

# ON THE CONCEPT OF NEUTRALITY AND ITS CONTRADICTIONS: THE RELATIVE NEUTRALITY

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**Abstract**

This paper examines the evolving concept of military neutrality, highlighting its legal, political, and strategic dimensions. Traditionally codified under international law, neutrality requires abstention from armed conflict, impartiality, and the non-use of territory for belligerent operations. However, membership in military alliances such as NATO fundamentally contradicts these principles because of collective defense obligations and political commitments. The emergence of hybrid warfare, combining conventional, cyber, and unconventional tools, further complicates the application of neutrality by exposing states to ambiguous threats. The study introduces the concept of “relative neutrality,” reflecting partial or domain-specific adherence, and offers a framework for analyzing neutrality in contemporary, complex conflict environments.

**Keywords:** *neutrality, law, geopolitics, relativity, military*

## Introduction

The contemporary international order is marked by a profound tension between the legal architecture inherited from the post-1945 settlement and the operational realities of twenty-first-century conflict. Traditional warfare, conducted by identifiable state actors across demarcated territorial boundaries, provided the conceptual substrate upon which the classical law of neutrality was built. That substrate is rapidly eroding. The proliferation of hybrid warfare—combining conventional military instruments with cyberattacks, disinformation, economic coercion, and the strategic use of non-state proxies—has generated a new operational environment that the classical legal framework was never designed to regulate.

Against this backdrop, a central legal question emerges: can neutrality still function as a coherent legal status in the context of hybrid warfare? The present article argues that it cannot do so in its classical, absolute form. However, rather than concluding that neutrality has become legally irrelevant, this article proposes a productive reinterpretation: the concept of “relative neutrality.”

The concept of relative neutrality captures a condition in which a state maintains neutrality selectively, within specific operational domains, while being unavoidably drawn into conflict dynamics in others. This domain-specific, non-absolute adherence to neutrality reflects both a legal reality and a systemic necessity for states navigating hybrid conflict environments. It is not merely a descriptive category but a prescriptive framework: relative neutrality allows states to articulate a principled position that acknowledges the structural transformation of conflict without abandoning the underlying normative function of neutrality as a mechanism of conflict containment.

Several important contributions to the literature have examined the evolution of neutrality in the post-Charter era (Cassese, 2005; Greenwood, 2002; Kelsen, 1954) and the legal challenges posed by cyberspace (Schmitt & Vihul, 2014, 2017; Schmitt, 2016). More recently, scholars have begun to address the implications of hybrid warfare for international law (Hoffman, 2009; Corn, 2018). However, no existing study has systematically integrated the classical doctrinal analysis of neutrality with the operational characteristics of hybrid warfare and the emerging legal challenges of the gray zone and attribution. This article fills that gap.

The article proceeds as follows. Section 2 describes the methodological approach. Section 3 constructs the theoretical framework, tracing the evolution of neutrality from its classical formulation through the transformation introduced by the United Nations Charter and into the contemporary doctrinal debate. Section 4 analyses the crisis of neutrality across three dimensions: military alliance obligations, hybrid warfare, and the gray zone. Section 5 identifies the three core legal problems that hybrid warfare poses for neutrality: territoriality, attribution, and the redefinition of assistance. Section 6 presents empirical case studies. Section 7 develops the concept of relative neutrality. Section 8 discusses the findings in relation to the research question, and Section 9 concludes.

## Methodology

This article employs qualitative legal analysis, combining doctrinal analysis with a comparative approach. The primary objective of the doctrinal component is to reconstruct and critically assess the normative content of the law of neutrality as it has evolved from the seventeenth century to the present day. The comparative component systematically juxtaposes the classical legal framework with the operational and legal characteristics of hybrid warfare in order to identify structural incompatibilities and normative gaps.

The primary legal sources examined include the Hague Convention (V) of 1907 concerning the Rights and Duties of Neutral Powers and Persons in Case of War on Land; the United Nations Charter, in particular Articles 2(4), 2(5), and 51; the 1977 Additional Protocol I to the Geneva Conventions; the Articles on State

Responsibility of the International Law Commission; and the Definition of Aggression adopted by the United Nations General Assembly in Resolution 3314 (XXIX) of 1974. These treaty and customary sources are read through the lens of systematic legal interpretation, with attention to their interaction and to the modifications introduced by the prohibition of the use of force.

