between the two “allied” Axis powers, which were also strategic rivals. Ultimately, it was Italy that saved Switzerland from a German invasion, especially in the critical year of 1940. The Italians did not want the Germans to be on the Gotthard Pass or, even worse, in Chiasso, not far from Milan. The two Axis powers were also unable to agree on a division of Switzerland and did not want a “dispute over spoils.” *“L’attitude de l’Italie et les relations germano-italiennes sont certainement des facteurs clés, sinon les facteurs clés, dans le maintien de l’indépendance suisse”* (Italy’s attitude and German-Italian relations were certainly key factors, if not the key factors, in maintaining Switzerland’s independence), as Daniel Bourgeois noted back in 1974.²⁶

X. Switzerland exaggerates its neutrality (1945-1990)

Even more than after the First World War, neutrality was internationally discredited in 1945. Whereas neutrality had been a legitimate policy for

25 Daniel Thürer, *Über die Schweiz im Zweiten Weltkrieg. Bewährung der Neutralität? Folgerungen für die Zukunft.* In: *Zeitschrift für schweizerisches Recht* 119 (2000), p. 416.

26 Daniel Bourgeois, *Le Troisième Reich et la Suisse, 1933-1941*, Neuchâtel 1973, p. 295. See also Marco Jorio, *Retter Mussolini?* In: *NZZ Geschichte* 28 (2020) pp. 110-113 and the same author, *Mussolinis Botschafter in Bern: Tagebuch des Attilio Tamaro.* In: *NZZ* 17.9.2023.

sovereign states before 1914, the two world wars were fought by the victors – led by the USA, which had itself been neutral at times – as “just wars,” and the neutral countries were accused of moral wrongdoing for their non-participation. The medieval concept of *bellum justum* was back. It took years for Swiss neutrality to be appreciated again in international politics, for example in 1953 as a neutral member of the Armistice Commission in Korea or in 1955 as a model for Austrian neutrality. Due to its traumatic experiences with the League of Nations and during the Second World War, Switzerland pursued a rigid policy of neutrality between the two blocs after 1945. Although it saw itself as ideologically and economically firmly anchored in the Western camp, it avoided any participation in multilateral institutions in which it sensed a political or even military dimension.

The senior official of the Federal Department of Foreign Affairs Rudolf Bindschedler turned this narrow, even fearful interpretation of neutrality into an actual doctrine, which continues to have an impact today under the name of the Bindschedler Doctrine. This is why Switzerland did not join the United Nations like other neutral countries, such as Sweden (1945), as this new body, unlike the League of Nations, did not want to grant Switzerland an exemption clause. Britain’s Gladwyn Jebb, acting UN Secretary-General for the years 1945–46, stated clearly: “Neutrality is a word I cannot find in the Charter.”²⁷ Switzerland also kept its distance from the European unification process. However, this did not prevent it from yielding to Western, especially American, pressure around 1950 and having to support the embargo policy against the communist Soviet Union and its satellites (CoCom). Otherwise, it would have been sanctioned itself and cut off from imports of modern technology. Neutrality was and is not always conducive to business, as is often claimed today.

From 1960 onwards, the Federal Council relaxed its strict policy of neutrality. Switzerland joined the Council of Europe in 1963. From the 1970s onwards, it became involved in the Conference on Security and Cooperation in Europe (CSCE, OSCE from 1995) alongside other neutral and non-aligned states. In addition, although not a member of the UN, the country began to adopt some or all of the sanctions imposed by the UN from the mid-1960s onwards, for example in the cases of South Africa (from 1962) and Southern Rhodesia (from 1965). At the end of the 1960s, a laborious debate about joining the UN began that lasted for almost half a

27 Quoted from Josef Köpfer, *Die Neutralität im Wandel der Erscheinungsformen militärischer Auseinandersetzungen*. Munich 1975, p. 26.

century – a bizarre perpetual motion machine, as if joining the UN would mean the end of neutrality and the downfall of Switzerland. In 1986, the people and the cantons rejected the first UN proposal, citing neutrality, the powerlessness of the UN, and “useless” expenditure as arguments.

