Challenges to Swiss Democracy: Neutrality, Napoleon, & Nationalism

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The year 1291 is considered the birth of Switzerland as we know it. Yet this is not entirely correct, since it was when the Swiss Confederacy was formed. This defensive alliance between some cantons that would expand over time did not mean Switzerland was a unified nation-state. Most of Europe in 1291 was stuck in the Middle Ages with few unified nations existing at the time. 1648 was an important year for Switzerland and the rest of Europe. The Treaty of Westphalia marked the end of the Thirty Years’ War that involved most of the continent over religion and politics. The treaty acknowledged the legal independence of Switzerland, which was agreed to by the powers of Europe. Thus began Switzerland’s road to unity and neutrality, making it one of the unique states of Europe that continues to this day. As democracy evolved and more cantons allied, Switzerland would face challenges to unifying and staying neutral when threatened or surrounded by other powers that took bordering lands. Challenges by
Challenges to Swiss Democracy

Napoleon Bonaparate, the impact and ideas of nationalism, regional and religious differences, and debates today over what neutrality really means and if Switzerland should continue to follow or reform it, show that democracy can be tricky and subject to upholding constitutional principles and also changes over time. As one of the world’s oldest continuous democracies, Switzerland offers many lessons and examples for how a nation can withstand challenges and continue to flourish and lead as a strong democratic and capitalist nation-state.

The details of how Switzerland was able to get the rest of Europe to acknowledge and accept its independence are interesting and have not been widely disseminated. Switzerland was not involved in the Thirty Years’ War, but profited from trade in military supplies and exporting foodstuffs.1 Johann Rudolf Wettstein, the mayor of Basel, was the diplomat who made permanent neutrality and independence happen for Switzerland. Wettstein participated in the peace negotiations in order to obtain juridical independence for Basel merchants from the Holy Roman Empire. Basel was part of the Holy Roman Empire’s commercial court in Speyer and if you lost a case there, your goods and property were confiscated.2

As mayor of Basel, Wettstein was looking out for his merchants and their interests. He was hoping to resolve the dispute about jurisdiction over Basel merchants, who were frequently sued by German competitors.3 There was also some concern that Basel might be integrated into France, since the city bordered the key region of Alsace, which France had long sought to gain. 4 “In February 1647, at his own request, Wettstein secured a mandate to negotiate for the whole Confederacy. What he brought back from

3 Balsiger.
4 Saner.
Münster was the ‘Exemption’, an exceptional deal for Switzerland.”

“And as His Imperial Majesty, upon Complaints made in the name of the City of Basel, and of all Switzerland, in the presence of their Plenipotentiaries deputed to the present Assembly, touching some Procedures and Executions proceeding from the Imperial Chamber against the said City, and the other united Cantons of the Swiss Country, and their Citizens and Subjects having demanded the Advice of the States of the Empire and their Council; these have, by a Decree of the 14th of May of the last Year, declared the said City of Basel, and the other Swiss-Cantons, to be as it were in possession of their full Liberty and Exemption of the Empire; so that they are no ways subject to the Judicatures, or Judgments of the Empire, and it was thought convenient to insert the same in this Treaty of Peace, and confirm it, and thereby to make void and annul all such Procedures and Arrests given on this Account in what form soever.”

This great deal that Johann Wettstein struck guaranteed Switzerland was a sovereign and independent state, no longer part of the Holy Roman Empire. Article LXIII from the Treaty of Westphalia (quoted above) states that Emperor Ferdinand III accepted and acknowledged Switzerland’s independence. Freely giving up territory in the seventeenth century was a big deal, but the Holy Roman Empire had lost battles and lands to France and Sweden, the main victors in the war. In addition, the emperor did not want the Swiss Confederacy to form an alliance with France, and so he awarded the desired Basel merchants exemption from the court in Speyer. “The Wettstein mission lasted two years and is based on a paradox: while Wettstein managed to advance his negotiations and to deal successfully with the diplomatic intricacies of the major powers of the time, the

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5 Balsiger.
6 Treaty of Westphalia (1648), The Avalon Project: https://avalon.law.yale.edu/17th_century/westphal.asp.
7 Saner.
internal support of his mission remained poor until the very end.”