Secondary sources include military manuals that articulate state practice on neutrality, the *Tallinn Manual on the International Law Applicable to Cyber Operations* (Schmitt & Vihul, 2017), and position papers by states on the applicability of international law to cyberspace. These are treated as evidence of *opinio juris* and as indicators of emerging customary norms.

The comparative element focuses on three state cases: Austria, Switzerland, and Finland. These cases were selected because they represent three distinct configurations of the relationship between formal neutrality status and actual participation in collective security and hybrid conflict dynamics. The analysis of each case draws on official state documents, treaty commitments, and documented participation in international security frameworks.

The analytical framework is built on a systemic reading of international law: individual rules are interpreted not in isolation but in light of their relationship with the broader normative system, including *jus ad bellum*, international humanitarian law, and the law of state responsibility. This approach follows the interpretive method codified in Articles 31 and 32 of the Vienna Convention on the Law of Treaties and applied by the International Court of Justice.

## **Theoretical Framework: The Evolution of Neutrality**

### *Classical Neutrality: From Grotius to the Hague Conventions*

The legal concept of neutrality has its intellectual origins in the early modern law of nations. Hugo Grotius, writing in the early seventeenth century, recognized the possibility of states remaining outside armed conflicts between others, though he did not formalize a comprehensive doctrine of neutral rights and duties. It was Emerich de Vattel who, in his seminal work *Le Droit des Gens* (1758), provided the foundational definition: neutrality as the condition of a state that abstains from participation in a conflict while observing equidistance from the belligerent parties. For Vattel, this equidistance was not merely a political stance but also entailed specific legal obligations: the neutral state could not provide military assistance to either belligerent or was required to treat both impartially.

This conceptual foundation was progressively consolidated throughout the nineteenth century, culminating in the formal codification of the law of neutrality in the Hague Conventions of 1907. The Fifth Hague Convention (*Rights and Duties of Neutral Powers and Persons in Case of War on Land*) and the Thirteenth Hague

Convention (*Rights and Duties of Neutral Powers in Naval War*) established the core framework that continues to serve as the primary treaty basis for the law of neutrality. Under this framework, a neutral state is obligated to refrain from acts of hostility, from providing troops or military aid to a belligerent, and from making its territory available for military operations. At the same time, belligerent states are required to respect the inviolability of neutral territory.

Lauterpacht (1936) described neutrality as a “cornerstone” of classical international law, grounded in a system of sovereign state autonomy in which war was a legally legitimate means of resolving disputes. He also observed, with prescience, that the progressive institutionalization of international relations would inevitably call into question the possibility of absolute neutrality. The logic of the classical system rested on a set of assumptions—the identifiability of belligerent parties, the territorial delimitation of conflict, and the bilateral structure of war—that the twentieth century would progressively undermine.

### *The Transformation of Neutrality Under the United Nations Charter*

The adoption of the United Nations Charter in 1945, and the emergence of the prohibition of the use of force codified in Article 2(4), fundamentally transformed the normative environment within which neutrality operates. Under classical international law, war was a legally available instrument of state policy, and neutrality served the function of containing conflict by excluding third states from the bilateral “duel” between belligerents. Once the use of force was prohibited—a development anticipated by the Kellogg-Briand Pact of 1928 and consolidated by the Charter—the basic assumptions of the classical neutrality system were rendered problematic.

Two developments are particularly significant. First, Article 2(5) of the Charter imposes an obligation on member states to cooperate with United Nations enforcement actions, which may in certain circumstances conflict with the duties of neutrality. Second, the system of collective security established under Chapter VII of the Charter, including Security Council authorization of enforcement measures, creates a framework in which third states may be called upon to take sides in a manner inconsistent with classical neutrality. Cassese (2005) argued that the Charter replaced the classical logic of neutrality with a logic of international solidarity aimed at repressing aggression. Kelsen (1954) observed that collective security and neutrality represent fundamentally incompatible models of international order: the former requires alignment, whereas the latter requires abstention.