XI. Switzerland doubts its neutrality

The collapse of the communist Eastern Bloc and the dissolution of the Soviet Union at the turn of the 1990s finally removed the geopolitical foundations of neutrality in Europe. Since the 17th century, neutrality had been based on wars between neighboring states that threatened Switzerland’s existence and from which Switzerland protected itself in its own interest by not participating in the war. But after 1945, these reasons no longer existed: Switzerland’s neighbors had now become friends, or as one *bon mot* put it: “Switzerland is now encircled by friends.” During the Cold War, Switzerland maintained its neutrality by citing the argument that it was still a kind of frontline state between the two newly formed blocs. Switzerland, Austria, and non-aligned Yugoslavia would form a neutral corridor through which the troops of the Warsaw Pact states could advance to the Burgundian Gate into France. After 1990, however, this argument no longer held water: there were no more blocs; there was a general euphoria of peace; the European states – including Switzerland – reduced their armed forces and reaped billions in peace dividends. The Federal Council reacted quickly and realigned Swiss neutrality in 1993. From then on, it was to be limited to the military core. “Security through cooperation” was the new slogan.

The call to abandon neutrality, now deemed obsolete, was particularly loud in academic circles. In addition to Jürg M. Gabriel, quoted at the beginning of this article, numerous other intellectuals joined the chorus of “neutrality abolitionists” – as they were disparagingly called by national conservatives around SVP tribune Christoph Blocher. In 1998, Daniel Thürer showered neutrality with all sorts of unflattering attributes: bloated, dogmatic, degenerated into fiction, illusion, and self-deception. “The special status of permanent neutrality has become largely obsolete. Neutrality as a concept of Swiss foreign policy has had its day.”²⁸ As in most other countries, there was a general conviction that there would be no more

28 Daniel Thürer, Vom Sinn der Neutralität heute. In: Bernhard, Roberto (ed.), Nationalismen. Hinweise für die Zukunft. Aarau: Sauerländer, 1998, 217-221, p. 219 f.

wars between states in Europe. However, regular surveys showed that the vast majority of the Swiss population remained steadfastly committed to traditional neutrality. In 1994, voters rejected a proposal, which would have allowed Switzerland to provide UN Blue Helmet soldiers. It was not until a referendum held in 2002 that there was a narrow yes to Switzerland's membership of the UN – as one of the last countries in the world to join. When it joined the UN, Switzerland did raise a reservation of neutrality, which was merely noted by the UN. There were no special arrangements for neutral Switzerland, as there had been in 1920 when it joined the League of Nations. With the Embargo Act of 2002, the federal government established the legal basis for imposing economic sanctions imposed by the UN, the OSCE, and now also by its “most important trading partners,” i.e., the EU, as has been the case in various instances since then.

The heated debates on neutrality in the 1990s died down with Switzerland's accession to the UN and, above all, with the emergence of new forms of threat, such as Islamist terrorism, which could not be dealt with by traditional neutrality. The restriction of neutrality to its military core, as envisaged in the 1993 neutrality report, failed spectacularly, as the 2000 security policy report noted with some resignation. Switzerland – that is, its political elite and the majority of its people – remained stuck in the Cold War concept of neutrality. The only new thing after Switzerland joined the UN was that it complied with the decisions of the Security Council, insofar as this dysfunctional body was able to make decisions at all, as was often the case in the 1990s, for example in the Yugoslav conflicts, the Gulf Wars, and in Libya. But neither politicians nor international law experts made any effort to devise a form of neutrality for the 21st century that was compatible with the UN Charter. National conservative circles, such as those around the SVP, stubbornly clung to traditional neutrality. Neutrality largely disappeared from public discussion in the 2000s and 2010s. Somewhat surprisingly, in 2020, former Foreign Minister and Federal Councilor Micheline Calmy-Rey was one of the few to speak out in favor of a renewed “active neutrality” in her book on neutrality.²⁹

The outbreak of war in Ukraine in 2014 did not change much in Swiss neutrality policy. Switzerland did not adopt the EU sanctions because of its chairmanship of the OSCE, but prevented circumvention transactions (“courant normal”). The argument of neutrality did arise in public discussions, for example on the fight against piracy off the coast of Somalia, the

29 Micheline Calmy-Rey, *Die Neutralität: Zwischen Mythos und Vorbild*. Basel 2020.

French spy satellite, and the Crypto affair. But the debate was largely fought out using arguments unrelated to neutrality, showing that Switzerland was no longer clear about what neutrality actually meant.