8 Only four Protestant towns had supported Wettstein’s mandate. 9 It would be centuries before Wettstein was recognized for his achievements, partly due to the fact that as a Protestant, Catholics in Switzerland would not acknowledge him. 10 In 1881, the Wettstein Bridge on the Rhine River in Basel was named for its former mayor. “Neutrality, sovereignty, re-

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8 Saner.
9 Ibid.
10 Balsiger.
ligious pluralism: all these Swiss achievements emerged from disputes and discussions lasting centuries. Wettstein’s success in Münster was an important milestone along the way.” As the sole diplomat for the Swiss Confederacy working in Münster on the Treaty of Westphalia, Wettstein played a major role in guaranteeing Switzerland’s independence and eventual confirmed and accepted neutrality status.

The next major development in Swiss government was the new constitution that was implemented on April 12, 1798. The Helvetic Republic, based on the ideas of the French Revolution, would last until 1802. “In just a few days (between 2 and March 1798) the French army occupied the entire territory of the Swiss Confederacy, which ceased to exist. This was the first and only time in the history of the Swiss state when it had been occupied by another country.”

Napoleon had urged the Directory to occupy Switzerland where many pro-French Revolution and French speakers lived, especially in the western part of the country. “Napoleon, who had been much impressed by the Landsgemeinden, the popular assemblies of the mountain cantons, believed them to be the characteristic Swiss institution and insisted that they be restored. The Landsgemeinden were conservative but democratic, though not in the modern sense.”

In Switzerland, many in the French speaking cantons supported the new order of the French Revolution of 1789. “Napoleon took a special interest in Switzerland, including imposing a tighter unification on the cantons, alliance with France, and recruiting Swiss regiments for the Grand Armee.” As we know from history, Napoleon believed that everyone else in Europe would want liberty, equality and

11 Balsiger.
fraternity too. He thought that the ideals and changes to France from the Revolution should be replicated and would be widely accepted throughout the continent. Napoleon and his *Grande Armée* faced resistance and eventually defeat after they failed to conquer Russia.

*The Awakening of the Swiss (1798) by Laurent Midart, celebrates the transformation of the Old Confederation into the Helvetic Republic. A Swiss man wakes up from his sleep (the ancien régime) and is handed a sword by Lady Liberty. In the background, the rising sun and rooster herald this new era.* (Image from MediaWiki Commons.)
The Helvetic Republic (named for the Helvetii original Celtic tribal inhabitants of Switzerland) was a sister republic of France during the Revolution and Napoleonic period. The constitution was based on the French Constitution of 1795. Ten Cantons established the Helvetic Republic in Aargau with a two chamber legislature and Directory of five members who held executive power. “Switzerland was declared a unified and inseparable country with a centralized government. The sovereignty of the people, the granting of equal rights for all citizens and the separation of powers were proclaimed as its main principles.”

On paper, it looked good and was an attempt to create a centralized, modern democratic nation-state. Old feudal laws were repealed and trade barriers between the cantons were removed. “The republican model of governance in Switzerland failed to receive any significant support from the population. The people’s attachment to feudalism remained strong and found expression in various forms of opposition. Resistance was strongest in the Catholic cantons in the country’s central region.” Attempting to apply the French model of governance with a strong centralized state was not welcomed in Switzerland. By 1803, the Helvetic Republic was gone and replaced with a new government created by Napoleon. “The Helvetic Republic lasted less than five years. It was created and supported by France whose troops occupied Switzerland which was allowed to keep only nominally its independence.”

The Act of Mediation of 1803 restored the Swiss Confederation with a new constitution. “They [the nineteen cantons of Switzerland] reciprocally guarantee their constitution, their territory, their freedom, and their independence, either against foreign powers or against the internal factions.”

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16 Tsachevski, 28-29.
17 Ibid., 30.
18 Ibid.
19 Daniele Mariani, “Has Switzerland’s 26-canton model had its day?” (Jan. 28, 2015): https://www.swissinfo.ch/eng/directdemocracy/federalismo-cantoni-svizzera-quanti-ce-ne-vogliono/41237576
20 Tsachevski, 32.
against the usurpation of a particular canton or faction.”

