COLLECTIVE SECURITY IN SWISS EXPERIENCE

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1291-1948

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Professor at the University of Geneva
Director of the Graduate Institute of International Studies

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To my old and very dear friends
LIONEL CURTIS AND PAUL RUEGGER
I ***dedicate these pages***
which owe all to their kindness

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INTRODUCTION

OBJECT, METHOD, AND SOURCES

THE three Alpine communities of Uri, Schwytz and Unterwalden —all bordering on the lake of Lucerne—which in August, 1291, swore to protect each other in the interests of mutual security and peace *(dum peracta quietis et pads solidantur)* arc the direct ancestors of the Switzerland of 1948. The six and a half centuries which lie between these two dates saw no break in the continued corporate existence of what has been, since 1499 at least, an independent member of the European family of nations.

The twenty-odd generations of Swiss have, in the course of their common destiny, known many varied forms of political existence. But they have never swerved from the cardinal principle to which they owe their origin and their union. It may therefore be truly said that, viewed from the standpoint of structure and function, the history of Switzerland is the history of 657 years of collective security.

For the first five centuries, the Swiss people lived under a regime of mutual alliances between those minute sovereign republics which, on the eve of the Reformation, came to be known as cantons. Some of these small commonwealths, such as the three founders and, later, Zug, Glarus and Appenzell, were rural and democratic. Others, such as Lucerne, Zurich, Berne, and later Fribourg, Solothurn, Basle, and Schaffhausen, were urban and more or less oligarchical. Separately or together they administered as subject provinces the territories they had, in the course of the ages, wrested from the houses of Austria, Milan and Savoy. Furthermore, around the thirteen sovereign cantons and looking to them for protection, there gravitated a certain number of allied towns, principalities and Alpine districts such as St. Gall, Geneva, Neuchatel, the Grisons, and the Valais.

The French Revolution and the wars of Napoleon put an end to this complicated and cumbersome political organism, commonly known at the time as the Helvetic Body. The bilateral and multilateral treaties which bound its members together were

replaced by several successive federal constitutions. Through the liberation and elevation to the status of cantons of the subject provinces of Vaud, Aargau, Thurgau, and the Ticino, and the incorporation as such of five of the former allies, the number of full members of the Confederation rose from thirteen to nineteen in 1803 and to twenty-two in 1815.

Moreover, from the latter date until 1848, these twenty-two so-called sovereign cantons lived together under a transitory regime. This was clearly a compromise between the traditional institutions which had preceded and those which had resulted from the revolutionary events in France. In 1848, finally, the federal constitution was adopted which in its main features is still in force to-day. Modelled on the American pattern of 1789, it transformed what for over five centuries had been a permanent alliance or a very loose confederation into a federal state. At last the constituent parts came to be clearly subordinated to the national whole.

Throughout the six and a half centuries of its continuous existence, the Swiss people have thus in diverse forms, but always with a conscious purpose, practised the policy of the mutual protection of their cantons.

This very hasty summary of the history of the oldest surviving federal commonwealth of Europe will be somewhat elaborated presently. The purpose of this preliminary sketch is immediately to draw the reader's attention to the characteristic features of the one modern state which was born of, founded upon, and has ever been dominated by, the need of collective security.

Now it might be said of states in general that they all owe their existence and their unity to the prime necessity of protecting their subjects and citizens against violence. But while collective security is in this sense the basis of all states, it is so for Switzerland also in two other very distinctive respects. First, it is not primarily, as elsewhere, the call for the security of the individual that explains the rise and growth of the Swiss Republic. It is the urge of a group of communities which, while wishing each to retain its local independence, sought and found collective security in alliance for mutual defense. And, secondly, in Switzerland it was essentially this form of security that united the heterogeneous self-governing cantons. National unity was not and is not in Switzerland, as elsewhere, based on race, tongue, creed, or allegiance to a common ruler, but rather on a very conscious solidarity and need of reciprocal protection.

It is in this latter respect that the Alpine league of cantons bears far more resemblance than most other states to the world League of Nations. The obvious contrasts in size, scope and time between the two organizations should not blind one who has any intimate knowledge of both to the no less obvious analogies in structure, function and destiny between them.

Both were constituted primarily for the protection of their members. Both were hampered and often paralyzed by the latter's antagonistic interests, divergent policies and narrow self-interest. Both suffered and finally died as a result of the constant subordination of the real and lasting welfare and security of the whole to the apparent convenience and to the immediate and temporary independence of the component parts. In both, the governing bodies—Council and Assembly of the League of Nations, Diet of the Swiss Confederation—were internally torn asunder by the inevitably conflicting loyalties of their members. These had, on the one hand and primarily, to defend the position of their constituents—the states or cantons whom they represented—and, on the other, to co-operate in the administration of the defensive league of which they were the supreme and indeed the sole authorities. Both also encountered similar difficulties in the allocation among their members of the burdens and advantages inherent in their common endeavors. Both were finally overwhelmed by aggressive forces from without. These forces, although always foreseen, in the end proved stronger than their powers of resistance, enfeebled as they were by mutual distrust and by an insufficient sense of their corporate unity. Both, after a signal failure, sought for more effective forms of collective security and the Swiss cantons found them in the establishment of a federal state.

One might almost indefinitely extend the list of analogies existing between the League of Nations and its Swiss microcosmic antecedent. We hope and trust that our narrative will suggest many others to the student of politics, that is to the philosophically minded analyst of historical phenomena. That is admittedly its main purpose.

We fully realize that many a professional historian will, for obvious reasons, look askance at such an hazardous undertaking. His misgivings should, however, be allayed, or at least extenuated, by the assurance that they have been fully shared by the author ever since he began his investigations into the technique of intercantonal relations in Swiss history. From the outset, be has been

and has striven ever to remain conscious of the pitfalls which surround the historian who studies the past with a view not only to knowing and understanding it, but also of comparing it with the present and even of drawing lessons therefrom for the future. He undertook his inquiry without an inkling as to where it would lead him. He sought to pursue it throughout in a spirit of severe impartiality albeit not, he confesses, with complete historical disinterestedness. He has done his best to discover, present and interpret the facts of the past as they truly were, or at least as they struck him. He has endeavored to exercise the utmost critical vigilance, lest he select and distort them in order to fit them into an unconsciously or subconsciously preconceived scheme of things. In spite of his continual exertions in this respect, he, of course, lays no claim to infallibility. In order to speak the truth, it is necessary to guard against error and illusions, necessary but quite insufficient.

I know this study has been undertaken without any conscious bias, that it has been carried out in good faith and that it contains no deliberate misstatements. For the rest, I can only hope that I have not, being misled myself, misled the reader either as to the reality of the facts recalled, or as to their historical significance.

My main and almost my sole sources for the five centuries from 1291 to 1798 have been the *Amtliche Sammlung der alteren Eidgenossischen Abschiede.* This collection of official documents, well known to all students of Swiss history, was compiled between 1856 and 1886 from various cantonal archives. It contains, with, of course, very unequal detail according to the periods, the records of the principal intercantonal deliberations. It therefore throws much light not only on the countless treaties signed and agreements reached by the constituent members of the Swiss Confederation in their quest for collective security, but also on their various claims and motives and on the many cases of practical application of their mutual undertakings.

For the last one hundred and fifty years, my narrative is based on a much greater diversity of sources.

This latter period, as will appear presently, is of less interest to my purpose. Once the undisputed sovereignty of the federal state over its constituent cantons is established and recognized, as it was in Switzerland in 1848, the problem of their collective security is solved. Accordingly the analogies disappear between the Swiss experience from 1291 to 1798 and the Geneva experi-

ment from 1920 to 1939, which offered the main reason for, though not the main object of, the present study.[1]

As an experiment in federalism on a minute scale, nothing is more interesting than the story of the Swiss Confederation. It is thus, for instance, that W. A. B. Coolidge no doubt intended to present it when he wrote, at the beginning of his remarkable article on Switzerland in the 14th edition of the *Encyclopaedia Britannica:* "Swiss history is a study in federalism." As all who have attempted the task have experienced, however, and as Coolidge's essay shows itself, nothing is more difficult than to combine accuracy of detail with clarity of outline in an analysis of Swiss historical destiny.

The reasons for this peculiar difficulty are obvious. The history of England, of France, or of Spain, for example, is in the main that of the rise and fortunes of ruling houses whose role it has been to unify, to protect and to expand their respective kingdoms. The story of Switzerland, on the other hand, is that of a multitude of tiny sovereign cantons, each of which had its own origins and adventures, no two of which, for centuries, had the same relations to their neighbors and to the Confederation as a whole, and not all of which participated in the same so-called national wars and treaties. As a laboratory study of local experiments, the history of Switzerland may be fascinating to the specialist. But as a synthesis of local monographs, it is almost as arduous to write as it is tedious to read.

My purpose in this little book is not to overcome the difficulty which has hitherto baffled the attempts of far more learned authors of far more extensive narratives. It is necessary, however, and I trust it will prove sufficient, here to present in very summary outline the main facts which have characterized and which explain the growth of contemporary Switzerland out of its medieval origins on the banks of the lake of Lucerne. The first part of this volume will be devoted to this task. It is intended to provide a necessary framework to the picture of Swiss experience in collective security.

In my second part, I intend first to analyze the relevant clauses in the various treaties of affiance which are the true, and until 1798 were the sole, legal bases of the Swiss Confederation. I shall

[1] As this book is nothing but an abridged and, I hope, more readable English version of my more ponderous *Cinq stecles de securite collective* (1291-1798), Geneva and Paris, 1945, 603 pages, I have refrained from encumbering it with unnecessary footnotes. A critical reader will have no difficulty in finding the reference to the sources in the original volume in French.

then recall the corresponding provisions of the federal constitutions on which Switzerland has more recently been founded.

The third and final part will deal with some cases of effective practical application of the principles of mutual protection laid down in the intercantonal undertakings.

The general conclusions suggested by these historical studies in collective security will be briefly formulated in a final section.

PART I

A SKETCH MAP OF SWISS FEDERAL DEVELOPMENT

CHAPTER I

THE ORIGINS AND GROWTH OF THE CONFEDERATION OF THE THIRTEEN CANTONS (1291-1513)

1 HE embryo of contemporary Switzerland is to be found in the thirteenth-century alliance of the three Alpine communities of Uri, Schwytz and Unterwalden. What were these communities and why did they first unite?

The answer to the former of these two questions is mainly geographical, the answer to the latter, political. Together, these answers give us the key to the origins of the Swiss Confederation.

Geography had made of Uri, Schwytz and Unterwalden three mountainous, and therefore rural and pastoral, communities, linked together by the lake of Lucerne, on which they all bordered. Moreover, this lake was the natural prolongation of one of the main highways connecting Northern and Southern Europe over the Alps. This highway, which traversed the territory of Uri and the Gothard pass, seems to have been opened to the circulation of merchants and troops at the beginning of the twelfth century. In the thirteenth, it had already acquired real economic importance as the shortest road between Germany and Italy.

The nature of the terrain, deep narrow valleys surrounded by steep high mountains, made of its inhabitants a sturdy race, naturally protected against the outside world and correspondingly jealous of their local independence. This feeling of independence was fostered furthermore by their eccentric position on the outskirts of the German Empire and also by their frequent contacts with the self-governing Italian city republics beyond the Alps. Politically, all three communities were part of the Empire, but their status was not identical.

The first to enter history was Uri. As early as 853, the *pagellus Uroniae* is mentioned in the records as having been bestowed by its sovereign, the Emperor Louis, grandson of Charlemagne, to the abbey of Zurich. After various fortunes, in the course of which

the rising house of Hapsburg had begun to acquire important rights over the territory, its inhabitants, mostly free peasants organized in *Markgenossenschaften,* secured in 1231 a charter from King Henry of Hohenstaufen. This charter freed them from all feudal control and placed them under the immediate jurisdiction of the Empire.

Schwytz, a large part of whose inhabitants were also former free peasants bound together in *Markgenossenschaften,* had at the beginning of the thirteenth century fallen more directly under the power of the counts of Hapsburg. But they also in 1240 received from the Emperor rights and immunities similar to those which the neighboring valley of Uri had obtained nine years before.

The position of Unterwalden, the third member of the first alliance, was in the latter half of the thirteenth century less independent of feudal lords than that of the two others. But here also the traditions and institutions of a free peasantry had been maintained and the same urge to consolidate them against the constantly threatening encroachments of the Hapsburgs was manifest and operative.

In the Spring or Summer of 1273, Count Rudolph of Hapsburg, who was shortly to become the first German Emperor of his dynasty, acquired for himself rights over all three of these Alpine communities. Although the documentary evidence concerning the repercussions of this operation on their inhabitants is scant, the most recent historical research tends to show that the three communities responded to what was felt as a common menace to the measure of independence they had heretofore enjoyed by concluding a first treaty of alliance and mutual protection.[1] It was this treaty, the text of which has not been preserved, but which seems to have been signed in the Summer of 1273, which constitutes the basis of the "antiqua confoederatio" mentioned and expressly confirmed in the first known pact of 1291.

This latter treaty of alliance, the original of which today lies in the archives at Schwytz, is so generally considered as having founded the Swiss Confederation that the date of its signature, "incipiente mense Augusto 1291," is annually celebrated on August 1 as the Swiss national day. The immediate occasion for its conclusion was the general sense of insecurity resulting from the death of Rudolph of Hapsburg, on July 15, 1291. This treaty

[1] Cf. the passionate, perhaps somewhat imaginative, but still very erudite and intelligent recent monograph of Karl Meyer, "Der Ursprungder Eidgenossenschaft," *Zeitsehrift fur Schweizerische Geschichte,* vol. 21, Zurich, 1941, pp. 285-652.

is in essence an act of collective security and of arbitration. Its most vital provisions, by which the three concluding communities, while each retaining their individual rights, undertake to protect each other against aggression from without and from within, will be analyzed in our next chapter.

The defensive alliance thus formed was mainly directed against the house of Hapsburg. In its double capacity as leading feudal power over most of what has become present-day Switzerland and as for centuries the most successful candidate to the imperial throne, this dynasty supplied the Swiss Confederation with what has ever proved a wellnigh necessary factor of federal union: a common hereditary enemy. Switzerland was thus born of the will to independence of external control which equally animated the three primitive Alpine communities. Throughout the centuries, it was unified by a continuous struggle for the consolidation and extension of this independence, carried on together by an increasing number of rural communities and urban commonwealths.

Rudolph's successor, first to the ducal and in 1298 to the imperial thrones, was his son Albert. When he died, assassinated in 1308, Henry VII of Luxemburg succeeded him to the electoral dignity of Emperor. Thereupon the three Swiss allies immediately sought and obtained from him a confirmation and extension of their franchises. They were thus freed from all but the immediate imperial authority of the Emperor.

At the death of Henry VII, in 1314, a conflict broke out for his succession between Louis of Bavaria and Frederick of Austria, the oldest son of Albert of Hapsburg. Uri, Schwytz and Untcrwalden immediately sided with the rival of their enemy. This led to the attempted invasion of their territory. Towards the end of October, 1315, Albert's brother Leopold of Austria collected an army in his hereditary lands of Aargau, near the frontiers of Schwytz. The signatories of the pact of 1291, having been warned in time of the threatened attack, succeeded in surprising Leopold's army in a narrow defile at the Morgarten, between a steep hill and the lake of Aegeri. Although far superior in numbers and equipment and reinforced by contingents from Lucerne and Zurich, Leopold's army was routed on November 15, 1315. This triumphant feat of arms, with the later victory of Sempach, the most significant of Swiss history, was the cornerstone of the future independence of the Confederation.

Three weeks later, on December 9, 1315, the three victorious communities renewed their alliance at Brunnen, on the banks of

the lake of Lucerne. In 1316 Louis of Bavaria, who had successfully established his claim to the imperial throne against the Hapsburgs, once more confirmed their franchises.

The fourteenth century saw the gradual consolidation and extension of the Swiss alliance. In 1332 and 1351 respectively, the city republics of Lucerne and Zurich, in 1352 the rural communities of Glarus and Zug, and finally, in 1353, the more mighty Berne, concluded pacts with the three primitive communities. No two of these pacts are exactly identical, but they are all alliances of mutual defense against the house of Hapsburg by cities and communities, eager to protect themselves against a rule which they more and more came to conceive as foreign and oppressive. Not only the provisions of these treaties, but even their signatories, differ. Thus, while Lucerne in 1332 allied herself with Uri, Schwytz and Untcrwalden, and Zurich nineteen years later became the leading member of an alliance of five, Lucerne was not a party to the treaties with Glarus and Zug. The latter two much weaker communities were admitted with a distinctly inferior status. The case of Berne was still more complicated. This powerful and ambitious city republic was anxious to be able to count on the support of the three Alpine communities in its constant, but at first very cautious, resistance to the house of Austria. It therefore concluded with them an alliance of mutual defense. It was anxious also to join forces, if need be, with Lucerne and with Zurich. As, however, these cities were more immediately threatened by the Hapsburgs, with whom Berne was momentarily at peace, she did not feel free to negotiate directly with them. She therefore included in her treaty with the three so-called forest communities a clause by which they accepted to transmit to Lucerne and Zurich appeals for and assurances of assistance from Berne. Lucerne and Zurich, having made similar arrangements with the three primitive communities acting on behalf of Berne, the six contracting parties were thus, by virtue of four distinct treaties, signed at Lucerne on March 6 and 7, 1353, bound together in a loose and complex, but still a real, political defensive alliance.

This alliance, as we have seen, had no common contractual basis and, of course, no organs which could speak and act in its name, apart from the governments of the signatory parties. However, it served its purpose as a protective, although somewhat unwieldy, shield against the e\cr-recurring threats of Austrian aggression.

The middle of the fourteenth century was a period of particular military and political activity for the inhabitants of the lands which, for the first time in 1352, came to he referred to as Switzerland.[1] The name, taken over from the community of Schwyt/, the backbone of the defensive alliance, was thereafter ever more generally applied to the alliance as a whole.[2]

The tension between them and the Hapsburgs, who still looked upon all the Swiss as unruly subjects, was constant. From 1351 until 1355, Zurich, with the support of the four forest cantons, was in a state of intermittent war with Austria. On July 23 of the latter year, a peace was signed at Regensburg between the "burgomaster and council and citizens of the city of Zurich" and "the Duke Albrecht of Austria," whom they were constrained to recognize as "their lord." It was far from a victorious peace all the conquests which the Swiss had made in the course of the struggle had to be returned to their Austrian master. However, the many skirmishes which had preceded it and in which the Swiss mountain communities, standing faithfully together, had never been defeated by their formidable foe, consolidated rather than weakened their alliance. Berne, it is true, had not taken part in the war and Zurich had signed a treaty which was distasteful to the rural Confederates. Glarus and Zug had to be abandoned as a result of it. In spite of all this, the relations between the four other communities became closer and the pressure of Austria had not proved sufficient to dissolve the union.

This union was to be appreciably strengthened in the latter half of the fourteenth century. In 1360, Zurich, after a temporary estrangement, again renewed her close association with her four allies. In 1365, Zug was reconquered by Schwyt/. In 1386, the four primitive cantons decisively defeated Leopold III of Austria in the famous battle of Sempach, while Zurich and Berne attacked his subjects on their own frontiers. In 1387, Glarus, having thrown off the Austrian yoke, rejoined the Confederates. In 1389, after a successful encounter, a peace, or rather a so-called seven years' truce, was concluded. On this occasion, the terms dictated by all the victorious Swiss allies, except Glarus, were extremely favorable to themselves. Not only did Austria no longer question the

[1] Cf. J. Dierauer, *Geschichte der schneizenuhen Lufacnosw/tuhaft,* vol I, 2nd edition, Gotha, 1913, p. 305 The passage quoted here in footnote 38 reads : "dux Austne Albertus . . pugnaturus contra provinciam qui diutur Swcintz "

[a] Cf. article " Suisse*' in the very valuable *Dutionnaire histonque et biographique de la Suisse,* \ol. vi, Neuchatcl, 1932, p 410.

legality of their alliance, but she also expressly recognized their territorial conquests.

By the end of the century, the foundations of the Swiss Confederation, which came to be mentioned as such, were securely laid. No suggestion appears ever to have been made that the rights and duties of all its members should be defined in a formal constitution. However, besides the above-mentioned treaties of alliance which bound them one to another, two multilateral undertakings had been concluded between them.

The first, called the "Pfaffenbrief," or "Priest's Charter," had been signed in 1370 by Zurich, Lucerne, Zug, Uri, Schwytz, and Unterwalden.

The drafting of this interesting document has generally been attributed to the following circumstances:

A priest from Zurich, son of a former burgomaster and leader of the pro-Austrian party in that city, had committed an outrage upon a magistrate of Lucerne. When summoned before the courts, he escaped judgment on the successful plea of sacerdotal immunity. In order to avoid the repetition of such a scandalous occurrence and to reinforce their internal defense against Austrian intrigues and other acts of violence, the six confederate cantons concluded this pact of mutual internal security.

It interests us here mainly as an expression of the growing solidarity of its signatories. They agreed to demand in future that no friend of Austria, be he priest or layman, noble or commoner, should be allowed to settle on any of their respective domains without expressly recognizing their jurisdiction. At the same time they undertook to protect all comers, foreign as well as native travellers on all the highways, traversing the territory "of our Confederation" (in aller unser Eydgnosschaft) from the Gothard pass to Zurich, against all attacks on their persons and belongings. As there were, of course, no federal police or judicial authorities, the authors of the Pact could but bind themselves to cooperate in assuring this protection each on his own territory.

The other multilateral treaty concluded in the fourteenth century by the Swiss Confederates was the so-called "Sempacherbrief," or Covenant of Sempach. On July 13, 1393, seven years after the decisive battle of Sempach, all the eight Confederate cantons and also the city of Solothurn, close ally of Berne, which was not yet a member of the Confederation, agreed in future to observe and to apply in common certain rules of warfare. The clauses of this treaty, the first v\hich was equally binding on all

the members of **the** Confederation, dealt with such matters as the discipline of troops on the battlefield, the regulation of pillage, the disposal of common booty and the protection *of* church property, women and children.

The latter clauses have led some enthusiastic commentators to see in the Covenant of Sempach a medieval pretiguration of modern Red Cross conventions. Although these clauses were probably drafted by clerics and undoubtedly inspired by the desire to avoid the wrath of God and of "Our Lady," it was not for their sake that the treaty was signed. Its main purpose was obviously to assure that wars waged in common should in future redound more fully to the common good, that the fruits of Swiss valor should not be lost through the faults of Swiss indiscipline, and that external victories should not lead to internal brawls over the spoils. The final provision, designed to prevent the outbreak of unjustified wars, will be examined more closely in our next chapter.

The following period in the history of Switzerland may be dated as beginning with the signing of the Covenant of Sempach in 1393 and as ending at the close of the second decade of the sixteenth century. This period saw the eight cantons engaged in several armed conflicts. Their enemies weie Austria to the North and within their own frontiers, the Duchy of Milan and later l'iancis I of France in the South, the Dukes of Savoy and of Huigundy in the West. Although the immediate occasions of these various conflicts were naturally different, their underlying cause was fundamentally the same.

The Swiss cantons, whose soldiers had come to look upon themselves and were often looked upon abroad as wellnigh invincible, were no longer content to resist the threatening encroachments of foreign powers and chiefly of the Hapsburgs upon their lands and political autonomy; they tended more and more to expand their territorial domain and to assert their real independence even as against the German Empire itself. Their constant conflicts with the Hapsburgs the more readily led them to revolt against the authority of the Empire as, from 1440 onward and until IS06, the leading branch of the house of Austria successfully laid claim to the imperial throne.

Even a hasty analysis of the methods of territorial self-aggrandizement applied by the Swiss during this period shows that whatever the circumstances, reasons, pretexts, and appear-

ances, the goals pursued were always freedom, power and wealth, and the real means always the use or threat of force, sometimes coupled with appeals to the discontent of the "liberated" inhabitants and with monetary indemnities paid to the dispossessed.

Thus, in 1403, Uri began the long series of raids beyond the Alps which finally led to the annexation of the territories which roughly are today comprised within the frontiers of the canton of Ticino. They were repeated in 1407, 1410, 1422, 1439, 1440, 1478, 1499, 1500, 1503, and 1512. The initiative of these operations was usually taken by the primitive cantons, whose inhabitants were, for geographical reasons, most interested in the possession of the Gothard pass and of its southern approaches. But they always sought the support of their Swiss Confederates and, in spite of the indifference and even hostility of most of the latter, they usually obtained it.

The Italian lands thus wrested from the Dukes of Milan were set up as bailiwicks (Vogteien, bailliages) and placed under the administration of the cantons which had conquered them. As a result the most northerly valley of Levantine was ruled by Uri alone, the three bailiwicks of Bellinzona, Blenio, and the Riviera by Uri, Schwytz and Unterwalden, and the four bailiwicks of Mendrisio, Lugano, Locarno, and Val Maggia from 1512 on, by the then twelve sovereign members of the Confederation.

More important still than these transalpine conquests were those of Aargau in 1415 and Thurgau in 1470. The former of these lands, for centuries a stronghold and perhaps even the birthplace of the Hapsburgs, was situated in the very heart of Switzerland, between Lucerne, Berne and Zurich. At a time when Frederick IV of Austria, who had sided with Pope John XXIII, was outlawed by the Emperor Sigismund of Luxemburg, the Swiss, at the request of the latter, invaded and occupied the whole of Aargau. When, shortly after, the Emperor pardoned the Austrian duke, he urged the Swiss to return the conquered territory to its hereditary possessor. The Swiss refused. They came to terms with Frederick IV, who accepted to mortgage his lands for a sum of money, which was never paid. They thereupon proceeded to divide Aargau among themselves. An extremely complicated administrative system was set up which, with some minor changes, remained in force until 1798. Berne, Zurich and Lucerne each kept part of the territory for themselves. Part of the rest was placed under the common rule of six, and another under that of eight sovereign cantons.

The conquest of Thurgau, which took place forty-five years later, in many ways resembled that of Aargau. Thurgau, situated between Zurich and the lake of Constance, had, as Aargau, long been a Hapsburg territory. While, as we have just seen, Frederick IV was in 1415 outlawed by the Emperor, in 1460 his son Sigismund, who had succeeded him, was excommunicated by Pope Pius II. Whereas in 1415 the Emperor had suggested the occupation of Aargau by the Swiss, in 1460 the Pope, having released them of all ties of allegiance to the Hapsburgs, urged them to take over Thurgau. As for Aargau also, the military conquest of Thurgau was confirmed and completed by the payment of a sum of money. And as Aargau finally, Thurgau also was subjected to a complicated administrative system which in its essentials remained in force until 1798.

Shortly after the conquest of Thurgau, the Confederates were called upon to take up arms against the famous Duke Charles the Bold of Burgundy. The power and ambitions of this brilliant prince were deemed so threatening that they accomplished the miracle of momentarily arraying against him Louis XI of Trance, Emperor Frederick III, Duke Sigismund of Austria, and the Swiss cantons. The battles of Hericourt (1474), Grandson (1476), Morat (1476), and Nancy (1477) resulted in the defeat and finally in the death of Charles the Bold. In all these battles, it was Swiss blood and foreign gold which carried the day.

The political advantages which Europe derived from the downfall of this arch-enemy of its stability were garnered by those who had supplied the gold, more than by those who had shed the blood. The victorious cantons were very much divided on the desirability of territorial expansion to the West, which could but enhance the already dangerously preponderant Republic of Berne. As they were unanimous, on the other hand, in their eagerness to be generously paid for their military efforts, the wars of Burgundy proved, for the Swiss, more fruitful of monetary subsidies and of movable booty than of territorial conquests. However, in spite of much internal opposition, Berne succeeded in gaining a firm foothold in the French-speaking lands to the South of her previous frontiers, which are today the canton of Vaud. She consented to share a minor part of these conquests with the neighboring city of Fribourg, which was shortly to be admitted to the Confederation.

Since 1353, when Berne had joined the first Confederates, the territory of the cantons had been extended by conquests and purchases and their political influence had been enhanced by various

alliances with their neighbors. The number of full and sovereign members of the Confederation had, however, remained fixed at eight. Not before 1481 were Solothurn and Fribourg admitted as such, and then only after a very severe crisis and on conditions of some inferiority. The causes of this crisis and of the passionate opposition of the three first Confederates to the admission of these two new members were various and very deep-rooted.

As a result of the wars of Burgundy, the Swiss cantons found themselves renowned as the home of invincible soldiers, enriched as the beneficiaries of subsidies and much valuable booty, but gravely demoralized and divided among themselves. The young people, allured by tempting pecuniary offers and animated by love of adventure, glory and plunder, enlisted in their thousands as mercenaries in foreign armies. Many magistrates had also succumbed to the temptation of foreign subsidies and pensions, offered and accepted as the price of their support in diplomatic and military negotiations. The Diet, fully conscious of these dangerous habits and practices, had on various occasions sought to regulate or to suppress them. But outward circumstances proved too strong and Swiss morality too weak.

The political results were deplorable. As the constituents lost all confidence in their governments, the governments lost all authority over their constituents. As a dramatic symptom of this social disorder, an episode may be mentioned here known to Swiss historians as "the mad life"" (das thorichte Leben, la folic vie). In 1477, a group of youthful soldiery, starting from the banks of the lake of Lucerne, its ranks continually swelling, traversed the whole territory of Lucerne, Berne, Fribourg, Vaud, plundering as they went and extorting from Geneva, where their expedition came to an end, a heavy price for their peaceful departure.

The cantonal governments were all the more powerless in the face of such anarchy as they were divided among and against each other. The hostility came to be especially marked between the rural communities and the city cantons. The former were predominantly pastoral, generally poor, and all democratically governed; the latter, while occupying the most fertile part of the country, were industrial and commercial as well as agricultural, their institutions aristocratic or oligarchical, their populations generally prosperous, and their ruling families often wealthy. The social and political antagonism resulting from these contrasts became peculiarly acute after the wars of Burgundy and the quarrels over the disposal of the spoils to which they had given rise.

The Alpine communities, more numerous but less populous, held that the booty should be equally divided among the cantons; the cities, on the contrary, wished to see it distributed according to the number of soldiers who had taken part in the campaigns. Matters came to a head when, in January, 1477, the rural cantons of Uri, Schwytz, Untcrwalden, Glarus, and Zug formed a separate alliance among themselves. To this ominous step, the cities of Zurich, Berne and Lucerne responded in May of the same year by joining hands with Fribourg and Solothurn.

After months and years of irritating debate in the Diet, Switzerland was on the point of being engulfed in a civil war when, just before Christmas of 1481, a compromise was reached on all outstanding issues. The event was all the more striking as the Diet which had, for months, been sitting at Stans, on the lake ot Lucerne, had already adjourned when a solution was finally and suddenly agreed to. It had been suggested by a saintly hermit, Nicolas de Flue, who has ever since been honored as one of Switzerland's very rare national heroes. According to his advice, Fribourg and Solothurn, without being admitted as full, ordinary members of the Confederation, were allowed to conclude a special treaty of mutual defense with "the eight Confederate cantons." While promising them an equal measure of security, this treaty denied them some of the rights and privileges of the other contracting parties.

At the same date of December 22, 1481, the eight cantons concluded among themselves a new multilateral convention known under the name of Covenant of Stans (Stanser Vcrkommnis, Convenant de Stans). By this instrument, the signatory governments undertook mutually to support each other in preventing and repressing such disorders as that of the "mad life" and other seditious acts committed on their territory by their citizens or subjects. In the second place, the former treaties the Priest's Charter of 1370 and the Sempach Covenant of 1393 were expressly confirmed. Thirdly, provision was made for the quinquennial reaffirmation by public oath of the principles contained in all of these charters. Fourthly and finally, the rules were laid down according to which in future wars the spoils were to be divided among the victors. All conquered lands and feudal rights were to be equally distributed among the cantons, as were also the sums by which such lands or rights might later be repurchased. All moneys, on the other hand, all contributions and ransoms paid by the enemy were to be divided among the cantons in pro-

portion of the number of troops that had taken part under their banner in the victorious campaigns.

It was thus pacified and reinforced that the Confederation, which now counted ten cantons, engaged in the war of Swabia, sometimes called the Swiss War of Independence. In the years preceding, the Empire had sought to reaffirm and effectively to exercise its historic rights over Switzerland. One after another, the cantons, called upon to pay an imperial tax or summoned before the imperial court, refused. In the Spring of 1499, hostilities broke out between the League of Swabia, under the direction of Emperor Maximilian I, and the Swiss cantons and their allies, encouraged and financially supported by Louis XII of France. After several very bloody engagements, in which the Swiss were almost uniformly successful, peace was signed in Basle on September 22, 1499.

Although the complete independence of Switzerland was not expressly recognized therein, the imperial claims whose refusal by the cantons had led to the conflict were not renewed. Switzerland was therefore, in fact, emancipated from all but a purely nominal subordination to the German Empire and to its now ruling house of Hapsburg-Austria.

On July 13, 1501, the opulent university town of Basle was admitted into the Confederation as its ninth member, that is taking precedence over Fribourg and Solothurn, who had to content themselves with the tenth and eleventh rank. This preferential treatment was due to the fact that, whereas Fribourg and Solothurn had, as most previous candidates, long sought admittance, Basle, on the contrary, had been expressly invited to join the Confederation by the Diet ever since 1499. The noble city of the Rhine, with its important strategical position, its bishopric and its university, with its old traditions of independence and of culture, and with its commercial wealth, was looked upon with envy, and most Swiss were happy and proud to become her Confederates.

Shortly after, Schaffhausen, a much smaller town also situated on the Rhine, between the lake of Constance and Basle, was admitted as twelfth member. It was followed, in 1513, by the rural community of Appenzell, which thus became the thirteenth and last member of the old Confederation. In spite of many requests, notably from St. Gall and from Geneva, no more candidatures were seriously considered by the federal Diet until its dissolution in 1798.

The closing of the doors to all comers after 1513 was the first of the three important facts which marked the end of one period of Swiss history and the beginning of another. The two other almost contemporaneous events were the decisive defeat of the Swiss army at Marignano in 1515 and the dawn of the Reformation at Zurich in 1519.

The event known in Swiss history as the defeat of Marignano proved to be of decisive importance. This was due not so much to its military significance as to its political repercussions. Until 1515, Swiss arms had, in spite of occasional reverses, been generally victorious on many European battlefields. This had inspired the younger generation with a spirit of wanton pride and reckless insolence against which the Swiss governments themselves were powerless. Wars had often been entered into without the consent and, indeed, against the outspoken will of the majority of the Diet. When, as was usually the case, they proved successful, they had enriched the participants and enhanced the reputation and consequently the price of Swiss mercenaries on the European market. But, while still further weakening the authority *of* the Diet and even that of most cantonal governments, they had brought no corresponding political gain to Switzerland as a whole.

After the battle of Novara in 1513, Swiss troops, overwhelming a French army much superior in numbers and equipment, under the orders of Louis XII's most trusted Marshal de la Tremoille, restored the Duke of Milan to his throne and subjected him to their tutelage. From now on their arrogance was equalled only by their indiscipline. As a Bernese captain wrote his government on the morrow of this astounding victory: "If only our soldieis knew how to obey, we should easily conquer the whole of France."

Encouraged both by the assistance of the Emperor and by the fact that Henry VIII of England had also declared war on Louis XII, the Swiss were in fact shortly afterward on the point of engaging in just such a mad operation. However, and in spite of the Austro-English victory over the French at Ciuinegatte on August 16, 1513, they did not pursue it. Instead they were persuaded to agree to a financially very profitable but politically inconclusive peace which they concluded with their old foe de la Tremoille at Dijon on September 13.

