150 JAHRE BUNDESGERICHT
ANS TRIBUNAL FÉDÉRAL
ANNI TRIBUNALE FEDERALE
ONNS TRIBUNAL FEDERAL

Speech

by

the President of the Swiss Federal Supreme Court

François Chaix

Official ceremony marking the 150th anniversary of the Swiss Federal Supreme Court

Lausanne, 15 May 2025

The spoken word is binding

Mister Federal Councillor,

Madam President of the National Council,

Mister President of the Council of States,

Mister Federal Chancellor,

Distinguished guests from Switzerland and abroad,

As you entered this austere courthouse earlier, you may have noticed the three words inscribed on its pediment: '*Lex, Justitia, Pax*', which in 21st-century English means '*Law, Justice, Peace*'. These three words were not the inspiration of an architect. They were conceived and chosen by our predecessors when this building was constructed in 1927. As the then President, Emil Kirchhofer, said at the inauguration of the building during the troubled period between the two world wars, and I quote:

'So soll denn dieses Haus auch ein Wahrzeichen des Friedens sein. Des Friedens in unserem Lande, der wachsenden Solidarität und des Sichverstehens unter den Eidgenossen. Des Friedens aber auch unter den Völkern, der, wie der Friede im Innern, auf Recht und Gerechtigkeit beruht' (*This house shall therefore also be a symbol of peace. Of peace in our country, of growing solidarity and mutual understanding among the citizens. But also peace among nations, which, like peace within a country, is based on law and justice).*

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Law, Justice, Peace.

These words resonate strongly in a historical context where the world seems to have entered into a war against itself and against nature, where justice appears to be nothing more than a cumbersome accessory for certain executive powers, despite them having been democratically elected, and where the law seems to be nothing more than a declaration of intent for others.

This 150th anniversary is therefore an opportunity to reaffirm the principles to which we are committed and which guide our daily work: enforcing the law, administering justice, ensuring legal and social stability, and thereby strengthening our democracy.

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However, these three values are interdependent and only make sense when applied as a whole.

Indeed, the application of the law alone is likely to lead to legalism, i.e. a mechanical intellectual process which, in a dystopian world, could be replicated by artificial intelligence. And this can lead to all kinds of abuses, as history has shown. It is therefore up to judges to correct this mechanical process by incorporating the values and human element that are essential to the act of judging. However, judges acting alone without a legal framework could also fall into the trap of arbitrariness.

Consequently, these two elements, law and justice, can only be applied smoothly in a context of institutions at peace. Similarly, law and justice guarantee this peaceful framework. It is a virtuous circle in which these three fundamental principles reinforce each other.

In reality, our predecessors could have inscribed the words '*État de droit*', '*Rechtsstaat*', '*Stato di diritto*' or '*Rule of law*' on the pediment of this building, because that is what the cardinal principles I have just outlined are all about.

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We are living in a time when, even in some Western democracies, this legacy of the Enlightenment is being called into question.

In this context, I think it is important to recall what Charles-Louis de Montesquieu, one of the theorists of the separation of powers, taught us more than two and a half centuries ago: '*Pour qu'on ne puisse abuser du pouvoir, il faut que, par la disposition des choses, le pouvoir arrête le pouvoir'* (*To prevent this abuse, it is necessary from the very nature of things that power should be a check to power)*. This is a particularly accurate description of the constant tension between freedom, legal certainty and institutions.

We understand that these various aspirations are not mutually exclusive and form part of a system of checks and balances. Even if the centre of gravity sometimes shifts temporarily towards security or freedom, the existence of the rule of law guarantees a harmonious balance, which is the opposite of the brute force that seems to have engulfed the political arena today.

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Whatever doubts we may have about the effectiveness of the rule of law, it remains the bedrock of our societies, guaranteeing the representation of the people, the enforcement of laws passed by their elected representatives, and the protection of the rights enshrined in those laws by the judiciary.

The separation of the three powers of the state implies both the independence and intelligence of each of them. Independence, because each of these bodies has its own responsibilities that must be strictly respected. Intelligence, because the separation of these powers obviously does not prevent them from reflecting or, above all, from collaborating with each other.

This is all the more important in these times of '*éclipse du droit*' (*eclipse of law*), to use the expression coined by our former colleague Laurent Fabius. The more adherence to the essential mechanism of the rule of law is called into question, the more we must – as Victor Hugo wrote – be '*serviteurs du droit et les esclaves du devoir*' (*servants of the law and slaves to duty*). Without this fierce determination, the law is nothing more than an intellectual construct based on the paper on which laws and decisions are written.

Adhering to this discipline is a key factor of stability and cohesion, which are the

foundations of social peace and the positive development of our society.

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There is no doubt that our predecessors adhered to these principles, thereby ensuring the stability of our institution during its first 150 years of existence. We must be the heirs to this tradition, while also thinking about the future. And, in accordance with the preamble to our federal Constitution, we must remain at all times '*conscients des acquis communs et de (notre) devoir d'assumer (nos) responsabilités envers les générations futures*' (*conscious of (our) common achievements and (our) responsibility towards future generations*).

I hope that in 150 years, my successor, like me today, will be able to proudly claim the preservation of our common achievements in a peaceful society governed by the rule of law.

Thank you for your attention.

François Chaix, President of the Swiss Federal Supreme Court