It is interesting that this act which was written and implemented by Napoleon proclaims Swiss independence. The new Swiss Confederation would remain part of the French Empire until 1815. The Act of Mediation created a weak central government and one year rotating presidency, which was kept after Napoleon was overthrown. The new constitution allowed for the self-governance of the cantons and the Federal Assembly (previously the Tagsatzung) became the highest institution. In many ways the Act of Mediation was a compromise, seeking to respect and bring back traditional Swiss institutions and ways of governing. It also embodied the ideals of the Enlightenment by ending the class system, creating a strong legislature, and calling for equality of rights between the cantons. Napoleon wrote in a letter to Swiss delegates:

“Switzerland is not like any other state in terms of the events which have taken place there over the centuries, or in its geographical or topographical situation, or the different religious denominations and the extreme difference in customs within its parts. Nature has made your country a federal state; to want to override that would not be the thought of a prudent man.”

The emperor of the French recognized Switzerland’s uniqueness and sought to placate its nobles and leaders with a new constitution that in many ways reflected the Old Swiss Confederation. Switzerland, which remained disunified as a nation, would not experience the forces of nationalism that arose in opposition to Napoleon,

23 Tsachevski, 32.
24 Napoleon Bonaparte, Letter to the delegates of the cantons quoted in Daniele Mariani, “Has Switzerland’s 26-canton model had its day?” (Jan. 28, 2015): https://www.swissinfo.ch/eng/directdemocracy/federalismo-cantoni-svizzera-quantico-ne-vogliono/41237576
Napoleon Crossing the Valais Alps at the Great St. Bernard Pass, Switzerland in May 1800, painted by Jacques-Louis David. Seen as a piece of propaganda, it portrays France’s First Consul on his way to Italy to reinforce French troops there. Within just a few years, he became an emperor and controlled most of Europe, including the Swiss Confederation. (Image from MediaWiki Commons.)

especially in Spain and Russia. The Swiss also had to supply troops to the French Army. After Napoleon’s defeat in Russia in 1812, the Swiss like most of the rest of Europe, turned against him.
The Congress of Vienna sought to create a new European order post Napoleon. For Switzerland, this meant formal recognition of its independence by the rest of Europe and also its status as a neutral state. “Switzerland had endured Napoleon’s attentions during the early nineteenth century and was determined to declare and maintain its neutrality away from the Great Powers.”25 No longer a part of Napoleon’s empire, Switzerland created the Federal Pact of 1815. This pact in the form of a treaty recognized the equality of the cantons and saw the central government lose power.26 The number of cantons was now at 22 and the only federal control was over the army. This new government with a weak executive would not last, as Europe experienced more revolutions and increased nationalism during the nineteenth century.

25 Dreyer and Jesse, 63.
26 Tsachevski, 34.
The Revolutions of 1848 that swept across most of Europe also impacted Switzerland. When seven Catholic cantons formed the Sonderbund alliance and sought to secede, Protestant cantons united to squash them. This led to the cantons coming together to create and ratify a new constitution. Nationalism seemed to have finally impacted Switzerland, leading to a new government and equality of all cantons regardless of religious dominance. “In creating their central government the Swiss, like the Americans, found it necessary to have two houses in the legislature, one dominated by the cantons (states) and one by the people.”27

The term “sister republics” that has often been used to describe the similarities between the United States and Switzerland, can best be seen in this new constitution. Planning had actually begun in 1833 at the Tagsatzung in Thurgau.28 Known as the “Pact Rossi” the draft of a new constitution called for modeling the Swiss state after the United States, creating a parliament and Federal Council with five executives.29 “The new Federal Pact draft was the foundation on which the Swiss constitution adopted in 1848 was built. In 1833, however, it was not approved because less than half the cantons supported it.”30 In June 1848, a referendum was passed for a new constitution with 72% of voters supporting it.31 “The constitution of 1848 granted the cantons a large independence, including the right to have their separate constitution, government and judiciary, to implement their own policies in education, the social sphere, taxation and transport. The supreme power was vested in the federal institutions.”32

The first Federal Assembly met in November 1848, electing the Federal Council and making Bern the federal city and de facto capital. Swiss cantons finally had a federal government and parlia-

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27 Everdell, 83.
28 Tsachevski, 36.
29 Ibid.
30 Ibid.
31 Ibid., 37.
32 Ibid., 39.
Challenges to Swiss Democracy