When Francis I succeeded his father-in-law Louis XII, who died on January 1, 1515, he forthwith resolved to a\enge the defeat of Novara and to reconquer Milan. It was under these circumstances that the Swiss, feebly supported or absolutely left in the

lurch by their Italian, Austrian, Spanish, and Papal allies, divided among themselves by the skilful and generous diplomacy of their French enemies, and hopelessly outnumbered on the field of battle, underwent the crushing defeat of Marignano on the 13th and 14th of September, 1515.

This very costly but glorious battle enhanced rather than prejudiced the military reputation of the Swiss infantry. This is evidenced by the exceptionally liberal peace terms they were offered by their victor and especially by his insistence on concluding with them an alliance of friendship and mutual support. Not only did Francis I leave them in possession of those Italian lands which today constitute the Ticino, but he overshowered them with gold or at least with very generous promises. He undertook to pay them first the 400,000 crowns due under the terms of the Treaty of Dijon, secondly, 300,000 crowns "to repay the cost of the Italian campaign," and thirdly, an annual pension of 2,000 francs to each of the thirteen cantons as a token of "his especial good will." Once again Swiss blood had fetched its price in gold. But by accepting such terms, which would have filled most victors with envy, the defeated Swiss, in fact, renounced their claim to further territorial expansion at the expense of their triumphant benefactor.

The third of the decisive events which took place in the first quarter of the sixteenth century in Switzerland was the confessional split as a result of the religious Reformation. Openly preached for the first time in Zurich by Ulrich Zwingli, on January 1, 1519, the new doctrine, after having been officially adopted in that canton in 1522, gradually spread to three others: Basle, Schaffhausen, and finally, in 1528, to Berne. Two cantons, Glarus and Appenzell, were rent into two opposing factions over the religious issue. The seven others, however, Lucerne, Uri, Schwytz, Unterwalden, Zug, Fribourg, and Solothurn, remained solidly faithful to the Church of Rome.

CHAPTER II

SWITZERLAND BECOMES BI-CONFESSIONAL (1519), MULTILINGUAL (1798) AND FEDERATIVE (1848)

THE Reformation of the sixteenth century was, of course, an important event in all the states which heeded the teachings of Luther, Calvin, and their disciples. In none, however, was its influence more revolutionary and were its consequences more far-reaching than in Switzerland. This was due, not so much to the repercussions of the new faith on the civic ethics of the people and on the relations of the Church and the State, important as they were; but mainly to the confessional dualism to which it gave rise. On several occasions this dualism was to prove wellnigh fatal to the hardly won and ever uncertain national unity of the country. It is therefore no paradox to assert that the influence of the Reformation on the destinies of Switzerland would have been infinitely less if the whole and not only a part of its inhabitants had accepted its dogmas.

Three political circumstances rendered this confessional dualism, which from the second quarter of the sixteenth century until almost the present day has dominated the whole history of Switzerland, peculiarly dangerous. In the first place, the incidence of the new faith on the cantons was such that the Protestant magistrates, although always a minority in the Diet, represented a preponderance of population, wealth and power in the country. As long as Switzerland was not much more than a mere alliance of sovereign cantons, its national destiny, as was natural, remained in the hands of a body of co-equal delegates. Now, bodies so constituted are proverbially impotent unless unanimous. The validity of majority decisions therein will always be questioned by the minority as incompatible with their independence. That is a necessary logical corollary of the doctrine of sovereignty. But when the majority of votes in such a body represents a minority of popular constituents and when, furthermore, this minority enjoys a smaller average share of wealth and culture, the disequilibrium between the political institutions and the social reality

becomes still more manifest and its results are still more paralyzing. And so they proved in Switzerland from the beginning of the sixteenth century until the middle of the nineteenth.

Had the Protestant cantons, with their population superior in numbers, wealth and enlightenment, been a majority, or the Catholic cantons a minority, government by Diet in a mixed Confederation would still have been difficult. It became wellnigh impossible as the populous and wealthy Protestant city republics of Zurich, Berne, Basle, and SchafFhausen were at least as unwilling to bow to the wishes of their more numerous but weaker "Popish" fellow cantons, as were the latter to accept the dictates of the "heretic" minority.

The second circumstance which still further aggravated the difficulties of confessional dualism in Switzerland was the fact that the population of several of the so-called "common bailiwicks" were no less divided than their masters on the religious issue. For a group of allied states to administer subject territories in common has never proved an easy task. But when the inhabitants of both such states and such territories are of antagonistic persuasions and equal only in their fanatical intolerance of each other's faith, then is the problem peculiarly baffling.

To make matters still more menacing to Switzerland's national unity—a third circumstance of political importance—her neighbors were no less divided than their own people on the very same issues. While Austria, France, Savoy, and the Italian principalities remained attached to the Roman tradition, several German princes and cities enbraced the new faith. The Reformation thus turned Central Europe into an armed camp in which religious loyalties often superseded national allegiances. The strain on Swiss unity was all the more severe as both sides naturally sought to enlist their Helvetic coreligionists in their own ranks and as in this endeavor they refrained from no intrigue and no pressure in order to set Swiss Catholics and Swiss Protestants against each other.

When one considers the national survival of Switzerland in the midst and in spite of all these internal and external circumstances, one may come to understand the wellnigh mystical attachment of the Swiss people to the principle of political neutrality. There can be no doubt whatever in the mind of any informed and dispassionate observer that without adherence to this principle, that almost miraculous survival would have been entirely impossible.

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The origins of Swiss neutrality may be traced back even beyond the sixteenth century. Already at the Diet of Stans, in 1481, Nicolas de Flue had urged his fellow-countrymen to abstain from taking part in foreign quarrels. He thus recommended as a policy and, indeed, as a virtue, what has ever been the essence of political neutrality. It was mainly, however, the experiences of the sixteenth century and especially those of the Thirty Years' War in the first half of the seventeenth, which laid the foundations of what might well be called the religion of neutrality in the civic conscience of the Swiss people.[1]

The history of Switzerland during the 270 years which separate the Reformation of the early sixteenth from the Revolution of the late eighteenth centuries is a story of successive crises. It is tilled with events which illustrate the difficulties of a loose confederation of sovereign political entities, internally divided into two hostile groups and surrounded on all its frontiers by warring powers constantly seeking to turn these internal dissensions to their own strategic and political advantage. To recall even the most important of these events would be to add one or more volumes to the series of Swiss histories already available to students. To summarize them in a few pages could only be to set up a meaningless chronology. More instructive than either attempt and more relevant to our present purpose, is to note, not why and how these difficulties arose, but to what degree and by what means they were overcome.

That they were not fully and finally overcome is well known. Four internal wars of religion in less than two centuries, in 1529, 1531, 1656, and 1712, suffice to show that treaties of collective security against external aggression are no sure guarantee of internal peace. For generations, the leading statesmen of both Catholic and Protestant cantons seem to have devoted their main energies to building up confessional coalitions hostile to each other, to arming them against each other and to securing in their favor the support of like-minded foreign potentates.

Such practices naturally paralyzed the Confederation as a whole and checked its territorial expansion. The only aggrandizement of any importance realized during this period was that by which Berne, in 1536, extended her political rule and her Protestant faith over the whole of the present canton of Vaud and up to the

[1]The very learned monumental work of Paul Schueizcr, *Die Geschichtc der schweizerischen Neutrahtat*, Frauenfeld, 1895, 1032 pages, is still most instructive **half a century after** its **publication. Cf. particularly pp.** 172 ***et*** *seq.*

very gates of Geneva. That operation, undertaken at the expense of the Duke of Savoy, a close ally of the Catholic cantons, was successfully carried out, not only without their support, but in the face of their bitter opposition.

What was it, then, which in spite of all mutual animosities, jealousies, suspicions, intrigues, and even of wars of religion within and without, prevented the cantons from crushing or betraying each other, and the Confederation as a whole from being engulfed in the vortex of the European struggle?

It should be noted, first, that the wars of religion which arrayed the Swiss Catholics against their Protestant Confederates never occurred while foreign wars of religion were being waged on the frontiers of Switzerland. Thus, during the whole of the Thirty Years' War, the cantons succeeded in maintaining peace among themselves in spite of all allurements and provocations from without.

This was due to two main factors, one internal and the other external.

The internal factor was undoubtedly the deep-rooted desire of the mass of the Swiss people to spare their country the terrible plight of their neighbors, about which an ever-increasing flood of war refugees kept them fully informed. It would be naive to attribute such a desire to disinterested patriotism alone, that is to the love of one's fellow-countrymen, irrespective of their religious creed. There is every reason to believe, however, that such motives were operative in preventing the passionate confessional feuds from breaking out into bloody conflict. But if such feuds, after being carried to the very limits of violence and far beyond those of pacific debate, ever and again stopped short of the irreparable, it was because, in times of danger, the moderate opinion of the average citizens prevailed over the ambitions of their fanatical leaders. The Swiss of the seventeenth century, perhaps not unlike the citizens of Eire in the twentieth, were all for fighting the battles of others abroad. But they were equally determined to settle by themselves their own internal difficulties and to ban from their homes and hearths the spectre of pillage and slaughter by foreign invaders.

The external factor which contributed to the immunity of Switzerland from the contagion of the Thirty Years' War was the ambiguous character of that terrific struggle itself. Doubtless, in its historical origins and in the passions it aroused, it was a religious war. But in its military aspects and in its political sig-

nificance, it was also a phase of the age-long conflict which opposed the rival ambitions of the French kings and the Austro-German emperors, of the Bourbons and the Hapsburgs. Now, as France sided with the North-German and Scandinavian Protestant princes against the Catholics of Austria and Southern Germany, as the France of Richelieu and Mazarin could assuredly not be suspected of hostility to Rome and of leniency to the Protestants, and as France, the great ally and protector of all the Swiss cantons, was the more reluctant to see them divided and invaded as they supplied her with her best mercenary troops, Swiss neutrality during the Thirty Years' War became a French no less than a Swiss interest. Therefore the powerful influence of France was constantly exercised in the interests of this neutrality.

Thus Switzerland emerged not only unscathed, but also actually consolidated from the great tornado which devastated and durably impoverished all her German neighbors. But while the Thirty Years' War thus strengthened Switzerland's international position, it did not, of course, cure her of the cancer of confessional dualism and strife from which she suffered ever since the Reformation and from which she has only gradually been recovering in the course of the last generations.

Of the four religious conflicts between Swiss cantons prior to the French Revolution, two took place before, and two after the Thirty Years' War. It remains, therefore, to be explained how and why these conflicts never led to the disruption of the Confederation.

The main reason therefore, I believe, is to be found in the very fabric of that ill-jointed but strangely resilient body. Had Switzerland been a rigidly unified state and not a very loose alliance of sovereign commonwealths, it may be surmzed that one of its two religious groups would have crushed and suppressed the other, or perhaps have led it to seek salvation in foreign intervention and secession. As it was, when one parly had prevailed over the other—none of the Swiss wars of religion ever ended in a military stalemate--the cantons, both Protestant and Catholic, which had not been immediately engaged in hostilities, brought their whole united pressure to bear on the belligerents to bring; them to terms and to induce them to accept a peace of moderation. Thus Zurich and Berne, on the Protestant side, and Lucerne and the four other Catholic cantons in the center of the country, who were always the most bitter antagonists, when they had shed each

other's blood on the battlefield found themselves encouraged, urged and almost constrained to lay down their arms through the combined efforts of their less passionate Confederates. The Catholic Fribourg and Solothurn on the one hand, the Protestant Basle and Schaff hausen on the other, joined hands with the two small mixed cantons of Appenzell and Glarus, to offer their mediation, to suggest reasonable compromises, to combat the claims of the extremists, to support the views of the moderates and thus to pave the way for a general agreement on terms not unacceptable to either party. An interesting feature of the peace treaties which put an end to the Swiss religious wars in the sixteenth, seventeenth, and eighteenth centuries was the general repudiation of the demands of financial reparation and damages which were invariably at first put forward by one or even by both parties.

In view of the constantly renewed application of the same methods of peaceful settlement and of the similar results achieved thereby at different times and in varied circumstances, one can, I believe, assert with assurance that among the factors which explain Switzerland's survival throughout these troubled centuries, her federal structure and her policies of moderation, both based on the diversity and independence of her cantons, may be counted one of the most potent.

The only other event I deem it necessary to recall in this rapid review of the evolution of Switzerland from the Reformation to the Revolution is the so-called Peasants' War of 1653. All the Swiss city republics were the rulers of the surrounding countryside and the authority they exercised over their peasants was both political and economic. In the course of the seventeenth century, the trends towards absolutism which characterize the evolution of government in the neighboring monarchies also affected the urban aristocracies of Switzerland and led them to curtail the traditional rights of their subjects. During the Thirty Years' War, the price of agricultural products had risen to high levels and the peasantry were accordingly prosperous. As almost invariably happens in such circumstances, their financial burdens had increased with their money incomes. For those who were tenants, the rents had risen. The peasant proprietors had borrowed on mortgage to improve or enlarge their holdings. In both cases their creditors were their political masters, the urban aristocracy. When the war ended in 1648, prices fell and the peasants found it more and more difficult to meet their obligations.

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The discontent prevailing all over the rural districts of Switzerland as a result of this double evolution, political and economic, shortly assumed threatening proportions. In the Spring of 1653, it broke out in open revolt against the cities, first in Lucerne, and soon after in Berne, Solothurn and elsewhere. Curiously enough, neither the rebellion nor its repression knew any confessional frontiers in the course of what was in effect a true class war. The ruler-creditors of Catholic and Protestant cantons joined hands in a common endeavor to subjugate their revolted but for once united subject-debtors. This sudden subordination of religious to political and economic solidarity is all the more striking as it did not survive the collapse of the uprising. Although some financial concessions were made by the urban masters, their rural subjects, cowed by the prompt and well-coordinated military action taken against them by the cities, accepted the terms which were dictated to them.

Three years later, in 1656, the third religious war broke out, once more arraying against each other Catholics and Protestants, the urban masters on both sides displaying at least as much fanatical zeal as their rural troops who, in both camps, had apparently forgotten their recent disloyalty.

During this period, the military activities of the Swiss people developed on two distinct planes. On the one hand, thousands of their numbers were constantly under arms, in companies and regiments hired by the kings of France and other foreign potentates. It has often been said, and rightly, that before the French Revolution this so-called foreign service was by far the most important Swiss export industry.

On the other hand, notably during the incessant wars of Louis XIV, the Confederation was often called upon to defend its own territory, or rather that of its frontier cantons. It was not that any of the campaigns of the French kings or of their constant German foes were directed against Switzerland. However, as that country lay between the two hereditary enemies, and as their armies were continually in contact on the Rhine, often dangerously near to Basle, the situation called for the greatest vigilance on the part of the Diet. Thus the defense of Swiss neutrality which, during the Thirty Years' War, had been more and more unanimously advocated for psychological and political reasons of internal unity, now came to be looked upon as no less essential to the salvation of the country on grounds of strategic security.

The belligerents themselves, as soon as they were convinced of the Swiss resolution impartially to repel any invader, viewed it without suspicion and even with real favor. This is shown by the fact that the party whose armies felt more vulnerable on their Swiss flank repeatedly contributed to the costs of the mobilization of the cantons. In 1689, the diplomacy of the Diet even succeeded in eliciting subsidies for this purpose from both Leopold I of Austria, and Louis XIV of France.

No more and no less than in the two recent world wars, the Swiss army throughout the seventeenth and eighteenth centuries, by protecting the territorial integrity of Switzerland, served at the same time to protect against each other the warring forces of her neighbors at grips on her frontiers. It would seem that the monarchs of that absolutist age were more appreciative of the services thus rendered by Swiss neutrality than are contemporary democracies today, when those services have gone far beyond the merely strategic sphere!

When the people of Paris stormed the Bastille on July 14, 1789, no foreign country had more reason to pay heed to the event than Switzerland. This was so for at least three distinct reasons. First, France and Switzerland were neighbofs, and their economic and social relations had, for generations, been particularly intimate. Secondly, and in spite of the principles of neutrality as they were understood and practised in those times, the kings of France had, ever since the days of Francis I, been close allies of the Swiss cantons. They had come to look upon their Swiss mercenary regiments not only as their most reliable troops, but also as a peculiarly loyal personal bodyguard. Thirdly, and finally, although all the cantonal governments were republican in structure and although, as foreign travellers unanimously testified, the common people in Switzerland were far more prosperous and more contented than their neighbors abroad, the doctrine of liberty and equality which was soon to be preached on the banks of the Seine was not less attractive to the ears of many Swiss subjects than it was alarming to those of their masters.

Already before 1789, several minor but not altogether insignificant uprisings against the aristocratic rule of Swiss cities had broken out sporadically. The events of 1723 in Lausanne, of 1749 in Berne, of 1781 in Fribourg, and later of 1794 near Zurich, not to mention the continuous struggles between the people and their authorities of which Rousseau was a victim in his native Geneva, had shown that in certain regions at least the political institutions

were not as unshakable as outward appearances had led superficial observers to believe. To be sure, the hand-spinners, hand-weavers, and hand-embroiderers in the Eastern cantons, and the watchmakers of the French-speaking regions of Switzerland, earned substantial and, for the latter, sometimes very handsome wages in the employ of industrial and commercial entrepreneurs who were generally able and prosperous. To be sure also, the governing families in the oligarchical as well as in the democratic cantons were as a rule conscientious and well intentioned, often progressive and seldom corrupt. But they were more and more insistent on their privileges, which they looked upon as their hereditary rights; they were hardly ever entirely disinterested in their administrative activities and they were often intolerably arrogant in their demeanor.

As the French Revolution grew more radical in its aims, more violent in its methods and more aggressive in its foreign policies, the unrest began to spread in Switzerland. All classes of the population were doubtless shocked, because all were directly affected, by the heavy loss of life sustained by the Swiss regiments who shed their blood on the steps of the Tuileries in Paris on August 10, 1792, in defense of their royal ally, Louis XVI. Everywhere also, but especially in the Catholic cantons in the center of the country, the generally God-fearing Swiss condemned the rationalistic and often atheistic tendencies of the French extremists.

However, here and there questions came to be raised and committees formed to challenge existing institutions and to seek redress from what were denounced as abuses. From 1789 onward, the contagion of the new ideas began to spread throughout the cantons. The revolutionary examples of the masses beyond the Jura, led by brilliant orators and publicists, rising against the privileged classes, overthrowing their hereditary throne and ridding themselves of their traditional dues and charges, could leave no one indifferent.

The discontent became peculiarly acute in two separate spheres: among the well-to-do bourgeois, on the one hand, whose material standards had been raised and whose political ambitions had been correspondingly kindled by the industrial revolution, and, on the other, among the tax-ridden agricultural masses, especially in the often ill-administered common bailiwicks. In both cases, the discontent could be traced to the action of economic factors which operated under the impulse of foreign examples and foreign propaganda. In the case of the peasants, who were led to demand

the abolition of their tithes and other dues of feudal origin, this action was simple and direct. It was indirect, more subtle but not less effective in the case of those recently enriched and enlightened middle classes. These had no reason to complain of their material position, but they the more bitterly resented the exclusive privileges of their patrician and aristocratic neighbors and masters, as they felt that by their own merits and on their own standards they were justified in demanding to share them. For the discontented peasants, liberty meant relief from burdens and charges, and equality, material conditions less unlike those of their creditors. For the restless new bourgeois, liberty meant freedom from restrictive commercial and industrial regulations, and equality, similarity of political status with those who were their superiors in rights alone and not in ability, wealth and culture. The former were the fathers of the radicals, the latter of the liberals of the next generation.

If Switzerland had been subjected only to the example and the propaganda of revolutionary France, it is likely that its evolution towards more liberty and equality would have been gradual and pacific. It was first the threats of the First Consul and then the invasion of his armies that precipitated the transformation of the five-century-old loose Confederation of sovereign cantons into the highly centralized "One and Indivisible" Helvetic Republic of 1798. The impotent Diet made wqy for a Directorate and two legislative chambers clothed with complete authority. The bailiwicks were emancipated and were turned into co-equal cantons, but all cantons were deprived of real autonomy and sank to the status of administrative areas similar to the French "departements." All class privileges were abolished, together with all other inequalities.

The change was so sudden and the new institution so ill-adapted, not only to the traditional habits and prejudices, but also to the natural social structure of the Confederation, that reaction was inevitable. In 1803, after five years of foreign military occupation, complete seizure of all public and of most private wealth, and continued unrest, the constitution of 1798 and the many amendments and revisions to which it had been subjected in the interval were superseded by a so-called Act of Mediation.

The inspirer of this Act, the Mediator, was Napoleon himself. Recognizing in his political wisdom that, as he said, "Nature herself had constituted Switzerland into a federation," he dictated at St. Cloud, near Paris, this most remarkable document, a very sagacious compromise between tradition and moderate progress.

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The cantons, without indeed returning to their ancient status of absolutely sovereign communities, again became autonomous. They were made self-governing members of a pseudo-self-governing Republic. Through the elevation to the rank of cantons of the four former bailiwicks of Aargau, Thurgau, Vaud and Ticino, and of two former allies, St. Gall and the Grisons, the Confederation now counted nineteen members. This federal Republic was to be represented, if not governed, by a so-called *Landammann* of Switzerland. This chief magistrate, the representative on the Diet of one of the six leading cantons, each of which in turn became *Vorort* for a year, was to hold office for the same period. Federal authority was to be mainly vested in a Diet. Its temporary seat was always to be in the capital of the annual *Vorort.* Each canton was to have one vote in this assembly, but the six cantons whose population exceeded 100,000 inhabitants were to have an additional vote. The difference between the new and the old Diet was, however, much more fundamental. Whereas the traditional Diet was a body of plenipotentiaries of sovereign cantons, who could as a rule act only when unanimous, the Napoleonic institution was more like a true parliament. It could reach valid decisions by a simple majority vote on all ordinary matters. Wars, however, could be declared and treaties concluded by the Diet only by a majority of three-quarters of the cantons.

The Act of Mediation remained in force as long, but only as long, as the Mediator remained in power. Under its provisions, Switzerland, from 1803 until 1813, enjoyed as much peace, order and prosperity as it was possible for a formerly free and neutral confederation to enjoy in the heart of a warring Europe, once it had become in name a so-called "neutral ally," in fact a vassal of an omnipotent and imperialistic France. Had it not been for its foreign origin, the Act of Mediation would certainly not have been repudiated by the Swiss people as it inevitably was on the morrow of the downfall of its dictatorial author.

The political reaction which then set in over the whole of Europe naturally did not spare the Alpine Confederation. Again under foreign pressure, but a pressure this time exerted by Napoleon's victorious enemies, a new constitution was drafted by the cantons in 1814. It came into force on August 7 of the following year and is known as the Pact of 1815. Thanks to the admission of the former allied communities of Valais, Neuchatel and Geneva, the cantons now numbered twenty-two.

The changes to which the traditional structure of Switzerland

was subjected as the direct and indirect results of the French Revolution were thus threefold: territorial, political, and linguistic.

The last of these, to which no reference has previously been made, was in many ways the most remarkable. Until 1798, the thirteen sovereign cantons were all of Germanic stock, and the official business of the Diet was carried on exclusively in German. With the introduction of the constitutions of 1798 and 1803, German forfeited its monopoly. This was so, not only on account of the French influence under which these fundamental laws had been drafted, but also because of the emancipation of the French and Italian-speaking bailiwicks. When, in 1815, the French-speaking allies of Valais, Neuchatel and Geneva were in their turn admitted to full-fledged cantonhood, Switzerland found herself to be the multilingual state she has remained ever since.

Although the Pact of 1815 was inspired by the general desire to do away with all memories of the preceding regime, its authors were driven by the very force of circumstances to maintain some of the main features of the Act of Mediation, so well adapted had they proved to the exigencies of the country. Thus, none of the six former subject bailiwicks or allies, which had been raised to cantonal dignity in 1798, were reduced to their former pristine status. Thus also, all personal privileges of birth remained abolished in all cantons. Thus also, the Diet, although equality of representation was restored therein, retained its right to take binding decisions by majority vote.

On the other hand, the position of *Landammann* was abolished, the number of cantons which by rotation enjoyed the role of *Vorort* was reduced from six to three. Zurich, Berne and Lucerne alone retained that privilege which they were to exercise each for two successive years.

A few months after the coming into force of this constitution, the signatory powers of the Treaty of Paris, i.e., Austria, France, Great Britain, Portugal, Prussia, and Russia, by a special act signed on November 20, 1815, solemnly "recognized and guaranteed the perpetual neutrality of Switzerland" and declared that "the neutrality and inviolability of Switzerland and her independence of all foreign influence were in the true interests of the policy of Europe as a whole." Thus what had long been the recognized practice of Switzerland became a principle of international law.

The semi-reactionary and semi-progressive constitution of 1815 remained in force until 1848. Soon after its enactment, however,

it became apparent that it was ill-suited to the political and economic needs of a modern industrial state. Especially since the experience of the Act of Mediation, this state had become far more fully conscious of its national unity than it had ever been in preceding centuries. The conservative Catholic cantons, however, constantly opposed all centralizing tendencies, for fear of being dominated by the Protestant majority of the population. They claimed, not without some legal justification, that the Pact of 1815, being a treaty between sovereign entities, could be validly amended only by the concurrent will of all its signatories. It therefore took a revolution and even a brief civil war in 1847—the last of the wars of religion in Switzerland—to allow the victorious Protestant majority to draft and to impose on the recalcitrant Catholic minority the constitution of 1848. This fundamental law, which transformed the ancient Swiss Confederation into a modern federal state, is in all its essentials still in force today.

This bicameral constitution, moulded on that of the United States of America, was, as the latter also, something of a compromise. The former Diet, in which all cantons enjoyed equal representation, gave birth to the present so-called Council of States. Like its prototype, the American Senate, it is made up of two delegates from each of the constituent cantons. The other branch of the legislature, the so-called National Council, is a popular chamber similar to the American House of Representatives. Each canton is represented therein by one member for every 22,000 inhabitants. The main difference between the American Congress and the Swiss so-called Federal Assembly resides in the fact that, in the latter, both Houses enjoy exactly the same rights and prerogatives. No law can be enacted except when it has been approved by a clear majority in both Council of States and National Council, but every decision so taken is valid.

Furthermore, the American system of a popularly elected President, which was considered by the Swiss constituent legislators in 1848, was unanimously discarded as "smacking of dictatorship." In its place, in accordance with all Swiss cantonal precedents, a collective body, called the Federal Council, was instituted. It is elected by both houses sitting together as one electoral body. Of its seven members, no two may be citizens of one and the same canton. It is something like a cabinet, but unlike most parliamentary executives, its members all enjoy exactly equal powers and it cannot be dismissed by a contrary vote of the

Federal Assembly. The non-reeligible chairman, elected for one year by the Federal Assembly in its winter session, is at the same time President of the Confederation.

It is interesting to note that among the constitutional duties of both parliament and government, the defense of Swiss neutrality is expressly mentioned after that of national independence.

The establishment of the federal state, in 1848, of course did away with the real, although not with the nominal, sovereignty of the cantons. In 1874 it underwent a general revision which, besides introducing the legislative popular referendum, still further reinforced the federal state at the expense of cantonal autonomy. Since then, the whole legislative and constitutional evolution has tended in the same direction, an evolution which has been precipitated by the powerfully centralizing influence of the two world wars. However, in spite of this and of much internal migration, local sentiment is still strong in Switzerland and the cantons remain their own masters in the important fields of public instruction, public works, the administration of local justice and police and direct taxation.

It may not be amiss to conclude this hasty outline of the political development of the three Alpine communities of 1291 into the Swiss Confederation of the present day, by a brief reference to foreign policy. *

When the League of Nations was established in 1919, the drafters of its Covenant decided that it should have its permanent seat at Geneva. The government and the people of Switzerland welcomed this decision and ardently hoped that it would be possible for them to take their part in the activities of a world institution founded to promote peace and international cooperation. On considering the matter, they were faced, however, by a very cruel dilemma. Peace and international cooperation, to be sure, had long been the aims of Swiss foreign policy. Collective security, moreover, was, as has been already noted incidentally and as our next chapters will show more fully, the fundamental principle on which the Swiss cantons had ever based their national union. But was participation in a League of Nations, which sought to maintain peace through the practice of collective security, compatible with the traditional and constitutional neutrality of Switzerland?

That international collective security and national neutrality are logically irreconcilable concepts was readily recognized. The practice of politics, however, has never been an exorcise of logic.

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Now, what the government and the people of Switzerland had to solve in 1919 was a problem, not of abstract theoretical logic, but of severely practical politics. Everyone at all conversant with the temper of the people knew that, whatever the government might think or wish, the average Swiss citizen would never consent to sacrifice his age-long, well-tried, traditional and constitutional neutrality to a novel and risky adventure in international collective security. And it was the average citizen's opinion which mattered, because the question of Switzerland's joining the League of Nations could only be validly answered by a popular referendum.

Fortunately for Switzerland and, I believe I may be allowed to add, not unfortunately for the League of Nations, Allied statesmen in 1919-1920, realizing the difficulty of Switzerland's position, were wise and generous enough to allow her to join the League while remaining true to the principle which their predecessors in 1815 had declared to be "in the true interests of the policy of Europe as a whole."

Switzerland was deeply grateful for this understanding. She trusts that the use to which she has been privileged to put her neutrality in the interests of suffering humanity during the second world war, as she had already sought to do during the first, may be taken both as a justification of Allied policy and as evidence of Swiss gratitude.

Today, the Charter of the United Nations places before Switzerland difficulties still more baffling than had the Covenant of the League of Nations a quarter of a century ago. She is bold enough to hope to find in contemporary statesmanship the same understanding which was shown her then and which surely no one can have any reason to regret.

PART II

THE LAW OF COLLECTIVE SECURITY IN SWISS HISTORY

IN order to understand the working of any system of collective security, two things are of real although perhaps not of equal importance: the law and the facts.

The law, that is the contractual or constitutional provisions concerning the rights and duties of the parties leagued together for their mutual protection, expresses their intentions at the time of the adoption of such provisions. The facts, that is the application of the law to cases of actual conflict, reveal their attitude at the moment of action. The law—what should be—is to the facts —what is—what the ideal is to reality.

The knowledge of both is essential, but the statement of the law must obviously precede the narration of the facts. Even when the acts of the signatory parties, which constitute the facts of the case, did not conform to their professed intentions as expressed by the law, that is to say, even when the parties disregarded or failed fully to carry out their pledges or their constitutional obligations, it may be taken that they were never entirely uninfluenced by them. It is therefore to the analysis of the law that we shall proceed in this chapter and the next before examining in the following some of the most interesting facts relating to its application in the historical experience of Switzerland.

CHAPTER III

THE PRINCIPAL TREATIES OF ALLIANCE (1291-1513)

/\s we have seen in our first chapter, the fundamental Swiss treaty of collective security was signed on behalf of the three mountain communities of Uri, Schwytz and Unterwalden at the beginning of August, 1291. The following provisions of this treaty define the rights and duties of the three parties in respect to their mutual protection:

May it be generally known that, in view of the dangers of the times and in order to be better prepared to protect and maintain in their integrity their lives and their property (ut sc et sua magis defendere valeant et in statu debito melius conservarc), the people of the valley of Uri, the *landsgemeinde* of the valley of Schwytz and the whole of the people of the lower valley of Unterwalden, have bound themselves under oath taken in all good faith, to render unto each other every assistance, advice and help, with all their might and all their efforts, without sparing either their lives or their belongings, within and without their valleys, against anyone and against all those who, by any hostile act, should harm their persons or their property or that of any one of them, attack them or cause them any damage (fide bona pronuserunt invicem sibi assistcre auxilio, consiho quohbet ae favore, personis et rebus, infra valles et extra, toto posse, toto nisu, contra omnes ac singulos qui eis vel alicui de ipsis aliquam intulerint violcnciam, molestiam aut iniuriam, in personis et rebus malum quodlibet machinando). In every event, each of the communities promises the other to hasten to its aid whenever necessity should arise and, at its own cost, to assist the other as far as required in order to resist the attacks of the enemy and to avenge the wrongs suffered (in omnem eventum quelibet universitas promisit alteri accurrere cum necesse fuerit ad succurrendum, et in expensis propriis, prout opus fuerit contra impeUis malignorum resistere, iniurias vindicare).

As this basic treaty of 1291 remained in force until 1798 and as its provisions were doubtless familiar to the authors of most of the subsequent Swiss conventions on collective security, it is worth while to analyze them somewhat closely. A careful examination of the above-quoted clauses suggests the following observations and comments:

(1) The signatories of the treaty are the three political communities. Therefore they alone and not their individual members are directly bound by its provisions. It follows that the *casus foederis* must be recognized as such by the communities. Only if and when this has taken place, do the obhgations of mutual assistance become binding and operative on all their members.

(2) Although the treaty is tripartite, it would seem that the duties of each signatory towards the two others were held to be independent of the action of the third party.

(3) It is the party which deems itself to be the victim of an hostile act which has authority to call upon the help of the others. But although the treaty does not therefore provide for the necessity of an unanimous nor even of a majority decision of the three allies, each retains the right to appreciate the justification of the summons addressed to it. This must be so, if the observation made under (1) is correct.

(4) Except for this limitation, inherent in the nature of a treaty between independent parties, their duties are extremely extensive with respect both to the circumstances which give rise to the obligations of mutual help, and to the scope of the promised assistance. It is not external aggression only, but every hostile act committed against any of the communities or any of its members that justifies the summons for help by the aggrieved party. And it is not territorial protection only by an armed contingent, but full and complete assistance by all the resources of the allies within and without the frontiers of the victim, until the wrong has been righted, that is promised.

(5) The assistance should be rendered at the expense of the protectors, that is free of cost for the protected. This very important provision naturally implies the right of the former to appreciate the justification not only of the summons, but also of the prolongation of hostilities beyond the immediate repulsion or punishment of the wrongdoer.

(6) The treaty contains no provisions concerning either the political or the military organization of the defensive action to be undertaken in common. The troops of each ally therefore remained under the sole command of their respective officers and these were to receive no orders except from the political authority each of his own community.

This brief analysis of the mutual security provisions of the pact of 1291 suffices to show that it was not in any real sense the constitution of a true Confederation. Although expressly intended by the signatories to last "God willing, forever" (ordinatis, concedente domino, in perpetuum duraturis), and although the latter refer to themselves as "confederates" (conspirati, conjurati) and to their corporate body as to the rejuvenated "ancient Confederation" (antiqua Confederation it was in fact hardly more than a defensive alliance concluded between three independent parties. Each of them retained its complete autonomy and none of them was in any way subordinate either to the other or to the alliance as a whole.

It was as allies, bound together by the provisions of their treaty, that the Swiss communities defeated Leopold of Hapsburg in the battle of the Morgarten on November 15, 1315. Unfortunately, there is no documentary evidence to show how, or even that, the treaty came into effective operation on this momentous occasion. What is known, however, is that three weeks later, on December 9, 1315, the same three signatories resolved to renew their mutual undertakings in a treaty drafted in German. As the Pact of Brunnen—as it is known in Swiss history—was, in its provisions relating to mutual security, an almost literal translation of the Latin document of 1291, its authors must have been familiar with the latter. However, the preamble of the new document seems to indicate, perhaps not without a touch of regret or even of remorse on the part of its drafters, that its predecessor had already fallen into partial oblivion. Is it not thus that the following initial statement should be interpreted?

