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Swissair trial: peace joy and pancakes



By Dr Artur P Schmidt

Business commentator Dr Artur P Schmidt of Saanen comments on the [recent acquittal](#) of Swissair executives who had been charged with criminal wrongdoing surrounding the collapse of the national airline back in 2001 (see [Was Swissair more than just an airline?](#)).

Considering the fact that truth can only ever be identified on a relative as opposed to absolute scale, it is clear that absolute truth itself cannot exist; only relative certainties. Irrational failure must always have an irrational reason for it to exist. So how is it that judges can act so irrationally not to sentence the Swissair executives who have certainly shown not only incompetence but even worse criminal behaviour? The answer lies in the Swiss education system itself. When the judges are themselves students of the same school of shareholder value-driven education as has been taught for decades at the University of St Gallen, how can the system have any other view on the offences than the view of total innocence?

As with the [Mannesmann trial](#), where the St. Gallen scholar Josef Ackermann espoused this view of the world and declared personal victory, there is no doubt that we have to reinvent the field of business law in Switzerland. How can judges even think for one second that people who act with stupidity on a paid job are not responsible for their stupidity? Management science is not a field of idiotism but requires excellent skills of judgment and strategic thinking. Those who do not possess those skills should never have come into a position where failure is not a good option. Nevertheless not only did the managers at Swissair fail, but so too did the board of directors. It is a sham to the rest of the world that total failure can be legitimized on the basis of decision-making that was never questioned by anyone in charge of controlling the process. We can turn the globe as much as we want, but we will find no hole in it where managers can escape their responsibility. But these judges have found a black hole in their own gravitational field of justice which demonstrates only one thing with any certainty: that they are as incompetent the accused. How can we live with a system that appears to have no self-control? There is only one answer to this question: reinvent the system and kick the incompetent judges out of their job as well. The legal system in Switzerland has sent a clear message to the rest of the world: when it comes to the field of management, there is no justice, only farce. The Swissair bankruptcy was a total farce from the beginning, so it must end in total farce as well. In German this might be referred to as "Friede, Freude, Eierkuchen" which literally translated means "Peace, joy, pancakes". Eggs have the tendency to stink when they get old and the Swissair trial got really old. In the French Revolution there was a small time-frame of injustice that brought some cleansing of the system: the [Guillotine](#) period. A more peaceful way to bring the Swissair criminals to justice is not by beheading, but to show the so-called innocent managers what we really think of them...by spitting. No citizen of Switzerland could be accused of over-reaction in showing a natural reflex of disgust were he to see a former Swissair manager or advisory member in public. If the law fails then simply spitting is a very effective tool of social isolation for those who have stolen thousands of jobs and destroyed a national symbol of Swiss independence.

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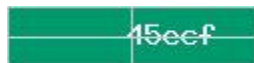
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