Switzerland was becoming a modern, unified nation, while adhering to its traditions and principles of neutrality and strong, quasi-independent cantons. Parliament elects seven members of the Federal Council to head a department. Government decisions are made jointly by the Federal Council. This is a unique system with roots in the French Constitution of 1795 which created the Directory and was also copied in the government of the short lived Helvetic Republic. Not wanting any one person, department or canton to gain too much power or dominate, the Federal Council seeks to represent and continue Swiss political culture. From the Federal Council also comes the office of the president, which passes to a different member each year. Perhaps this system and set up that has worked well for the

Swiss since 1848 could be a model to others in our hyper politicized early twenty-first century world.

A major achievement for international democracy and for Switzerland was the selection of Geneva to be the headquarters of the League of Nations after World War I. Geneva made sense as an ideal city for the League, since Switzerland had been a neutral country for centuries and was already the headquarters for the International Red Cross. Its strong democracy and location in central Europe made it a good choice for the nations of the world. Federal Councillor Gustave Ador and economist William E. Rappard pushed for Geneva to be selected.\textsuperscript{34} Switzerland

\textit{Dome, Swiss Federal Assembly in Bern (Text translation: “One for all, all for one”) symbolizing the unity of the cantons in the Swiss Confederation.} (Photo by Kaspar Bacher at https://firebrandmag.com/articles/one-for-all-all-for-one.)

'Neutrality. It’s about getting to the end!’ Switzerland, neutral during World War I, attempts to balance between its major bordering neighbors, represented by the German eagle and the French cockerel. (Image from https://www.byarcadia.org/post/swiss-neutrality.)
joined the League in May 1920 after a popular vote approved it.35 “The League of Nations not only influenced Swiss politics, but it also had an impact on local Geneva society and culture. The number of foreign residents increased, and the different communities mixed.”36 The first international peacekeeping organization, a dream and idea of U.S. President Woodrow Wilson, would be dissolved before World War II. The U.S. never joined as the Senate refused to ratify the Treaty of Versailles, which included the creation of the League of Nations. Japan, Italy and Germany all withdrew from the League before the Second World War started. The League of Nations was essentially reborn as the United Nations in 1945. Wilson famously said “The world must be made safe for democracy.” It was fitting that this new world body would be headquartered in one of the world’s oldest democracies, which was also safe and neutral.

The greatest challenge to Swiss democracy in the twentieth century was neutrality, and this continues to be a debated issue. Without getting too much into the well researched and much written about issue of whether Switzerland was really neutral during World War II, it is worth pointing out that the Swiss have used neutrality to their advantage. Revisionist history has questioned whether using neutral-

35 “The League of Nations.”
Challenges to Swiss Democracy

It could also perhaps be argued that nationalism and a desire to remain a free nation impacted Swiss leaders and decision making. The Swiss parliament created a commission in 1996 to investigate links between the Nazis and Swiss banks. Known as the Bergier commission, they found that Switzerland and its political leaders failed to protect persecuted Jews and by closing its borders to refugees in August 1942, did more harm to those fleeing the Nazis in other parts of Europe. Switzerland’s positive image as a safe haven for those fleeing persecution and for its neutrality and decisions to not get involved in wars was shaken, and this remains a hot topic when discussing contemporary Swiss history.

Neutrality and a desire to not form alliances impacted Swiss decisions after World War II to not originally join the United Nations or the European Union. “Swiss neutrality is hallmarked by sovereignty and self-determination, the construction of an institution of neutrality recognized by the great powers and the incorporation of neutrality into the strategic culture of the nation.”38 Because of its neutrality and being seen as a safe place, many international organizations chose to be headquartered in Switzerland, including the International Red Cross and one of the four major offices of the United Nations in Geneva, and the International Olympic Committee in Lausanne. Acceptance of Swiss neutrality going back to the Treaty of Westphalia certainly played a role in deciding to have offices in the safe

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37 Dreyer and Jesse, 66.
38 Ibid., 80.
and peaceful city of Geneva for many global organizations. “Switzerland applied for and was granted full UN membership in 2002. This, again, represents the erosion of the idea of absolute neutrality in peacetime. The nationwide referendum passed with 55 percent of the vote, a number that demonstrates the significance many Swiss voters still place on the culture of neutrality.”39 Having previously rejected joining the UN, Swiss voters approved the change which had support from political parties, banks and other organizations as a way for Switzerland to become more engaged in international affairs. Also, for the first time, Switzerland is currently a non-permanent member of the UN Security Council through 2024. They will be able to play a role in deciding peacekeeping operations, international sanctions and any military action.