In the name of God, Amen. As the mind of man is feeble and not of lasting power and as therefore one easily and quickly forgets the things which should endure and be ever present, it is useful and necessary to publish and to make known by writ and charter the resolutions adopted with a view to peace, security and to the interests and honor of all. Therefore we, the men (landlute=countrymen?) of Uri, Schwytz and Unterwaldcn proclaim and make known to all those who will read, or hear the reading of, this charter, that, in order to secure and protect ourselves against the hardships and rigors of the times, and in order that we may the better remain in peace and in mercy, protect and preserve our bodies and our belongings, we have bound ourselves together forever by oaths and promises. Therefore we have promised and sworn by our oaths and promises, to lend each other counsel and assistance . . .

As the subsequent provisions of the pact of 1315 are almost identical with those of the treaty of 1291, they call for no further

comment. It should be noted, however, that in 1315 the three confederates for the first time undertook not to bind themselves nor to engage any negotiations with any foreign power without previous consultation with each other.

The alliance concluded in 1332 by the three mountain communities with the neighboring city of Lucerne was also in essence a treaty of collective security. Besides laying down rules for the pacific settlement of international disputes, it provided for the mutual protection of the signatories—the three communities on the one hand, and Lucerne on the other—in the following terms:

> If, which God forbid, anyone from without or within should seek to oppress or to molest one of us, or to attack or injure us, the victims of the damage sustained should under oath declare whether the hostile action was unjustified. If the majority of these victims should so declare, they shall call upon the other parties for their help: the city of Lucerne shall call upon all the people of the Waldstetten (die Waldlut) and each Waldstetten[1] separately (jeklich waltstatt sunderlich). Similarly the people of the Waldstetten and each of the Waldstetten separately shall call upon the citizens of Lucerne. And then we must assist each other with our persons and our belongings, in all good and total faith and without any reservation, against the princes and against everyone (wider herren und wider allermenglichcn), we the citizens of Lucerne must assist the above-mentioned peasants at our expense and we also, the peasants, must assist the citizens of Lucerne at our expense.

It is interesting to note that, although the most probable enemy for both the city of Lucerne and her rural allies was the house of Austria, both parties were careful not to expose themselves to unnecessary reprisals by flouting its still unquestioned legal authority too openly. Therefore, Lucerne reserved "the rights of our exalted lords, the dukes of Austria," whereas the more emancipated mountain communities reserved only "the duties we owe to our exalted lord, the emperor, and the Holy Roman Empire."

Another trait of this treaty of 1332 should be noted as a sign of the growing integration of the Swiss alliance. In terms rather more precise than those employed in a similar connection in 1315, the four confederates undertook "not to bind themselves with anyone, without or within their territories, by oath or special agreement, without the previous knowledge and consent of all the confederates."

[1] It is difficult to choose the proper translation for the terms of waltlut= Waldleute, and of waltstatt. What is meant are the inhabitants of the three mountain communities now called forest cantons and each of these communities individually.

As all three previous treaties, that concluded between the first four confederates and the city of Zurich in 1351 was also in essence a pact of mutual assistance. It differed from the former instruments, however, in two significant respects. On the one hand, the provisions governing the military cooperation of the five allies against a common external foe were far more specific and detailed; on the other hand, the newcomer, Zurich, unilaterally, that is without reciprocity, secured the cooperation of her four allies to put down any possible internal revolt against the existing regime maintained by her dictatorial burgomaster, Rudolf Brun. In spite of their historical interest, these latter provisions are not directly related to our main purpose.

The former clauses, however, call for a closer examination. They are worded as follows :—

In the name of God, Amen. We, the burgomaster, councillors and assembly of the burgesses of the town of Zurich, the chief magistrate (Schultheiss), the council and assembly of the burgesses of the town of Lucerne, the heads (Ammann) and the lands (Gemeinde) of the countries (Lender) of Uri, Schwytz and Unterwalden, let it be known to all who may read or hear the reading of this charter that, after duly taking counsel with each other and after mature consideration, we have agreed, for the peace and security of our bodies, our belongings, our towns, our territories and people, to conclude a perpetual alliance and friendship and we have sworn by the saints for us and for all our descendants to remain eternally united . . .

And as all perishable things tend to be forgotten, and as the course of world events is unstable, and as, in the passing of the years, many things change, therefore we, the above-mentioned towns and communities publicly confirm our loyal association and perpetual alliance in these letters patent: thus we affirm that we shall faithfully help and support each other as far as our bodies and treasure permit, without any reservation, against all those who would attack us by violence or unjustly molest, invade, offend or injure our persons, our belongings, our honor and our rights .. . now or in the future, within the following frontiers and limits.

There follow about ten lines of geographical definition of the territory which is to be secured against invasion. It extends roughly to all the area between the Alps and the Rhine which the five allies claim to control. The treaty further defines the rights and duties of the signatories and the procedure in case of a common action in terms at first similar to those of the alliance with Lucerne. There follow, however, some very interesting novel provisions which show that the possibility of inter-allied military cooperation was, in 1352, considered much more fully than it had

ever been before. The drafters of the treaty foresee three distinct cases of mutual aid: deliberate resistance to hostile action, spontaneous resistance to a sudden aggression, and more offensive operations.

In the first case, it is provided that each contracting party should, as soon as seized of a request for help "by letters or official ambassadors" of one or another of its allies, hasten to his or their assistance with all its personal and material resources. The treaty adds :—

> And none of us, the above-mentioned towns or communities, may in any way escape its obligations . . . nor evade or seek by words or acts to reduce or to deviate from their requested purpose the assistance demanded, without any reservation. And every town and community must supply this aid at its own expense without any reservation.

In case of "an unexpected injury or sudden aggression," the allies, if immediate aid is required, undertake, without awaiting any summons, to hasten to each other's assistance and to persist in their common efforts until the wrong is avenged.

The third case is one unprovided for in the previous treaties. It is defined and treated as follows :—

> But if the matter is sufficiently important to call for a military expedition or for a siege and if one of our towns or communities be summoned by message or letter by one of its allies, we shall, without delay, meet at the abbey of Einsiedeln[1] and confer in all good faith as to the most effective means of assisting him or them who have demanded our help. If a siege is decided upon, the towns or communities immediately concerned (so du sach angat) which have issued the summons shall alone bear the cost of the labors and the workmen called for by the undertaking, in all good faith.

In analyzing this provision, one cannot escape the impression that the Swiss allies in 1351 were no longer content with protecting each other against aggression only. They were visibly already considering more ambitious operations. However defensive in intention, such operations might tend to the aggrandizement of the party which took the initiative thereof. For that reason, that party was not to be allowed to burden its allies with the expenses of the campaign.

Like their predecessors, the authors of the treaty of 1351 realized that a pact of mutual protection could not be fully effective if it did not, to some degree at least, limit the political freedom

[1] A central spot, within easy reach of all the five signatories.

of its signatories. Unlike their predecessors, however, and doubtless on account of the preponderant influence of Zurich, they did not succeed in submitting the whole foreign policy of all the contracting parties to their unanimous approval. Unwilling or unable to rule out the conclusion of all other treaties of alliance by the signatories, they fell back upon the expedient of declaring them subordinate to the act of 1351. They did so by agreeing on the following clause :—

In case we, the towns and the communities all together or separately, should wish to establish relations or to conclude alliances with princes or with other towns, we could do so, but only on condition of ever and forever placing this treaty above all others which we might subsequently be led to conclude with respect to all questions raised and settled therein.

Another distinguishing feature of the pact of 1351 was the clause calling for its periodic and public confirmation by the collective oath of all the signatories. This clause is worded as follows:—

In order that all whom it concerns, the young and the old, may always be familiar with the provisions of this treaty, it is resolved that every ten years, towards the beginning of May, at the request of one of the towns or communities addressed to another, these undertakings and alliances shall, by reason of our oaths, be publicly read out and renewed. . . . Every man or boy of sixteen years of age or over at this time shall then swear forever to respect this treaty and all the provisions of this charter without any reservation.

In the absence of either a reigning house or of printed documents to secure continuity of policy, this interesting provision was designed to make certain that the whole population of the democratic contracting parties should ever remain treaty-minded. The provisions remained in force and were periodically lived up to until the time of the Reformation. Without ever being abolished, they from then on ceased to be respected. The obstinate refusal of the Protestant cantons to swear "by the saints" and the no less obstinate refusal of the Catholics to modify the traditional formula, put an end to an institution which was as characteristic of Swiss primitive democracy as it was picturesque and politically effective.[1]

On one other final point of importance, the pact of 1351 modified the previous Swiss constitutional practice. By the following clause it expressly provided for the possibility of its own revision:

[1]Cf. my study, "Du renouvellement des pactes confederaux (1351-1798)," Zurich, 1944.

We have also, by common agreement and after mature deliberation, resolved and reserved this: if now or in future we should be of the unanimous opinion that it was advantageous and useful for us all to modify the wording of any of the provisions of this treaty, in order to strengthen or to weaken it, we should do so together on condition that all of us parties to this pact should be of like opinion that it was useful and opportune.

The stress thus laid upon the principle of unanimity, of course appreciably lessens the political importance of this clause. However, its very insertion in a treaty of alliance is indicative of a trend towards confederal integration which is not without significance.

* * *

In the year following the conclusion of the pact of Zurich, two new treaties of collective security were concluded, first with Glarus on June 4, and then with Zug on June 27, 1352. Although the wax on the seals of these two treaties was hardly dry when they were openly violated—the two new and very temporary confederates being abandoned to the Austrian armies in spite of the protection offered and promised against them—these conventions are not without interest for our study. This is so, first because, although violated on the morrow of their conclusion, they were revived later. But this is so also, because the treaty with Glarus contains several novel features. It is important to note these features in order fully to understand the evolution of collective security, whose course in Switzerland was extremely irregular and uneven. The lack of uniformity and of equality in the status of the contracting parties was perhaps its main characteristic.

Under the treaties of 1291 and 1315, all three signatories, commonly referred to in Swiss history as the three primitive cantons, enjoyed exactly the same rights and were bound exactly by the same duties. In the pact they concluded with Lucerne in 1332, this town took precedence over the three rural communities. Lucerne looked upon Uri, Schwytz and Unterwalden more as a collective ally than as three distinct and equal partners. When Zurich joined the first four confederates, assuming the leadership of the alliance, she imposed upon them certain duties for which she assumed no corresponding obligations. This was true also of the treaty with Zug, about which nothing further need be said, as it was practically identical with that of 1351 with Zurich.

The inequalities were to be still more pronounced in the treaty with Glarus, in which Lucerne refrained from participating. In

four specific and **very important** respects, **the** position **of Glarus** was distinctly inferior to that of her four much more powerful allies.

First, although in case of a sudden external attack on any of the signatories the duty of unsummoned, spontaneous assistance was the same for all the others, this was no longer so if circumstances led a threatened party to call upon its allies for assistance. When Glarus was summoned by one of her four confederates, her duty to obey was immediate and unconditional. The reverse, however, was not true, as appears from the following clause:—

> In case we, the above-mentioned confederates of Zurich, Uri, Schwytz and Unterwalden, unanimously or by majority should hold and under oath declare that the allegations of our above-mentioned confederates of Glarus concerning an injury sustained or another clause which led to the summons were unjust and ill-founded, then the confederates of Glarus must obey us and without delay withdraw from the affair in order that neither they nor we be drawn into serious troubles or wars for minor or insufficient reasons.

Secondly, Glarus was, without reciprocity, prohibited from concluding any foreign treaties without the express consent of her four confederates. She could, on the other hand, be obliged at their wish to adhere to any treaties concluded by them.

Thirdly, Glarus was, again without reciprocity, obliged to take part at its own expense in any operation or siege decided upon and undertaken by her four allies.

Fourthly and finally, the treaty could be amended at their pleasure by the four confederates if they were unanimous among themselves, whereas Glarus was bound to accept and comply with the amendments adopted by them without previous consultation.

As these provisions conclusively show, Glarus was admitted to the Confederation not as a full member, but in the position of a satellite. Together with Zug, Glarus, sacrificed by their confederates under the treaty of Brandenburg concluded in September, 1352, for a time again fell under the rule of the Hapsburgs. Zug, reconquered by Schwytz in 1365, gradually regained her position, first as the vassal of her liberator, and then as a regular canton. Glarus, whose sturdy population did much to emancipate itself, was, after several wars and negotiations, formally readmitted to the Confederation as a full member, with equal rights. Her new charter, signed in 1450, was ante-dated to 1352, although she was

not, curiously enough, granted the right of priority over Zug, which chronology should have assured her.

* * *

The complexity of the structure of the Confederation based on these various and diverse treaties was still further enhanced by the admission of Berne in 1352. On March 6 of that year, Berne concluded, in Lucerne, a treaty of alliance with the three primitive cantons alone. This treaty, however, contains an express mention of Lucerne and Zurich, whose relations to Austria were such that Berne, still attached to the Hapsburgs by a treaty of mutual assistance, did not venture openly and directly to join hands with them. Furthermore, the very next day, on March 7, 1353, the three primitive cantons signed two diplomatic instruments, binding themselves in effect to transmit from Berne to Zurich and Lucerne and conversely from these two earlier allies to their new ally, a summons for military help with which they might be entrusted. Finally, on the same day, Zurich and Lucerne bound themselves to come to the assistance of Berne should they be so summoned through the intermediary of the three parties.

The principal treaty of alliance between the city republic of Berne and these three mountain communities is very obviously modelled on the pact of Zurich of 1351. It contains, however, several novel and distinctive features:

First, the obligation of mutual assistance is limited by no territorial frontiers.

Secondly, in case of a summons for assistance, it is provided that all four parties shall without delay send delegates to an appointed place "to confer and decide upon the ways and means" of undertaking the military action in common. All parties, however, bind themselves once and for all to protect each other with all the resources at their command.

Thirdly, it is provided that the cost of the campaign shall be borne by the summoned party only with respect to the expenses incurred within the boundaries of its own territory. Beyond the frontier, the summoning party shall pay a penny a day (einen grossen torney) to the summoned for each soldier sent to their assistance.

Fourthly, however, the mutual aid shall be rendered free of charge, in case the aggression and injury from without is aimed

at all the allies (der uns gemeinlichen antraffe), in case of a war waged in common, even if on different theaters, or in case the war is waged in the territory of Aargau.

In view of these various exceptions it would seem, therefore, that the main principle remained that of free assistance in case of true mutual protection. This principle, however, did not, of course, obtain in the case of offensive operations involving the besieging of hostile cities.

The most novel and the most curious provisions of the treaty of 1353 between Berne and the three Waldstetten are those relating to the indirect assistance offered to and expected from Zurich and Lucerne. They are worded as follows:—

> We the above-mentioned of Berne have resolved as follows: if those of Zurich or of Lucerne who are at present the confederates of the above-mentioned Waldstetten should suffer an injury or be attacked or molested, and if the Waldstetten were summoned to their assistance, and were willing to help them, if, in such a case, the Waldstetten called upon us, we should be bound without delay to lend our loyal assistance together with all our confederates, to send our army wherever they sent theirs, to take part in the attack against their enemy and to inflict damage upon him either there, by the side of our allies, or elsewhere wherever we could, in all good faith and without any reservations. And we shall be bound to render such assistance at our expense.

The following, still more complicated clause, assures Berne of reciprocal treatment. It provides that the assistance which Zurich and Lucerne would render Berne should also be rendered if and when summoned thereto by their confederates, and through them by Berne, at the expense of the protectors and therefore free of charge for the protected. As, however, Zurich and Lucerne were not parties to the treaty between Berne and the Waldstetten, this treaty was supplemented on the day following its signature by the three additional above-mentioned instruments.

It was only in 1421 that Berne concluded a direct bilateral treaty of mutual assistance with Lucerne, followed in 1423 by a similar convention between Berne and Zurich. Thus, for over half a century filled with international strife, the collective security of the Swiss cantons rested not upon any one multilateral all-embracing treaty, but on a series of partial undertakings. The three city republics of Zurich, Lucerne and Berne, the most powerful members of the embryonic Confederation, but also the most vulnerable by reason of their geographic situation, were bound

together not by any direct ties, but merely by their respective alliances with the three much poorer but **much less exposed Alpine** communities.

* * *

In the meanwhile, however, the growing solidarity of the members of this ill-jointed association asserted itself both on the fields of battle and in the sphere of diplomacy. The conclusion of the Priest's Charter in 1370 and of the Covenant of Sempach in 1393 has already been mentioned in our first chapter. To the former of these multilateral treaties it is unnecessary to revert, as it had not any direct bearing on collective security. The latter, on the other hand, calls for a brief examination, both because its signatories included all the eight cantons which at that time constituted the Swiss Confederation, together with Solothurn, which was to be admitted a century later, and especially by reason of its contents.

As is expressly mentioned in its preamble, the Covenant of Sempach is an agreement between nine parties linked together by a common hostility towards the "domination of Austria" (der herschaft von Osterich). Besides the provisions relating to the respect for churches and the defense of women on the battlefield, to which reference has already been made, it contains two sets of clauses which interest collective security.

The first deal with military discipline, or rather indiscipline, a topic which looms very large in many documents of these and also of later times in Swiss history. The soldiers of the cantons seem to have become more unruly, as they were being more eagerly sought and more highly paid for by foreign princes. This, added to the natural characteristic of the self-willed mountaineers and independent republicans, was a problem in itself. This psychological problem was, however, aggravated by a political circumstance: when troops of several cantons fought together, the only authority they recognized was that of their own cantonal officers. Hence the following provisions of the Covenant of Sempach:—

When in future regular troops are engaged in a campaign against enemies, be it all together or those of one of the towns or lands alone, all the soldiers shall remain loyally together as they ever did in the times of our fathers, whatever the peril, both in a pitched battle or in any other attack.

If a soldier should take to flight or transgress one of the articles of this Charter, if in particular he should break into the house of another or commit any other act which would draw upon him the accusation, true or false, of having violated this Charter, and if according to **the**

testimony of two honorable and fair men he should be deemed guilty by his superiors, his person and his belongings should be placed at the disposal of the latter and of no one else. And the latter shall immediately punish him in conformity with the oaths sworn by the towns and communities, according to the offence which they will have found him guilty of, so that the case may serve as an example.

These provisions are quoted here as illustrating the difficulties in which the Swiss allies found themselves, as a result of the absence among or above them of any common authority competent to carry out internally their common policies.

The other clause of the Covenant of 1393 which we would mention here as relevant to our subject reveals the same difficulties in the field of external affairs. It is worded as follows :—

It is our absolutely unanimous will that none of our towns or communities should ever, either together or separately, embark upon a war of their own accord, unless an offence or an hostile act be well established in conformity with the rules of procedure laid down in the sworn treaties by which towns and communities have individually bound themselves to each other.

The historical interest of the Covenant of Sempach of 1393, the first multilateral treaty concluded by all the eight original cantons, resides in the light it throws upon the workings of the very loose confederation which united them. Their common foreign policy had, in the first century of Swiss history, already become that of a state, but their relations to each other were still those of independent allies. Hence their embarrassment and their desire, as evidenced by these provisions, to secure by voluntary and unanimous agreement an unity of purpose and of action, far in advance of the unity of structure which they sadly lacked and which they were fully to achieve only many centuries later.

The fifteenth century was to see no further treaties of collective security until 1481. In that year, one of the most momentous in the history of Switzerland, two very important instruments, bearing the same date of December 22, were adopted. They were the fruit of the labors of the famous Diet of Stans and of the pacifying influence of Nicholas de Flue. This Diet had been summoned to reestablish confidence and cooperation between the rural and the urban cantons, whose antagonism after the wars of Burgundy had come very near to disrupting the Confederation.

The first of the treaties then concluded was the so-called Covenant of Stans. Its signatories were the eight cantons and its primary purpose was the settlement of the internal difficulties

which had arisen between them. One of these difficulties, the most serious, the mutual fomenting of strife and revolution among the cantons themselves, does not directly concern us here. We shall therefore mention only the preamble of the Covenant and its final provision, which relate to the foreign policy of the Confederation.

The preamble is obviously intended to stress the past, present and future value of the alliance, in order to justify the sacrifices of local independence it inevitably imposed upon its signatories. It is worded as follows:—

Whereas we are forever bound together by our sworn treaties which, with the grace and help of the eternal God, have heretofore assured our fathers of blessed memory and ourselves of peace, happiness and salvation, and whereas it is for us to examine with careful attention and to carry out all measures susceptible of reinforcing our perpetual alliances and of securing the peace, quiet and good order of our land and peoples, we have together, in friendly agreement and full knowledge of all relevant circumstances, of unanimous accord and after mature consideration, adopted the following decisions, statutes and provisions which we undertake, on our honor and good faith, for ourselves and our descendants, forever to respect and apply fully, loyally and at all times, in our mutual relations, now and forever . . .

The very multiplication and tautological reiteration of the same terms which characterize this preamble speak for the difficulties which its authors had to overcome in order to reach agreement. After a long and meticulous definition of the rights and duties of the parties with respect to each other in internal affairs, and of the rules of procedure for the peaceful settlement of conflicts which might arise between them, the treaty lays down the principles which are in future to govern the distribution of the fruits of common victories. The relevant provisions,, intended to prevent the recurrence of the conflicts which, after the wars of Burgundy, had opposed the small rural and the more populous and powerful urban cantons, are worded as follows:—

. . . We have agreed and resolved that whenever we shall in future be at war with anyone, all the booty in money and contributions which we shall have acquired with the help of God in the course of wars, campaigns, battles and engagements, shall be divided in equal parts among the individual soldiers in proportion to the number of men of each of our cantons, towns or rural communities which will take part in such campaigns or battles.

As the contingents of the more populous urban cantons were naturally larger than those of their rural allies, this first clause is

the expression of a concession of the latter to the former. The reverse is true of the next clause:—

> But if we shall have conquered, captured or occupied, in such wars, lands, men, towns, castles, land dues, feudal charges and other manorial rights, it is amongst us, the cantons, that they shall be equally and amicably distributed, in conformity with our traditions.
>
> And if we agree to the restitution, against a sum of money, of such lands, towns, castles, land dues, feudal charges or other manorial rights, the price thereof, whether great or small, shall also be equally distributed amongst us, the cantons, towns and rural communities, in all friendship and loyalty.

Like the Covenant of Sempach of 1399, the agreement of Stans may perhaps be looked upon as something in the nature of an approach to a constitution. Its terms make it quite clear, however, that it is still the charter of an alliance much more than the fundamental law of a real federation. It expresses the unanimous policy of the signatories. It is to be periodically, every fifth year, submitted to the solemn confirmation by oath of the citizens of all the cantons, and it can be amended only by their unanimous consent. It provides for no organ, other than the cantonal governments themselves, for the discussion of intercantonal conflicts and for the repression of revolts against the law laid down by its authors.

The other treaty concluded at Stans on the same date of December 22,1481, was intended to define the respective positions of the eight cantons, on the one hand, and of Fribourg and Solothurn on the other. It was clearly a compromise between the views of the three city cantons, who had wished their urban allies of Fribourg and Solothurn to be admitted as full and co-equal ninth and tenth members of the Confederation, and those of the five rural cantons, loath to forfeit the benefit of the numerical majority they had for nearly two centuries enjoyed in the Diet.

In point of fact and as future developments were clearly to show, the city cantons got the better of the bargain. But certain minor details of the long and very intricate document reveal the concessions made to the obstinacy and pride of the rural majority. These concessions were of two kinds, formal and substantive.

Formally, the treaty was concluded between two parties: Zurich, Berne, Lucerne, Uri, Schwytz, Unterwalden, Zug, and Glarus, in their capacity "as the eight cantons of the Confederation" (als die acht ortte der Eitgenosschaft) on the one hand, and the "two towns of Fribourg and Solothurn " (die beiden

Stett Fryburg und Solottorn) on the other. In point of substance, however, the rights and duties of both groups and of the individual members of both groups were very similar.

The main purpose of the treaty was clearly that of mutual protection. It was to be rendered spontaneously, or on summons, by both parties, collectively and individually, at the expense of the protector, that is, free of cost to the protected, on almost the same terms. There were, however, three main differences between the duties of the eight old cantons and those of their two new allies, also called confederates (eitgenossen).

First, when summoned by the old cantons, Fribourg and Solothurn were bound to send to their assistance such troops "as we (the former) demand," whereas conversely the two new allies could count on the support of their confederates only "in so far as necessary."

Secondly, the geographical area within which the cantons owed assistance to Fribourg and Solothurn was territorially limited to the latter's own domains, whereas the obligations of the latter were unlimited.

Finally, the following provisions, by which Fribourg and Solothurn consented to a restriction of their diplomatic freedom of negotiation in favor of their new allies, were without a corresponding concession in their favor by the latter:—

> We, the above-named of Fribourg and Solothurn, shall in future conclude no alliance under oath and promises without the previous advice, knowledge and approval of all the eight cantons or of a majority of them. However, the right we have always enjoyed of admitting burgesses is reserved, without prejudice to our perpetual alliances and to the present agreement.
>
> If in future we, of Fribourg and Solothurn, shall be at war with someone and if the opportunity should arise of a truce, a peace of a settlement which our dear and faithful confederates of the eight cantons or a majority of them should hold it to be compatible with our interest and honor to accept, we should as friends conform our conduct to their views.

None of the other provisions of the treaty, in so far as they pertain to the collective security of the parties, are novel or call for any special comment. We may note, however, as a symptom of the gradually increasing integration of the Confederation as a whole and of the growing cultural intimacy between its members, a clause under which all the parties, the eight old cantons and

their two new allies alike, promise each other free passage and trade over and in their respective territories.

At the conclusion of this treaty, the Confederation of the eight first cantons had gained two new allies. In point of political reality it had, in 1481, become a Confederation of ten cantons. Technically, however—and it is curious to note how sensitive and how insistent the rural cantons remained on this point—nothing had been altered in the internal structure of the Swiss league of eight cantons such as it had existed since the admission of Berne in 1353 and the readmission of Zug in 1368 and of Glarus in 1450.

Although the two new allies, who had already long been associated with the Swiss cantons, took an active part in their war of independence of 1499, they were not yet fully admitted into the inner circle of the Confederation when the city of Basle joined the latter in 1501. The treaty by which this new aggrandizement of the Confederation was effected on June 9 of this year had as its signatories the first eight cantons "and Fribourg and Solothurn" on the one hand, and Basle on the other.

The reasons which led Basle to seek, or rather to accept, her admission to the Confederation were varied but at bottom essentially strategical. Located on the Northern flanks of the Jura and astride of the Rhine, the ancient, prosperous and cultured bishopric of Basle was outside the natural boundaries of what, in the course of the previous centuries, had become the Swiss Confederation. In the war of 1499, although urged both by the latter and by the Emperor to take sides against the other, she had succeeded in maintaining her neutrality. Her own population had been divided on the issue. When, however, within her own walls, on September 22, 1499, the belligerents signed the peace which, although juridically inconclusive, was politically far more favorable to the cantons than to their imperial foe, the Swiss party in Basle came into power. This party was prepared to consider the possibility of joining the Confederation, but it was neither able nor willing to do so except on the most favorable terms.

Its members therefore demanded as a price for renouncing their former neutrality the status of a full and co-equal member. Their claims met with a double resistance. The rural cantons were naturally loath still further to reinforce the urban element of the league which they had founded two centuries before. Fribourg and Solothurn, on the other hand, no less naturally resented being outclassed by a newcomer and especially one who had remained neutral in a war of independence to the success of which they had

in no mean measure and at great cost to themselves contributed. However, the diplomacy of Basle, based on the wealth, the prestige and the strategical position of the town, insisting on the possibilities of an alternative pro-Austrian policy and supported by the most powerful city cantons, carried the day. Basle was finally admitted as the ninth canton, with the full rights of representation in the Diet "as another member of our Confederation."

The treaty of admission is an elaborate document, almost twice as lengthy as the already exceptionally comprehensive treaty with Fribourg and Solothurn. Many of its provisions are evidence of the delicate and difficult negotiations necessitated by the conflicting claims of the candidate, who desired to be treated as an equal, and of his critics, who were reluctant to sacrifice any of their previous advantages.

The provisions relating to collective security, which in this as in all other treaties of admission formed the backbone of the whole instrument, seem to have been formulated with more care and with more subtlety, but hardly with more clarity, than in the previous documents. The fundamental principle remains the same. The party attacked is entitled to the prompt, complete and gratuitous assistance of all its allies. If and when a party deems it necessary, in the interests of its security, to carry warlike operations into the enemy's territory, it can also, but with less assurance, count on its allies' support. In such a case, the assistance is neither automatic nor free of cost for the summoning canton.

Besides these general provisions, which apply equally to all parties, the following special clause was inserted in a later part of the treaty, doubtless at the express request of the Baselers, fully conscious of the exceptionally vulnerable strategical position of their town:—

> If the city of Basle or its territories should be invaded by an ill-intentioned enemy and suffered damage, so suddenly that the case could not be brought before us, the common Confederation, and if the city of Basle rose in arms to resist, then we shall all be responsible for her security and that of her citizens, subjects and territories, and if it became necessary we shall all come to her assistance as if we had been specially or once for all summoned to her aid.

This non-reciprocal clause was justified by geographical considerations. As we shall see, if was very often invoked in the course of the next centuries, during which Basle was ever exposed to attack by her Austrian and French neighbors. It is interesting to note also that the provision by which Fribourg and Solothurn

had, in 1481, been obliged to accept peace terms when deemed acceptable by their allies, was in a somewhat similar form extended to all the signatories of the treaty of 1501. It was worded as follows:—

> If we should have been forced to engage in war, all parties shall bravely persist in their efforts and no one shall accept an armistice or a peace until the enemy offered the injured party terms and reparations which, in the opinion of the majority of us, were deemed fair and satisfactory.

As if to compensate for the special protection which Basle owed to the above-quoted unilateral provision, she was obliged, in spite of her status as an equal party, to consent to a certain curtailment of her diplomatic independence, similar to that which had been imposed on Fribourg and Solothurn. Thus Basle was denied the right of picking a quarrel with anyone (mit nyemand krieglich uffruhr anheben) without the knowledge and consent of her new confederates, or at least of the majority of them. Thus also, Basle was obliged to submit to the ruling of her confederates if, in a conflict between her and a foreign neighbor, the latter should seek and accept their arbitration. A final limitation was imposed on the foreign policy of the newcomer by the following provision, which its authors doubtless sought to render less unpalatable by presenting it as a general rule applicable to all members of the Confederation:—

> If the city of Basle should in future consider accepting the alliance or protection of any other power, she shall first consult the Diet and the other governments of her confederates and conform to their advice or to that of the majority of them. This has been the general custom of all cantons of the Confederation and it is conducive to harmony and good will among them.

Before leaving the treaty of Basle of 1501, it may be useful to recall one further and entirely novel provision contained therein. We do so, in spite of the fact that it does not directly affect collective security, because of its significant origin, of its inherent interest and of its real influence on the future internal history of the Confederation.

All previous treaties of alliance between the members of that Confederation had called for their common action, not only against foreign foes, as we have seen—that is the essence of collective security as we here understand it—but also against any one of them who broke faith with his allies. To use the phraseology of the League of Nations, collective sanctions were provided for

against the lawbreaker from within as well as against the aggressor from without. Now, in 1501, Basle was expressly exempted from what had up till then been considered a natural and traditional rule. Perhaps as a sop to the rural cantons and in order not to contribute to the preponderance of their urban allies, perhaps also as a concession to Basle herself, who had never been inclined to take sides in conflicts between her Swiss neighbors, the following provision was inserted in the charter of 1501:—

> If, which God may ever forbid, it should sometime come to a conflict between one or several members of the Confederation and the others, Basle shall, through its envoys, labor pacifically to settle such a disturbance, discord or dispute. And even if she should fail therein, she shall not assist one party against another, but shall remain aside (still sitzen) and persist in her efforts of peaceful mediation.

This clause, which was also inserted in the next two treaties of admission with Schaffhausen, later in 1501, and Appenzell in 1513, which concluded the formation of the pre-revolutionary Confederation, is of very peculiar political interest. By thus securing the unconditional internal neutrality of three out of thirteen members of the Swiss league, its architects, be it by good fortune or by clear foresight, did much to consolidate their edifice. Thanks to the neutrality of a minority of its members, the Confederation was always spared the fatal consequences, if not indeed of all internal dissension, at least of internecine wars pursued until the total destruction of one party. The moderation characteristic of all the various treaties of peace concluded at the end of the four religious wars which afflicted the history of the Swiss Confederation in the sixteenth, seventeenth and eighteenth centuries undoubtedly saved it from disruption. And this salutary moderation was due in no small measure to the diplomatic action and conciliatory influence of the cantons which' were constitutionally debarred from taking part in the struggle and entrusted with the mission of appeasing their belligerent confederates.

In view of the very instructive experience gained in this field by Switzerland in the course of the centuries, it is not surprising that it should have been remembered and recalled by her representatives in 1919, when they argued in favor of the retention of Swiss neutrality while seeking admission for their country to the League of Nations.

* * *

The treaties concluded by the eleven members of the Confederation with the town of Schaffhausen on August 10,1501, and

between the twelve members and the rural community of Appenzell on December 17, 1513, contain no novel provisions of interest to our study. As all their predecessors, they also were in substance pacts of mutual assistance, that is of collective security. They may well be defined as abridged editions of the Basle treaty of 1501.

* * *

With the admission of Appenzell as the thirteenth canton—Fribourg and Solothurn had finally received their recognition as tenth and eleventh members, after Basle, but with precedence over Schaffhausen—the Confederation attained the full membership, if not quite the national frontiers, which were to be hers until the revolution of 1798. The slight territorial aggrandizement which took place after 1513 was due solely to the conquest of territories to the south and to the west. These territories were administered as subject provinces and became cantons only by virtue of the French revolutionary doctrine of freedom and equality.

The period of nearly three centuries which separates the admission of Appenzell in 1513 and the collapse of the Confederation in 1798 saw neither the conclusion of any new nor the revision of any old treaties defining the essential rights and duties of the cantons towards each other. This period, however, was far from barren when viewed from the standpoint of the student of collective security. Its most interesting lessons, it is true, as we shall see in our next chapter, are to be derived from its experience in the field of facts, that is, in the practical application of the law, rather than in new legislation. But it was not entirely sterile even in its attempts at law-making.

In the sixteenth century, the most remarkable example of this is to be found in the efforts made by Berne to extend her domination over the present cantons of Vaud and Geneva. The methods employed for this purpose were twofold: on the one hand, armed conquest, pursued under the guise of political liberation and religious reform, and on the other, subjugation under the guise of protection. These methods, which succeeded in the case of Vaud, failed when applied to Geneva.

At the beginning of the sixteenth century, both Vaud and Geneva were still under the sovereignty of Savoy. In Geneva, however, this domination was less rigid because it was challenged both by the ecclesiastical authority of the bishops of Geneva and by the mounting spirit of communal independence which animated the population of the town. The republic of

by the desire of extending her frontiers westwards for reasons of security, profit and prestige, and then, after she had been converted to the new religious doctrine in 1528, by confessional motives also, adopted and consistently pursued a policy of territorial aggrandizement at the expense of these territories.

In 1525, together with her weaker neighbor Fribourg, she concluded a treaty of mutual protection with Lausanne and, in 1526, with Geneva. In 1536, after the Catholic Fribourg had withdrawn from this treaty, Berne renewed her pact with Geneva. In form, these conventions were not unlike those to which the Confederation owed its existence. In substance, however, they were intended to bring the weaker partners under the domination of the stronger.