At the same time, the law of neutrality has not been formally abolished. As Lauterpacht had anticipated, states have not abandoned neutrality entirely, and the concept continues to appear in military manuals, state practice, and judicial decisions. The International Court of Justice, the International Law Commission, and the International Law Association have all made reference to the law of neutrality in recent decades, treating it as a surviving body of positive law. The persistence of

neutrality within a transformed legal order raises the question of how it coexists with *jus ad bellum*—a question that becomes particularly acute when one party to a conflict is engaged in a war of aggression and the other exercises the right of self-defense under Article 51 of the Charter.

The interaction between neutrality and *jus ad bellum* has been analyzed by Von Heinegg (2007), who argued that the obligations of neutrality toward an aggressor state are not suspended merely because the victim exercises the right of self-defense. Third states are not required by general international law to actively assist the victim of aggression, although they are permitted to do so within the limits of necessity and proportionality. This intertwining of neutrality obligations and *jus ad bellum* assessments signals what Von Heinegg describes as a qualitative transformation of the classical rules, which increasingly incorporate the logic of responsibility for complicity.

### ***Contemporary Doctrinal Debate***

Contemporary scholarship reflects the tension between the formal persistence of neutrality and its substantive erosion. Greenwood (2002) observed that neutrality, while rooted in law, remains a political choice influenced by power dynamics and alliance structures, and that the distinction between legal neutrality and political non-alignment has become increasingly difficult to maintain. Fischer (2010) proposed the concept of “cooperative neutrality” to describe the practice of states such as Switzerland, which maintain formal neutrality while participating selectively in international cooperation for peace and development objectives.

The emergence of cyberspace as a domain of state activity has generated a new strand of doctrinal debate. Schmitt and Vihul (2017) argued that the principle of sovereignty applies in cyberspace and that belligerent states are therefore obligated to respect the cyber infrastructure of neutral states. The *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations* provides a comprehensive, if contested, analysis of the application of international law—including the law of neutrality—to cyber operations. Several states have endorsed the applicability of the law of neutrality to cyber operations in their national position papers, treating cyberspace as a domain to which the duties of non-assistance and prevention apply.

Dinstein (2022) proposed what he termed a “functional reinterpretation” of neutrality: rather than grounding the legal status in formal abstention, the concept should be understood in terms of the proportionality and transparency of state conduct. This reinterpretation preserves the underlying normative function of neutrality—conflict containment—while adapting its operational content to contemporary conflict environments. The concept of relative neutrality developed in this article builds on Dinstein’s insight while providing a more systematic account of the domain-specific character of contemporary neutrality practice.

## The Crisis of Classical Neutrality

### *Military Alliances and the Incompatibility with Permanent Neutrality*

The most structurally significant challenge to classical neutrality arises from membership in military alliances. The clearest illustration is NATO. Article 5 of the North Atlantic Treaty establishes that an armed attack against one or more member states is to be considered an attack against the entire Alliance, triggering a binding political-military commitment to take such action as each member considers necessary, including the use of armed forces. This commitment is not automatic in the strict legal sense—each member retains discretion as to what action to take—but it constitutes a binding political-military obligation that is structurally incompatible with permanent neutrality.

Goetschel (1999) identified the core elements of this incompatibility. First, the mutual defence clause creates an obligation to consider an attack on an ally as an attack on oneself, which is irreconcilable with the equidistance and abstention required by permanent neutrality. Second, alliance membership implies a defined political-military alignment, compromising the impartiality that neutrality presupposes. Third, alliances typically involve the use of national territory for military bases, transit, and joint operations—a practice directly prohibited by the duty of neutral states to prevent belligerents from using their territory for military purposes. Fourth, alliances involve long-term political commitments that go beyond military cooperation, constraining the decision-making autonomy of members. Fifth, the formal recognition of neutral status by the international community becomes problematic when a state is simultaneously bound by mutual defense obligations.