The controversy over Swiss neutrality and if it should be modified is a current topic of debate. When I interviewed Hans-Peter Schaub and Anja Heidelberger, researchers at the University of Bern, they said that neutrality itself has always been strongly supported by Swiss citizens, as surveys show. At the same time, what “neutrality” is and what its consequences are, has always been up for discussion. While the law of neutrality (written in the Swiss constitution) clearly states that Switzerland must not participate in a war between nation-states, the policy of neutrality is a lot less clear and open for debate. The Swiss Federal Department of Foreign Affairs defines the policy of neutrality as “a combination of all the measures a neutral state takes of its own accord to ensure the clarity and credibility of its permanent neutrality.”40 Whether an action is in accordance with neutrality has for example been discussed during the debates concerning Switzerland’s rejected accession to the European Economic Area, its accession to the United Nations, and more recently, concerning the reaction of Switzerland after the invasion of Ukraine by Russia in February 2022.

39 Dreyer and Jesse, 67-68.
A debate over whether or not Switzerland should adopt sanctions on Russia by the European Union or send ammunition to Ukraine is currently occurring. The Swiss People’s Party launched a popular initiative, with which it wanted to define the policy of neutrality in the Swiss constitution, thus taking the decisions to define it away from the government. In January 2023, the Security Policy Committee of Switzerland’s lower house of parliament voted to allow Swiss weapons and armored vehicles to be re-exported to a war zone.41 “‘The majority of the committee believes Switzerland must offer its contribution to European security, which requires more substantial aid to Ukraine,’ the committee said in a statement. It insisted the proposed changes ‘respect the law of neutrality’ because they would not involve direct exports of Swiss war materiel to conflict zones.”42 The Swiss government would still need to authorize the waiver, which would mean a major break from their policy of neu-

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42 Ibid.
President Ignazio Cassis of the Swiss Confederation makes a point during a press conference with President Volodymyr Zelensky of Ukraine when he visited Kyiv in October 2022 to assess the war situation and discuss humanitarian assistance.

trality. However, this would not violate the law of neutrality, since the government would not be directly sending weapons to Ukraine. “Switzerland, it turns out, has an arms industry that makes badly needed ammunition for some of the weapons that Europeans have supplied to Ukraine, as well as some of the Leopard 2 main battle tanks they have promised.”43 Because companies in Switzerland cannot legally ship those weapons and tanks, there has been pressure and disillusionment from the EU and U.S. “Western countries acknowledge that Swiss contributions would be largely symbolic. But they argue that although Switzerland has for decades benefited from being effectively protected by NATO, surrounded by member states, it has shown no willingness to help those states now.”44

44 Ibid.
Could or should Switzerland change their laws to help Ukraine in its war with Russia? The government has provided humanitarian financial aid to Ukraine and imposed further sanctions on Russia in January. “Swiss neutrality, Mr. Burkart of the Free Democrats argued, only works if it is flexible and if the rest of the world believes in it. The Swiss made accommodations with the Nazis in World War II, and with the Americans by cutting back trade with the Soviet Union in the Cold War.”

Switzerland’s current president Alain Berset has stated that it is not legally possible to allow Swiss made weapons to be re-exported to Ukraine, unless parliament decides to change the law. It will be interesting to see in the coming months if there is any flexibility or changes made to this law.