Then came the fateful day of February 24, 2022. The illusion that wars between states in Europe were a thing of the past was shattered. And there it was again: neutrality. A confusion over neutrality ensued at the political, scientific, and journalistic levels. Switzerland had forgotten how to be neutral. The federal government in Bern reflexively reactivated the old patterns of neutrality. Switzerland fell back on an outdated policy of neutrality based on the Hague Convention of 1907. The rigorous Arms Export Act quickly took center stage, which was even tightened on May 1, 2022, and took away all freedom of action from the Federal Council. In the Ukraine Ordinance of March 4, 2022, with the scandalous title “on measures in connection with the situation (!) in Ukraine,” Ukraine, the victim of aggression, was treated in the same way as Russia, the aggressor, just as Abyssinia, the victim of aggression, had been treated in 1935. On the basis of the tightened Arms Export Act, the Federal Council prohibited countries such as Germany, Denmark, and Spain from passing on military equipment purchased in Switzerland. Reference was also made to the right of neutrality under the Hague Convention of 1907. However, the Hague Convention did not provide for such export bans, let alone transfer bans. Swiss neutrality, especially in the area of exports, had become detached from its historical and international legal foundations and developed a momentum of its own that was met with incomprehension both at home and abroad.

XII. What next?

The regression in neutrality policy since 2022 has astonished political observers. In the federal government in Bern, in the Federal Council, in parliament, and in the federal offices responsible for neutrality, there is a fossilized idea of neutrality. It seems that some of those in positions of responsibility remain stuck in 1907. The revolution in international law that has taken place since then has not been recognized and is still not being recognized. Members of the Federal Council and the Federal Assembly have made and continue to make staggering, outdated statements on neutrality, such as on June 19, 2025, in the Council of States during the debate

on the “neutrality initiative.” In it, the outdated Hague Convention, with its principle of equal treatment that is now obsolete under international law, lives on unreflectively. Remarkably, even some international law experts have fallen far behind their teachers. The last true expert on neutrality law, Zurich’s Dietrich Schindler Jr., who died in 2018, already stated in 1993 that parts of classical neutrality law, such as the principle of equal treatment, no longer apply.³⁰ Incidentally, the Federal Council already expressed doubts about the principle of equal treatment in its first UN report in 1969. But that has been forgotten in the meantime.

So now Switzerland, with its mythically charged and inflated concept of neutrality, finds itself in a rough international storm. The individual elements of neutrality no longer fit together. Foreigners have been quicker to realize this in some cases. For example, in his farewell article from his post as Swiss correspondent for the Financial Times and the Tages-Anzeiger at the end of 2023, English journalist Sam Jones noted that neutrality “can lead to grotesque situations. For example, politicians impose economic sanctions on Russia. At the same time, they refuse to provide even the slightest military aid to the Ukrainian victims of the aggression. The result of this muddle: Russia considers Switzerland an enemy. And the West considers it a coward.”³¹

With its neo-orthodox understanding of neutrality and its rigorous arms export law, Switzerland has caused itself a lot of trouble over the past four years. Today’s arms export bans, which go far beyond the rudimentary neutrality law of 1907, are a Swiss invention and not the product of neutrality. They are the result of a pacifist and moral mainstream that has been reflected in five (rejected) arms export initiatives since 1936 and is formed by left-wing, pacifist, feminist, church, but also broad bourgeois circles. Despite being rejected five times, the initiators’ demands were largely incorporated into law. By adhering to Article 9 of the Hague Convention of 1907 (principle of equal treatment), Switzerland is also sabotaging Article 51 of the UN Charter. This article gives only the victim of aggression the right to wage war, alongside the Security Council. The Federal Council and, above all, Parliament are practicing a form of neutrality that does not comply with current international law, isolates Switzerland internationally,

30 Dietrich Schindler, *Ist das Neutralitätsrecht noch Teil des universellen Völkerrechts?* In: Konrad Ginther et al. (eds.), *Völkerrecht zwischen normativem Anspruch und politischer Realität*. Festschrift Karl Zemanek. Berlin: Duncker & Humblot, 1994, 385-399.