The result is a structural contradiction: a state cannot simultaneously maintain permanent neutrality and fulfil its obligations as a NATO member. This contradiction is not merely theoretical. States such as Finland and Sweden, which maintained various forms of neutral or neutral-like postures throughout the Cold War, formally abandoned those positions upon acceding to NATO (Finland in 2023, Sweden in 2024). Their accession represents an acknowledgment that the alliance framework and the neutrality framework are legally and politically incompatible.

### *Hybrid Warfare and Its Dimensions*

The second major challenge to classical neutrality arises from the nature of hybrid warfare. Hoffman (2009) provided the foundational academic definition: hybrid warfare is characterized by the simultaneous use of conventional military instruments and a range of irregular, non-military means—including cyberattacks, disinformation operations, economic coercion, political influence campaigns, and the use of non-state proxies—within a single integrated strategic design. The defining feature of hybrid warfare is not merely the variety of instruments employed, but the deliberate convergence of these instruments with the objective of destabilizing

the adversary without crossing the formal threshold of armed conflict as defined by international law.

This deliberate calibration of means below the threshold of armed conflict poses a fundamental challenge to the law of neutrality, which was designed to regulate states' conduct in the context of formal armed conflicts. When a state uses cyberattacks to paralyze an adversary's energy infrastructure, deploys disinformation campaigns to undermine citizens' trust in institutions, or applies targeted economic pressure to coerce a rival, these actions produce effects comparable to those of military aggression (Schmitt, 2014) without constituting an "armed attack" within the meaning of Article 51 of the United Nations Charter. The classical neutrality framework provides no clear guidance on how third states should respond to such operations, or what obligations of non-assistance apply.

The dimensions of contemporary hybrid warfare extend across five operational domains: land, sea, air, outer space, and the infosphere—a term encompassing cyberspace, the information environment, and the cognitive domain. Each domain has distinct legal characteristics, and the simultaneous operation across all five domains makes it impossible to apply domain-specific legal frameworks in isolation. A state's provision of satellite imagery to a belligerent, for instance, involves outer space and intelligence dimensions that do not fit neatly within the classical categories of "military aid" or "use of territory." Similarly, a state's hosting of a cloud-computing infrastructure used by a belligerent for military logistics implicates the law of neutrality in ways that the Hague Conventions could not have anticipated.

### *The Problem of the Gray Zone*

The concept of the gray zone emerged from military strategic thought to describe the operational space between peace and open armed conflict in which hybrid warfare is predominantly conducted. The term connotes a zone of strategic ambiguity: neither clearly war nor clearly peace, neither clearly lawful nor clearly unlawful, and deliberately calibrated to remain below the thresholds that would trigger formal legal responses.

The gray zone is not synonymous with cyberspace or the information environment, although it encompasses both. It has a calculable dimension in physical geographical reality—it involves real states, real actors, and real effects—but it operates through the deliberate exploitation of legal and political ambiguity. It is simultaneously measurable and elusive: some of its operations can be documented and attributed, while others are specifically designed to remain deniable.

From a legal perspective, the gray zone represents a regulatory vacuum. The hybrid conflict operations conducted within it do not clearly meet the definitional criteria of "armed conflict" under international humanitarian law, "armed attack" under Article 51 of the Charter, or "aggression" under the 1974 Definition of Aggression. Classical neutrality was predicated on the existence of a recognizable

armed conflict with identifiable belligerent parties. The gray zone dissolves these preconditions, leaving the law of neutrality without a clear trigger for its application.

## **Core Legal Problems Posed by Hybrid Warfare for Neutrality**

### *The Territoriality Problem*

The law of neutrality is built upon a territorial logic. The fundamental duty of a neutral state—to prevent its territory from being used by belligerents for military operations—presupposes that territory can be delimited, that sovereignty over it can be exercised, and that violations of it can be identified and attributed. These presuppositions hold in the context of classical interstate warfare but break down in the context of cyberspace and the information domain.

Cyberspace does not have a fixed geographical territory. Data flows across borders instantaneously and through multiple jurisdictions. A cyberattack originating from the infrastructure of a neutral state may be routed through the servers of several other states before reaching its target, and the legal characterization of each link in the chain raises distinct problems of territorial jurisdiction and state responsibility. The question of whether sovereignty constitutes an autonomous rule of general international law applicable to cyber intrusions—an issue on which state practice and doctrinal opinion remain divided—directly affects the content of the neutrality obligation in cyberspace (Schmitt & Vihul, 2017; Ossof, 2021).