Switzerland experienced lots of changes and challenges since the end of World War II. They remained neutral throughout the Cold War and became a center for international conferences and institutions. The World Economic Forum (originally the European Management Forum) began its annual meeting in Davos in the canton of Graubünden in January 1971, which has grown to include over 1,000 business, government and religious leaders, and NGOs from across the globe. Nationalism can be seen in displays of Swiss flags outside homes and stores and celebrations especially every August 1. But nationalism has never been as strong in Switzerland, due to the strength of the cantons, regional traditions and four national languages. Switzerland experienced little chaos or upheaval with challenges from Napoleon and Nazi Germany. Its democratic institutions remain steady and little has changed since 1848. Admired by many countries for its strong democracy and citizen involvement, there are challenges that many outsiders might not be aware of. For example, I was surprised to learn that only about 50% of citizens vote in elections and popular votes. This seems very low for a semi-direct democracy, where people appear to be very involved and knowledgeable about politics. However, due to

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45 Solomon.
46 Hans-Peter Schaub and Anja Heidelberger, interview by author, Bern, Switzerland, Sept. 6, 2022.
Since 1971, the World Economic Forum (WEF) has met every January in Davos, a mountain resort in the eastern Swiss Alps. An international non-governmental organization, it is mostly funded by 1,000 member companies. The invitation-only annual meeting brings together CEOs, politicians, academic and religious leaders from across the globe. Some people believe that capitalism and globalization have increased poverty and destroyed the environment, leading to criticism and demonstrations against the WEF. The WEF has focused on capital markets, international conflicts and environmental problems with discussion of possible solutions. Could such an annual gathering be possible or successful in other democratic countries? Switzerland offers those who attend the Davos meeting (some coming from non-democracies) a safe and neutral place to debate and exchange ideas and seek ways to make the world better.
its regular popular votes (they usually occur four times a year) Swiss political science has started to take into account how often citizens participate over a certain time span. One study has shown that about 20% of Swiss citizens participated in one out of fifteen popular votes, while 25% participated in all fifteen cases, leaving the other 55% to participate selectively. Thus, participation at popular votes depends strongly on the importance of a topic for the voters (most people will only participate if it is an issue that they care about or if it impacts them).

Another challenge is the slowness of Switzerland’s political system. The referendum means the possibility that any law passed by parliament can be challenged by societal groups and put to a popular vote. In practice, only about 7% of all changes of law are challenged by a referendum. In order to make a law relatively secure against a referendum, the federal government and parliament try to include as many actors as possible in the decision making process. Therefore, big changes in Swiss policies are only rarely possible, and usually change happens only incrementally. Additionally, sometimes a law, on which the government and parliament have worked on for years, nevertheless gets rejected by a majority of voters, so the work has to start all over again. This is obviously something the government wants to avoid from happening. However, Swiss people hold a unique political power, thanks to the two main tools of political power: the initiative (where any citizen can propose a change to the constitution) and the referendum.

To many outsiders, Switzerland today is a model state with an envious high standard of living. “Switzerland has much to envy, ...

48 Schaub and Heidelberger.
but the image of a picture-perfect country is a misleading one. The genius built into its nineteenth century constitution is increasingly challenged, even endangered.\textsuperscript{50} The country has faced many challenges over the centuries, but often successfully used neutrality and nationalism to its advantage. Many would argue that neutrality allowed Switzerland to avoid wars, prosper, and become and remain a top country for best quality of life. “Over the centuries Switzerland has developed an electoral system and a culture that defuses political tensions and delivers peace and prosperity.”\textsuperscript{51} However, like many democracies, they have experienced more recent challenges from an influx of immigrants (30\% of the population is foreign-born, about the highest percentage in the world)\textsuperscript{52} to a rise in xenophobia, identity questions, calls to do more to help other nations, and debates over neutrality, and if it should continue. For most of United States history, America was neutral too, only permanently changing after World War II. The Swiss political system works well for them, but could it work in the United States or elsewhere? Most Swiss believe their political system is efficient and beneficial, and support their institutions and elected leaders. The same cannot be said of other countries today. Because it’s not realistic that any other country would adopt the Swiss model, it is probably not worth spending too much time pondering this idea. Since Switzerland has mostly benefited from its geography, democracy and neutrality, perhaps they can consider doing more to help other nations that are struggling, especially in Europe. In addition, Johann Wettstein should be further recognized and honored for his impact as a great Swiss diplomat. Perhaps a scholarship, fellowship, award or endowed chair in the study of diplomacy could be created to honor his impact and legacy? One could argue that Switzerland’s successes as an economic power and center for international organizations and meetings is due in large part to its continued neutrality and strong and stable democratic institutions that have existed since the Middle Ages.

\textsuperscript{50} Bongiovanni and Amez-Droz.
\textsuperscript{51} Ibid.
\textsuperscript{52} Ibid.