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# The Swiss Observer

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## HOME NEWS

The official text of the memoranda, exchanged between the Swiss and the French Governments with reference to the Savoy Zones Convention, has now been published. The French note exhibits a deplorable ignorance—or perhaps negation—of the principles of our constitution, as well as a dictatorial attitude, and its ill-considered tenor is possibly due (it is to be sincerely hoped) to hasty drafting and to M. Poincaré being somewhat overburdened by more important business in other quarters. The original note of the Federal Council, declining to ratify the Convention, was handed in on March 19th, and the reply was given to M. Dunant, our Minister in Paris, on March 21st, *i.e.*, two days afterwards. The French note refuses to accept the verdict of the Swiss people, insisting on Article 435 of the Versailles Treaty, which placed Switzerland under the obligation to reconsider the present status of the Free Zones. The Federal Council replied to these arguments on March 26th in dignified, but unmistakable terms, as will be gathered from the extracts which we publish for the information of our readers. M. Poincaré asserts:—

"En vous accusant réception de votre communication, je crois devoir vous signaler que le gouvernement français n'estime pas que les motifs invoqués par le gouvernement fédéral pour déclarer qu'il n'est pas en mesure de ratifier la convention du 7 août 1921 soient fondés."

"Par leurs notes respectivement échangées les 5 et 18 mai 1919, le gouvernement français et le gouvernement suisse ont conclu un accord dont l'article 435 du traité de Versailles a pris acte."

"La convention ainsi prévue n'a été subordonnée par le gouvernement suisse ni expressément ni tacitement à aucune condition de referendum populaire, et au moment où ce pactum de contrahendo est ainsi intervenu, le gouvernement français était fondé à considérer le gouvernement suisse comme capable de s'engager à la conclure sans qu'une fois conclu un referendum populaire pût venir la rejeter."

"J'ai le ferme espoir que le gouvernement suisse reconnaîtra le bien fondé de ces observations et ne persistera pas à déclarer qu'il n'est pas en mesure de ratifier la convention du 7 août 1921, qui a reçu l'approbation des Parlements des deux pays."

These arguments are refuted by the Federal Council as follows:—

"Le Conseil fédéral ne peut cacher sa vive surprise de la demande qui lui est présentée par le gouvernement de la République française."

"La Constitution suisse prévoit l'obligation de soumettre au referendum populaire, s'il est demandé par au moins trente mille citoyens, tous les traités internationaux mettant à la charge de la Confédération des obligations d'une durée supérieure à quinze ans. La convention du 7 août 1921 rentre sans aucune contestation possible dans cette catégorie. Elle y rentre même à un double titre, d'abord parce qu'elle touche à des droits consacrés en faveur de la Suisse dans les traités de Paris de 1815 et de Turin de 1816; ensuite parce qu'elle contient elle-même des dispositions ayant une durée illimitée. L'Assemblée fédérale avait donc l'obligation très stricte de munir son arrêté approuvant la convention de la clause dite référendaire. Si elle avait agi autrement, elle se serait rendue coupable d'une violation de la Constitution."

"Le peuple suisse s'est prononcé. En rejetant la convention qui lui était soumise, il a exercé une prérogative de sa souveraineté. Le devoir du gouvernement suisse — devoir juridique, devoir politique, devoir moral — est de respecter ce vote. Demander au Conseil fédéral de passer outre à la volonté du peuple, ce serait le supposer capable d'un acte qui serait en opposition flagrante avec ses obligations constitutionnelles et avec sa qualité de gouvernement d'un pays démocratique."

"Le gouvernement de la République, qui n'a évidemment pas mesuré de prime abord toute la portée de sa demande, comprendra, après plus mûres réflexions, que le Conseil fédéral ne puisse ni ne veuille se prêter à un tel acte. Les raisons juridiques par lesquelles le gouvernement français cherche à justifier sa demande ne résistent pas à un examen attentif."

"Le gouvernement français et le gouvernement suisse ont conclu au sujet des zones franches un accord dont l'article 435 du traité de Versailles a pris acte. Au moment même de la conclusion de cet accord, le gouvernement suisse a exprimé, dans sa note du 5 mai 1919, le sens essentiel qu'il lui attribuait. Cet accord n'obligeait pas définitivement les parties, aussi longtemps qu'il n'avait été approuvé par les instances compétentes, d'après le droit constitutionnel et interne des deux pays. Or l'Assemblée fédérale n'a jamais donné son approbation définitive à l'accord contenu dans l'article 435 du traité de Versailles, et cette approbation ne saurait maintenant plus être donnée que sous réserve des droits que la Constitution fédérale a reconnus au peuple souverain."

M. Poincaré's note concludes with an admonition most unusual between two friendly governments, in fact, since the time of Bismarck we do not

remember our Government having received such categorical instructions from a foreign government.

M. Poincaré writes to M. Dunant:—

"Je vous serais très obligé, en exposant ces considérations au gouvernement fédéral, de bien vouloir lui demander de me confirmer dans le plus bref délai son accord avec le gouvernement français par la mise en vigueur de la convention du 7 août\* 1921..."

And here is the reply:—

"Le Conseil fédéral espère que le gouvernement de la République ne persistera pas dans sa demande. Il se réjouira de voir en cela un gage de l'amitié traditionnelle qui a constamment inspiré les relations entre les deux pays..."