States have begun to address this gap through national position papers on the application of international law to cyberspace. Several states have asserted that the law of neutrality applies to cyber operations, requiring belligerents to refrain from conducting cyberattacks against the cyber infrastructure of neutral states. However, the practical implementation of this principle faces fundamental difficulties: the attribution of cyberattacks is technically complex and politically contested, and the concept of “neutral cyber infrastructure” remains poorly defined.

### *The Attribution Problem*

The second core legal problem is that of attribution. The law of neutrality assumes that the parties to a conflict can be identified, that their actions can be traced, and that responsibility can be allocated accordingly. Hybrid warfare deliberately subverts this assumption through the strategic deployment of what the literature describes as “plausible deniability.”

Through the use of proxies—irregular militias, hacktivist groups, private military contractors, or commercial entities operating at the direction of, or with the support of, a state—actors can conduct hostile operations without formally exposing themselves to the legal consequences that direct state action would entail (Corn, 2018).

The threshold of attribution under international law requires evidence that a non-state actor was acting under the effective control (*Nicaragua test*) or overall control (*Tadić test*) of a state. In practice, hybrid actors are specifically designed to operate in ways that make such attribution difficult or impossible to establish to the standard required by international law.

For the law of neutrality, the attribution problem generates double difficulty. First, it is often impossible to determine with certainty that an action has been carried out by a belligerent state rather than by a private actor, making it difficult to establish whether the neutral state has a duty to prevent or remedy the action. Second, when a neutral state's infrastructure is used for hybrid operations, the question of whether this constitutes a violation of the neutral state's duty of prevention depends on whether the state knew or should have known of the use—a standard that is genuinely difficult to apply when the relevant activities are concealed.

### *The Redefinition of Assistance*

The third core legal problem concerns the concept of “assistance.” The classical law of neutrality prohibited neutral states from providing “military aid” to belligerents—a concept that, in the Hague framework, referred primarily to the provision of troops, weapons, and military equipment, as well as the grant of territory for military operations. Contemporary conflict environments have generated forms of support that produce significant military effects without fitting neatly within the classical category of military aid.

A neutral state that provides cloud-computing infrastructure used by a belligerent for military command and control, supplies satellite imagery used for targeting purposes, or allows the transit of financial transactions that fund military operations may be providing assistance that has a decisive impact on the conduct of hostilities. Whether such support constitutes a violation of neutrality obligations depends on the interpretation of “military aid” in light of contemporary technological realities—an interpretive question that existing legal frameworks have not resolved.

The boundary between civilian and military assistance has become porous in a similar way for private actors. Technology companies, cloud service providers, and digital platforms may become functional participants in a conflict through the services they provide, without any deliberate decision to align with one party (Kleffner, 2019; Barkholdt & Winkelmann, 2019). This blurring of the civilian-military boundary has implications not only for international humanitarian law but also for the law of neutrality: a neutral state's failure to regulate the activities of private actors on its territory may itself constitute a breach of the duty of prevention.

## **Empirical Cases: Neutrality Under Pressure**

### *Austria: Permanent Neutrality and European Security Integration*

Austria provides one of the most instructive cases of the tension between formal permanent neutrality and the demands of contemporary security integration. Austria's permanent neutrality was established by the Austrian State Treaty of 1955 and the Federal Constitutional Law on Permanent Neutrality of the same year, enacted as a condition for the withdrawal of occupation forces following World War II. Austria committed itself to not joining any military alliance and to not permitting the establishment of foreign military bases on its territory.

Austria's accession to the European Union in 1995 created an immediate tension with its neutrality status. EU membership entails participation in the Common Security and Defence Policy (CSDP), which involves collective security deliberations, joint military operations, and mutual defense commitments under Article 42(7) of the Treaty on European Union. Austria has participated in several EU-led military and civilian crisis-management operations, contributing personnel and resources to missions in the Western Balkans, Africa, and the Middle East.