31 Sam Jones, *Dieses geradezu magische System*. In: Tages-Anzeiger, October 28, 2023.

damages Switzerland's security policy and reputation, and, above all, ruins its own arms industry.

However, there is no reason to abandon neutrality headlong. Switzerland is in a different geopolitical situation than Sweden and Finland. Nevertheless, a new concept or update is urgently needed. The much-maligned Federal Council and Foreign Minister Ignazio Cassis was the first to realize this. Immediately after Russia's invasion of Ukraine, he had a new concept of neutrality ("cooperative neutrality") drawn up, though it failed to pass the Federal Council in September 2022. Since then, heated debates have been raging between representatives of the various "schools of neutrality" outlined above. In May 2024, a group of seven intellectuals (including myself) published a manifesto for neutrality in the 21st century.³²

The manifesto does not call for the abolition of neutrality, but rather for its updating on the basis of current international and constitutional law (not that of 1907) and new forms of threat and warfare. Therefore, 21st-century neutrality must be based on the UN Charter, other international agreements ratified by Switzerland (e.g., the prohibition of genocide), the Federal Constitution, the history of neutrality, ethical principles, and, above all, Switzerland's security interests. In concrete terms, this means that Switzerland is abandoning the idea that neutrality is an institution of international law and returning to the wise pragmatism of the constitutional fathers of 1848 and the Federal Council of 1900. Neutrality must not be codified in domestic law, either. Therefore, a constitutional article with provisions for implementation must be rejected. In future, neutrality must be handled by the Federal Council on a case-by-case basis in the interests of the country. Although Switzerland does not intervene militarily in inter-state conflicts, it supports the victims of aggression in accordance with Article 51 of the UN Charter, if necessary also with arms exports, especially for the protection of the civilian population, if the aggressor is waging a war of terror, as is currently the case in Ukraine. In doing so, it no longer accepts the outdated principle of equal treatment (which has repeatedly caused it problems in the past). It works with its neighbors and also with NATO to defend against attacks on democratic, rule-of-law-based Europe, without immediately joining military alliances. Above all, however, it is rebuilding its civil and military national defense in such a way that it

32 Manifest. Eine Neutralität für das 21. Jahrhundert (<https://suisse-en-europe.ch/neutralitaet-21/>).

can withstand the threat independently up to the highest possible level, but beyond that, it can do so together with friendly states.

It follows that the Hague Convention must finally be laid to rest as a fixed point of reference. There are provisions in it that are still valid because they are part of the essence of neutrality, e.g., that a neutral state does not participate in war with its army. It is thus still useful as a historical source of law. In addition, Parliament must return to the Federal Council all the powers it took away from it with the excessive Arms Export Act. The Federal Council must conduct foreign policy, not Parliament. For three centuries, politicians developed a pragmatic and flexible policy of neutrality. It was only after 1907 that international lawyers – urged on by politicians who were reluctant to make decisions – took over the authority to interpret the neutrality. Since then, neutrality policy has been implemented in a doctrinaire and legalistic manner. Today, there is no longer a generally accepted view of what neutrality is or, as the June 2023 issue of the US magazine *Foreign Policy* stated: “As a political concept, there is no universally accepted definition of what neutrality actually means.”³³ As a result, there is no longer any internationally recognized law of neutrality, or as the title of a recently published dissertation in Cologne puts it (without any question mark): “The End of the Law of Neutrality.”³⁴ Since the beginning of the Cold War, neutrality has been reduced to non-alignment (in times of peace) and non-participation in war, mainly under the influence of the Third World, now known as the Global South. It is high time for Switzerland to consider what neutrality means for it in the 21st century and how it intends to implement it in accordance with international law.

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33 Pascal Lottaz, In Defense of Neutrals. Why they're more than just fence sitters. In: *Foreign Policy*, June 6, 223 (<https://foreignpolicy.com/2023/06/06/ukraine-russia-war-neutrality-nonalignment/>). Last accessed June 8, 2025.

34 Jamal El-Zein, *Das Ende des Neutralitätsrechts*, Baden-Baden 2024 (=Kölner Schriften zum Friedenssicherungsrecht, Volume 26).

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