The attitude of our Government has been endorsed by the Swiss press without exception; the comments of the French papers are guarded, though on the whole conciliatory, and regret is expressed that these notes should have been published. (1) Fortunately, the political atmosphere has been cleared again, for M. Poincaré has lost no time in withdrawing from an untenable position and re-opening the door which he seemed to have banged, barred and bolted against further deliberations; the following day, on March 27th, he hastened to write to M. Dunant:—

"Je m'empresse de vous confirmer par écrit la réponse que j'ai faite verbalement à votre lettre du 26 mars. Puisque le gouvernement fédéral ne croit pas pouvoir, comme je le lui demandais, faire entrer en vigueur la convention du 7 août 1921, je demeure, bien entendu, tout prêt, comme je l'avais indiqué aux Chambres françaises à émettre dans l'esprit le plus amical les propositions qu'il voudrait bien me communiquer. Je devrai, bien entendu, dans les négociations qui s'engageront, tenir compte des droits que l'art. 435 du traité de Versailles a conférés au gouvernement de la République et des obligations que lui a imposées la loi française du 16 février dernier."

It will be noted that the supposed French rights under Article 435 of the Versailles Treaty are invoked again, which need not be taken seriously, as a Prime Minister is naturally anxious to cover his retreat. Switzerland never was a party to the Versailles Treaty, and the latter bears no Swiss signature. It seems also on the cards that, as Switzerland is quite satisfied with the *status quo* in the Free Zones, new proposals to modify same will have to come from France.

\* The italics are ours.

## NOTES AND GLEANINGS.

By "KYBURG."

### Franco-Swiss Difference.

I read in *The Times* (26th March):—

"Switzerland has been greatly excited by the recent Note of the French Government in regard to the 'free zones' question. The French Government requests the Swiss Federal Council to put the Free Zones Convention into force, though the Swiss electorate, on a referendum, has refused to sanction it."

The French contention is that, when the free zones question came under discussion, the Swiss Constitution did not provide for a ratification by means of a referendum, and therefore the convention, having been accepted by Parliament, must be put into force. The Swiss Federal Council, in their reply, have refused to admit the French point of view, and emphasize the fact that any State is free to provide the means of ratification it desires. The French Note is regarded as an attempt to interfere with Swiss internal politics, and is for that reason bitterly criticized even by extremely pro-French newspapers."

I suppose it would be demanding rather a lot to ask France, after all the horrors of war she has gone through, to make *un beau geste*. But it is with nations as it is with individuals, a good action counts for more when it is performed in the face of obstacles. When things are easy, it is easy also to make *un beau geste*.

### Jesuits in Switzerland.

In fairness to our readers, I give the following from the *Universe and Catholic Weekly* (March 23rd):—

"The Swiss Catholic Women League held their annual conference at Basle early last month, the hierarchy being represented. The conference was chiefly devoted to lectures and debates on modern social and moral problems in relation to womanhood."

The famous Jesuit scholar, P. Hermann Muckermann, S.J., a well-known authority on biology and author of several learned works, recently delivered a lecture in the Cathedral of St. Gall. The Swiss Constitution still forbids the members of the Society of Jesus to exercise any functions in church and school. The anti-Catholic Radicals, frightfully alarmed, at once telegraphed for protection to the Federal Government at Berne, who, in turn, referred the matter back to the local Government at St. Gall. The latter, partly composed of Catholics, were 'nolens volens' compelled by law to forbid Fr. Muckermann any further lecturing inside a church.

The demands of the Catholic community of Basle for Government support for denominational schools, and for the abrogation of the law forbidding Catholic orders



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(A recapitulation).

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to exercise the teaching profession in all the schools of the canton, whether public or private, have been rejected by about 4,000 votes against 14,000. The Catholics had to rely on their own forces, a few hundred Protestant votes excepted, all other parties—from the Liberal Protestants to the Communists—having voted against both Bills."

In my opinion, there is no room in Switzerland for Jesuits actively teaching and lecturing, simply because in a free democracy there is and ought to be no room for any society which in this 20th century still thinks it necessary to have secret ramifications. We are in principle against all secret societies, even if, as in the case of Freemasons, for instance, the secrets are quite nominal and innocuous. I am aware that such societies may do a great deal of good, but that really only amounts to a mitigation of their offence, which consists in being secret, or at least in giving themselves airs of secrecy. I do not believe that "out of evil good may come," neither do I believe that "the end justified the means," and I am against any society, any movement, any proposition which has, or professes to have, secrets of any sort. If progress can be attained by such methods only, we do not want progress. We have yet to learn, however, of any progress which has at any time been achieved and maintained afterwards by such societies. Naturally, I do agree that in the Middle Ages those societies had a certain *raison d'être* and that then they were of benefit to humanity. But to-day, when we have universal education, etc., when we pride ourselves on living in an enlightened age, secret societies are anachronisms and out of place. They may do good, but the harm they do, by inspiring their members with a conscious or perhaps only sub-conscious self-righteousness, outweighs, in my opinion, any good they may achieve.

The above are some considerations which determine my point of view concerning the re-admission of Jesuit teaching in Switzerland.

### Tuberculosis Fight.

One can hardly open a paper nowadays without learning more and more of the grim fight which is being waged against this terrible disease. The *Daily Express* (March 27th) relates how twelve men were cured by Dr. Spahlinger:—

"Twelve cases of advanced pulmonary tuberculosis were treated by the Spahlinger serum in a London chest hospital in 1913-14. They were examined in 1921. Ten were alive, without any trace of the disease, able to do hard work, and certified cured by one of the most eminent specialists in London. Of the remaining two, one died on active service during the war, and the other died from another disease entirely."

This remarkable revelation of the efficacy of Dr. Spahlinger's treatment was made to the *Daily Express* yesterday by a specialist who has given it careful, critical study. Dr. Spahlinger's great work is in danger, because his experiments are held up for want of money.

One of the most striking factors of Spahlinger's treatment, noted by all observers, added the specialist, is that the results obtained are equally convincing, whether patients are treated in the dry altitudes of Montana, the humid, enervating climate of Geneva, or in the somewhat unhealthy conditions so common among the London poor."

And in the *Lancet* (March 24th) I find the