Austria's position illustrates the phenomenon of relative neutrality in practice. Austria maintains its formal legal status of permanent neutrality and does not participate in NATO or in operations that it classifies as incompatible with its constitutional commitment. At the same time, it participates in EU security cooperation frameworks that involve degrees of political-military alignment. This selective participation reflects a domain-specific adaptation of the neutrality concept: Austria is neutral in relation to military alliance membership and direct participation in armed conflict, but not in relation to multilateral security cooperation and peace operations.

### *Switzerland: Neutrality and International Cooperation*

Switzerland's permanent neutrality is among the oldest and most institutionalized in the international system, having been recognized by the Congress of Vienna in 1815. Switzerland maintained its non-membership in military alliances throughout the Cold War and the post-Cold War era, including declining membership in NATO and, until 2002, in the United Nations itself.

Switzerland's accession to the United Nations in 2002 required a formal reconciliation of its neutrality obligations with the Charter's collective security framework. The Swiss government has maintained that UN membership is compatible with permanent neutrality, arguing that the obligations of collective security under the Charter do not require active military participation and that Switzerland can fulfil its Charter obligations through non-military means such as sanctions and humanitarian assistance.

In practice, Switzerland has participated in international security cooperation in ways that reflect a sophisticated management of relative neutrality. It has hosted international negotiations and mediation efforts, provided humanitarian aid to conflict-affected populations, and contributed to United Nations peace operations

in non-combat roles. Switzerland has also cooperated with NATO through the Partnership for Peace framework, participating in information-sharing and capacity-building activities. These activities demonstrate that formal permanent neutrality does not preclude substantive engagement with international security frameworks, but rather requires a careful, domain-by-domain calibration of participation.

### *Finland: From Neutral-Like Behavior to NATO Membership*

Finland's trajectory offers the most dramatic illustration of the instability of neutral-like status in the face of hybrid security challenges. Finland was never formally neutral in the strict legal sense: unlike Switzerland and Austria, Finland had no treaty-based permanent neutrality. Rather, it pursued what scholars have termed "Finlandization"—a strategy of cautious foreign-policy alignment with the Soviet Union during the Cold War that gave Finland substantial autonomy in exchange for deference to Soviet security interests. After the Cold War, Finland maintained a policy of military non-alignment while building increasingly close cooperative relationships with NATO and EU security structures.

The case illustrates the concept of relative neutrality with particular clarity. Finland participated in NATO's Cyber Defense Exercise *Locked Shields* in 2022, contributing its cyber capabilities and operational expertise to a collective-defense exercise explicitly oriented toward countering Russian cyber operations. This participation—while Finland was still formally outside NATO—constituted a form of alignment in the cyber domain that was incompatible with any strict conception of neutrality. Helsinki was sharing intelligence, technical capabilities, and strategic orientation with NATO partners before it formally acceded to the Alliance on April 4, 2023.

It is important to note that Finland was not in a condition of legal neutrality during this period; rather, it was in a condition of political non-alignment that it chose to manage as if it had some of the features of neutrality. Its accession to NATO represents not the abandonment of a legal status but the formalization of an alignment that was already substantively underway. The Finland case confirms that in the contemporary security environment, domain-specific partial alignment—relative neutrality—is an empirical reality that precedes and shapes formal legal status.

## **The Concept of "Relative Neutrality"**

The analysis of the theoretical framework, the crisis of classical neutrality, and the empirical cases converges on the need for a conceptual innovation: the concept of relative neutrality.

The concept has four defining characteristics. First, it is domain-specific: a state may maintain full neutrality in the conventional military domain while participating in collective cyber-defence exercises, contributing to economic sanctions regimes, or hosting the logistics infrastructure of a belligerent. The classical binary between neutrality and belligerence is replaced by a domain-by-domain assessment. Second, it is non-absolute: no state operating in the contemporary international system can maintain absolute neutrality across all domains of state activity. The interdependence of digital infrastructure, the globalization of supply chains, and the extraterritorial effects of economic policy make total abstention empirically impossible. Third, it is functionally oriented: relative neutrality preserves the underlying function of the classical law of neutrality—conflict containment and the prevention of conflict escalation—by providing a principled framework within which states can articulate and justify their domain-specific conduct. Fourth, it is normatively grounded: relative neutrality is not a euphemism for politically convenient non-commitment, but a legally structured position that requires states to articulate the basis and limits of their domain-specific posture.