Thus, under the tripartite treaty of 1526 between Berne, Fribourg and Geneva, each of the signatories was bound to come to the assistance of the others in case of foreign aggression. But whereas Geneva was unconditionally obliged to hasten to the assistance of her allies if and when called upon, the latter were left free to examine and to appreciate the justification of her own summons. Furthermore, in both cases Geneva was saddled with the financial burden of the operation.

In the Autumn of 1530, Geneva, feeling once more threatened by the Duke of Savoy, called upon the assistance of her two allies. The assistance, promptly and effectively rendered, freed Geneva from the rule of Savoy, but left her so deeply indebted to her protectors that she was unable to repay them.

When, in 1535, again menaced by Savoy, Geneva again called upon the help of Berne alone—Fribourg having in 1530 abandoned her Genevese ally, already suspect of heresy—she was again saved by her mighty protector. But this projector, having on his way from Berne to Geneva occupied and annexed the interjacent territory of Vaud, fully intended to apply the same treatment to her insolvent Genevese *protegee.* Having freed Geneva, who had never repaid her former debt, from the rule of Savoy, was she not entitled to substitute her authority for that of her late foe? On February 15, 1536, the Genevese legislature adopted an aggrieved and indignant resolution in which we read:

> One is highly grateful to the allies of Berne for their exertions in favor of the town of Geneva and for the benefits hitherto conferred upon her. At the same time, they should be reminded that the burgesses of Geneva had for seventeen to twenty years struggled against the Duke of Savoy and against the bishops. That is why they had sought for the help of those of Berne, which help has hitherto been granted

them. God had ordained that the Bernese should engage in the campaign with such military might and with so great a will that the foes of the town had melted before them as snow in the sunshine. But if those of Geneva had ever been prepared to submit to the rule of anyone, they would not have consented to endure such torments and privations. One could not therefore admit that the lords of Berne should wish to extend their domination over the poor city of Geneva, which had struggled so long and suffered so much for her freedom.

It would lead us too far afield to pursue the dramatic story of the relations between the city of the Rhone and that of the Aar during the rest of the sixteenth century. Suffice it to say that Geneva's independence was finally saved thanks to the influence of Calvin and to the rivalry between Savoy, France and Berne, much more than by the pure virtue of the principles of collective security.

If we have ventured here briefly to refer to this episode, it was merely to show that and how treaties of mutual protection, when concluded between partners of all too unequal power, may well lead to the enslavement of the weaker and to the domination of the stronger, more than to the salvation of both.

CHAPTER IV

THE LAW OF COLLECTIVE SECURITY IN MODERN TIMES (SINCE 1513)

1 HE first half of the seventeenth century was for neutral Switzerland, no less than for her belligerent neighbors, the era of the Thirty Years' War. Never more than during those troubled years was the principle of collective security uppermost in the minds of all Swiss statesmen. But its application was considered by both confessional groups as a means of mutual protection against each other, more often even than it was, by all cantons together, as a common shield against an external aggressor. Finally, however, after much internal suspicion, many threats from within and from without, and some unpunished violations of Swiss territorial integrity, the cantons succeeded in reasserting their union and in agreeing on a common policy of defense.

Their efforts towards this goal deserve to be noted here, as illustrative both of the possible methods and of the internal difficulties of collective security as between equally sovereign political entities.

In the Summer of 1629, Zurich, for the first time since the outbreak of the war, proposed to consolidate the common defense structure of the Confederation by the reinforcement and practical implementation of the fundamental treaties of alliance on which it was based. For that purpose, a memorandum entitled "How a common defense work (Defensional) adapted to the present circumstances could be set up," was submitted to the Diet of Baden. The following extract may usefully be quoted here:—

(1) An army of several thousand men should be created and maintained so that one might at all times be protected. The population should be trained in the use of the new methods of warfare.

(2) One should consider whether an impartial general (ein unparteiischer General) should be appointed and where one could find him.

(3) A council of war should be set up, consisting of experts in the arts of war. Such a council should be assembled in varying places. It should be entrusted with the task of considering everything relating to

the defense, the honor, the good name and the protection of the Confederation, and of taking all necessary and relevant steps, as it is impossible for the Diet to be in continuous session.

(4) If one or the other cantons was or were attacked, all should hasten to its or their aid and therefore the general right of passage throughout the country should be established and recognized for all Swiss troops.

(5) If, as must be feared, one were simultaneously attacked on several points, in order to avoid the ensuing confusion each canton should submit to the coming Diet an outline of its views on the organization of mutual aid.

These few suggestions suffice to show:—

(1) The inevitable impotence in case of a common emergency of a body of delegates representing sovereign cantons and unable to take valid decisions except by the unanimous concurrence of all;

(2) The consequent necessity of a delegation of powers and of a concentration of responsibilities in the hands of a smaller council;

(3) The need for a general and for individual measures of defense, as well as for a concerted plan.

The reference to the high command and the quest for an impartial general is peculiarly suggestive. By "impartial" was, of course, meant the quality of one who would be acceptable to Protestants and Catholics alike.

In spite of the deliberate caution of this proposal, put forward by Zurich, its Protestant origin was enough to inspire the Catholic confederates with the deepest suspicion. Assembling in a special conference a few days later in Lucerne, their representatives rejected the proposal for the reasons indicated in the following extract of the minutes of their meeting:—

With respect to the plan of defense considered at Baden, one is of the opinion that it expresses the will of the cantons which have adopted the new faith still further to subjugate the Catholics and to subject them to their interests. One also discovers in the proposal the desire of the Reformed by all means and with the usual and crafty subtlety to ascertain the resources and the recent plans of the Catholic cantons with a view to profiting therefrom. In consequence one is unanimously resolved to do no more than to come to the assistance of any canton that may be attacked, in conformity with our treaties of alliance.

On this occasion it was the Catholics who opposed a Protestant plan for the common defense of the country. When, however, in **the** Autumn of 1633, Swiss neutrality was violated by a Swedish army seeking to outflank its Austrian adversary by traversing

Swiss territory, the Catholics raised an indignant protest and reproached Zurich with not having called upon them for their assistance. Zurich replied apologetically, stressing the advantages of amicable negotiations and invoking the advice of the diplomacy of France. Thereupon the Protestant cantons assured their Catholic confederates of their loyalty, but again insisted on the necessity of some common plan of defense.

Under the stress of constantly threatening invasion by the two warring parties on the frontiers of the country, this necessity came to be more and more generally appreciated. In 1640, a tentative plan was agreed upon. It called for a levy of 1,591 men, to be raised from the various cantons and stationed at certain particularly menaced passages. No positive action seems to have been taken, however, until the beginning of 1647. In the minutes of the meeting of the seven Catholic cantons assembled in Lucerne on January 4 of that year, one finds the following passage:—

> Lucerne informs that, in view of the ever more immediate proximity of the French and Swedish armies, she has raised the question with Zurich. . . . It is to be deplored that Zurich has not yet summoned a general Diet. . . . Every effort must be made to assure that the confederates of the other confession make common cause with the Catholic cantons.

After this meeting, the chief magistrates of the three Catholic cantons of Lucerne, Uri and Schwytz repaired to the Protestant directorial canton of Zurich to secure immediate action. The result was the summoning, for January 15, 1647, of a special assembly of plenipotentiaries of the thirteen cantons to Wyl, a spot not far from the threatened frontier. This body, to be constituted if possible by the chief magistrates of the cantons, was to sit as a common council of war, and to be entrusted with the widest powers.

Thus, almost overnight, as a consequence of an external danger deemed truly menacing by all cantons, all constitutional objections were overridden. Every one of the thirteen cantonal governments agreed to entrust the exercise of its sovereignty to a representative body endowed with wellnigh dictatorial powers. Thus, for the brief duration of the emergency, the traditional alliance of thirteen sovereign entities consented to be governed almost as a unitary state.

This council of war (Kriegsrath) sat at Wyl from January 17 to 31, 1647. It was made up of the leading magistrates of all the cantonal governments. Each canton was represented by only one

delegate. Only the double cantons of Unterwalden and of Appenzell, as well as the canton of Glarus, whose population was both Protestant and Catholic, had two delegates. Moreover, four neighboring and trusted allies of the cantons, the Abbey of St. Gall, the city of St. Gall, the Grisons and the Valais, were also represented on the council. These allies were all bound to the Confederation by treaties of mutual protection and their territories formed part of the same Alpine strategic area.

During its session, the council of war took two kinds of measures. Besides immediate military and diplomatic steps for the defense of the threatened frontiers, it drew up and adopted a general scheme of military organization. It is this scheme, known in Swiss history as the "Defensional of Wyl," which offers the greatest interest to our study. It is an attempt, the grandest and the only at least partly successful attempt, made during the five centuries of the existence of the league of sovereign Swiss cantons, to endow it with a unified system of defense.

It is well, before analyzing this attempt, to recall the exact nature of the problem to be solved. The thirteen cantons were sovereign political entities, extremely conscious, proud and jealous of their sovereignty and accordingly most reluctant to take orders from any but the authorized representatives of their own people. These cantons were, moreover, very unequal in point of population, in wealth and political institutions, and their respective geographical position made them very unequally sensitive to threats from without. Furthermore, the Catholic cantons were more numerous, but the Protestant more wealthy and more populous. Finally, most cantons were acutely suspicious of and even hostile to most others. The original antagonism between the rural communities and the city republics had not disappeared, but since the Reformation and especially in the course of the Thirty Years' War, it had been completely overshadowed by the opposition between friends and foes of the new faith. Fortunately for the salvation of Switzerland, these two hostilities did not run along the same lines. Of the seven cities, four—Zurich, Berne, Basle, and SchafFhausen—were Protestant, and three—Lucerne, Fribourg andSolothurn—were Catholic. Of the six rural communities, however, four—Uri, Schwytz, Unterwalden, and Zug—were entirely Catholic, and two—Glarus and Appenzell—were part Catholic and part Protestant.

As is clearly shown by its proposals, the council of war at Wyl fully realized the extremely delicate nature of the task they had

undertaken in attempting to make up a national army out of such heterogeneous and intractable cantonal material. The scheme provided for an army of 12,000 men and of ten pieces of ordnance. This army, immediately available, was to be supplemented by two others of the same size and composition, which were to be organized by the same authorities. The common burden was to be distributed among the thirteen cantons, their allies and subject provinces, as follows:—

	Men.	Pieces of ordnance.
Berne	1,800	8
Zurich	1,400	6
Lucerne	1,200	5
Fribourg	1,000	4
Solothurn and the Abbey of St. Gall	each 800	
Schwytz and Appenzell	» 600	
Uri, Unterwalden, Zug and Glarus	» 400	
Lugano, the Freie Aemter, Sargans	» 300	
Basle, Schaffhausen, St. Gall, Bienne, Locarno	„ 200	
Mendrisio and the Rheinthal	» 150	

Of the four principal difficulties inherent in the composition of any intercantonal or international army, the allocation of troops among the constituent elements was not the most embarrassing. The council of war, in establishing this scale, could base its findings on such objective tests as population, wealth and tradition. Besides, its task was lightened by the fact that it could count on local prestige as a compensating factor for local burdens.

The second difficulty, that of the internal organization of the army, was met by its division into two army corps of 6,000 men each and by the attribution to each of an approximately equal number of Protestant and Catholic unjits. Thus, for instance, the contingents of Protestant Zurich and of Catholic Lucerne and Solothurn were called to the first army corps and those of Protestant Berne and of Catholic Uri and Fribourg to the second.

The third major difficulty, that of the higher command, proved too baffling to be solved even under the uncommonly favorable circumstances prevailing at Wyl. Unable to agree on the persons and even on the cantons under whose orders the army was to be placed, the council of war had to content itself with the following decisions:—

(1) Each local contingent was to be commanded by its own officers, the contingents of subject provinces by those of the administering authority.

(2) Each of the two army corps was to be endowed with a general staff of thirteen officers—two general masters of the commissariat, two quartermasters general, one artillery colonel, and so forth—and with one councillor of war by canton. Thus it was hoped that each of the thirteen cantons could be placated.

(3) The general staffs thus set up were to select, presumably from among their own members, the officers who were effectively to lead the assembled troops into battle. The common interest on the part of any army about to affront the enemy was thus counted upon as the only factor susceptible of overcoming the personal and local jealousies which, even in times of extreme crisis, had always prevented the cantons from agreeing on a common leader.

The fourth and final problem, that of finance, had to be left unsolved at Wyl. It was, of course, understood that, in accordance with tradition, each canton was to be responsible for the maintenance, pay and ammunition of its own contingents. But the question of general expenses was touched upon only by such incidental references as the following:—

> Every canton shall supply its ordnance with all the necessary ammunition and other materials. The towns of Basle and Schaffhausen, which (on account of their exposed position on the Rhine) had been spared in the matter of infantrymen and cannons, are requested (ersucht) to supply certain amounts of munitions of war, some means of transport, hand grenades and other stores.

Complex, ill-jointed, unwieldly and incomplete as it undoubtedly was, the Wyl Defensional was the closest approach to anything like a scheme of national defense which was ever produced in Switzerland before 1798. But as the developments of the following years were soon to show, even this loose framework proved too rigid to be long maintained by all the cantons.

Before it was first challenged and then repudiated by Schwytz and some of her neighbors after 1676, an effort was made to endow the Confederation with a clear and single constitution and, accordingly, to consolidate its defensive organization. Although this effort came to nought, it deserves to be mentioned here, were it only as a symptom of the awareness in not a few of the best minds of the times of the unsatisfactory structure of the country and of the desire to improve it.

On June 23, 1654, a conference of the four Protestant cantons met at Aarau. It was attended, not only by the representatives of Zurich, Berne, Basle, and Schaffhausen, but also by delegates

from the Protestant districts of Glarus and Appenzell and from St. Gall, the Grisons, Mulhouse, and Bienne. Its main purpose, be it irrelevantly mentioned here, was to receive a deputation from Oliver Cromwell, composed of John Pell and John Durie. These Englishmen brought welcome tidings of the conclusion of peace between the Protector and Scotland, Ireland, the Netherlands, and Sweden, and of the friendly dispositions of their master for his Swiss fellow-Protestants. In the course of the same conference, we read in the minutes that "the delegation from Berne proposed that the federal treaties should be elucidated, particularly with respect to the subject of mutual protection."

At the general Diet which met at Baden shortly after, on July 5, 1654, a somewhat related question was raised by Lucerne. This canton wished to ascertain whether, "as it thought, cantons summoned to the assistance one of another should come at their own costs or whether the summoning canton could be asked to refund their expenses."

As these two items show, the time seemed ripe for a revision and a new interpretation of the treaties of alliance. At a special meeting of the Protestant cantons held at Baden on the occasion of the general Diet, the same question was more fully considered. The following is an extract of the minutes of this meeting:—

At the request of Berne, and in view of the fact that Zurich and Berne have their own alliance, that Glarus is allied only to five cantons, St. Gall and Basle to ten, Schaffhausen to eleven and Appenzell to twelve, and that, on the other hand, the Papist cantons have since the Reformation more closely allied themselves to each other and also to Milan, Burgundy and to the Bishop of Basle, this state of affairs is called to the attention of the Protestant governments and the following suggestions are submitted: that the question be examined as to our future relations with the Catholic cantons in case we had to face a common external enemy and as to the possible application of the rules laid down at Wyl in 1647 . . .

As a result of the discussion, the burgomaster of Zurich, Waser, and General d'Erlach, of Berne, were on March 5,1655, entrusted by the Protestant cantons with the drafting of a "plan intended to elucidate and, if possible, to unite in one single instrument the various treaties of mutual alliance." These two magistrates produced an elaborate report and two draft treaties. In their report, the following passage relating to collective security is of special interest for our study:—

There exists no uniform pact embracing all the members of the Confederation, but only a variety of special treaties by which some of them

are bound to some others. The provisions concerning mutual assistance are also diverse. According to some of them, reciprocal aid shall be rendered only after meetings and consultations; according to others, this aid is conditioned solely by the oaths of the summoning party or at its written or oral request, with which the summoned are bound to comply without delay. Moreover, certain cantons are not permitted to engage in war without the knowledge and consent of the others. According to certain treaties, the expenses incurred in the course of besieging operations are entirely due by the summoning cantons and by those whose war it was, and the spoils of war belong to them alone. According to others, these expenses and these spoils are divided among the confederates . . .

Might not these same considerations have struck any careful reader of these pages? They led these two Swiss magistrates who formulated them nearly three centuries ago to prepare a draft constitution for their fellow-countrymen. This very interesting document in its preamble recalls all the treaties between the cantons with which the authors were familiar. Then, in twenty-seven articles, the codification of these treaties is attempted. The intention is to endow the Confederation with one single constitution, in which each of its thirteen cantons should be bound to all the others by ties of equal rights and duties.

When this draft was presented to the Diet at its Summer session of 1655 on behalf of Zurich and Berne, the delegates of Uri were of opinion that its consideration should be postponed to a more favorable season. After a brief discussion, however, in which all the other delegations took part, it was decided to consult the governments about it. Their written answers were to be sent to Zurich by the following month of November. But by that time the first war of Villmergen was about to break out. Opposing as it did on the field of battle the Protestant and the Catholic cantons, which the draft constitution was to unite in a consolidated and duly legalized confederation, that war not unnaturally proved to be the cemetery of that draft.

Although it was never, therefore, to come into force, it may not be amiss here to recall those of its provisions which deal directly with the organization of collective security.

In the first article of the draft of 1655, the purposes of the Confederation are affirmed to be the common and mutual defense of the territory, population and rights of the cantons against all foreign aggression and unjustified encroachment.

In four distinct articles, four cases of mutual assistance are thereupon defined. The first is that of the canton which, victim of

an attack or other injury, calls for the assistance of its allies. If circumstances do not allow for the delays inherent in a conference, the other cantons are bound to respond to the summons "according to the nature of the case, in a manner honorable for the summoned and helpful for the summoner (je nach der gestalt der sach, undt dz es dem gemahnten ehrlich, dem mahnenden aber trostlich seye). In such a case, the protector must bear the burden of the operation, whatever its cost (Alles in dess gemahneten theils Costen, so dickh dz zueschulden kombt).

The second case is that of an aggression so sudden that its victims were unable to issue a call for assistance. It is then the duty of all the allies spontaneously to rally to the support of the attacked, as if in their own defense (alss ob es unser selblich sach were). Here again, each of the parties participating in the operation should bear its own costs.

When, however, circumstances allow for previous consultation —third case provided for in the draft—the wronged party shall invite its allies to send their delegates to a convenient spot. The conference thus summoned shall then agree on a common policy of defense. They shall decide "how the affair may be wisely treated, what shape the assistance shall take according to the situation, so that the enemy may best be withstood and the wrongs righted." It is not said whether, in order to be valid, the decisions reached at such a conference should be unanimous or adopted by a majority of the delegates, or whether the will of the victim alone, entitled by treaty to the assistance of his allies, should always prevail. Nor is any reference made to the financial aspect of the matter. It may be assumed that the probable intention of the legislators was to trust to circumstances and to hope for a compromise which would cover all particulars of the operation, including the settlement of its cost.

The fourth and last case considered was that of a protracted campaign, comprising the siege of enemy strongholds. If such a campaign appeared justified by considerations of defense, all the allies should take part in it when summoned. The canton, however, "whose war it was" (dessen der krieg ist) should pay at least for the initial expenses. If and when it seemed applicable, the additional cost might fairly be distributed among the participants.

Although many other points are considered, such as spoils of war, the beginning and end of hostilities, the settlement of internal disputes, foreign alliances, etc.—the draft constitution contains no mention of the Wyl Defensional. Its authors obviously did not

wish to go beyond the points raised in the treaties of alliance which they sought to elucidate and to codify, but not to supplement or to implement.

The Defensional, however, remained in force albeit unapplied. In 1664, as a consequence of an appeal of the Empire for assistance against the Turks, the Diet saw fit to revise the Defensional of 1647 on certain minor points. The contingents of Fribourg were reduced from 1,000 to 800 and those of Solothurn from 800 to 600, whereas those of Berne were raised from 1,800 to 2,000 and those of the Abbey of St. Gall from 800 to 1,000. Furthermore, it was expressly provided that "the supreme command was not to be exercised by generals, but by colonels." All the officers of the general staff provided for in 1647 "should be elected by the council of war, composed of two representatives by canton."

The Defensional was again revised in 1668, after Burgundy had been occupied by French forces, whose uncertain designs raised suspicions in the cantons. Three points of minor but not quite insignificant importance deserve to be mentioned. The first concerns the organization of the supreme command. It was decided, in 1668, that each of the two army corps was to receive two "supreme captains" who were to rotate in office. The first corps was to be commanded alternately by an officer from Zurich and the other from Lucerne, the second by one from Berne and the other from Uri. These decisions clearly reveal the intention to hold the balance absolutely even as between the Protestant and the Catholic cantons.

The second of the innovations was the establishment of the principle that the soldiers in all the Catholic contingents were to receive the same pay. However, except for this very modest reform, the highly important question of the financing of the army remained untreated and unsolved.

The only other change made in 1668 was the provision that the cantons of Zurich and of Lucerne should each appoint "at the common expense an able and duly qualified war secretary." The permanent military organization of the Swiss Confederation before 1798 does not seem ever to have progressed beyond the truly embryonic stage represented by this double appointment.

The Defensional as amended in 1668 was in all its essentials to remain in force until the times of the French Revolution, more than a century later. In the meanwhile, however, it was to undergo three minor but significant changes. The first was made in 1673, to meet more emergencies on the northern frontier of the country.

The second change was due to the growing dissatisfaction it aroused among the rural cantons in the heart of the country, an estrangement which finally led, in 1680, to their formal repudiation of and withdrawal from the obligations it imposed upon its members. The third and final change was the result of a last revision to which it was submitted in 1702 by the urban cantons faithful to its principles. Far from wishing to weaken its provisions, these cantons, on the contrary, sought to reinforce them by adapting them to the altered needs of the times. Let us in turn briefly examine these three changes.

In the years following 1668, the ambitions and campaigns of Louis XIV created and maintained a state of constant tension in Switzerland. The defense of the territorial neutrality of the country became the cardinal principle of its foreign policy. In order to provide for prompter and more effective defense of the frontiers whenever menaced, the Diet in 1673 decided that in future any canton when threatened could individually call the army provided for in the Defensional to its support.

Furthermore, federal contingents of 550 men were set up and made ready to hasten to the frontier at a moment's notice. Every contingent of 550 men was to comprise 70 men from Zurich, 100 from Berne, 60 from Lucerne, 20 from Uri, 30 from Schwytz, 20 from Unterwalden, Zug, Glarus, and Basle each, 40 from Fribourg, 30 from Solothurn, 20 from Schaffhausen, 30 from Appenzell, 50 from the Abbey of St. Gall, and 10 each from the city of St. Gall and from Bienne. These contingents were divided into four detachments and each of them was placed under the command of the canton whose contribution was greatest, that is Zurich, Berne, Lucerne, Uri or Schwytz, and Fribourg. These five captains were to take their orders from the commanding officer of the summoning canton.

Here at least was a temporary solution of the problem of the supreme command which had always hitherto baffled the authors and amenders of the Defensional. These rules, however, which were to be observed only in case and for the duration of an emergency, were not intended to modify those laid down in the Defensional for the mobilization of the whole army.

From the start, this system raised difficulties of a financial order which were soon to lead to its abandonment by the poorer cantons. In the meanwhile, several unsuccessful attempts seem to have been made to overcome them by means of loans and property taxes.

It became ever clearer that the existing institutions were ill-adapted to the changed needs of national security. The treaties of alliance were based on the principle of mutual protection against an invader whose action, of a limited duration, threatened the country as a whole. Now, however, troops had constantly to be raised and maintained under arms, not so much for the defense of the independence of all the confederates, as for the police protection of the border cantons and especially of Basle. The following extract from the minutes of a meeting of the Diet of October 22, 1676, reveals the embarrassment of the cantons, faced by a situation which had not been envisaged at the time of the conclusion of the fundamental treaties:—

The question is raised whether a canton which calls for reinforcements in accordance with the rules adopted in 1673, in order to ward off a hypothetical danger, should not assume the burden, if not of the pay, at least of the subsistence of the soldiers sent to its assistance. This question is answered as follows:

It is true that the case was not provided for in the old treaties. There is, however, a great difference between former and present times. The art of warfare has undergone considerable changes and the armies which now suddenly appear on our frontiers are much stronger than those of past centuries. Under these circumstances common sense does not allow a canton to wait until it has been attacked and overrun by aggressors without calling to aid, which would then be useless because tardy. It is obvious that such aid, if granted in time according to the provisions of the Defensional, would stave off disaster at a lesser cost for all, even if the cantons which supplied it were to bear the expenses of the pay and subsistence of the contingents. However, it becomes the assisted canton to supply such subsistence at a reasonable cost and to assume the burden of accessory services such as sleeping accommodations, fire, light, salt and also of ammunition. The delegates of the five old cantons take note of these views and hope their governments will abide by the present arrangements, interpreted in the light of this discussion.

The will to discover some reasonable compromise in the matter of the apportionment of expense, of which this account of the proceedings of the Diet brings ample evidence, did not prove sufficient. The cantons on the frontier, and particularly Basle, continually on the alert, crushed by the weight of their own military burdens, and arguing that by defending themselves they were also defending the country as a whole, could and would not relieve their rural allies at the foot of the Alps of the contributions due by the latter under the Defensional.

The inevitable result of the constantly recurring appeals for aid from the periphery to the center, and of the continued dis-

agreement as to their proper financing, was an increasing **and soon** irresistible opposition to the scheme of the Defensional itself. This opposition was centered in Schwytz and in the other small and impecunious cantons, whose geographical Alpine position seemed to protect them from foreign incursions and whose economic structure could not indefinitely stand the strain of military and financial assistance. In these cantons, ambitious and seditious plotters began to seize upon the topic in order to gain popularity by denouncing the scheme as an insidious attempt on the part of the cities, not excluding Lucerne, and also on the part of the Protestants, to exploit the rural Catholic communities.

The matter came to a head when Schwytz failed to obey a summons to send her contingents to the frontier. Thereupon Lucerne summoned a meeting of the five small Catholic cantons, on December 14, 1678. The position of Lucerne as the recognized leader of the Catholic majority was rendered extremely difficult by the apparent disloyalty of her rural neighbors, whose spokesman she had often been at the Diet. The following quotations from the minutes of this meeting are more enlightening than any comment could be:—

Before beginning the discussion of the Defensional for which this meeting is summoned, Uri declares that a short time ago a forged version of one of the articles of the document . . . had been distributed, with the intention of creating unrest among the people. Schwytz replied that at her *landsgemeinde* a paper had been read on the Defensional of which the bailiwick Schorno had had a copy made. This he declared to be faithful and not forged. The other cantons deplored that one should stoop to such untruths. Any honest opposition should be brought before the competent authorities and not fomented among the common people, as had been done in Uri and Unterwalden. Such mutineers should be kept in check, and so forth, At this point Lucerne renewed her demand for information about the libellor who had declared that he had received payment from the summoning cantons for her contingent. However, nobody was prepared to supply such information. In considering the Defensional, the first question raised concerns the attitude to be adopted towards a canton which fails in its duties of concord and of close solidarity towards its confederates. Schwytz seeks to justify its conduct by a reference to the original treaties of alliance. Others replied that the Defensional is based on these very treaties whose provisions it is calculated to implement. One deplores that on the occasion of the levying necessitated by the dangerous events of this year, Schwytz and Glarus had failed to do their duty and had separated themselves from the other cantons. . . . As the apportionment of the contingents among the cantons laid down in the Defensional is rather unfair (zieralich unproportioniert), the more heavily burdened cantons should in all fairness be relieved and their contribution to the war

chest be less than that of the cities. Or the cantons to whom military assistance is to be rendered should alone assume the costs for the transportation of the heavy artillery. The weekly pay for the members of the contingents should be the same for all the cantons. On all important military matters, the final decision should rest with the governments of the cantons. It is necessary to establish a fundamental distinction: in case a canton is really attacked by an enemy, the assistance due must be rendered free of cost; if, however, the canton is only menaced and apprehensive of evil events, then it should itself assume the burden of the subsistence of the troops it summons to its aid and it should pay the private soldier half a Thaler a week, supply him with a pound and a half of bread a day, and in addition pay the officers a decent wage.... Several cantons, and particularly Schwytz, hold that it is contrary to traditional custom that the four supreme captains should be all-powerful and that the cantons should be deprived of all their rights. It is objected that the cantons have executive rights only and that the power of decision rests with the council of war on which all cantons are represented. However, it is conceded that in case of actual war, the military chiefs of the cantonal forces should accompany their contingents and attend the meetings of the council of war. When one is not actually at war, the provisions of the Defensional should prevail.... It is urged that the cantons which have appealed for assistance should not alone exercise command over the contingents, but should associate the latter's officers in their decisions. The grain bought for the troops and its storage should be paid for not according to the contingents of the cantons, but according to their wealth, especially to that of the frontier cantons. The cantons in the center of the country should supply the soldiers and the others should pay for them. As Schwytz is ill-disposed towards the Defensional and as it is from there that the opposition against it has been spreading among the common people, an opposition which is creating much annoyance to the other cantons, Lucerne, Uri, Unterwalden and Zug have seen fit to print and to publish a pamphlet entitled "Manifesto and explanation of the true contents of the confederate Defensional adopted in 1668 intended to combat the erroneous information distributed about it and the unjustified seditious speeches on the subject."

The interest of this lengthy quotation for the purpose of our study is twofold: on the one hand, it throws a flood of light on the state of mind prevailing in the latter half of the seventeenth century among the democratic and Catholic Swiss members of the Confederation, who, for geographical, economic, social, political and confessional reasons alike, were aroused against the scheme of national defense. They condemned it as sacrificing their legitimate and traditional interests to those of their far-off, wealthy, urban, aristocratic and mainly Protestant allies. On the other hand, it illustrates also the general difficulties of any system of collective security based on the contractual cooperation of

sovereign units, whose readiness to assist each other is bound to be influenced and often paralyzed by their invariably conflicting views as to the just apportionment of benefits and burdens.

The opposition to the Defensional, of which the above-mentioned debate was but one particularly interesting episode, continued from year to year and from Diet to Diet until, on June 30,1680, the small Catholic communities formally repudiated it. The secession, which was to last until the collapse of the old Confederation in 1798, is vividly described in the minutes of the general Diet which met on that day. The following is a textual extract thereof:—

Zug and Appenzell Inner Rhoden (the Catholic half of the canton of Appenzell which had split in two for religious reasons in 1597) renew their demand that the seals attached to the charter on the Defensional be returned to them. The delegates of Uri, Schwytz and Obwald leave the room. They are followed by those of Zug, Appenzell Inner Rhoden and the Catholic part of Glarus. The other cantons affirm their loyalty to the defense plan which has proved its usefulness (dem als zweckmassig erprobten Schirmwerk), but they have no scruples about handing over the seals in exchange for a written receipt to the cantons who refuse in future to be bound thereby. They will not fail, however, orally and in writing, to impress the withdrawing cantons with the obvious truth of the fact that, in order to inspire confidence, the assurance of mutual support must be accompanied by a sufficient military preparation and by the organization, armament and training of troops and by the setting up and maintenance of stores, of ammunition and foodstuffs and by the agreement upon fixed points of rendezvous, and so forth. They wish to urge the cantons which are repudiating the Defensional to replace it by an adequate other arrangement for this purpose and one which will take account of the exigencies of modern warfare. Should they succeed, the cantons which still remain attached to the Defensional will gladly accept' the better in place of the good and thus prove that they are actuated neither by excessive zeal nor by selfishness, nor by any pecuniary motives. When the delegations which had left the hall returned, they were informed of this. Some of them declared that their instructions prohibited them from discussing such plans and others protested that they were not lacking in military preparedness.

From now on and for over a century, Switzerland from the point of view of collective security was divided into two groups of cantons. Both of them continued to be and to feel bound by the ties of the treaties of alliance concluded between their members, but only one of these groups remained faithful to the obligations of the Defensional. Fortunately for the stability and unity of the Confederation, this latter group represented not only a majority

of the cantons and all the more important ones, but also and especially the great majority of the population and almost all the economic resources of the country.

The reasons which led to the partial secession of the Catholic cantons at the foot of the Alps were, as we have seen, varied. The composition, both of the majority and of the minority, shows that the main issue between them was economic and social more than religious. It was also, however, to some degree religious. The repudiation by the primitive cantons of the Defensional was all in one a protest of the founders of the Confederation against the newcomers, of the Alpine strongholds of the country against its outlying regions, of the poorer democratic, rural communities against the more prosperous and aristocratic urban allies and of what the economists call natural against monetary economy. It was thus a revolt of political, economic, military and religious traditions against the spirit and institutions of a more progressive age. In a word, it was, in a world transformed by technical advance and social change, an echo of the Middle Ages.

The last revision of the Defensional of 1647 took place in 1702. The persistent antagonism between Louis XIV and the rest of Europe under Austrian leadership produced a continued state of tension and of constant alarm which was particularly acute in the urban commonwealths of Switzerland. Their geographical location, near the main highways of Franco-German invasion, their active trade relations with both groups of belligerents, rendered them extremely sensitive to all repercussions of foreign strife.

On September 28, 1702, at the suggestion of the seven urban cantons of Zurich, Berne, Lucerne, Basle, Fribourg, Solothurn, and Schaff hausen, the Diet considered a series of measures calculated to improve and to modernize the Defensional. These measures were adopted by their sponsors subject to the ratification of their respective cantonal governments. In the minutes of the meeting we read that:—

> Uri, Schwytz, Obwalden, Zug and Appenzell declare that they were always ready to engage their bodies and their belongings in the defense of the Confederation as a whole, and of each canton in particular, in conformity with the federal treaties.

The principal points on which, in 1702, the Defensional was revised by all the other cantons which steadfastly adhered to it were the following:—

First, a statement was added to assert that with respect to all foreign wars the Confederation would observe a policy of strict

impartiality and neutrality and that it would refuse the right of passage across its territory to all belligerents.

Secondly, the methods of prompt mobilization of the cantons adhering to the Defensional were better defined and rendered more effective.

Thirdly, the problem of finances received an at least partial solution in that it was decided that the summoned cantons remained responsible for the pay of their respective troops, but that the summoning cantons were to contribute more effectively to their subsistence.

When one compares the successive plans of military organization of 1647, 1664, 1668, and 1702, one cannot but be struck by their similitude much more than by their differences. All were intended to endow Switzerland, not indeed with a truly national army, but with an organized system of cantonal contingents. While all were equally inspired by the desire to improve the defense of the country against foreign invasion, they all evidenced the same sedulous respect for the rights and susceptibilities of the cooperating sovereign entities and thereby obviously all sacrificed military to political considerations.

Until the end, the attitude of the small democratic communities in the center of the country remained reserved and indeed hostile to the scheme. Thus, when on July 8, 1789, on the eve of the events of revolutionary France which less than ten years later were to engulf the ancient Confederation, a proposal was made at the federal Diet to improve the military institutions of the country, the representative of Schwytz remarked, doubtless not without some humor, that if in his canton anyone ventured to make the slightest reference to the Defensional, he would be outlawed (vogelfrei).

When in 1798 the original Swiss Confederation collapsed under the double impact of foreign propaganda and foreign armies, its traditional intercantonal military organization, of course, disappeared with all its other institutions. So much was this organization held responsible for the futility of the heroic but ineffective resistance of the cantonal regiments to the foreign invader, that it was never revived. Neither the authors of the constitution of 1798 nor those of the Act of Mediation of 1803, nor even those of the Pact of 1815, in spite of the spirit of historical reaction which animated the latter, ever suggested the reestablishment of complete cantonal sovereignty in matters of national defense.

There was obviously no place for such sovereignty in the "Republic One and Indivisible" set up in 1798. The eighth section of this strange document, which did away with all cantonal autonomy, has the following wording:—

The armed forces.

Art. 91. In times of peace there shall be maintained an army of paid troops which shall be formed by means of voluntary enlistment and in times of peril according to the rules laid down by the legislators.

Art. 92. In each canton there shall be a body of picked militia or national guards who shall at all times be ready to march, either to lend their assistance to the legal authority or to repel a foreign invader.

These provisions as well as the whole constitution of 1798 were enacted under the stress of foreign occupation and should be read as the expression of an unitary conception of the state totally foreign to all Swiss traditions. They therefore present no real historical interest.

Bonaparte was fully conscious of this when, in 1803, he dictated his Act of Mediation. Recognizing that, as he said, Switzerland was made "federal by nature," he in many respects reinstated the cantons as autonomous units. But he denied any of them the right to maintain more than 200 men under arms. Military affairs were taken out of the realm of cantonal, and lifted into that of federal, affairs.

The national army, in which Napoleon indeed was more interested for his own purposes than for the defense of his Swiss satellite, was to be recruited in and financed by the cantons. Drawing on the experiences of the past, both successful and unsuccessful, the mediator in the constitution itself laid down a double scale, personal and financial, according to which each canton was to contribute to the federal army. Thus, to quote but the two extreme figures, for every levy of 15,203 men, Berne was to supply a contingent of 2,292, and Uri one of 118 men. As for the expenses, for every monetary contingent of 490,503 francs, Berne was to contribute 91,695 francs and Uri 1,184. An analysis of these and of all the other figures relating to the cantonal contributions in men and in money reveals that they are very wisely based, not on population alone, but also on relative wealth. Thus, whereas Berne supplied 15.7 per cent, and Uri 0.8 per cent, of the troops, the relative proportions of their financial contributions are 18.7 per cent, for the prosperous Berne, and 0.2 per cent, **for** the impecunious Uri.

By providing for a cantonally apportioned federal tax, Napoleon thus solved the problem of the financing of the contingents which, as we have seen, had for centuries baffled Swiss statesmanship and thereby paralyzed Swiss national defense.

This reform was so obviously wise that the drafters of the Pact of 1815, in spite of their desire to return to pre-revolutionary conditions and of their horror for everything Napoleonic, did not hesitate to embody it in the constitution which was to govern Switzerland from that date until 1848. In their phraseology, the provisions of this constitution relating to military affairs seemed to recall the traditional regime of sovereign cantons, mutually guaranteeing their territorial integrity. In substance, however, they go far towards creating a truly federal system of national defense.

According to Article 1 of the Pact of 1815, "the twenty-two sovereign cantons of Switzerland, which are Zurich, Berne, etc., unite in the present alliance (or confederation=Bund) for the protection of their freedom, independence and security against all attacks of foreign powers. . . . They guarantee each other their territory."

These terms would seem to announce a true treaty of alliance between fully sovereign states. The Pact, however, goes on to provide that "in order to implement this guarantee and for the defense of the neutrality of Switzerland, an army is formed composed of the valid manhood of each canton, each contributing thereto two men for every hundred inhabitants." There follows a scale in which the number of soldiers to be recruited in every canton is fixed. Thus, for an army of 32,886 men, Berne, which again comes first, is called upon to supply 4,585, that is 13.9 per cent., and Uri, who again comes last, 236, that is 0.7 per cent.

The next article defines the "financial contributions (Geldbeitrage) due by each canton" to cover the military and other expenses of the Confederation. The figures given indicate that for every levy of 540,107 francs, Berne shall contribute 91,695 francs, or 17 per cent., and Uri 1,184, or 0.2 per cent. It is added: "This scale is to be revised by the first Diet, in order to attempt to meet the complaints of certain cantons. A similar revision, both of the financial scale and of that relating to effectives, shall take place in future every twenty years." The Article further provides for "a federal war fund" to cover military expenditure. This fund, "which is to serve exclusively for war expenditures incurred in

federal levies," is to be fed by federal import duties levied on non-essential goods. In case of mobilization, half the resulting costs are to be borne by the war fund and the other by cantonal contributions in the proportions fixed by the constitutional scale.

The next Article provides for the mobilization of the army. It does so in terms curiously reminiscent of those of the ancient treaties, but with the clear intent of asserting the sole sovereignty of the Confederation. Thus we read that:—

> in case of a sudden danger from without, the threatened cantons may call upon other cantons for their assistance, but the directorial canton (der Vorort) must immediately be informed; the directorial canton shall then summon the Diet which alone is competent for taking all measures required for the security of the Confederation.

This Diet, in which each canton has one representative and one vote, as in former times, is, however, empowered to take executive decisions by a majority vote. In exceptionally important matters, such as declarations of war, the conclusion of treaties of peace and of other treaties with foreign powers, the majority must be that of three-fourths of the cantonal votes. The Pact of 1815 in its Article 8 provides that:—

> the Diet takes all necessary measures for the external and internal security of the Confederation. It decides on the organization of the federal troops (Kontingents=Truppen), on their mobilization and use, it elects the commanding officer, the general staff and the federal colonels.

It would be unnecessarily tedious further to pursue the analysis of the military clauses of the Pact of 1815. It is important to note, however, that this instrument, although at the time it struck most progressive Swiss as sadly reactionary, as it undoubtedly was when compared with the Act of Mediation of 1803, completely broke with all historical precedents and traditions in the matter of collective security.

The revolution which thus took place in Switzerland in 1815 is all the more significant. It was not a generally centralizing constitution which, transforming an alliance into a Confederation, thereby incidentally unified its military institutions. It was, on the contrary, the universally recognized need for an improved system of national defense that imposed unification, in the military sphere, upon a group of statesmen very reluctant to consent to any limitation of cantonal sovereignty in any other matters. It was most emphatically not the Confederation which nationalized

its army in Switzerland in 1815, but the anny which, far in advance of all other federal institutions, was the main factor of the general centralization which came about a generation later.

After the cantonal revolutions of 1830, consecutive upon the July revolution in Paris, and after the war of secession of 1847—the fifth and last of the wars of religion in Switzerland—the country, after more than five centuries and a half of alliances and loose confederations, at last found its present, and what most present-day Swiss patriots like to look upon as its definitive, form.

Under the constitution of 1848 and as a result of the ever further centralizing tendencies of the last century, the problem of Swiss collective security has been solved, in so far as it can be solved by a small and independent State situated in the heart of Europe. Solved, or perhaps it would be more apt to say, fundamentally transformed. As the Switzerland of today can no longer be defined as an alliance of sovereign cantons, so its institutions of national defense can no longer be regarded as instruments for their mutual protection. The Switzerland of today is to that of the first five centuries of her existence what a world state would be to the moribund League of Nations or to the nascent United Nations Organization. And its present national army is to the cantonal contingents of the past what a truly supernational police force would be to the allied armies in the last war.

In closing this long chapter on the law of collective security in Swiss history, we feel the need of again stressing the one great lesson it teaches. It was because the thirteen sovereign cantons, in spite of their great military traditions and in spite of the undiminished valor of their soldiers, failed to find security in the loose alliances they had concluded for their mutual protection, that they were most reluctantly driven to form a closer union among themselves. It might delight the patriot to believe, but it would discredit the historian to assert, that the present Swiss federal state was born of the love of the Swiss cantons for each other. Even if it should dismay the patriot, the historian cannot but express his certain conviction that it was in spite of their mutual dislikes, jealousies, antagonisms and quarrels, of which their annals are full to overflowing, that the cantons were led to sacrifice their age-old idols of local sovereignty.

After years and, indeed, centuries of hesitation and stubborn resistance to what had long appeared advisable to the wisest, but what finally struck all but the least enlightened as truly inevitable,

this sacrifice was consummated. And it was consummated by the Swiss cantons, not on the altar of their reciprocal affection, but on that of their common salvation.

In fact, it would be more correct to speak of the dethronement rather than of the death of the Swiss idols of local sovereignty. For these idols, even if they have long since forfeited all authority in the field of defense, still enjoy the fervent loyalty of most Swiss in other spheres.

Our next chapter will show how this great lesson of the law of collective security in Switzerland is borne out and completed by the teachings of the facts.

PART III

THE FACTS OF COLLECTIVE SECURITY IN SWITZERLAND

IN expounding the law of collective security as it prevailed from 1291 until the present day in Switzerland, we encountered no major difficulties. The only sources of the law were treaties and constitutions. With these we are familiar and from these we were able freely to quote all the relevant clauses. Our treatment was therefore, if not exhaustive, at least as complete as appeared advisable in view of the purposes of this book. We were limited, not by the material available, but solely by the presumed time and patience of English-speaking readers. We were therefore free to select for special consideration those topics which seemed most relevant and most significant.

In this latter part of our inquiry, the position is entirely different and much less favorable. It is, of course, still possible, and indeed necessary, to make a choice of data. Of all the known facts we shall note only those whose presentation would seem most enlightening. But unfortunately some of the facts whose analysis would doubtless be of the highest interest are still unknown and may perhaps ever remain so.

Thus, while the law of collective security in Switzerland, from medieval to present times, is entirely familiar to all who care to study it, the application of this law is, in many cases, and, indeed, in most of the early ones, still shrouded in mystery.

The fact is, of course, as readily explicable as it is deplorable for our purposes. Whenever the Swiss communities decided to ally their respective destinies by concluding a treaty, they were at peace, and the results of their often leisurely deliberations and final agreements were embodied in written instruments. These instruments are still preserved and they have been copied, printed, published and discussed throughout the centuries. It is for that obvious reason that the law of collective security is so well known or at least so easily knowable.

When, however, it came to the application of that law, it was because war had broken out or was so threatening that action, and not discussion, was called for. Such common action, in more or less strict conformity with the law applicable to the case, may have been taken as a result either of a merely oral summons from canton to canton, or even of a spontaneous impulse on the part of all the allies. Even when written messages were exchanged between the cantonal governments or their military contingents, they were doubtless most often lost or destroyed. Some may even have been preserved but remain undiscovered and unpublished in local archives.

It is for one or another of these various reasons, which are really too plain to justify any further elaboration, that the facts of collective security are so much more difficult to ascertain than the law.

CHAPTER V.

COLLECTIVE SECURITY IN THE WARS OF THE FOURTEENTH, FIFTEENTH AND SIXTEENTH CENTURIES

THUS the information relating to intercantonal cooperation in the wars of the fourteenth and in the first half of the fifteenth centuries is so scanty that there would be no point in recalling it here.[1] The first moderately well-known case of military action undertaken in common by the members of the Confederation is that of the wars of Burgundy and, in particular, that which led to the battle of Morat, on June 22, 1476.

On March 18,1476, a conference of the cantons met at Lucerne. It had been summoned at the request of Berne. The then eight members of the Confederation were represented, as were also Fribourg, Solothurn, the Duke of Austria—for once an ally and not a foe—and several other foreign princes and cities. They had been brought together by the common menace of the ambitions of Charles the Bold.

The Bernese delegate informed his colleagues that the Duke of Burgundy had assembled his army around Lausanne and was preparing to march on Fribourg and Berne. It is for that reason, as it is stated in the minutes of the meeting,

> that the Bernese have solemnly appealed to all their confederates in conformity with the treaties and urged them to hasten to their support with all the allied forces in order to help them protect their lands and their homes. They added that in similar cases they also would be prepared to come to the assistance of their confederates.

After a lengthy discussion, which showed that all the cantons were not equally impressed with the threat of Burgundy, nor equally eager to assist Berne, two resolutions were adopted. It was decided first, that Berne's request should be reported to the competent authorities in all the cantons. Secondly, the Diet as a whole decreed that an armed detachment, in which all the cantons

[1] **Cf. my *Cinq siecles de securite collective, op. cit.*, pp. 15 *et seq.* and 42 *et seq.***

and their allies were to be represented, should be sent forthwith to Fribourg as a precautionary measure.

It was resolved that the contributions of the cooperating cantons and other allied or subject entities should be as follows: Zurich and Lucerne, 200 men each, Schwytz 100, Uri, Unterwalden, Zug, and Glarus, 60 men each, Appenzell 50, Thurgau 45, the Abbey of St. Gall 35. Ten other smaller territories are enumerated, whose total contribution was to be about 100 men.

Berne was only partly satisfied with these decisions. This may be deduced from the following further extract from the minutes of the proceedings of March 23, 1475:—

One spoke with those of Berne and it was explained to them why we wished that their own troops should not pursue their march on Morat.[1] They were assured, however, that they could count on our support if their towns or their possessions were attacked.

Less than three weeks later, on April 6, 1476, the Diet was again summoned to Lucerne. On this occasion, the eight cantons alone were represented. Although the Emperor had offered his good offices as mediator, neither the Duke of Burgundy nor Berne seemed peacefully inclined. Berne, who had in the meanwhile occupied the town of Morat, urged her confederates to stand by her. The following extract from the minutes of the meeting reveals the misgivings they felt over her all too independent attitude:

Berne demands to know whether, having occupied and intending to hold Morat, she can count on her allies' aid in case the town should be besieged by the Duke of Burgundy. If we should all give her the required assurances, Berne would never cease to endeavor to repay her debt with her resources. After deliberation, Berne was informed that the confederates would prefer to have her abandon Morat in accordance with their previously expressed wish. As, disregarding that wish, she had occupied Morat, all the delegates would report to their governments and await their decisions.

On April 24, 1476, the Diet met again, but again no decision was reached. Berne on this occasion openly proposed to take the offensive against the Duke. Her suggestions to this effect evoked no other response but the assurance that her allies were mobilizing their forces and would come to her support if she were attacked.

Matters dragged on from one conference to another, Berne pressing for action and the Confederates seeking to restrain her,

[1] **A town outside the limits of Berne and still at that time under the sovereignty of Savoy.**

until at last an open attack by the Duke put an end to their hesitations.

When, on June 11 and 12, 1476, Burgundian patrols were reported to have pushed on beyond Morat and to be attacking the ancestral territory of Berne, the government of the city on the Aar sent formal summons to all her Confederates. Here was a clear case of aggression such as the treaties had expressly provided for. The response of all the seven other cantons was immediate and overwhelming. Within a week, an army of over 20,000 men had assembled. On June 22, 1476, Charles the Bold was attacked before Morat, his troops were completely routed and he himself but barely escaped with his life.

On this occasion, none of the three major questions—contingents, costs and command—which inevitably arise whenever an operation of collective security takes place, seems to have been discussed. It would appear that all the cantons had engaged all their front line troops, that they had done so at their own expense, and that each contingent went into battle under its own cantonal leaders. On the eve of the victory, these leaders had met and agreed on a common plan. Thus unity of command, in the very imperfect measure in which it was in fact realized, was assured only by the unanimous decisions of a council of war.

As for the financial settlement of the operation, it was effected by the distribution among those who had taken part in it of the rich spoils of the defeated. As about the whole of the treasure of the very opulent Charles the Bold fell into the hands of the victors—much of it may still be admired in Swiss museums today—the brief campaign proved most lucrative. But, as we have already seen, the problem of the distribution of the booty proved so difficult and so irritating that it was not until it had threatened the very unity of the Confederation that it was finally solved at the Diet of Stans, more than four years later.

* * *

The so-called war of Swabia, in 1499, was another example of the practical application of the principle of collective security on which the Swiss alliances were based. Unlike the previous, this conflict, which is also referred to by historians as the war of Swiss independence, was of about equal import to all the members of the Confederation.

It arose out of their common resistance to the desire of the Austrian emperors, Frederick I I I and Maximilian I, to reestablish

the Roman Empire's waning authority over its former subjects. For the Confederation as a whole, therefore, victory meant freedom from oppression, and defeat subjugation by a foreign master.

The story of the war, which lasted for the better part of 1499, cannot be told here. It began all along the northern frontiers of the country in the early Spring of that year and ended on September 22, 1499, after an almost unbroken series of bloody Swiss victories. What interests us in this study much more than the causes, the battles and the outcome of the war, is the answer which, in its course, was given to the four following questions:—

(1) How, when an invasion threatened, did the cantons agree on a common line of action?

(2) How did they divide among themselves the common burden of military defense?

(3) How was the war financed?

(4) By what means was the organization in common of the military operations assured?

The answer to the first of these questions is relatively simple. As a consequence of the written and oral parleys with the imperial authorities and with the members of the Swabian League, which had gone on for several years previously, the cantons were unanimous on three points: they would steadfastly refuse to comply with all demands incompatible with the measure of independence they had acquired and enjoyed for generations; they would resist all attempts at invasion; and they would avoid any action which might be deemed aggressive.

Thus, on January 29,1499, the Diet, in which the eight cantons alone were represented, met at Lucerne. In view of the pressing danger, it was decreed that "all the towns, strongholds and lands of all the bailiffs bordering on the territory of our enemies (so an das Land unserer Widerpart anstossen) shall be armed and prepared for any emergency." After specifying the military measures to be taken at particular points and insisting that "none shall engage in any hostile action against the enemy, so that we may not be reproached with any hostile intention," the Diet invited "the cantons to make all necessary preparations in order to be ready to hasten to each other's assistance."

Although Zurich, whose geographical position rendered her particularly vulnerable to attacks from beyond the Rhine, seems to have taken the general lead in the discussions, there was no real opposition to be overcome in the definition of this general policy.

The second question, that relating to the apportionment among the cantons of the military effort, was to prove much more embarrassing. As far as a close analysis of the proceedings of the Diet allows one to discover, two distinct principles were applied, according to the nature of the task to be performed and of the territory to be protected.

The principle of equal distribution of the burden was applied when special missions had to be carried out, especially in regard to the defense of the common bailiwicks, several of which were situated on the frontier. As all the cantons participating in their administration were very jealous of their equal rights, the weaker ones among them could not consistently protest against the practice of imposing equal duties upon them all. Thus on March 1, 1499, the Diet decided that each canton should send 50 men to Baden, 20 to Schaffhausen, and 100 towards Constance.

As soon, however, as the situation called for a general operation, for the defense of the territory as a whole, each canton was expected to raise a contingent commensurate with its resources. As these resources were very unequal, the size of these cantonal contingents varied considerably. Their size docs not seem to have been based on any prearranged scale. Thus, on April 14, 1499, when an enemy attack was expected at Schwaderloch, where the Swiss won one of their greatest victories, the Diet decided that "without delay the troops on the spot should be reinforced by 400 men from Zurich, 200 each from Berne and from Lucerne, 100 from Fribourg, and 50 each from Uri, Schwytz and Unterwalden." When the situation became still more critical in the same area, the Diet, on June 3, 1499, decided that "400 more good and valiant troops should be sent from Zurich, 300 each from Berne and from Lucerne, 200 from Fribourg, and 50 each from Uri, Schwytz, Unterwalden, and Glarus."

At the same time Zurich was entrusted with the duty of "requesting" the Abbot and the city of St. Gall not to withdraw their contingents, 200 and 50 strong respectively. Likewise, on June 12, 1499, when the allied Grisons called upon the cantons for an army of 4,000 men to help them repel an Austrian invasion of their mountains, the Diet decided that, for that purpose, "Zurich raise 1,000 men, Lucerne 600, Schwytz, Appenzell, Glarus, and the Valais 300 each, Uri, Unterwalden, Zug, and the district of Sargans 200 each, and St. Gall 50."

As these quotations clearly show, the efforts demanded of the various cantons were unequal not only as between one and the

other, but also as between one operation and another. Throughout the whole campaign, Zurich seems to have borne more than her share of the common burden, a fact which her representatives rarely failed to recall at later Diets, when the relative merits of the cantons came up for discussion.

As for the financial as distinct from the personal burden of the war, its distribution was still more unequal. In principle, every canton was responsible for the pay and subsistence of its contingent. This was a first cause of inequality between them. Furthermore, the general expenses and those entailed by the use of ordnance were generally assumed by the city cantons, better able to bear them than the poor mountain communities.

A detailed study recently devoted to the financing of the war of 1499 has shown that, on the whole, it was paid far less by the Swiss than by their pillaged enemies, their ransomed prisoners of war and, especially, by their French and Italian allies.[1] Such were the habits of the times and such the military prestige of the Swiss mercenary troops abroad that it was not impossible for the cantons to make the outside world pay for their own political emancipation.

As for our fourth and final question, that relating to the problem of unity of command, it remained entirely unsolved throughout the war of 1499. The bailiffs were in command of the forces of their respective territories and the cantonal contingents took orders from no one but from their respective leaders. Never was any one of them recognized as a superior by any of the others. The only authority that could provide for some measure of unity, if not indeed of command, but at least of organization, was the Diet itself. However, made up of the chief magistrates of the cantons, who were often identical with their military leaders, the Diet could discuss, advise, urge, entreat, but it could issue no orders.

In fact, one of its principal difficulties arose from its lack of authority over the cantonal contingents, and from the absence of all authority of the officers of one canton over the troops of the others. It was this difficulty which led the Diet, on March 11, 1499, to adopt the following resolution:

[1] Cf. my monograph: "Du financement de la guerre de l'independance helvetique (Guerre de Souabe, 1499)," in *Melanges d' etudes e'conomiques et sociales offerts a MM. Folliet et Hersch,* Geneva, 1945, pp. 79-132.

Every canton shall impress upon its soldiers that when the Confederates are under arms together, each one of them, whatever his canton, shall obey the officers of the others.

The reiteration of this and similar decisions and the constant complaints concerning the insubordination of the troops are ample evidence of the fact that there was no authority in the army, nor, indeed, in the land which could truly speak and act on behalf of the Confederation as a whole.

The third case of military cooperation between the cantons, which we have selected for special examination here, is that to which the conquest of Bellinzona gave rise in 1503.

Whereas the repulse of Charles the Bold in 1476, and still more the war of Swabia in 1499, were clearly defensive operations, the same can certainly not be claimed for the curious campaign of 1503. It was undertaken against Louis XII of France by the Waldstetten, not only in spite of the obviously conciliatory and even generous dispositions of that monarch, but also in the face of the greatest reluctance on the part of their Swiss allies. As we shall see presently, the latter were dragged into the conflict against their persistent will to keep out of it. Having for years sought to appease and to restrain their bellicose Confederates, they finally consented to join them on the battlefield only in order to save the federal bond from disruption.

The political situation on the southern slopes of the Alps at the beginning of the sixteenth century certainly was far from simple. For nearly a hundred years Uri and Unterwalden had, for strategical as well as for commercial reasons, sought to obtain a foothold in the valleys leading out to the plains of Lombardy. After various fortunes they had reason to believe in the final success of their efforts when, in 1495, the Duke of Orleans, the future Louis XII, asked for the support of the Swiss against the Duke of Milan whose throne was coveted by the French kings on hereditary grounds.

In exchange for their support, they elicited from him, as they always claimed, the promise that "Bellinzona, Lugano and Locarno be, with all their dependencies, ceded to the Confederates in full property."

When, in October, 1499, the Swiss sent a mission to Milan to congratulate their royal ally—who, in 1498, had become Louis XII —on his conquest of that city, due in no small measure to their efforts, they seized the opportunity to remind him of his alleged undertaking. Thereupon the Cardinal of Rouen, who replied on

his behalf, assured his beloved allies of His Majesty's grateful friendship. He added, however, that his royal master could not dispose of foreign territories in their favor, as the oath he had just sworn to his newly won Duchy of Milan prohibited it.

Such was the origin of a long series of parleys in the course of which the attitude of the Waldstetten was to become ever more impatient and threatening. On April 14, 1500, Uri, Schwytz and Unterwalden occupied Bellinzona and in an unilateral proclamation solemnly declared themselves to be the sole legitimate masters of the town and of the surrounding territory. When the Diet met in Lucerne ten days later, Uri informed her Confederates of her action. She added that she had seized Bellinzona, which she called a real "key to the Confederation," for their common benefit. She was prepared to share its administration with her allies if they cared to participate in that responsibility; otherwise she would assume it alone.

As the delegates to the Diet had no instructions in this matter, its consideration was postponed until May 5, 1500. It then became evident that, except for Schwytz, who remained faithful to her neighbor and close associate Uri, all the other cantons looked upon the conquest of Bellinzona as a source of trouble, much more than of profit, for the Confederation. Not only did they refuse to have anything to do with its administration themselves, but they insistently urged Uri and Schwytz to relinquish their hold thereon and "to leave to the King of France what belonged to him" (dem Konig das seinige zu lassen).

Failing to convince their ambitious allies, they had recourse to a measure of exceptional gravity. As the delegates of Uri and Schwytz had declared that they were bound by the instructions of their respective *Landsgemeinden*, that is, of the democratic assembly of all their citizens, it was before these sovereign bodies themselves that the Diet resolved to carry the matter. This attempt to override the decisions of a cantonal government by appealing to its popular masters was renewed on several occasions in the course of the next months. The fact that it never proved successful would seem to indicate that the policy of aggrandizement, on which Uri and Schwytz were engaged, was not only favored by a few enterprising magistrates, but that it was backed by the majority of their constituents.

So intent was the Diet upon avoiding a conflict with the French crown, that, having failed to dissuade Uri and Schwytz from their adventure, it turned to Louis XII himself in an endeavor to con-

vince him of the wisdom of placating the intractable Confederates! And so desirous was the French King of not forfeiting the military support of his Swiss friends, badly needed on other European battlefields, that, after a preliminary refusal couched in the most conciliatory language, he was by degrees led to go very far in meeting their claims. On March 30, 1501, he let it be understood that he might consider a cession of Bellinzona after the Diet had rid the plains around Milan of the bands of hostile Swiss soldiery which infested them. Later on, on September 16, 1501, he agreed to leave the Waldstetten in possession of Bellinzona, pending the outcome of an arbitral procedure, with which he was even prepared to entrust the Diet itself.

The more concessions, however, the King seemed inclined to make, and the more all the Swiss cantons, except the two recalcitrants, who were soon joined by Unterwalden as a third, insisted on the dangers of war and on the advantages of a pacific solution, the more the latter, on the other hand, became insatiable and, indeed, impatient.

Finally, in spite of all royal concessions, in spite of all federal requests and entreaties, and in spite of repeated appeals by the Diet to their *Landsgemeinden,* the three Waldstetten, on February 13, 1503, informed their Swiss allies that they were on the march. At the same time they called upon their Confederates for their military support. The Diet was extremely embarrassed, obliged as it was to choose between two conflicting policies: peace and unity. Zurich, Berne and Lucerne, as the oldest and most powerful cantons, once more appealed to the bellicose minority in the name of "their sworn alliances, their solemn oaths and covenants" not to go to war without submitting their case to the legal judgment of the Diet. The newer and weaker cantons, such as Basle, Fribourg, Solothurn, and Schaffhausen, implored the recalcitrant three to spare the whole Confederation the famine, the plagues and all the other misery inherent in war. On March 6, 1503, Louis XII sent the Diet a final message couched in the friendliest terms. Knowing full well that the majority of the cantons were doing their utmost to restrain Uri, Schwytz and Unterwalden, he appealed to them for their mediation. He added that for his part he would respect his alliance with the Confederates as long as ever it was respected by them.

It was too late. All had been in vain. We are informed of the decision of the Diet by a sorrowful letter it addressed to Louis XII in reply to his note. In this letter the nine pacific cantons, after

recalling all their past efforts in favor of a friendly settlement, deeply deplored (uns in truwen leid ist) their unsuccessful issue. They add:—

> Under these circumstances, we have been obliged to adapt our conduct to the exigencies of the welfare and honor of the Confederation. The three cantons have engaged in hostilities and have summoned us to their assistance in the name of our perpetual alliances against which we are powerless ("dero wir nid widerwartig sin konnen").

Thus, three of the smallest members of the Confederation imposed their belligerent will on a large majority. The latter was not only reluctant to follow them. It had for months openly opposed their policy, repeatedly pleaded with their citizens to abandon it and persistently sought by pacific means to satisfy their demands. As so often happens in the course of human events, the dynamism of a resolute minority had carried the day.

In this very curious case both sides, the bellicose minority and the would-be pacific majority, could, and did, invoke treaties in favor of their cause. The former declared that Uri, having sustained an unjustified injury at the hands of Louis XII, was entitled to the support of her Confederates in the defense of her interests. The latter called upon the former to respect the provisions of the Covenant of Sempach, according to which none should embark upon a warlike course against the will of the majority of the Confederates.

While thus law stood against law, it was obviously not on legal grounds that Uri, Schwytz and Unterwalden based their case, but on their political will to extend and to protect their southern boundaries. The outcome of the campaign of 1503 showed this still more conclusively than its antecedents.

On March 30, 1503, Louis XII informed the Diet that he would be prepared to cede Bellinzona if and when the Confederate armies, which had in the meanwhile occupied a large part of the Duchy of Milan, evacuated it. Thereupon the Diet, or rather all its members except the representatives of the three Waldstetten, whose instructions were opposed to the suggestion, decided to halt the forward march of the Swiss army. For that purpose they addressed a letter to "the captains, standard-bearers, councils, and assemblies of the towns and lands of our Confederation at present under the colors in the Duchy of Milan," informing them of the French peace offer and urging them to accept it. In support of this plea they recalled the fidelity with which they had obeyed the summons of the three Waldstetten. They pointed out that no

one had ever demanded more than was now conceded by the King. They insisted on the poverty and on the famine which the war brought upon all the cantons. Finally, they warned the soldiers in the field not to prove themselves unworthy of "the immense mercy and grace of God" by spurning the King's offer.

The army replied that they were about to conclude with their opponents in the field a treaty of peace, the terms of which would doubtless be more favorable than those which the letter of Louis X I I led them to expect. On April 10, 1503, a treaty was in effect signed at Arona. The signatories were the French commanders, on behalf of the King on one hand, and, on the other, Matthew Schinner, Bishop of Sion, and the Baron of Hohensax, on behalf of "magnificos viros, dominatos confederatos de Uri, Schwytz et Unterwalden sub silva, principals et generaliter omnes et singulos confederatos suos complices et coherentes." This formula truly represents the two groups of the Confederate victors: the three "principals" and their "allies and followers."

Thus the campaign, undertaken and carried out against the outspoken and persistent will of the majority of the Diet, was brought to an end by the conclusion of a treaty of which the Diet knew nothing and about which no cantonal government had even been consulted. The instrument, brought home as a trophy by the victorious army, received the formal ratification of the mortified magistrates of the Confederation on June 8, 1503.

Could any episode throw into bolder relief the two outstanding features of the Swiss Confederation at the beginning of the sixteenth century; the self-reliant and insubordinate valor of the soldiery and the impotence of the Diet?

After the peace of Arona in 1503 and as a result of the efforts of Schinner to detach the Swiss from the French kings, their traditional allies but recent foes, and to win them over to the side of the Pope, the general policy of the cantons underwent a gradual but distinct change. Without openly breaking off their relations with Paris, they in 1510 concluded a treaty with Rome and in 1511 another with Vienna. If one failed to take this general diplomatic situation into account, the second of the Italian campaigns, to which reference is about to be made, would appear still more difficult to understand than the one we have just examined.

In 1511 the relations between the victors and the vanquished of the former campaign became particularly strained. This time the restless party was Schwytz, one of whose official envoys, she claimed, had been assassinated by the French in the preceding year. On September 9, 1511, the Diet was informed that the popular indignation in Schwytz had reached such a pitch that an armed outbreak seemed imminent. Again, the majority of the cantons, entirely averse to a renewal of hostilities with France, sought to mediate and to appease. They sent one group of emissaries to Milan to seek redress from the French authorities and another to Schwytz to plead with the incensed *Landsgemeinde.*

When the Diet met again on November 4, 1511, the folly of resorting to war seemed more manifest than ever to the majority. Information had been received from St. Gall to the effect that the Emperor appeared inclined to support the King of France. The Grisons allies insisted on their vulnerable geographical position. The winter threatened to be exceptionally severe. Food was scarce everywhere. Furthermore, the French Governor of Milan had assured the Swiss that his royal master harbored none but the friendliest feelings towards them.

For all these reasons the Diet let it be known that "no one favored the idea of war (niemant lustig zu kriegen) and that they all deemed it inopportune." However, the Diet also declared that "as ever the Confederates would be prepared to support their dear allies of Schwytz with their lives and with their bodies, and to consider their affairs as their own" (Ir sach unser sach sin lassen). This was done, not to encourage them in their aggressive intentions, but on the contrary to appease and to reassure them. But again the war-will of a minority prevailed over the peace-will of the majority.

The minutes of the Diet do not show exactly what took place. We read, however, that by December 8,1511, all the Confederates had taken up arms in support of Schwytz and that on December 17, the Diet decided to raise 4,000 more soldiers to reinforce those already in the field. The following extract from the minutes of the meeting is of peculiar interest for our study, as throwing light both on the position of the Diet and on the composition of the Confederate army:—

Since the soldiers of our Confederation have taken the field under our colors against the King of France, since none of us can reach them and since we do not know their present position (wie es um sie steht), we have decided to raise 4,000 more men. These men, fully equipped

and armed with lances, shall be ready to leave on the first call for the destination which necessity may assign. Of these 4,000 men, Zurich shall supply 450, Berne 550, Lucerne 300, Uri 175, Schwytz 230, Unterwalden 175, Zug 150, Glarus 180, Basle 120, Fribourg 230, Solothurn 150, Schaffhausen 60, the Abbot of St. Gall 160, the city of St. Gall 28, the land of Appenzell 150, the Bailiwick of Rheintal 200, Thurgau 230, the Oberland 60, the town and country of Baden 80, the Bishop of Constance 100, Waggenthal 72, Mellingen 10, Bremgarten 20.

This is the first time that we find in contemporary sources such a complete and detailed enumeration of all the component parts of a general levy of Swiss troops. It shows that the levy involved not only all the cantons, but also their principal allies and several subject provinces. In view of this fact alone, it would appear unlikely that the campaign had been undertaken for the sole sake of avenging Schwytz and against the will of all the rest of the Confederation. A letter dated December 26,1511, which Pope Julius II sent "his beloved Swiss sons in the field" (in castris) confirms this view. After congratulating, praising, exhorting the Confederate army on the occasion of their attack upon the French and after offering all its members a complete absolution for all their sins, he concludes by referring to the expedition as having been undertaken "not only for the sake of avenging the injuries sustained, but also for the defense of our Holy Roman Church" (non solum pro ulciscendis injuriis, sedetiam pro defensione nostre et sancte Romane ecclesie).

These words are quoted here in illustration of the ambiguous nature of the operations in which the Swiss engaged at this, the time of their greatest military reputation. Formally the campaign had been undertaken by the Confederates in virtue of the treaties as an act of collective security. In point of fact, however, it was staged and financed by a foreign potentate who looked upon the Swiss levies as mercenaries and used them for his own political purposes.

The Confederates themselves were in no doubt about the part, more profitable than honorable, that they were thus called upon to play on the battlefields of Europe. But they were far from unanimous in deploring it. Shortly after the return of their troops from their victories over the French armies on January 5, 1512, the Diet was led to consider a motion of protest against the use to which Swiss valor was being put and the abuse thereby suffered by the Swiss principle of mutual protection. "Whereas none of our cantons should in future start a war of its own accord against the advice of all the others or a majority of the others," we read in

this motion, "an agreement should be reached so as to avoid the recurrence of such accidents and to maintain our commonwealth as it has been bequeathed to us by our ancestors."

This motion was discussed at several successive meetings of the Diet, but it was never adopted. On February 16, 1512, the majority expressed the assuredly reasonable, but entirely disabused view that it was unnecessary to draft a new pact solely in order to condemn a practice which was already expressly prohibited by the Covenant of Stans and previous treaties. The evil rightly complained of would not arise "if only all of us remained faithful to the existing agreements" (wenn wir nur dieselben hielten).

* * *

The three following years were to yield ample proof of the fact that the contemporary Swiss—magistrates, soldiers and all—were at this time much more alive to the allurements of war than mindful of their defensive traditions. In all respects the first years of the sixteenth century were at the same time the most glorious from the military and the most shameful from the political point of view. This in no small measure explains the ethical reaction which was soon to follow and of which the religious Reformation in Switzerland was but the most striking expression.

The last years preceding the memorable defeat sustained by Swiss arms at Marignano in 1515 were the most warlike in the history of the country. On several occasions the Diet was called upon to organize the cantonal levies into a national army. We have elsewhere considered its activities in this connection..[1] We shall refrain, however, from reverting to the subject here, as it is in reality quite foreign to that of collective security. The methods, to be sure, were similar, but the motives were entirely different.

When the Confederates undertook to oust the Duke of Milan from his Duchy, as they did before 1503 at the bidding, with the help and at the expense of France, or when, as in 1512, they reinstated him at the bidding, with the help and at the expense of France's papal and imperial enemies, they were clearly not acting in self-defense. The organization and the conduct of the campaigns were bound to raise interesting problems of intercantonal military cooperation, but the purpose was not that of mutual protection. The aims were various—profit, adventure, conquest, power, and perhaps even, with some, war for war's sake. But

[1] Cf. my *Cinq sticks de secwriti collective, op, cit.,* pp. 133 *et seq.*

whatever the dominant impulse, the fear of an imaginary attack could hardly have actuated these universally sought-after Swiss mercenaries who were the terror of their foes and the comfort of their foreign allies and paymasters.

Thus, even after the crushing rout they suffered at Marignano in 1515 at the hands of Francis I of France, whose diplomacy had succeeded in dividing them before the battle, their victor did not dream of invading their country. On the contrary, he hastened to bid, for a renewal of the former Franco-Swiss alliances, a price so generous that, had he been defeated, it would have been deemed a most onerous tribute.

As long as the Swiss remained united they were at this period truly invincible. Their very invincibility, however, brought about their disunion. This was so, not only by reason of the demoralization and venality which the gold lavishly spent in the country by foreign princes and their recruiters bred among magistrates and soldiers alike, and by reason of the suspicions and quarrels to which its distribution gave rise. It was so also because, as already observed, the origin of the great confessional split which was soon to divide the Swiss people into two fanatically antagonistic groups, may be traced back to the battlefields of Lombardy.

Ulrich Zwingli, a priest born in Toggenburg in 1484, had taken part in the Italian campaigns as chaplain to the Glarus contingent. He was so horrified by what he had experienced there, not only the bloodshed, but especially the corruption inherent in unbridled power, that on his return he was a changed man. Pursuing his meditations and his studies he soon found himself on the road which was to make of him, from 1519 onwards, the leader of the Reformed party of Zurich and thereby, in spite of himself, a great agent of Swiss disunion.

From this time on and until at most a century ago, the confessional dualism of Switzerland has been perhaps its most significant characteristic. It was, of course, bound directly and deeply to affect the operation of the principle of collective security on which, as we have seen, the very existence of the country was based.

* * *

The first occasion on which this principle was again invoked for their mutual protection by the Swiss cantons after the new doctrines had been adopted in Zurich, Berne, Basle, and Schaffhausen, was the strange so-called Musso War of 1531-1532.

As a war, this curious episode was important neither in its causes, nor in its course, nor in its effects. For a case study in collective security it offers, however, particularly interesting features.

Gio. Jacobo Medici was a condottiere who claimed to be of the same stock as the famous Medin's of Florence. He had been entrusted with the administration or a vast district on the banks of the lake of Como by Francesco Sforza, the Duke of Milan. Ever since his arrival on their borders, the Grisons had found him a very troublesome neighbor. As early as 1525 these allies of the Swiss had asked to be protected against this adventurer who, having established himself in a castle in the village of Musso, came to be known as the Lord of Musso.

Although he was suspected of having territorial designs, not only on the Grisons, but also on the Swiss bailiwicks on the southern slopes of the Alps, he was treated with deference by the magistrates of the five Catholic cantons in the heart of Switzerland. He had secured their good will by opposing the Protestant heresy, which from Zurich was gaining ground in the Grisons.

When the Diet met at Baden on July 23, 1529, the delegates of the Grisons appeared and informed their Swiss allies that "in spite of repeated warnings from them, the Lord of Musso persisted in constructing a fortress on their territory on the pass leading into the Valtclina," a valley over which the Grisons claimed rights of sovereignty. They added that "they could no longer tolerate such conduct which could not fail to lead to war." They therefore called upon their allies to assist them in this contingency.

Legally the Swiss were not absolutely bound to protect the Grisons. There existed between the two parties, that is between the Grisons on the one hand, and the seven cantons of Zurich, Lucerne, Uri, Schwytz, Unterwalden, Zug, and Glarus on the other, two treaties of friendship and non-aggression, signed in 1497 and 1498. These treaties, and especially the very active military cooperation which had taken place between the Grisons and the Confederation during the war of 1499, were the expression of a close political intimacy and of a real community of interests. There were, however, no contractual obligations of mutual protection.

For two years after this crisis, the relations between Musso and the Grisons remained strained, but they had not yet led to any serious fighting. In the Spring of 1531, however, Musso, after

having put to death an envoy from the Grisons, attacked the Valtelina with a force of 1,000 men and set about to fortify the new frontiers he had thus gained at the expense of his neighbors. The Swiss were informed of these events through three different channels:—

First, by a letter addressed by Musso himself to "his good friends and dear neighbors," the five cantons of Lucerne, Uri, Schwytz, Unterwalden, and Zug. In this letter he told them that, enraged at the "malevolent, unfriendly, envious, unjust and illegal conduct of the three Leagues"[1] he had "before them and for his own advantage, occupied the Valtelina."

This clear admission of aggressive action was confirmed, secondly, by the bailiff of Lugano whom Musso had entrusted with the transmission of his letter. It so happened that this bailiff was a citizen of Lucerne and could as such be expected to welcome or at least to condone the action of his Catholic neighbor. He was responsible, however, for the bailiwick he was administering, to the twelve cantons to which it had been ceded in 1512 by the Duke of Milan. Moreover, he felt that Musso's territorial ambitions might not be limited to the Valtelina. While transmitting the above letter to its destination, he added his own comments. "The people here," he wrote, "are very anxious and have no confidence in Musso. I don't know his real intentions, but I beg my lords to remain vigilant about this country as it is disarmed and unwilling to face the cost of its own defense . . ."

Finally, the Swiss were informed of the events on their southeastern borders by the Grisons themselves, who sent three envoys to Zurich to seek her assistance. The council of that town, dominated by the influence of Zwingli, were naturally inclined to see in Musso's aggression part of an anti-Protestant plot and accordingly eager to repel it.

On March 27, 1531, a Diet was assembled at Baden to discuss the very critical relations which existed between the five Catholic cantons of the center of Switzerland and Zurich. Less than two years before, the first war of Cappel had broken out between them over a religious issue and the second, which was to be fought out in October of 1531, and in which Zwingli was to die on the battlefield, was already brewing.

It was before a very divided gathering, therefore, that on March 28, 1531, there appeared a mission from the Grisons to

[1] **The** Grisons were organized in three so-called "grey Leagues," hence their German **name of Graubunden.**

beseech the cantons "in the name of their alliances and their old friendship to come to their assistance" against Musso. Zurich informed the Diet that she had already taken steps to help them and hoped that all her Confederates would join her. As none of the other delegates had any instructions on the subject, they sent home for them to their respective governments. A few days later the following decisions were reported to the Diet, whose session was resumed after a brief adjournment:—

Zurich, Berne, Glarus and Solothurn announce that they have raised their levies to hasten to the assistance of the Grisons. Lucerne, Uri, Schwytz and Zug, while expressing their deep regret at the misfortune which has befallen the Grisons, explain that for various reasons (allerlei Ursachen) they are not in a position to mobilize for the present. They offer, however, immediately to send emissaries if such be deemed useful. Unterwalden will take no action before one of her bailiffs in the Rheintal has been released by the authorities of Zurich who had unlawfully imprisoned him. She feels that her demand in this matter should have priority over that of the Grisons. Basle declares that although she is no party to the alliance with the Grisons, she has, nevertheless, raised troops for their defense, to which she was ready to contribute with the lives of her citizens and with her treasure. If, however, the Confederates should prefer her to keep her troops at home and to supply only food, artillery and ammunition, she would also be prepared so to do. Fribourg says that although her difficulties with the Duke of Savoy have not yet been settled, she was prepared to send her contingent to the assistance of the Grisons if the Confederates decided to march together. Schaffhausen held that it would be more useful if she kept her troops at home, exposed as she was on the frontier, but she was ready to act in conformity with any general decision that might be reached. Appenzell had not yet received her instructions.

This quotation is extremely enlightening in that it illustrates both the independence and the varied motives of the cantons on the one hand, and, on the other, the still not entirely negligible authority enjoyed by the Diet when it could base a common policy on the foundations of treaties and traditions of cooperation. That these treaties and traditions had in the course of the ages generated something in the nature of a Confederate team-spirit seems certain. But that this spirit was far from compelling, especially when it came into conflict with strong contrary motives, such as those of religious fanaticism, is no less manifest. In this case the general feeling of the Diet was obviously favorable to common action. The five Catholic cantons who opposed it for confessional reasons were on the defensive. It was felt by the others that they were not playing the game—if that trivial and

anachronistic expression be permitted—and that they were themselves not unaware of this feeling.

Furthermore, their own Confederate consciences were not quite at ease, as appears from several other contemporary documents too long and too intricate to be analyzed here. As evidence thereof it may suffice to quote a memorandum in which the five cantons sought to explain and to justify their negative attitude. This note they presented to Berne on April 17, 1531, in reply to a challenge addressed to them on behalf of the majority of the Diet by the second canton of the Confederation. Berne on this occasion was acting in the place of the *Vorort* Zurich with whom they had practically broken off all relations. After congratulating their Confederates on their fidelity to "our dear allies" the Grisons, the five cantons declare in their memorandum:—

We are extremely pleased whenever we see Confederates assisting one another in their distress and engaging their bodies and their belongings in their defense. Also we deny anyone the right to declare that our ancestors or that we ourselves, the five cantons, had ever failed in our duties towards our Confederates, allies or relations (eidgenossen, pundgenossen und verwandten). In every case of necessity we have always with entire loyalty dedicated our bodies, our honor and our treasure to their protection. We have even often done more in this respect than what was required by the treaties. Were it called for, we could readily substantiate this statement by naming the places and circumstances of our exceptional devotion.

After this introduction, in which the five traditionally most bellicose cantons seem, not without a touch of irony, to disguise their own misgivings behind a veil of reproach thrown over the suggested failings of others, they set themselves to justify their attitude towards the Grisons. They reply in turn to two distinct indictments: their alleged deafness, first, to the appeals of the Grisons themselves, and secondly, to that of their own Confederates.

To the former, which seems to have weighed more lightly on their conscience than the latter, they declare that their treaty of alliance with the Grisons contained no provisions authorizing their allies to count on their assistance or obliging them to render it. They add:—

It is true that the Grisons may believe that since we came to their assistance in the course of the recent war of Swabia, of which they had been the authors and the cause (dess sy anfanger und ursacher gsin) we should do so again now. Our answer is that if the situation of the Confederation had remained the same—a grace for which we should

bless God in heaven—one might consider the possibility of engaging in such a war and thus going beyond the exigencies of the treaties. But the recent years have brought upon us such misfortunes that we must now think primarily of our own salvation. In the present dangerous times we must not overstep the limits of our undertakings.

Judging by the length and the intricacy of their rebuttal of the second reproach, that of having failed to respond to the appeal of their own close Confederates, one feels that it embarrassed them much more seriously. They first recall that, owing nothing to the Grisons themselves, they cannot be held to join in any action in their favor when summoned thereto by Confederates, some of whom were not even the allies of the Grisons. Addressing such Confederates, of whom Berne was one, they write:—

Since you are not allied to the Grisons and since this war is no concern of ours and affects neither your territory nor your people, you have no right in such a case to call upon us to take part in it. Your sworn alliances and ours do not authorize you to ask us to follow you into the Valtelina and thus to embroil us in a foreign war on account of the Grisons.

In their second plea, they argue that to attack Musso was to imperil their bailiwicks. To those who might not admit it, they reply:—

If we are threatened on our very doorsteps and if the danger of war is so imminent that we may be called upon to protect ourselves at any moment, then we believe it to be more urgent to devote ourselves to the defense of our own houses, our own country and our own people. Has not the bailiff of Lugano informed us of his anxieties and asked for reinforcements?

Thirdly, they resort to a line of reasoning which it is difficult to reconcile with the preceding one. Have not the Grisons already more than enough troops at their command to withstand the Lord of Musso, who is without any foreign support? Under these circumstances is it not our primary duty to reserve our efforts for the defense of our Italian bailiwicks which belong to all of us Confederates but of which we are the closest neighbors? This curious argument leads them to the following conclusion:

If you examine this situation fairly, we have no doubt that you will appreciate our reasons for remaining at home and therefore spare us any further criticism.

Fourthly, and here we seem to touch upon their true motive, they were dissatisfied with the state of the Confederation since the war of Cappel which had gone against them. Zurich's attitude was intolerable. Zurich had deprived them of their legitimate

rights in the common bailiwicks, Zurich was constantly violating the peace treaty to their detriment, Zurich even seemed inclined to reopen hostilities against them. They therefore conclude on this point:—

We cannot resign ourselves to such a state of affairs. We are not less sensitive to humiliation and contempt than to the losses and injuries we have sustained.

Fifthly, in an obvious allusion to the reluctance shown by their allies in the Italian wars, they declare that they feel no compunction in not responding to the appeals of those who had so often and so long remained deaf to theirs.

At the end of the memorandum the five cantons make the following statement, clearly revealing the religious motives of their attitude:—

We beg you not to take our sincere excuses amiss (mit hochster bitt, ihr wellen solich unser warhaftig entschuldigen von uns im besten ufnemen) and to convince yourselves that even if we now decided to march, it would be wiser to do so for our account (mit unsrem volk an eim eignen hufen). For if our two armies should join hands and march together, some unfortunate incident would be bound to occur on account of our dual faith (von des gloubens wegen). If we were accompanied by our priests, celebrating mass and observing all our traditional usages, your troops might well make fun of us (so dann die iiwern der unsern wurden spotten). You must admit that no good could arise therefrom. These are things which must be foreseen. For if your troops and ours were to come to blows in the course of the campaign, the results would be far worse than those to be expected from our abstention.

The apologetic arguments of the five cantons failed to convince or even to impress those to whom they were addressed. As the following extract from the reply returned by Berne on the following day shows, their severity was tempered by no lack of frankness. After denying that the conflict between the Grisons and Musso had any religious origin whatever, the Bernese pursue:—

It was solely the aggression of Musso which had decided Berne to hasten to the defense of the Grisons, although they were not bound to do so by any treaty. That is why, since this aggression concerned our common fatherland (unser aller vatterland) we should all be equally affected by an insult inflicted upon one of us. Berne imagined that to defend this attacked neighbor would be to render a particularly agreeable service to the five cantons which were united with the Grisons by the bonds of a special alliance. Berne believed so all the more as the delegates of the five cantons had blamed the conduct of the tyrant Musso, as they had no confidence in him . . . and as they had ordered the bailiffs of Lugano and Locarno to guard against foreign

dangers. It is on account of these dangers which threaten our bailiwicks that we have divided our troops and that one contingent is marching on Lugano, which belongs to you as well as to the other Confederates. That is why in all fairness you also should contribute to the defense of this bailiwick. . . . You should assist the Grisons by reason of your alliances and on account of past memories. When the Swabians attacked the Confederation and when it was feared that they could count on the support of Milan, we sent a delegation to the Grisons to ask them to block the passes over the mountains. This they had offered to do. Even if it suited you to forget this past service, you should have marched with us because we, as your Confederates, had summoned you by virtue of our treaties with you and because the majority of the cantons were already in the field.

After several more stinging strictures on the conduct of the five cantons, whom the Bernese openly accuse of plotting against the integrity of the country, they end their philippic with the following clear-cut ultimatum:—

If you, the Confederates of the five cantons, do not change your attitude and if you fail to show greater respect for your sworn treaties . . . our government shall have to reconsider the whole situation and to denounce our alliance.

We have not refrained from quoting at some length from this exchange of notes, as we know of few other documents which shed such a flood of light on one of the central points of our inquiry. Both the attack of Berne and the defense of the five cantons illustrate the nature of the bonds of collective security which held the cantons together. Quite apart from and beyond the letter of the treaties of alliance, there was a sense of common interest and, springing out of it, a feeling of loyalty to which no Swiss ever applied in vain to a fellow-countryman.

In the Spring of 1531, when these discussions took place, Zurich and Berne on the one hand, and the five Catholic cantons on the other, were on the morrow and on the eve of internecine battles over the religious issue. Nevertheless, neither one side nor the other entirely lost sight of the necessity of presenting a common front to the outside world.

As a matter of fact, the Musso War ended nearly a year later with a complete victory for the Confederates, but without the participation of the five recalcitrant Catholic cantons. In its course, the debates to which it gave rise among the Confederates contain much additional information on the practical operations of the policy of collective security.[1] The war itself, however, was

[1] Cf. my *Cinq siecles de se'eurite' collective, op. at.*, pp. 206, *et seq.*

too trivial an episode in Swiss history to justify a further analysis of this information here.

One final point only must be mentioned before we turn to the next topic. It concerns the financial settlement of the campaign. According to the terms of the treaty of peace concluded on February 2, 1532, between the Duke Francis II of Milan, the eight cantons and the Grisons leagues on the one hand, and the defeated Lord of Musso on the other, the cantons and the Grisons together were to receive as an indemnity the sum of 30,000 Rhenish florins. The sum was paid, not by the insolvent Musso, but by the Duke of Milan, who had intervened in favor of the Confederates, half as a mediator and half as an ally. The indemnity was paid in three annuities of 10,000 florins each. The Grisons having ceded their part of it to the cantons which had come to their support, the latter divided it among themselves according to the number of troops that they had engaged in the operation.

Thus we learn that on an average for the duration of the hostilities, the cantons had maintained the following number of soldiers at the front: Zurich 80, Berne 113, Glarus 24, Basle 40, Fribourg 24, Solothurn 16, Schaffhausen 16, Appenzell 16, Thurgau 40, and Toggcnburg 80. The latter two subject districts were relatively far more burdened by this levy than the eight sovereign cantons, but they received an appreciably smaller part of the indemnity. That was the price of their inferior political status.

The military operation itself had been a very rough and ready affair, marred by much indiscipline and disorder on all sides. But its financial liquidation was carried through with great care and the accounts were prepared with perfect clarity and meticulous precision. This contrast is in itself significant for the Confederates of the sixteenth century: military campaigns were adventures, but war itself was business.

During the remainder of the century, Switzerland was as never before, nor since, rent into two hostile groups. Her history was so filled with religious movements and antagonisms and with their political and diplomatic consequences, that no common policy could be pursued in foreign affairs. Nor did any occasion arise for the practical operation of the principle of collective security. To the application which Berne made of this principle in her relations with Vaud and Geneva, we have already referred when dealing with the law of mutual protection. It is therefore unnecessary to revert to it here.

CHAPTER VI

COLLECTIVE SECURITY IN THE WARS OF THE SEVENTEENTH AND EIGHTEENTH CENTURIES

DURING the Thirty Years' War the topic of collective security was, as we have seen, constantly and almost continuously being discussed in Switzerland. Protestant and Catholic cantons alike saw in the principle of mutual protection a necessary weapon of defense against each other. But, in spite of their reciprocal suspicions, both together at bottom knew that it was their only hope of common salvation, should their common fatherland be invaded by a common foe. On both planes, however, the internal-confessional and the external-national, it was a battle of words much more than of deeds. Repeated, and almost uninterrupted, as were the debates on the topic, the practical attempts at application of the principle against Confederates were few. In spite of their rareness, however, and of their feeble importance, they merit a brief mention, were it only to show their similarity with the larger experiments made on a national scale by the Confederation as a whole.

In 1619 the Protestant city of Mulhausen seemed threatened by an imperial army billeted in the neighborhood. The four cities of Zurich, Berne, Basle, and Schaffhausen, at the request of Basle, decided to reinforce its garrison by a small Swiss Protestant army. The following extract from the minutes of a conference they held at Aarau on April 17, 1619, informs us of their action:—

At the request of Basle, each one of the four Evangelical towns had sent some fifty musketeers to the city of Mulhausen, each contingent under the orders of a chief. In view of the size of the city and of its feeble garrison, each town should send twenty-five more musketeers. Each of the four cantonal chiefs shall, in turn, for the duration of one month, exercise the supreme command over all the troops. However, he shall take no decision without the knowledge of the three others and without their previous advice. Mr. Luc Iselin, member of the Government of Basle, is requested to proceed to Mulhausen and to take the necessary steps as commissar for all the four towns. In case of danger, Basle is asked to send still more reinforcements to Mul-

hausen. The delegate of Schaffhausen calls attention to the dangerous position of his own town. His instructions do not allow him to promise any more troops for Mulhausen.

On a minute scale we have here the constitution of an inter-cantonal army. It will be noted that in its organization precisely the same questions arose and were settled as those which had to be faced in all other experiments in collective security. The per-, sonal and therefore the financial burdens of the operation were equally apportioned among the four participants in spite of the inequality of their resources. However, it was expected that Basle, who for reasons of geographical propinquity had taken the initiative of the campaign, would, if necessity arose, assume the task and the cost of sending an additional contingent. Schaff-hausen, on the other hand, smaller and more vulnerable herself, felt obliged to limit her contribution. In the matter of leadership also, Basle was to assume some special responsibility. But as concerns the supreme command of the forces, the principle of absolute equality was doubly respected at the obvious expense of efficiency. A command that was all at the same time temporary, rotating and consultative could hardly meet the exigencies of military action.

When the Catholic cantons were informed of this Protestant venture, they promptly deprecated it. At a conference of the five Catholic cantons held at Lucerne on April 30, 1619, they decided:

As for Mulhausen we shall take no interest in her as long as she does not return to the faith which was hers when we allied ourselves with her or at least as long as confessional freedom is not reestablished there. Those of the new faith shall be informed that by protecting that city they run the risk of bringing upon themselves and upon the whole Confederation difficulties in which the Catholic cantons refuse to be implicated.

In the following year of 1620, Zurich and Berne decided to send a combined detachment to the assistance of the Grisons threatened by imperial troops. Zurich contributed three and Berne seven companies of 300 men each. On this occasion the Catholic cantons were not content to blame their Protestant Con-federates for their action, as in the case of Mulhausen. They decided to oppose it by blocking the roads leading to the Grisons over their territory. For that purpose they raised a detachment of 2,100 men, to which Lucerne was to contribute 600, Schwytz 500, Zug 400, and Uri, Obwald and Nidwald 200 each.

The other six cantons took no part in this very risky double mobilization which, in spite of the mediation of the French Ambassador, very nearly led to an outbreak of internal hostilities. As an indication of the pitch to which religious intolerance, mutual suspicion and foreign diplomatic entanglements had raised the antagonism between the two confessional groups of Swiss cantons at this early period of the Thirty Years' War, it may be useful, and it is certainly tempting, to quote a statement recorded in the minutes of a conference of the Catholic cantons held at Lucerne on December 18, 1624. After the papal nuncius had urged the conference to beware of French and Protestant collusion in the Grisons, the Spanish Ambassador, Marquess Dogliani, made the following truly striking utterance:—

> You must realize that an African or an Indian, if he be Catholic, is a closer relation of yours than a heretic Swiss compatriot and that it is your duty to be more favorably inclined to the former than to the latter.

That such a statement could be made at a political conference of Swiss statesmen and especially that it should be faithfully and without comment reported in an official Swiss document, shows that the prevailing moral atmosphere was undoubtedly more propitious for an outbreak of a civil war of religion than for the smooth operation of a scheme of mutual protection.

In 1633 again the four rural primitive cantons, guided, but this time not joined, by Lucerne, sent a common detachment to Thurgau as a protest and a reaction against the lethargy of Zurich, who had failed to prevent a violation of Swiss neutrality by a Protestant army under the Swedish Marshall Horn. The isolated action of these four cantons had been preceded by an unsuccessful attempt on their part to induce all the Catholic cantons to march with them. As the following extract from the minutes of a Catholic conference held at Lucerne on October 7, 1633, clearly shows, the political difficulties inherent in all military actions undertaken in common by sovereign entities were not less for the Catholic cantons than they ever proved to be for the Confederation as a whole:—

> The Valais urges a course of moderation so that the fire may be extinguished and the fatherland saved. The Valais could not supply its contingent, as it had also been invited by Berne and as its duty was to observe neutrality towards all its allies. Glarus let it be known that she would remain unreservedly loyal to the Catholic cantons. Fribourg and Solothurn . . . will be prepared to raise their levies if necessity

requires. But Solothurn adds that in view of the length of her common frontier with Berne, she could do no more than to attempt a diversion unless Berne accorded her the right of passage. Appenzell will remain faithful to the Catholic cantons for good or for ill. The Abbot of St. Gall expresses similar sentiments, after stressing the measures he had been obliged to take to protect himself and his subjects. Lucerne expounds the reasons which have so far prevented her from taking action. She trusts her attitude will prove more useful than harmful and that it will not be attributed to indecision or to a desire to stand apart from the other cantons.

Of all these and other similar operations carried out by the two hostile confessional groups in Switzerland during the Thirty Years' War, the best that can be said is that they did no more than imperil the security of the Confederation as a whole. On the other hand, of all the attempts, except the last, made by the cantons together to protect their common fatherland, it can hardly be claimed that they effectively contributed to its security.

The Defensional of Wyl of 1647, with which we have dealt at some length while discussing the law of mutual protection, was an interesting plan. The circumstances which led to its elaboration did not oblige its authors fully to carry it out. Even as a plan, however, it was useful and may have been effective in preventing a large-scale invasion of Swiss territory in the very last stages of the Thirty Years' War. Of its partial execution in 1647, under the stress and thanks to the immediate menace of such an invasion, the available information justifies the statement that it was a success.

* * *

As a general plan, however, the Wyl Defensional long outlived the emergency to which it owed its origin. As the existing law of collective security in Switzerland, it was first applied in 1652 under particularly complex circumstances and with very interesting results.

The peace of Westphalia, which concluded the Thirty Years' War in 1648, did not everywhere reestablish well-ordered conditions, nor bring with it the prompt and complete demobilization of all the late belligerent forces. In the early Spring of 1652, there appeared on the northern frontiers of Switzerland an imperial army under the command of the Duke Charles of Lorraine, whose intentions were uncertain, and seemed threatening.

On February 2, 1652, the four Protestant cantons met at Aarau to consider the situation, and in particular to discuss a demand

for immediate aid to Basle. The city on the Rhine asked its Confederates for the prompt dispatch of 400 men for itself and of an additional 200 for the neighboring city of Mulhausen. At the same time Basle begged to be relieved of at least three-quarters of the expenses of the operation. Its request was based on the following considerations, as recorded in the minutes of the conference:—

For the last thirty years Basle has been obliged continuously to maintain a garrison of at least 200 men which sometimes had to be raised to 600, 800 and even 1,000 men. For this reason and also to cover the expenses of her university and of various diplomatic missions[1] she had made very heavy sacrifices in spite of the reduction of her revenues and was therefore deeply in debt. In view of the imperfections of the general Defensional and the jealousies of the five Catholic cantons, Basle and MUlhausen would have to seek protection elsewhere if the Protestant towns would not vigorously come to their aid. The results of foreign intervention might very seriously prejudice the whole Confederation of which Basle was a particularly useful member on account of her strategic position and her abundant resources in grain, ammunition and ordnance. Basle alone was in possession of 200 pieces of heavy artillery. It would therefore be to their true interests no less than to those of Basle if her Confederates would watch over her and did not abandon her in her distress.

The situation must indeed have been wellnigh desperate in the eyes of Basle to justify such a statement. Was it not a threat hardly less than a supplication? In any case the conference was not indifferent to either as is shown by its decisions which were reported as follows:—

(1) Zurich is requested to send 100 musketeers immediately, as Berne has done already. Schaffhauscn will be asked to contribute to the costs. (2) Mulhausen will be urged to see to the consolidation of her fortifications and to observe great caution with respect to all foreign troops. The present state of tension between the Evangelical and the Catholic cantons prevents us for the time being from sending other reinforcements to Basle, but she may rest assured that in case of necessity she will not be deprived of the help we owe her under the existing treaties. (3) Basle is requested to present a written statement showing her financial position and indicating her wishes concerning a better adaptation to her needs of the Confederate Defensional. (4) In the meanwhile she may look forward to the dispatch of 1,000 men from Zurich, of a regiment of 2,000 to 2,500 men from Berne under the orders of Major-General von Erlach, and of two companies of 200 men each from Schaffhausen.

As the situation on the frontier to the south-west of Basle seemed no less threatening, the magistrates of Solothurn and the

[1] Largely at the expense of Basic the Confederation had been represented at the Peace negotiations of Westphalia by her burgomaster Rudolf Wettstein.

Bishop of Basle, whose territories were situated in that region, were no less apprehensive. Quite independently of the action of the Protestant cantons, they appealed for aid to the Catholic cantons at Lucerne on April 4, 1652.

When the full Diet met a week later at Baden on April 12, 1652, it was not unnaturally decided to combine the two operations which had been considered at Basle and at Lucerne. In the record of their curious proceedings on the subject, we read:—

The cantons, which have been requested for aid and protection by the towns of Solothurn and of Basle for themselves and for the neighboring lands of the Bishop of Basle, in order to shield them against the undisciplined and barbarously devastating bands of Lorraine and of Brandenburg, decide: (1) The towns of Basle and of Solothurn and the prince-bishop of Basle shall remain responsible for the organization of their own defense. (2) The eleven other cantons, together with the abbey and the town of St. Gall, will place at their disposal at common cost 500 well-armed volunteers for their protection and for that of Mulhausen. Of these 500 men, 80 will be supplied by Zurich, 120 by Berne, 50 by Lucerne, 20 each by Uri, Schwytz, Unterwalden, Zug, Qnd Glarus, 50 by Fribourg, 30 each by Schaffhausen and Appenzell, and 20 each by the abbey and the town of St. Gall. (3) The cantons not only shall not withdraw these troops during the emergency, but they shall also, if the danger were to last and to become more acute, hasten to the aid of the victims of a possible aggression in conformity with the decisions taken at Wyl in 1647. (4) Every canton shall supply the officers of its contingent up to the rank of lieutenant, shall pay each of its soldiers five crowns a month and each of its officers as much more as it likes and shall forbid them to formulate any further demands... . On the other hand, Basle and Solothurn shall be responsible for the subsistence and the choice of higher officers. . . . (8) The contingents of Zurich, Berne, Schaffhausen, Appenzell Exterior-Rhodes and of the town of St. Gall, shall meet at Basle, those of Lucerne, Uri, Schwytz, Unterwalden, Zug, Glarus, Appenzell Interior-Rhodes and the Abbot of St. Gall at the bridge of Dornach on April 22, or at the latest on April 25. (9) The Abbot and the town of St. Gall whose approval is assumed, shall be immediately informed of these decisions. (10) The delegates of Lucerne, Unterwalden and Zug reserve the opinion of their governments but give the assurance that no one will fail in his duties as a Confederate. (11) Uri is prepared to send its contingent on the appointed day and as a token of her good will she offers to supply her soldiers in advance with a month's pay. (12) As several cantons complained that the apportionment of troops had not been made in conformity with the scale adopted in 1647, it is agreed that the present scheme shall not create a precedent for the future.

Although the mobilization thus decreed was of no considerable importance in itself, the above quotation presents a very real interest for our purposes. It will be noted:—

(1) That five years after its establishment, the Wyl Defensional retained, as its authors had hoped, some real constitutional authority.

(2) That in its application in 1652, it underwent at least two appreciable alterations. The scale of apportionment of cantonal troops was slightly modified and, much more significant, the two army corps provided for are no longer of mixed confessional composition. Whereas in 1647 great pains had been taken evenly to balance the Catholic and the Protestant troops in each detachment, now, on the contrary, of the two Confederate corps, one was exclusively Catholic and the other exclusively Protestant.

(3) That all the delegates at the Diet, except three, had been given full powers, so that the decisions reached in common were finally valid and could be executed without delay.

(4) That, after the three Catholic cantons of Lucerne, Unterwalden and Zug had, by reserving the decision of their governments, shown that they were not as whole-heartedly in favor of the scheme as their Protestant Confederates, the no less Catholic canton of Uri had, on the contrary, displayed an exceptional and, indeed, a somewhat ostentatious zeal. It had thus seemed to place its political loyalty to the Confederation as a whole above its confessional loyalty to its Catholic neighbors.

This last incident, trivial as it might seem to a casual reader of the records of the Diet today, created a real scandal in 1652. Less than a fortnight later, on April 24,1652, the Catholic cantons met at Lucerne to consider the decisions of the Diet about which they felt seriously perturbed. Had they not been ill-advisedly hurried into a common operation with and by their disquieting Protestant Confederates? Was this new form of collective security not contrary to the traditional practice and did it not entail a dangerous menace to cantonal sovereignty and therefore to Catholic supremacy in the Confederation? And how was Uri's conduct to be understood, Uri who had failed to send a delegate to Lucerne?

The following extract from the minutes of this conference, by showing both the nature and the intensity of such misgivings, clearly illustrates the restraining, not to say the destructive, influence exercised by confessional suspicions on political solidarity and thereby on collective security in Switzerland in the seventeenth century:—

Although Uri had expressly begged to be excused from attending the conference, her absence was all the more deplored as it might give rise to unfortunate comments by our non-Catholic Confederates. The declaration made by Uri at Baden, according to which she would not only send her contingent but cover its expenses in advance, is discussed. Her attitude appears very blameworthy. The instructions which prescribed it to her delegate should have been communicated to the other cantons in advance and Uri should under all circumstances have avoided giving the impression that she wished to dissociate herself from the others. General dissatisfaction is also expressed that such ambitious proposals should have been so precipitately adopted. There had been neither a foreign aggression nor even a case of extreme necessity to justify a summons for such assistance as that to which we would have been bound to respond by our ancient treaties. The procedure that was followed must be condemned. It was most unfortunate that a scheme devised for the special protection of the bishop should under the pressure of circumstances have been combined with and merged into a general plan for the defense of Basle and Solothurn. By granting full powers to their delegates, the cantons had brought it about that their contingents were placed at the free disposal of Basle and Solothurn and even of others, so that not one man could be withdrawn should his canton need him, and that all at the expense of the cantons themselves. Furthermore, it was inadmissible that such decisions should have been taken by a majority. These were innovations contrary to all traditions and usages. Moreover, the assistance lent to the bishop should be at his and not at our expense. That charge might grievously affect our obligations towards other cantons as well. It was therefore decided that in future no such assistance will again be lent, except on summons in conformity with the treaties.

This very significant outburst of hostility against the action taken in 1652, was, in fact, directed also against the Defensional itself. As our quotation clearly shows, this hostility sprang from a variety of motives: love of cantonal sovereignty, which seemed almost synonymous with political independence itself; attachment to historical traditions, threatened by the dangerous spirit of innovation everywhere fostered by the Protestant cantons; hatred of religious heresy; economic self-interest and jealousy. Why should not the wealthier Confederates down in the plains by the frontier, if they needed help from within, pay for it themselves, and not expect to receive it as a free gift?

Whatever its dominant motives, this ill-tempered opposition never manifested itself as shamelessly at the Diet as in the inner circle of the Conservative die-hards on the banks of the lake of Lucerne. It did not, moreover, prevent the combined operations from taking their course. Protestant Basle, Catholic Solothurn, and the Bishop of Basle were all equally grateful for the support of

the Confederates. When the Diet met again on July 7, 1652, these operations were in full swing, as we may judge by the following discussion to which they gave rise according to the minutes of the meeting:—

On receipt of a letter from the Bishop of Basle at Delemont, dated June 28, 1652, in which his lands are described as an advanced bastion of the Confederation, the resolutions adopted in April ... are completed as follows: If the danger should be shifted to other areas, the 500 men under arms should be used for the protection of the menaced areas and in particular of the territory of the Bishop of Basle ... It remains open to the Catholic cantons to dispatch to the latter other reinforcements in accordance with their treaties of alliance with him. For the duration of the arrangement with the Bishop, he shall not come to any special understanding with foreign belligerents, but shall be obliged to assist the Confederation should necessity arise. This agreement is concluded for five years. The Defensional of Wyl remains in force subject to an amendment according to which the Lucerne contingent is reduced by 200 men and those of Basle and Schaffhausen increased by 100 each. If the 500 men now under arms should prove insufficient, the whole army or a half or a quarter of it, that is to say 12,000 or 6,000 or 3,000 men, should be instantly mobilized by the cantons and at their expense. Lucerne, Schwytz, Unterwalden and Zug, whose delegates are not empowered to join in this decision, are requested to note with approval'that'it has been endorsed by the nine other cantons.

A treaty was signed accordingly by these nine cantons and by the Bishop of Basle on August 22, 1652. On the same day,the four recalcitrant Confederates met at Lucerne to discuss it. According to the records of this meeting:

They noted with regret the adoption of a grave, irregular and indecent procedure by the nine cantons and the strange zeal which led these Confederates to press and to blame'them because they had declined to be associated with it. Their regret was the more acute, since Uri had again separated herself from them and had joined in the unheard of reproach with which the others had not spared them, to the effect that they were favoring a schism and fomenting discord. This, although they had not failed to promise that they would always loyally observe the ancient treaties and that they were opposed only to the useless and unfortunate innovations.

The four cantons were undoubtedly in an embarrassing position. While not wishing to be drawn into a close association with their Protestant Confederates, they were equally unwilling to abandon their own ally, the Bishop of Basle, to the protection of the latter. That is why they informed the bishop of their fidelity to him and the Confederates of their misgivings about the Wyl Defensional. In taking this stand, they were, it would seem,

faithfully carrying out the will of Rome, ever opposed to too intimate cooperation between the pious and the heretics. The Bishop of Basle himself incurred the displeasure of his ecclesiastical superiors on this occasion. In a letter addressed to his Catholic allies at the beginning of the following year, he wrote that he had not been confirmed by Rome in his functions "because he had concluded a treaty of defense with non-Catholic cantons."

Again, the events of 1652 were of no great importance in themselves. We have not hesitated to recall them at some length, however, because of the light they shed on the operation of the system of collective security in Switzerland and on the conflict of loyalties, religious and political, which they so clearly illustrate.

The next four years were to see the Confederation in the throes of two successive civil wars: the Peasants' War of 1653, and the so-called first war of Vilmergen of 1656. Although both naturally led to the mobilization of the armed forces, the issues in both cases were strictly internal—economic, social and political in the first, religious in the second. In spite of the intrinsic interest and importance of these two conflicts, and of their inevitable repercussions on foreign policy, they need not detain us here.[1]

Shortly after this double internal crisis, the problem of security was once more brought to the forefront of public attention in Switzerland by the military events on the northern frontier of the country. From now on and until the end of the restless reign of Louis XIV—especially since in 1661 he declared that he would govern his kingdom as its sole master—Switzerland was constantly on the alert. France's ambitions inevitably brought her into conflict with the rest of Europe and, in particular, with her Austrian rival for Continental hegemony. Now, history had made of Switzerland the ally of both and her geographical position between them and on the flank of the main highways of mutual invasion constituted her into a bastion which both coveted, but which neither would allow the other to dominate or to occupy. Hence the continuous state of alarm in the Confederation. Hence, also, the consolidation of the policy of Swiss neutrality. For the Swiss, this policy came to be almost a national religion. For her neighbors, it was, according to their respective strength, either a troublesome obstacle or a correspondingly valuable protective barrier. Both would always have welcomed Switzerland as an ally, that is as a satellite, but neither would have

[1] Cf. my *Cinq siecles de securite collective, op. cit.,* pp. 377 *et seq.* and 393 *et seq.*

tolerated her as the ally or the satellite of the other. Therefore, they both gradually became resigned to the conclusion that, as a lesser evil or as a lesser good, she should remain neutral. But each insisted that her neutrality, in order to be respected by the other, should enjoy the protection of the Swiss army. Thus, while armed neutrality was for the Swiss the condition of their independence, it became also for the warring hosts on her borders a condition of their security.

As we have already noted, the treaties of mutual protection which united the Swiss cantons had not been drafted with a view to the situation which thus arose. While they provided for a general levy of the population in arms of all the cantons to defend each one of them against attack, their authors had not foreseen that a prolonged occupation of the national frontiers might become necessary, not to repel an aggressor, but to prevent their violation. Already the Wyl Defensional had been adopted to meet such a contingency. But what in 1647 had been a sudden emergency, now tended to become an almost chronic state of affairs. The danger of invasion was almost uninterrupted, except when France and Austria were at peace, but it, of course, became acute only when the theater of war approached the Swiss borders. Thus, as we have seen, the occupation of the Franche Comte by Louis XIV in 1668 had led to a first revision of the Defensional and to a partial mobilization in Switzerland.

In the late Autumn of 1674 a mighty Austrian army took its Winter quarters in Alsace within half an hour from Basle. As it was faced by an equally important body of French troops under the Prince of Conde, the Diet was summoned, a council of war was set up and the cantons were asked to send contingents to the frontier. We are ill-informed about the nature and the success of the operation. The proceedings of the Diet are full, however, of details concerning its financial consequences. First, the cantons were invited to pay into a Confederate war-chest half a florin for each soldier they were called upon to raise. When this proved ineffective, a loan was discussed at length, but apparently never raised, no one canton assuming the responsibility for its repayment and the Confederation as a whole enjoying no credit whatever.

In the Autumn of 1676 Basle again felt threatened. A French army under the Duke of Montmorency was approaching from the West, while an Austrian army, under the Duke of Lorraine, was on the march to meet it from the East. Both sides assured

the Diet, which had met on October 12, 1676, of their friendly dispositions and both offered to protect Switzerland against the hostile designs towards her, of which they suspected and accused each other. When the imperial army began to cross the Rhine between Schaffhausen and Basle, the Diet decided to raise 3,000 men. At the same time it vainly sought to exorcise the spectre of cost by instructing the bailiffs to supply the badly needed funds. They were, if necessary, to raise loans in their bailiwicks and to repay them "by means of a capital levy" (die Kosten seien durch Vermogensanlagen zu deken). The following extract from the minutes of a meeting held on October 19, 1676, gives some idea of the prevailing situation:—

Each canton is requested to state its needs in reinforcements. Berne and Solothurn reply that they can defend their frontiers with their own forces. Basle declares that in addition to the 1,150 men from Zurich, Berne, and Lucerne already within the walls of the city, she would require 300 more for the protection of the outlying districts. On October 26, the 1,150 Confederate troops at present in Basle shall be replaced by 1,100 men drawn from the Confederation as follows: 140 from Zurich, 200 from Berne, 120 from Lucerne, 40 from Uri, 60 from Schwytz, 40 each from Unterwaldcn, Zug, Glarus and Basle, 80 from Fribourg, 60 from Solothurn, 40 from Schaffhausen, 60 from Appenzell, 100 from the abbey of St. Gall, 20 from the town of St. Gall, and 20 from the town of Bienne. The other troops may return home. The forces of the bailiffs shall also be dismissed. It will suffice if one of the two members of the war council of each canton remains at his post.

These precautions were not superfluous. On October 20, 1676, the council of war received a letter from the French commander, complaining that the measures taken were hardly sufficient for the defense of Swiss neutrality. If the enemy made another threatening step, he added, "he would be pleased to hasten to the support of the Confederates and to show them his fine army" (sa belle armee). But what was never enough in the suspicious eyes of the menacing foreign armies was always too much for the patience of the Swiss levies and especially for the finances of their governments.

As necessary funds could not be made available, the Diet on October 26, 1676, decided to call on the wealthier cantons for supplies in kind. Thus, in order to raise 40,000 bushels of wheat needed for the feeding of the troops, "Zurich was asked to supply 7,000, Berne 10,000, Lucerne 6,000, Fribourg 4,000, Solothurn, the Abbot of St. Gall and the country of Baden, 3,000 each, and Schaffhausen and the city of St. Gall 2,000 each." As no one

would or could pay, as the available supplies were running short and as some of the smaller cantons from the center of the country were beginning to withdraw their troops, the whole scheme was obviously breaking down, when the welcome news was received that the hostile armies were taking up their winter quarters. On November 2, 1676, the Diet was much relieved to be able to dismiss most of the troops. Basle alone was allowed to retain a small federal garrison.

The Winter respite was not to last long, however. On February 22, 1677, the Diet was informed that Louis XIV desired "to know the means by which the Confederation intended to prevent the passage" of hostile forces across its territory. The Diet, "recognizing that the Helvetic interest was bound up with the policy of neutrality," immediately assured both the French king and the Austrian emperor "that it would not permit either of the parties to traverse Swiss soil." Thereupon an express confirmation of this policy was sought and obtained from each cantonal government. Furthermore, the necessary steps were taken without delay to raise part of the Confederate forces to occupy the threatened passages and to hold the rest ready to march in case the need for reinforcements should become apparent.

The reports of the Diet during all the following years are filled with accounts of similar threats similarly countered.[1] The initial difficulties persisted, due to the lack of funds more still than to the reluctance of the soldiers to idle away part of the year in sterile inaction on the frontiers of the country. But as both warring neighbors became more and more convinced of the sincerity of the Swiss policy of armed neutrality and also of its usefulness to themselves, they refrained from violating the territorial integrity of the country.

* * *

That both France and Austria looked with increasing favor upon the neutrality of Switzerland is shown beyond all doubt by the fact that they both at one time consented, simultaneously and each with a full knowledge of the action of the other, financially to contribute to its cost. The events which led up to this triumph of Swiss diplomacy, supported by the highly appreciated valor of Swiss mercenaries, were briefly the following.

When in 1688, Louis XIV, in the course of his war against the Augsburg League, began his campaign on the Rhine, the position

[1] Cf. my *Cinq siecles de sicuriti collective, op. cit.,* pp. 441 *et seq.*

of Switzerland was more menaced, but also more complex than ever. Situated once again between the warring armies, faithful to her well-tried policy of neutrality, she was at the same time in a sense the ally both of the French king and the Austrian emperor. Both by treaty had been authorized to recruit Swiss troops on the double condition that they should be used for defensive purposes only and that they should never be arrayed against each other in the field.

On October 10,1688, the Diet met to consider the consequences of the French offensive on the Rhine. Before the transaction of all other business and following a practice it had already adopted in previous years, it issued a proclamation to both belligerents informing them of its firm intention under all circumstances "to defend the peace, security and freedom of the fatherland." Thereupon the messages which both belligerents had addressed to the Confederation were considered. The envoy of Louis XIV expressed his surprise at the sudden meeting of the Diet and assured the Confederates of his royal master's unalterable affection. The Austrian diplomat, after expressing similar feelings on behalf of the Emperor, urged the Diet to extend the protection of Swiss neutrality to Constance and to four neighboring so-called "forest towns" which, he claimed, were also threatened by the French aggressor. At the same time, he offered to pay for a special levy of 1,400 Swiss troops for that purpose.

The Diet, after deciding to call upon the cantons to protect the Swiss frontier, as had become almost a habit, asked Louis XIV to include Constance and the four towns in the guaranteed neutrality of Switzerland. On October 22, 1688, the Diet was informed that:—

The King would guarantee the neutrality of Constance and of the four forest towns on condition that they be occupied by a sufficient number of Swiss troops, as the imperial promises offered no satisfactory security for their effective neutrality.

The condition was accepted and 1.500 Swiss troops from Thurgau were sent to Constance at the expense of the Emperor. That sovereign, however, was of the opinion that the aggressive action .of his enemy which threatened the liberty of Europe was such that the Swiss should side With him in withstanding it. He therefore offered to pay not only for the occupation of Constance, but also for the general Swiss levy which, he trusted, would serve to restrain and to repulse his dreaded foe. The Swiss accepted 'the subsidy, but refused to depart from their policy of neutrality.

When the Diet met again at Baden in the Spring of 1689, a French diplomat appeared before it in order to call attention to the contrast which, he claimed, opposed the disinterestedness of his King and the very suspicious attitude of the Emperor. Stressing the point, he declared:—

That, considering all the many kindnesses of his sovereign, the Confederates would surely appreciate the difference between his attitude and that of the Emperor. In consequence, they would not fail to remain true to their traditional friendship towards the former and thereby keep the war removed from their boundaries. He could assure them under all circumstances of the help of France.

Prompt to accept these welcome assurances, the Confederates suggested that the interests of their neutrality would be well served if, as a counterpoise to the Austrian subsidy, France also would contribute to the cost of the mobilization they had undertaken at the request of both parties. The suggestion did not remain unheeded. Moreover, not content with thus receiving grants from both belligerents as the price of their mutual protection, the Diet was anxious lest these grants might be deducted from the sums otherwise due by its imperial and royal debtors. This is shown by the following extract from the minutes of its proceedings in April, 1689:—

Zug suggests that the Austrian subsidies for the troops raised to protect the Swiss frontier at Augst on the Rhine may have been paid out of the funds due to the Confederation in virtue of the hereditary pact[1] and fears that France might charge her subvention against the pensions due to Swiss soldiers. In consequence both ministers are informed that no such deductions would be justifiable and that the subsidies should be treated as such and that they should never be transferred to any other account.

We do not know how these representations were received on the banks of the Seine and of the Danube. What we do know, however, is that no objection was at first raised against a practice apparently deemed admissible and useful by both belligerents. This results from the following extract from the same source:—

The imperial minister is informed of the request of the French minister that the garrison at Augst (on the Swiss side of the Rhine) is to be raised to 3,000 men and that certain fortifications will be constructed there, both at the expense of France. The imperial minister declares that he has no objection to such action if the reinforcements

[1]A treaty dating back to 1511 under which Austria was authorized to recruit soldiers in Switzerland at a stated rate.

suggested were held to be necessary to prevent a hostile crossing of the river.

Thus with the full knowledge and consent of the other, each belligerent contributed for a time to the expenses of protecting Swiss neutrality against its possible violation by the other. Strange as it may strike the twentieth-century reader, was not that system far more logical than that in force today? Then, as now, the belligerents, and they alone, were responsible for the creation of a state of affairs which obliged Switzerland to mobilize. Then, as now also, Switzerland, while mobilizing to protect herself, incidentally but very really protected the flanks of the belligerent armies against each other. Then, as now, one of the belligerents was the author and the other the victim of aggression. And then, as now, Swiss neutrality, while of some use to both parties, was far more favorable to the latter than to the former. Why, then, should those who were both the agents and the beneficiaries of the forced mobilization of Swiss troops not contribute to its costs?

The question may fairly be put. But as logic has never been the law of politics and as the victims and even the authors of aggression rarely fail to look upon neutrals as knaves or as fools or as both, it is not surprising that the arrangements concluded between the Confederate Diet, France and Austria in April, 1689, should soon have been challenged. They were, in fact, questioned by certain Swiss cantons even before being abandoned by the belligerents.

On June 6, 1689, Zurich declared at the Diet that she was unwilling to ratify the agreement with France. Did it not tend to make mercenaries of Swiss soldiers defending their own country? Was it furthermore truly compatible with the declared policy of strict neutrality? At bottom, Zurich's objections, which were shared by a few other cantons, were based on other grounds also. Louis XIV was at this time odious, not only in the eyes of all Protestants as the author of the revocation of the Edict of Nantes in 1685, but also for many other Europeans as the wanton enemy of the peace of the Continent and the liberty of its peoples. By his insatiable ambitions, his domineering and intolerant spirit, and by the ruthlessness of his all-invading armies, he inspired feelings of hostility and hatred against which the political neutrality of Switzerland did not in the least shield its citizens. That Zurich's repugnance, however, was not generally held to justify the refusal of French money is shown by the following extract from the

minutes of the meeting of the Diet at which, on June 6, 1689, she had announced her decision:—

Lucerne is of opinion that the plan to negotiate with the French minister, which had been approved by all the Catholic cantons except Schwytz and Glarus, who have as yet neither accepted nor rejected it, was in the interests of the Confederation and not contrary to its neutrality. Unity of the cantons was, after God, the only salvation of the country. . . . The Catholic cantons were all the more surprised at Zurich's scruples, as the plan which she deemed incompatible with neutrality had aroused no opposition on the part of the Emperor and of the Empire. Rather would it appear contrary to neutrality towards France to reject the treaty____If one or another canton felt any pangs about accepting money from foreign princes, that was their own concern. It was well known, however, that in similar cases, princes, lords, and even the Confederation itself, had often accepted belligerent money.

After Zurich had, on behalf of the Protestant cantons, let it be known that they might consent to the project if negotiations could at the same time be resumed with Austria, Lucerne, while not hostile to the idea, declared:—

The only difference between the cantons resides in the fact that the Protestants seem to be of the opinion that the treaty is in the sole interests of France, whereas the Catholics look upon it as intended primarily to serve Switzerland. If it happened at the same time to suit France, the Emperor would not be justified in complaining, as it was in conformity with his interests also.

It was finally decided to adopt the plan to reinforce the garrison at Augst at France's expense and to inform the Emperor of this decision. When the Diet reconvened on July 4, 1689, to take cognizance of the answer from Vienna, it learned that, in the judgment of the imperial authorities, neutrality was no longer justifiable "towards France, which, openly hostile to the Empire itself, was aspiring to universal domination" (den erklarten auf die Universal monarchiea bzielenden Reichsfeind), "and which was violating the terms of the treaties of Westphalia and of Nimegen." It was therefore expected that the Confederation "would no longer contribute to favor France's intended hegemony, but on the contrary, would seek to promote the salvation and the peaceful order of the German fatherland."

As far as the official reports allow one to judge—perhaps not quite by accident they soon ceased to become explicit on the point—the subsidizing of Switzerland's defenses by both belligerents did not continue beyond the end of 1690. On the principle of neutrality, however, the Swiss remained unanimous, and indeed,

became ever more insistent. Neither the generosity of Louis XIV, nor his religious intolerance, nor the ruthlessness of his armies! nor his inordinate political ambitions, as denounced by his imperial foe, could shake the conviction of the Confederates that it was only by holding aloof from the conflict which opposed their mighty neighbors that they could hope to maintain the independence of their small country situated between them.

As the wars between France and the Empire continued and with them the armed neutrality of Switzerland, the reports of the Diet during the last years of the seventeenth century are full of information concerning our subject.[1] Only a few particularly significant extracts will, however, be quoted here.

Thus, in July, 1689, the obstinate refusal of Schwytz to take any part in the defense of the country as long as no act of aggression had been committed against it, gave rise to the following debate:—

The repeated abstention and the singular conduct of Schwytz in all matters of general and patriotic (vaterliindisch) import led to the summoning df her delegates to a special session. The other cantons were unanimous in questioning them as to the reasons of their dissidence. They replied that they had no instructions on that point, but added that with them, as elsewhere, it was the rule to bow to the will of the majority. After they had left the meeting, it was unanimously decided that the government of Schwytz should without delay be invited to inform the directorial cantons of Zurich and Lucerne, and through them all the other cantons, whether they intended in future to be represented at the Diet and to do their share for the promotion of the common welfare. Should they fail to give such an assurance, Schwytz would no longer be summoned to attend any meetings of the Diet.

It is not possible to ascertain from the reports how Schwytz reacted to this challenge. She continued to be represented at the Diet, but her delegates invariably withdrew when, as often happened in the course of the next years, any matter concerning the application of the Defensional was considered.

At the end of September, 1690, when the Diet was informed that the French had ceased to pay for the garrison at Augst, the following decisions were approved:—

The majority of the cantons decide to maintain the contingents at Augst at their own expense. The other cantons which had already withdrawn, or which intended to withdraw theirs, will act as they please, it being understood, however, that the honor of the Confederation would require each canton to maintain a detachment of its troops there. The

[1] Cf. my *Cinq siecles de sicuriti collective, op. cit.,* pp. 459 *et seq.*

councillors of war shall rotate in office every six weeks, and shall be paid by their canton. The permanent spy will be dismissed and if necessary replaced by another. The Capuchins who serve as chaplains to the forces will be paid out of the common chest.

A few weeks later, on November 6,1690, the following amending decisions were taken:—

(1) The system of rotation of the war councillors at Liestal (a town lying at a short distance behind the most threatened Rhine crossing) is modified as follows: From now on the changes shall take place every six weeks, Zurich and Unterwalden being succeeded by Berne and Lucerne, and they by Zug and Basle, and they by Uri and Fribourg, and they by Solothurn and Schaffhausen, and they by Appenzell and St. Gall. (2) The necessary Capuchins and spies shall be paid out of the 700 francs which the French paymaster had advanced for the troops of Schwytz that had never been raised. (3) For every fifty men on the imperial pay-roll, their captain shall remit one imperial thaler a month to the commissariat. Of these sums, two-thirds shall be paid over to the majors and the rest used for messengers, transport and chancery expenses. (4) The commissaries shall receive 5½ francs a month from every canton which maintains soldiers on the frontier. Schwytz and Obwald who have no detachments there assure the Diet that their help will always be available if and where an enemy attack should take place.

From then on and until the conclusion of the peace of Ryswick in 1697, some Confederate troops were constantly under arms on the frontier. As always, the cantons encountered more difficulties in financing than in recruiting their contingents. The situation became particularly difficult in 1692 when the economic war waged against each other by the belligerents resulted in the blockade of neutral Switzerland. In December, 1692, the Diet noted that, although the situation of the agricultural cantons remained tolerable, that of the industrial districts was critical and might become tragic. From Zurich alone 20,000 florins a week were spent in wages in the surrounding area in spinners and weavers working for export. What would happen if they lost their foreign markets? The report of the discussion of the Diet on this point ends with the following observation, which one is surprised to find in a document of more than two centuries and a half ago: "Was it not to be feared that the laborers, when unemployed and hungry, would fall a prey to disease, to discord and to social disorders and thus become a menace to private property?"

* * *

The respite which Europe and incidentally the Swiss cantons were to enjoy after the end of the war with the Augsburg League

was not to be of long duration. In 1701 the question of the Spanish Succession again set the Continent ablaze. More than ever before, the ambitions of Louis XIV struck his enemies as incompatible with the public law of Europe and, therefore, also with the neutrality of Switzerland.

On July 5, 1701, an imperial envoy appeared before the federal Diet to invite the Confederation to join hands with all the forces of peace, and justice against the aggressor. He declared:—

The domineering ambitions of the Bourbons, which are spreading all over Europe as wild fire or as a flood, are threatening to subjugate the Germanic nation. It is necessary, therefore, to set up against them the dike of a common resistance. Fear must not on this occasion inspire the decisions of the Confederation. The Emperor declares himself to be the sole lawful heir to the whole monarchy of Spain. He has already come to terms with the Kings of England, of Denmark, and of Prussia, with the States-General and with various princes of the Empire. He calls upon the Confederation to join with him.

The reply of the Diet was immediate. The Confederates were gratified to learn of the friendly sentiments of the Emperor. While faithful to the treaty which bound them to Austria ever since 1511, they were resolved "in these difficult times to observe the neutrality which had always proved so salutary to their country."

At the same time, as we have seen above, the Diet immediately sought to improve and to modernize the Wyl Defensional. In the course of the prolonged war of the Spanish Succession, the neutrality of Switzerland was on various occasions seriously threatened, notwithstanding the unanimous will of the Swiss people to defend it. But in spite of their internal dissensions which dangerously undermined their common force of resistance, the Confederation, thanks to its armed neutrality, once more emerged inviolate from the storms which surrounded and, indeed, at one time almost completely engulfed it. Of the many incidents of interest to our subject which occurred in the course of the war, that is between 1701 and 1712, we shall here recall only those which relate to two specific topics: the territorial encirclement of the country on the one hand, and the so-called right of passage claimed by the belligerents, on the other.

The success of the French armies in 1703 menaced neutral Switzerland with a novel situation: that of being entirely encircled by one of a group of belligerents. Was such a strategical position compatible with the principle and especially with the practice of

neutrality? The question first arose at the Diet in the Spring of 1693. The armies of Louis XIV had forced their Austrian enemies beyond the Rhine and almost joined hands with their Bavarian allies. Thereupon an imperial envoy appeared at the Diet on May 20, 1693, "calling attention with great warmth to the danger of total encirclement (Circumvallation) which menaced the Confederation." He begged the cantons to occupy the forest towns and the narrow strip of territory separating the French and the Bavarian armies.

The cantons were divided. Some proposed to send troops beyond the Rhine and the lake of Constance at the Emperor's expense. Others were prepared to hold an army in readiness for action, but not to allow it to leave Swiss territory unless absolute necessity required. Others, finally, the small Catholic cantons in the heart of the country, were less sensitive to the danger, especially as the intolerant French King enjoyed their confidence for the very reason which deprived him of that of their Protestant Confederates. They insisted that "the Defensional had been established for the sole protection of the fatherland and not for that of the forest towns and of Constance."

The Duke of Villars, who was in command of the French armies, kept himself informed of the Swiss debates with real vigilance and on several occasions warned the Confederates not to overstep the bounds of strict neutrality. The Austrian envoy, on the contrary, pleaded with them that they should not allow themselves to be intimidated by the aggressor. Before the Diet, on June 5, 1703, the same diplomat again reminded them that their "ancestors had at all times applied the maxim of state which forbade them from ever allowing themselves to be encircled (umzingelt) by one warring power."

Zurich and Berne, who had welcomed into their territory as Huguenot refugees many victims of the French persecutor, decided to take action. At the same session of the Diet they declared that:—

Since the encirclement (Einschliessung) of the Confederation by one power alone cannot be tolerated and since it could be achieved by the French in twenty-four hours by the occupation of the strongholds on the lake of Constance, they had decided to raise 1,000 or more men and to offer them for the protection of these places on proper terms (auf gebiihrender Capitulation). This levy was inspired solely by a sense of their own security and should prejudice the rights of no one.

This step was held to be rash by the other cantons. They declared that "no less solicitous of the security of their fatherland, they deemed that unanimous action by the cantons was the best means of attaining that end." The three Catholic cities of Lucerne, Fribourg and Solothurn, who had always faithfully adhered to the Defensional, condemned the initiative of Zurich and Berne as contrary to the spirit of that institution and as "susceptible inopportunely of drawing the Confederation into war." After all the delegates had expressed their views and Zurich and Berne had occupied the town of Lindau on the Swabian side of the lake of Constance, the following reply, dated June 12, 1703, was sent to the Austrian envoy:—

The cantons have heretofore done everything in their power for the protection of the forest cities of the Frickthal and of the towns on the banks of the lake of Constance. They shall also ever be ready to pursue the same course in future as long as Austria observed the treaty of 1501, and as long as no undue burden resulted therefrom for the Confederation. Zurich and Berne have offered 1,000 men who may be called upon at any moment on condition that they be paid. Serious considerations have, however, deterred the other cantons from participating in this operation.

When a few weeks later a Franco-Bavjarian army appeared from the Tyrol, the danger of complete encirclement seemed more imminent than ever. It was again considered at the Diet on July 4, 1703, as appears from the Following extract from its proceedings:—

Zurich and Berne, in view of the imminence of the danger, were ready to respond to the call of Austria. The other cantons are less impressed with the necessity of immediate action, as they do not believe it to be France's intention to encircle the Confederation. Lucerne adds that her government would hesitate to agree to the occupation by Confederate troops of a stronghold which the French had seized, except with the consent of both belligerents. However, if foreign armies should again approach the frontier, Lucerne would send her contingent to join those of the other cantons in conformity with the provisions of the Defensional. The other Catholic cantons ensure Zurich and Berne that they, too, attach an infinite price to the defense of the fatherland, as their past actions have abundantly shown. But they did not wish to plunge the Confederation into the most serious embarrassments. If the House of Austria really wished for assistance, it should take the necessary steps by amicable means to secure it. All the cantons were united in their will to resist blockade by any foreign power. Schwytz, mindful of the decisions of her Landsgemeinde, will faithfully fulfill all her treaty obligations. Glarus, Appenzell Exterior-Rhodes, and the city of St. Gall are without instructions. However, the Protestant part of Glarus will not forsake the other cantons, whereas the Catholic part and the Inner-Rhodes of Appenzell could hardly be persuaded to send

troops to the frontier. All the cantons declare that they are resolved to defend each other against all foreign violence with their bodies, their belongings and their blood, the majority in conformity with the provisions of the Defensional, the others according to the treaties.

A truly enlightening picture of Confederate unanimity of purpose but of cantonal diversity of ways and means!

While the course of military operations soon led to an abatement of the danger of investment on the northern frontier, a similar danger appeared to the South in the Winter of the same year. The French armies, by their occupation of Savoy, led the Duke, an ally of the Catholic cantons, to call upon the Confederates for their support. His envoy, appearing before the Diet on December 9, 1703, pleaded for their intervention by declaring that "the treaties between the Confederates and France would no longer protect the former if the latter succeeded in subjugating all her neighbors and thereby encircling Switzerland." He added that "the Confederates had always held it to be a maxim of State that they should have a plurality of neighbors."

This plea, although obviously inspired by the sole desire to protect the interests of Savoy, proved both effective and embarrassing. It was effective, because all members of the Diet were sensitive to the threat of encirclement. But it was embarrassing also, because the Catholic cantons to whom it was primarily addressed as the allies of Savoy were at the same time, as we have seen, much less suspicious of the intentions of France than were their Protestant Confederates who had always been hostile to that alliance. As soon as the French representative with the cantons was informed of the action of Savoy, he warned the Diet to remain aloof. Realizing how conscious the cantons all were of the danger of encirclement, he gave them the following assurance on behalf of his royal master:—

The French and Bavarian troops on the Rhine and on the lake of Constance will undertake no hostile step against any stronghold in that area as long as the Confederate cantons refrain from all unfriendly acts towards the King of France and the Prince of Bavaria, and as long as the Evangelical cantons withhold their assistance from the Duke of Savoy and allow no recruitment in his favor on their territory.

This statement, obviously intended to allay Swiss fears, no less clearly showed their justification. How could true neutrality be maintained by a small State if and when completely surrounded by the armies of one belligerent and therefore denied the possibility of all communications and trade with the other? For-

tunately for the defense of Swiss neutrality and, indeed, of Swiss independence, the preponderance of French arms was soon to be successfully challenged by their enemies. From 1704 onwards and until the wars of Napoleon, Switzerland was spared a renewal of the threat of territorial encirclement.

The other danger which menaced the neutrality of the Confederation during the wars of the Spanish Succession was that springing from the so-called right of passage across its territory which a successful belligerent was always tempted to claim and to exercise at its expense.

Since the Thirty Years' War this right, which had first been recognized and was then more and more generally challenged by the Swiss, had come to be expressly and indeed emphatically denied. Its fundamental incompatibility with a genuine neutrality was gradually realized and admitted by the Diet and the belligerents alike.

In 1703, however, French diplomacy, based on French military triumphs and also on Swiss internal dissensions, was inclined to reassert the right of passage. On May 20, 1703, the Diet received a formal request from the French minister asking that "several belongings and some luggage of French officers, as well as their persons" be allowed to traverse Swiss territory. After a prolonged discussion, the Diet decided to permit the passage of unarmed individuals and of their luggage only on certain conditions. The conditions were that the individuals be in possession of regular passports, that their luggage contain no contraband and that they follow a prescribed itinerary to be indicated by Swiss guides. This decision was communicated to both belligerents.

On June 1, 1703, the Austrian envoy informed the cantons that "for the last three weeks 50 to 100 Frenchmen a day had crossed the territory of the Swiss Confederation, carrying with them contraband and, in particular, weapons of war." He added that these facts were known to the citizens of Basle and that the travellers were not private but military persons engaged in "reinforcing the enemies of the Empire."

The cantons, when considering this complaint, found themselves divided. Although none was inclined to approve what seemed to have become a French practice, some were tempted to condone it as an unavoidable consequence of French preponderance. However, the Diet finally agreed upon the following rules:—

(1) All Frenchmen traversing the territory of the Confederation must carry with them a passport regularly established by the royal prefect at Huningen (a spot on the Rhine near Basle) and containing the indication of all the members of their party and of the contents of their luggage. The number of masculine travellers must not exceed twenty a day, and they shall not carry any arms. They shall submit to an inspection on their arrival on Swiss territory, where their passports shall be visaed. Their itinerary in Switzerland shall be the following: Basle, Liestal . . . Schaffhausen. (2) All travellers shall conduct themselves properly while in Switzerland. (3) In order to make sure that they follow the prescribed route, they shall be accompanied by Swiss guides to whom they shall pay a modest wage. (4) All attempts to carry arms shall lead to their confiscation. (5) Any violation of these rules and, in particular, a lack of visas shall be punished by the forced return of the travellers and by other penalties. (6) These rules shall be impartially applied to both belligerent parties.

These rules do not seem to have been either strictly respected by the belligerents or energetically enforced by the Swiss. On the morrow of their publication, the Diet felt obliged to defer to the request of a French general who wished to travel from Basle to Schaffhausen with "35 members of his staff, 55 horses, 18 mules and three donkeys." In April, 1704, on the other hand, when the fortunes of war had begun to change, the French minister had occasion to complain that an Austrian armed detachment had crossed Swiss territory with several pieces of ordnance.

The reports of the Diet for the following years contain many references to similar incidents. Their importance for the operation of the belligerents was doubtless negligible. But their significance was none the less real, as symptoms of the waning respect in which neutrality was held.

It was not until 1709, however, that a major violation of Swiss neutrality was committed. Already in August of the preceding year the French envoy informed the Diet that an imperial army, eight regiments strong, was marching on Rheinfelden "doubtless with the intention of breaking into Switzerland at Augst." This threatening operation was to be carried out only a year later. In August, 1709, the Diet was informed by an Austrian subaltern that "by order of the supreme commander, a small force under General Mercy was about to cross the territory of Basle on its way to Alsace, but that he would scrupulously respect the area traversed." When the government of Basle protested, it was informed that the operation had already taken place. The Diet thereupon called the serious attention of the Austrian envoy to this "grave and shameful incident." As is customary in **such cases,**

the diplomat replied that the violation had taken place without the consent of his government. He added that the responsibility therefor rested with the supreme commander who had been entrusted with the direction of operations by the governments of Great Britain, Holland, and the Empire. His plans had been adopted in England or in Flanders behind the back of the imperial government.

Thereupon the French minister presented the Diet with a complete report on what had happened. On August 20, 1709, at five in the afternoon, an Austrian vanguard of about 1,000 horse had entered Basle territory without being challenged by a single sentry. On the contrary, the inhabitants had welcomed the foreign troops and had offered to show them their way. France, he concluded, was of the opinion that "the honor of the Confederation was so deeply involved that it would have to offer complete reparation" for the event.

Basle protested and pleaded for the immediate dispatch of a Confederate garrison of at least 400 men. The Diet decided to call for an application of the Defensional. Before any effective action had been taken, however, Mercy's army, which had been defeated by the French in Alsace, had flooded back over the Rhine, once more violating Swiss neutrality. As was to be expected, the French protests became ever more violent and more threatening and the Austrian replies more apologetic. In a letter dated August 28,1709, the French envoy expressed the confident expectation that "the Diet would not fail to inform the King and all Europe of the steps the Confederation would take to prevent the recurrence of such scandalous happenings and to condemn the partiality shown by Basle in favor of the Germans."

The members of the Diet were unanimous in deploring the violation of Swiss neutrality and in demanding due reparations from Austria. But they were so divided among themselves on the religious issue, which had once again become particularly acute and which was in 1712 to lead to one more civil war, that common action was found to be more than usually difficult. However, when at the end of August, 1709, Basle alarmed the Diet by informing it of renewed concentrations of Austrian troops in the vicinity and by calling for assistance, the following decisions were taken, according to the official minutes:—

Berne and Lucerne have already given their contingents the necessary orders. The other cantons which adhere to the Defensional will submit Basle's request to their governments. After a prolonged debate, it was

finally decided that all three levies of all cantons and common bailiwicks should be called out and prepared for immediate dispatch to the frontiers. . . . Furthermore, 400 more men should be sent to Basle without delay. . . . The Abbot of St. Gall . . . declared that he could raise his contingent only when his subjects of the Toggenburg would again obey his orders. He begged the Protestant cantons to urge them to do so.[1] The cantons which had repudiated the Defensional let it be known that they would remain true to the promises of neutrality they had given both monarchs in conformity with their treaties.

A few days later, Basle renewed its request for assistance and received the following reply:—

The measures taken by various cantons to prepare their contingents are set forth. The delegate of the Abbot of St. Gall, who had decided to send fifty men to Basle, declares that the inhabitants of Toggenburg had spontaneously sent twenty-five men under their own officers without awaiting his orders. If such practices were not condemned and repressed, he could send neither a representative nor a contingent to Basle. Lucerne and Solothurn declare that their troops will be allowed to leave for the frontier only if the inhabitants of Toggenburg again submit to the authority of the abbot. Schwytz and Glarus reserve their rights. Basle declares that heretofore the only contingents which have arrived are those of Zurich and of Berne.

For several weeks the Diet continued to receive similar complaints and entreaties from Basle, and Basle similar explanations and excuses from the Catholic cantons. It was clear that the system of collective security was breaking down under the stress of confessional feuds and internal dissensions. If Swiss neutrality was not again violated in the succeeding months and years, in spite of the unwillingness of the Catholic cantons to defend it until the religious conflict was settled between them and their Protestant Confederates, this was due solely to the evolution of the Austro-French war and not to any virtue of its own. As often before in Swiss history, but perhaps more clearly than ever, the events of 1709-1712 showed that Confederate collective security was compatible with Confederate religious dualism only in times of internal peace. When confessional fanaticism led to open religious strife, the security of the country was at the mercy of its neighbors.

Most fortunately for Switzerland, the war of the Spanish Succession ended in 1713 without having given rise to further violations of her neutrality. This immunity was clearly in no measure due to her efforts, but solely to the course of military operations. The last stages of the war saw the hostile armies battling very far from

[1] It was over the Toggenburg, a Protestant district subject to the Abbot of St. Gall, that the second war of Vilmergen was to break out in 1712.

the upper Rhine. Had it been otherwise, it is idle to speculate on what might have happened. Perhaps the external danger would have allowed and forced the Confederates to forget or to overcome for a time their internal antagonisms. In that case the second war of Vilmergen might have been avoided or at least postponed. Perhaps, also, the foreign armies would have broken into Switzerland while the cantonal forces, having abandoned the defense of the frontiers, were engaged in combating each other. The Confederation would then have become the theater of a double war and the authors of the treaty of Utrecht, instead of recognizing and thereby consolidating the independent existence of the Confederation, might well have had occasion to quarrel over its succession!

As destiny would have it, Switzerland in 1713 had survived both the great European war of the Spanish Succession and her own small war. But she found herself in a dangerous state of internal disaffection and therefore of general enfceblement and uncertainty in her international relations. On the morrow of the peace of Aarau, which in June, 1712, put an end to the war of Vilmergen, the deeply embittered Catholic cantons sought to avenge their military defeat by diplomatic manoeuvres. In M.iy, 1715, after vainly applying to the Pope for redress against the Confederate victors, they succeeded in concluding two very far-reaching treaties with Louis XIV. Had that aged but still enterprising monarch not died shortly afterwards, and had the diplomacy of France not become appreciably less active under his successors, these treaties might well have spelt the end of Swiss independence.

* * *

For Switzerland, however, the eighteenth century, which had so inauspiciously begun and which was to end in national disaster, was throughout the major part of its course to prove relatively uneventful in the field of collective security.

The wars of the Polish and of the Austrian Succession which broke out respectively in 1733 and in 1740, again opposed France and Austria, and again led to the mobilization of the Confederate levies for the defense of Swiss neutrality. In both cases the belligerent armies, when they approached the Swiss frontiers, as they did in 1734 and in 1743 and in the following years, gave reassuring answers to the Diet which had informed them of its determination to protect the neutrality and territorial integrity of the Con-

federation. In both cases military measures were taken to that effect. In both cases the cantons which adhered to the Defensional sent their contingents to the threatened points on the frontier. In both cases financial difficulties arose which led to the suggestion that the belligerents should again be called upon to contribute to the cost of the Swiss mobilization, as they had done in 1689. In both cases, however, the majority of the Diet discarded the proposals made to that end as inopportune and hopeless. In both cases also, the Diet, with only partial success, sought to include within the neutrality of the Confederation certain neighboring so-called "security districts" in which it was interested for strategical and economic reasons. In both cases the experience of the mobilization led to proposals tending to improve the efficiency of the armed forces by unifying the armaments and the pay of the cantonal contingents. In neither case, however, could the efforts made in that direction overcome the obstacles of cantonal individualism and the objections of cantonal sovereignty.

When, therefore, in the last decade of the eighteenth century, the security of the Confederation came to be threatened by the repercussions of the French Revolution, the Diet could dispose of no other means of defense than those which it had inherited from its predecessors of previous generations.

CHAPTER VII

COLLECTIVE SECURITY SINCE THE FRENCH REVOLUTION

THE events in Paris which followed upon the storming of the Bastille on July 14, 1789, were, as we have seen, considered with far more misgivings than satisfaction in Switzerland. Especially was this so in government circles. The example of the armed revolt against the traditional authority of the French Crown and the infectious character of the doctrine of liberty and equality tended to arouse discontent and sedition in the subject bailiwicks and among the underprivileged classes of Switzerland. Moreover, as the kings of France were the military allies of the cantons in a much truer sense than their country, fidelity to these allies soon led to a growing estrangement between Switzerland and France. When, on August 10, 1792, hundreds of Confederate soldiers laid down their lives to protect the person of Louis XVI against the people of Paris, this estrangement became particularly acute.

Already some weeks before, in May, 1792, the French Ambassador had informed the Diet of the outbreak of the war which was to oppose revolutionary France to traditional Europe. Once again, Paris and Vienna were to be in conflict. Once again, as an inevitable consequence, the neutrality of Switzerland was to be threatened. And once again, the Diet decided to call upon the two belligerents to respect, and upon the cantonal contingents to protect, that neutrality. The following extract from the minutes of its meeting on May 14,1792, vividly and faithfully illustrates the defensive position of the country in the midst of the European turmoil:—

> The delegate from Basle calls upon her Confederates for the levy of about 1,300 men to reinforce the local garrison. All the delegates are favorably disposed, except that of the town of Bienne, too directly menaced herself to be able to send any troops to Basle. . . . Divergent views are expressed as to the importance of the contingents to be raised by each canton and each one of their allies. The majority wished to proceed as of old, but the democratic cantons, except for the Protestant parts of Glarus and Appenzell, declare that they were unduly burdened

under the old system of allocation. Schwytz recalls that she had never adopted the Defensional. Her delegate adds that his government had never looked upon the so-called system of armed neutrality with any favor. Not only is there no mention of such a scheme in any of the treaties, but Schwytz would never have subscribed to them if there had been. To be sure, armed neutrality is sometimes mentioned in history books. What is there meant by the term, however, is an organization susceptible of truly impressing hostile armies. In the eyes of his government such a neutrality has little in common with that which must rely for its defense on the support of 1,200 or 1,300 men and which presents far more dangers than advantages. The government of Schwytz would have preferred to be content with the pacific assurances of both belligerent groups. In spite of all this, Schwytz, who had in the past done so much to establish and to maintain the freedom of the Confederation, had raised 600 men as soon as she had received the first alarming reports from Basle, had begun their training and had equipped them with everything they needed to be prepared for immediate action. The Diet decides to address a letter to the government of Schwytz calling on her fraternally to join forces with the other cantons. The second delegates of Zurich, Lucerne, Unterwalden, Schaff hausen, and the first delegate of Glarus are requested to draft the letter. ... As for the general staff, which is to accompany the troops to Basle as long as the latter are not more numerous, it is agreed that it should be composed of a supreme commander from Zurich, of a lieutenant-colonel from Berne and of a major from Lucerne. The other officers will be appointed by the several cantons.

In spite of the most unsatisfactory and wellnigh voluntary military organization evidenced by this account, the external danger was felt to be such that the mobilization proceeded with relative smoothness. Reporting on its progress and its results at a meeting of the Diet on July 2, 1792, the Basle delegate declared:

The body of Confederate reinforcements had gradually been assembled at Basle, animated by the most admirable concord and it displayed perfect contentment. The most careful measures had been taken in the town and in the country to provide for their lodgings, their subsistence and for the satisfaction of all their other needs. Hospitals and divine service for both religions had been provided for. The troops were divided into two battalions, one of which was stationed in town and the other in the country. They were to exchange billets every fortnight so that none could complain of unequal treatment. The general staff and the other officers met in conference every Monday to consider military and other affairs. All important matters were examined in common by the secret council of the town, the Confederate council of war and the Confederate representatives. Measures of security such as the establishment of guard posts and the improvement of the fortifications had been taken. Contact had been established with the French general headquarters in the vicinity, to prevent the entrance into the town of foreign soldiers without special passports, to disarm and to repel deserters, to combat the smuggling of German wheat into Alsace,

and so forth. At night, in town, the military guard had been doubled by the citizens and all measures of military police had been taken.

All the other delegations having expressed the same satisfaction, it was decided that the Confederate representatives were to succeed each other by two's every nine months.

The events of August 10, 1792, which were soon to follow, led to the recall of the Swiss regiments in France and to the suspension of diplomatic relations between the two countries. Neutrality was maintained, however. When the Count of Artois and the Prince of Conde offered to take over the dismissed loyal Swiss regiments to serve the allied cause, the Diet declined their invitation. On August 29, 1792, Austria let it be known that although the war was directed against "the common cause of all well-ordered states" and that she, "the most ancient and faithful ally of the Confederates, was in greater danger than ever," she still consented to respect the neutrality of Switzerland. However, it was fully realized that the situation was becoming ever more strained and menacing. This is clearly shown by the following account of a discussion at the Diet in September, 1792:

The dangers resulting for Switzerland from the dissolution of France and from the state of armed disorder and indiscipline which had been substituted for her constitution was considered in all its aspects. Thereupon the delegates, on behalf of their governments, solemnly renewed their oaths to stand together and, in case of necessity, to assist each other with their bodies, their treasure and their blood, in conformity with their treaties. Furthermore, they decided that all the members of the Confederation should forthwith zealously take all required measures to be in a position at first summons to honor that sacred pledge. They are led so to act by the confident hope that such measures constituted, with the mighty help of God, the most efficient means of shielding their peaceful fatherland from any hostile attack upon religion and morality and upon its constitution, its tranquillity and its welfare.

As on all previous occasions, we thus see the cantonal magistrates, responsible for the safety of the country, driven by extreme external peril to seek salvation in the reasscrtion of the principle of collective security.

In the following months there was a lull in the operations of the hostile armies without and a corresponding return of confidence within the frontiers of Switzerland. At the Diet of July, 1793, it was noted with satisfaction that "the neutrality of the common fatherland, solemnly proclaimed by both belligerents and sanctioned by tradition, had generally contributed to its security and welfare."

Moreover, the system of collective security had never before operated with such regularity, such universal good will and with such apparent efficiency. In 1794 the Confederate contingent in and around Basle could be reduced from 1,894 men to 969. In 1795 it fell to 604, and in 1796 to 492 men. This resulted not from any slackening of resolution and vigilance on the part of the Diet or of the troops, but merely from the improvement of the military position abroad. Confidence in the future had risen to such heights that on July 4, 1796, a motion was put to the Diet by Berne and unanimously adopted "that September 8, 1796, be considered as a day of thanksgiving to praise and to thank the Almighty for the peace and tranquillity which the country had heretofore enjoyed."

Another year went by without any direct threat to Swiss neutrality and security, when suddenly, at the end of 1796, alarming reports reached the cantonal capitals from beyond the Alps. General Bonaparte, at the head of the army of Italy, seemed determined to pick a quarrel with the Swiss to the North. Obviously conscious of the strategic importance, in view of his future campaigns, of the passes leading over the Alps, he proceeded, in the name of the sacred principles of the French Revolution, to "liberate" from Confederate rule the territories which the Swiss had administered as common bailiwicks since their conquest at the beginning of the sixteenth century. At its meeting of July, 1797, the Diet was seized with a request that Bonaparte be allowed to lead his army from Italy back into France over the Simplon Pass. The negative reply was immediate. As is stated in the reports:—

In view of the system of neutrality, which has been in force for centuries and which has been recognized even in the most recent times by the belligerent powers, it is deemed to be of the highest importance that the frontiers of Switzerland should remain closed as nature herself had closed them. It was resolved never to permit a foreign army to traverse the territory of the Confederation. Consequently, as such a request had been made on behalf of the French Republic, it is deemed necessary to write to the Directory itself to explain in the clearest terms the impossibility in which the Diet found itself to defer to that demand.

Bonaparte, having altered his plans or at least postponed their execution, seemed inclined to accept this decision. He was content for the time being to encourage the revolution of the Swiss Italian bailiwicks and to promote their "spontaneous" emancipation.

When the Diet met at Aarau on December 27, 1797, it was the less inclined to resort to force to repress the uprising and to pre-

vent this mutilation of the national territory to the South of the Alps, as it was faced with similar but far graver dangers of revolution and invasion from the West.

The French plan to subjugate Switzerland by fomenting internal trouble among the subject districts, by disuniting the cantonal governments and, finally, by occupying the territory, were becoming ever more apparent. The aim was to seize a strategically important point in the heart of the Continent, to deprive the enemies of France of the support and of the facilities they enjoyed thanks to Swiss neutrality, to carry away the gold accumulated in the well-stocked treasury of Berne and, finally, to draw from the country, reduced to the status of a satellite, the soldiers for which it was still renowned. It would be difficult to find a clearer account of this plan, as it was before its execution reflected in the mind of one of the leading statesmen of Switzerland, than that contained in a dispatch which William Wickham, the British envoy in Switzerland, addressed to his Foreign Secretary, Lord Grenville, on October 21, 1797. The following brief extracts from this very lengthy report drafted on the morrow of a dramatic interview with the Avoyer von Steiger, who had been forced to request Wickham to leave the country, will suffice to illustrate both the French intentions and the anticipated Swiss reaction thereto:—

Should the war continue, all the efforts of the enemy would he directed to the dissolving the bands of union as well between the different Cantons as between the magistrates and the people in each particular State, and that menaces would only be employed in*directly* and as means of preventing either individual or single States from opposing or denouncing the project too openly. . . . The plan of the Directory, in case the negotiations at Udine should be terminated by a definitive treaty, was to march a considerable force to the frontiers, and then to the means above pointed out to add those of insolent demands and open threats always addressed to one individual Canton or to some particular government or magistrate, at the same time that the most perfidious and flattering assurances and compliments should be paid to the rest. That this method was preferred to that of an open invasion, in consequence of the refugees having taken care to print in its true colours the formidable resistance that the country would present, should the governments remain firmly united among themselves and the people sincerely attached to their rulers ; particularly should both one and the other be roused by any insolent and unprovoked aggression. . . . The Avoyer then stated to me the information he had received from the other Cantons, which was conformable in e\ery respect to what I had already learnt, and which in truth is of a nature to make the boldest tremble. Without fatiguing your Lordship on that

subject with a mass of detail... I shall content myself with observing that with an uncommon portion of individual worth, public spirit and courage, distributed through the whole country, there exist unsurmountable obstacles to the calling those virtues into action, arising from a combination of various causes, among which may be distinguished: the triumphant situation of the French armies; the indifference of the Court of Vienna to all that concerns this country; the timidity of the different governments thereof; their want of union among themselves; the ascendancy acquired by the commercial Cantons of Zurich and Basle, and, above all, the nature of this particular crisis, which the form of the Helvetic Confederacy is so ill calculated to encounter.

The operations undertaken by the French in the first months of 1798 were conceived and carried out in strict conformity with the plan thus outlined months in advance by a Swiss statesman to a British diplomat. It cannot be our purpose here to do more than to recall how the scheme of collective security was put in motion by the Swiss authorities, once the French invasion had become patent.

On December 13, 1797, the government of Berne informed the *Vorort* Zurich that a French army of 10,000 men was about to invade the territories of Berne and of Solothurn. The two threatened cantons both asked for federal assistance. Thereupon, Zurich summoned all the cantons and their allies to a Diet to meet in extraordinary session at Aarau on December 27, 1797. At the same time Berne, more directly exposed and less inclined to seek salvation in negotiations than the *Vorort,* called upon all the cantons to send representatives to her own capital. The replies received to both summonses were, in general, not unsatisfactory. All the cantons, except Basle, which had already undergone a local revolution inspired by France, declared themselves ready to stand together against the invader. However, the Catholic cantons in the heart of Switzerland refused to defend the Protestant districts of Vaud, whose annexation and forced conversion by Berne in the fifteenth and sixteenth centuries they had always refused to recognize.

Therefore a French army of invasion, after having provoked a revolutionary uprising in Vaud, advanced almost unopposed into that country and up to the historical frontiers of Berne near Morat. Moreover, flattered, duped and menaced in turn by French agents, the majority of the other cantons were more or less sincerely inclined to trust to parleys with the aggressor in the vain hope that he would be content with the concession of internal democratic reforms. The result was irresolution on the part of the

two concomitant Swiss conferences and steady progress both by the French intriguing agents and by the French invading armies.

Even as late as January 31, 1798, when General Menard at the head of a strong French force had taken up his quarters at Avenches, a spot in Vaud, several days' march inside the Swiss frontier, the conference of representatives at Berne unanimously declared that "a note accompanied by due oral representations was the most effective means of dissuading the general from a further advance and of ascertaining his true intentions. The cantons remained divided among themselves, and within most of them rival parties sprang up, favorable or hostile to energetic combined military action. The following brief extracts from the minutes of the conference of representatives in Berne may serve to illustrate the state of disunion, hesitation and consequent frustration and impotence which prevailed there.

Meeting of February 20, 1798:—

The Bernese council of war, by note and by word of mouth, urge the Conference to fill up the gap at the front which has resulted from the withdrawal of the contingent of Uri. They propose to arm the inhabitants of some of the common bailiwicks for that purpose. The conference decided to transmit this request to the competent cantonal governments and to inform the Bernese council of war of this action.

Meeting of February 26, 1798:—

According to reports received from two delegates returning from a mission to the canton of Fribourg, the larger part of the canton, and in particular its most fertile districts, have broken with the government. The state of mind of a part of the population who have remained true to their authorities and which counts about 4,000 valid men is still excellent. They have heretofore remained deaf to all attempts at seduction or terrorization. However, they could the less be counted on to resist invasion, as the government is almost wholly unable to keep up their courage by any effective a'd. It would be impossible to maintain troops under arms for three months without exhausting the finances of the State. As for the citizens of the towns, they are, with but few individual exceptions, strongly attached to the government, but they are almost completely powerless. The propertied classes have, for the time being at least, been completely ruined by the seizure of their estates in the Pays de Vaud, which was the town's principal source of revenue.

Later in the evening of the same day:—

At the end of a meeting of the magistrates and citizens of Berne, the registrar Thormann officially informed the conference of representatives that the supreme authority had conferred full powers upon General von Erlach to take action against the armies of the French Republic at the frontiers at the expiration of the truce of fourteen days

during which hostilities have been suspended. This decision had hardly been taken, when the French General Brune sent an agent to inform the authorities of Berne that he was empowered to renew negotiations. It was decided that two delegates be dispatched to meet the French general.

It is unnecessary and it would be tedious to continue this enumeration of quotations from the debates at the conference of representatives. They all tell the same lamentable tale of disunion, irresolution, procrastination and, finally, of complete impotence. In spite of many individual and even of some collective acts of bravery and in spite of real heroism, shown by many cantonal regiments which sacrificed themselves to repel the invader, the resistance of the country was soon to collapse for lack of any generally accepted leadership and consequently of all concerted action. And with the military resistance collapsed also the whole system of collective security which for over five centuries had, it would seem, effectively shielded the country against invasion.

Cunning and intriguing French agents had by their propaganda and with the connivance of the small minority of Swiss converted to the philosophy of the French Revolution, prepared and supported the action of the invading armies. From the same dubious source was soon to spring the constitution of the Helvetic Republic, one and indivisible, which these Franco-Swiss patriots intended to erect upon the ruins of the ancient Confederation. This new-fangled fundamental law, which was to prove still less well adapted to the needs of the country than the superannuated medieval treaties it was to replace, clearly points to the fundamental weakness of the latter. Its Article 1, in its grandiloquent and rhetorical revolutionary style, was worded as follows:—

> There are no longer any frontiers between the cantons and their subject districts, nor between canton and canton. The unity of the fatherland and common interest replace the feeble link which united and guided by accident its heterogeneous, unequal and disproportionate parts enslaved to petty localities and domestic prejudice. One was weak by reason of one's individual weakness, one shall be strong through the strength of all.

It is, of course, more than doubtful whether any system of military organization or any constitutional regime, no matter how perfect, could have protected the neutrality and independence of Switzerland against the mighty armies of a French Directory intent upon their violation. However, the impotence of

the Diet and the ineffectiveness of the traditional machinery of collective security, when faced with a resolute enemy, proved to be such in the crisis of 1798 that both have since stood condemned in Switzerland in the eyes of all but a small minority of blind reactionaries.

As we have seen when examining the constitutional evolution of the country, progress was more rapid after 1815 in the centralization of military, than in that of political, institutions. The federal army, as provided for under the Pact of 1815, soon became a living reality, endowed, since 1817, with a body of federal commanding officers and with a federal general staff, since 1819 with a federal military training school, since 1840 with federal colors.

This new army was called upon to stand its first serious test in 1830. At one time it seemed as if the democratic cantonal revolutions of that year were to bring upon the country an armed intervention by the Concert of Europe. Metternich was inclined to assume that, by guaranteeing the neutrality of Switzerland, as the great powers had done in 1815, they had acquired the right to disallow any constitutional changes contrary to the spirit of the fundamental law of that year. On December 23, 1830, the Diet set up a committee of seven members to confer with the permanent military commission created after 1817 and to propose immediate measures for the defense of Swiss neutrality and independence. On January 7, 1831, the Diet elected a commanding general and a chief of staff to conduct on its behalf the military operations that might become necessary. After the mobili/ation *of'* the superior officers of the army and the preparation for its general mobih/ation, it became apparent that Metteinich had hem obliged to abandon his interventionist policy. the threat of war had not been of long duration. It had sufficed, however, to illustiate both the vitality of the new military institutions and their imperfection.

The whole Swiss people had accepted the verdict of the Diet and bowed to the authority of a common high command which had been erected. For the first time in five centuries there had been chosen by general consent a federal general who owed his allegiance not to his canton of origin, but to the Confederation as a whole. This was in itself a revolution.

At the same time the crisis of 1830 had revealed both the readiness of the Swiss population to support a policy of moderate but real military centralization, and the tenacity with which the cantons insisted on retaining some hold on their respective contingents. The struggle between these two opposing tendencies was

to continue until 1848. It was rendered more acute by the necessity in which the majority of the Diet found itself to raise parts of the Confederate army to cope with internal uprisings. In 1831, 1832 and 1833 conflicts between radicals and conservatives led to the occupation by Confederate contingents of Basle, of Neuchatel and of Schwytz. Thereby military reform, which was synonymous with military centralization, tended to become an internal issue between the rival factions in the cantons.

Its cause was, on the other hand, promoted by various external events. Ever since the revolution of 1830, Switzerland's neighbors were inclined to look upon her with some misgivings and to accuse her progressive elements of endangering the stability of the European system. Demands were made upon her for the extradition of political refugees and for the repression of various social and anti-clerical movements. This led to diplomatic pressure by the powers, to resistance by the Diet and thereby to an enhancement of the sense of national dignity. These developments were naturally as favorable to military reform as were unfavorable the concomitant internal difficulties which we have mentioned.

An ambitious plan for improving the organization of the army had just been rejected by the Catholic majority in the Diet in the Summer of 1838, when, on August 1 of that year, the French Ambassador demanded the expulsion from Swiss territory of Louis Napoleon Bonaparte. Without ever renouncing his imperial designs, the future Napoleon I I I had acquired citizenship in the canton of Thurgau. The demand for his extradition was supported by a concentration of French troops at the Swiss borders.

The majority of the Swiss cantons, refusing to be cowed, began to consider counter-measures of mobilization when, on September 22, 1838, Louis Napoleon announced his decision voluntarily to leave the territory of the Confederation, in order to spare his adopted fatherland the horrors of invasion. For a time the crisis seemed to be overcome. However, as the French armies continued their hostile preparations, the cantons of Geneva and of Vaud, which were the most directly threatened, mobilized their forces and called upon the Diet for further support. On October 6, 1838, Napoleon finally obtained a British passport and the necessary visas. On the same day the Diet, on the proposal of Berne, decided by a majority of 14½ votes to place the cantonal contingents under a Confederate command. Two army corps were formed, stationed on the frontier and inspected by federal officers.

Furthermore, the required funds were placed at the disposal of **the** general staff.

On October **14, 1838,** Napoleon finally left Swiss territory. The advancing French troops were halted and then recalled. On October 16, the Diet gave orders for the demobilization of the Swiss troops.

Again, an external crisis had both aroused the opinion of the Swiss population and revealed the progress, but also the deficiencies, of their military institutions. The result was a recrudescence of the reform movement. After two further years of debate and negotiations, on July 21, 1840, a plan providing for an increase *o\'* the effectives of the army, for improvements in its training and for a further centralization of its organization and command was adopted by a strong majority at the Diet. It was *on* this occasion that the decision was taken that each infantry battalion should receive federal colors to be down side by side with its traditional cantonal banner.

Ever since 1815, the military institutions of the Confederation had thus been undergoing a gradual, uneven, but continuous evolution tending towards the uniformization of the organization, the armaments and the instruction of the cantonal contingents and to their merging into a Confederate army under national control. This evolution was, if not completed, at least precipitated, by the events of the civil war of the Sondcrbund in 1847 and by the ensuing adoption of the federal constitution of 1848.

With the transformation of the live and a half centuries-old Swiss Confederation into a modern federal State, the problem *of'* cantonal collective security received an entirely new solution. It might perhaps even be said that it was itself transformed into a problem of united national defense. It is under this new iegime, constantly revised and still further centralized, that the neutrality and independence of Switzerland have been protected by its army in each of the successive crises of 1856, 1859, 1860, 1866, 1870, **1914,** and 1939.

As the decision to mobilize and the election of the commanding officer were, under the constitution of 1848, taken out of the hands of a Diet of cantonal plenipotentiaries and placed in those of an assembly of representatives of the federal State as a whole, the major difficulties with which the ancient Confederation had struggled for centuries no longer arose. What had at bottom ever been a national problem had at long last received a national solution.

it would, of course, be puerile to claim that by adopting this solution the people of Switzerland had rendered their Alpine stronghold immune from invasion. No well-informed and unbiased observer will be apt to deny, however, that they had thereby done what it was in the might of a small State, surrounded on all sides by major powers, to do for that purpose. The security of Switzerland has always been conditioned by a variety of factors, geographical, historical, political and psychological, of which the will of her sons to fight and, if need be, to die for her defense, is only one.

A country which Nature has deprived of almost all covetable resources, but has endowed with the most formidable mountain defenses; a country which for centuries has sedulously avoided giving any of her neighbors ground for justified offense by scrupulously abstaining from taking any part in their quarrels; a people which has proclaimed and pursued a policy of strict neutrality in order to maintain internal unity no less than to inspire complete international confidence; a people, finally, which has ever been renowned for its military virtues, which for four centuries at least has sought for no extension of its territory and which for the last hundred years has devoted an ever-increasing part of its national elfort and treasure to the defense of its limited by passionately beloved domain—such has Switzerland been for ages, such she is today and such she hopes to remain.

At the end of a very long journey which has taught her formerly independent cantons to seek and to find at least relative peace and security in the fusion of their local sovereignties into a larger loyalty, she has no wish to change her present status, unless and until Europe and the world decide to engage on a similar evolution. Then, but then only, will Switzerland willingly, nay eagerly, merge her own national sovereignty into that of a wider but equally just and free commonwealth.

CONCLUSIONS

THIS little book presents a brief analytical narrative of the experience of Switzerland in the field of collective security. The aim of its author was primarily historical and not dogmatic. History, however, is written and read not only for its inherent interest as a recital of past events, but also for the light it may throw on the present, and perhaps even more for the guidance it may afford those who would foresee and model the future.

What, in brief, has been Swiss experience and what lessons, if any, may it suggest?

For over five centuries, Switzerland was but a very loose confederation of minute sovereign entities, bound together by treaties of mutual protection. Each of these entities, called cantons, was, and was determined to remain, its own master. Their purpose in uniting their forces was not to create a new State, hut merely to secure their common defense and especially the defense each of its own territorial integrity and political independence. This purpose, however, and its collective pursuit for generations and for centuries, through good fortune and ill, against the same enemies, created so many new links between them and gave rise to so many common experiences, soon blended into memories and traditions, that little by liitle and under the stress of external necessities, a Confederation was born and finally, alter five and a half centuries, a federal State.

From their medieval origins until the present day, the main bond between the Swiss cantons has, however, remained that of collective security by which they had at first been drawn together. I hese cantons have always differed greatly from each other in size, m population, in wealth, and in social, economic and political structure. For over two centuries the main internal issue between them was that which opposed the poor, rural and democratic communities at the very foot of the Alps and the wealthier and more aristocratic city-states in the lower valleys and plains. Since the early sixteenth century a new antagonism arose between those who remained faithful to the Church of Rome and those who

repudiated its doctrine and practices. This new antagonism, while overshadowing the former, did not supersede it. Nor did it run along the same geographical lines, most fortunately for the political unity of the Confederation. Since the beginning of the nineteenth century, history gave rise to a further source of internal misunderstanding. While the three primitive cantons were all of Germanic stock and tongue, the wars and the doctrines of the French Revolution led to the rise of an important Latin element in Switzerland. Of the nine new cantons admitted into the Confederation after 1798, three were exclusively and one preponderantly French-speaking, and one exclusively, and another partly Italian-speaking.

Thus the growth of political homogeneity in Switzerland throughout the centuries has been achieved in spite of an increasing confessional and linguistic diversity. It is from this diversity that the Swiss experiment derives its main interest for the student of international relations. Most contemporary States are based on the principle of nationality, that is on a community of race and language. Some have grown out of the fusion of various nationalities and are dominated by one of them, which has succeeded in absorbing the others. Very few have achieved and maintained their unity without destroying or endangering the diversities of their component elements. Only one has sought to consolidate that unity by fostering those diversities. Such has been the past story of Switzerland, by far the oldest of them all.

Such, also, is the problem facing mankind as a whole in this atomic age.

Has that story anything to contribute to the solution of that problem? If it has been found possible on a very small scale to bring individuals and political entities to share a common national destiny, while respecting each other's particularities, will it prove possible to bring nations and continents similarly to organize their mutual relations so that they may achieve collective security without sacrificing their national and regional freedom?

It must be admitted that the lesson taught by the experiments in collective security, such as it was practised for five centuries by the Swiss cantons, is so ambiguous and equivocal as to be internationally unconvincing.

On the one hand, we have seen that in spite of all their diversities and quarrels these cantons lived and prospered in relative security for half a millenary under a regime of pacts of mutual protection. The fact in itself is certain and assuredly not unimpres-

sive. However, we have, on the other hand, noted certain other facts also, which must lead an impartial student appreciably to qualify the encouraging conclusions he might be tempted to draw from it.

First, the security enjoyed for five centuries by the Swiss cantons was due, not only to their system of mutual protection, but also to various other factors and circumstances, not susceptible of being duplicated on the international plane today: the topography and poverty of their mountain retreat, their exceptional military valor and unchallenged reputation, which not only discouraged aggression from without, but also led both French and Austnan monarchs to seek their alliance and even to subsidize their defense in order to obtain the assistance of their mercenaries.

Secondly, we have seen further that the system of collective security which the primitive treaties had provided for failed in themselves to protect the frontiers and the neutrality of Switzerland against their violation by belligerent neighbors and had for that purpose to be supplemented by additional agreements.

Thirdly, and finally, we have seen that the system of collective security, based both on those treaties and on those additional agreements, completely broke down on the first historical occasion in modern times when they were directly challenged by a resolute invader. Napoleon, whose genius had from the outlet recognized, all at one glance, the strategic importance of the Swiss mountain passes, the political weakness of the Swiss Confederate structure and the ineffectiveness of a scheme of defense based on the voluntary cooperation of sovereign cantons, found little difficulty in defeating their armies, after having cajoled, duped and terrorized most of their subjects and some of their leading politicians.

For all these reasons and for several others too obvious to be recalled, the interest of the Swiss experience from 1291 to 1798 should not be overstresscd by the student of contemporary international affairs. What is far more enlightening is the lesson which the Swiss themselves were prompted to draw from the collapse of 1798.

Realizing that no modern army, no matter how well trained its officers nor how valorous its soldiers, could be effective unless placed under the orders of a supreme commander of unquestioned authority, and unless assured of some measure of uniformity in its organization and equipment, they hastened, after the overthrow of Napoleon, to centralize their military institutions.

Realizing, moreover, that no modern State, no matter how ancient its traditions and how liberty-loving its population, could provide for the security and prosperity of its individual and collective members unless endowed with political institutions capable of allowing the national will to prevail over the opposition of recalcitrant minorities, they succeeded in 1848, after much effort and at the cost of a civil war, in erecting a federal structure on the ruins of the league of sovereign cantons which Switzerland had been since its medieval origins.

If the lessons that may be drawn from the first five centuries of Swiss experience are modest, uncertain and ambiguous, those suggested, nay imposed, by the story of the last hundred years are susceptible of but one interpretation. Without unity of authority, there can be neither security nor prosperity for a political community, and without local autonomy and fair representation there can be neither freedom nor justice.

Federalism, under which the sovereign authority of the whole is exercised through institutions which, with due respect for the freedom of the component parts, reflect and blend their respective wishes into one collective will, is therefore the solution which combines unity and diversity, which reconciles order and liberty and which generates security without oppression.

Such has been the historical experience of Switzerland. Can there be for contemporary mankind any other alternative to misery, internecine anarchy, dictatorship and collective suicide?