The concept connects to Dinstein's (2022) notion of a "functional reinterpretation" of neutrality, grounding the legal status not in total abstention but in the proportionality and transparency of state conduct. It also resonates with Fischer's (2010) "cooperative neutrality," although relative neutrality is more explicitly domain-specific and more directly responsive to the operational characteristics of hybrid warfare. Whereas cooperative neutrality describes states that engage in international cooperation for peace objectives while maintaining formal neutrality, relative neutrality describes states that engage in selective, domain-specific alignment as a structural response to the impossibility of absolute neutrality in hybrid conflict environments.

The introduction of relative neutrality as a legal concept serves three functions. Analytically, it provides a more accurate descriptive framework for the conduct of states that formally claim neutral status while participating in selective security cooperation. Normatively, it articulates a principled basis on which such participation can be justified and limited, preventing the concept of neutrality from collapsing into a rhetorical shell devoid of legal content. Practically, it provides state legal advisers and military planners with a framework for assessing the legality of specific forms of support or cooperation in the context of hybrid conflict.

## Discussion

The analysis conducted in the preceding sections enables a direct response to the research question posed in the introduction: can neutrality still function as a coherent legal status in the context of hybrid warfare?

The answer is nuanced. Classical, absolute neutrality—understood as total abstention from participation in an armed conflict, equidistance from all belligerent parties, and the absence of any form of assistance—cannot function as a coherent legal status in the context of hybrid warfare. The structural characteristics of hybrid conflict—the deliberate calibration of operations below the threshold of armed conflict, the exploitation of the gray zone, the territoriality problem in cyberspace, the attribution challenge, and the redefined concept of assistance—make it empirically impossible for any state to maintain absolute neutrality across all operational domains. The empirical cases of Austria, Switzerland, and Finland confirm that even states with the strongest formal commitments to neutrality engage in forms of selective alignment that the classical framework cannot accommodate.

However, neutrality as a legal institution is not obsolete. The underlying function of the law of neutrality—conflict containment, the prevention of escalation, and the protection of third states from being drawn into conflicts against their will—remains relevant and valuable. The concept of relative neutrality preserves this function while adapting its operational content to contemporary realities. By articulating neutrality as domain-specific and non-absolute, relative neutrality provides a framework within which states can maintain a principled posture without pretending to an absolute abstention that is no longer attainable.

The concept of relative neutrality also has implications for the broader project of international law. It represents an instance of what might be called adaptive legal interpretation—the reinterpretation of existing legal concepts in light of changed factual circumstances, without formal treaty revision. This approach is consistent with the methods of international law as practised by courts and states, which regularly adapt established concepts to novel situations through interpretation rather than legislation. The functional reinterpretation of neutrality as relative neutrality follows the same interpretive logic that the International Court of Justice has applied in other areas of international law in which treaty texts written for earlier circumstances must be applied to new contexts.

## Conclusion

This article argued that classical neutrality is structurally incompatible with hybrid warfare and that the concept must therefore be reinterpreted as domain-specific and functional: relative neutrality. This conclusion rests on three pillars.

First, the doctrinal analysis demonstrates that the classical framework of neutrality was designed for a context—interstate armed conflict with identifiable belligerents, territorial boundaries, and conventional military instruments—that hybrid warfare deliberately subverts. The three core legal problems identified in this article—territoriality, attribution, and the redefinition of assistance—are not

marginal complications but structural challenges that render the classical framework inapplicable in its original form.

Second, the empirical cases confirm that domain-specific neutrality is already an empirical reality. Austria, Switzerland, and Finland have all developed practices of selective participation in security cooperation that reflect a de facto relative neutrality. The Finland case, in particular, illustrates that domain-specific alignment in the cyber and intelligence domains may precede and shape the abandonment of formal neutral-like status. This empirical reality calls for legal conceptualization, not merely political description.

Third, the concept of relative neutrality fulfils the core theoretical requirements of a legal concept: it has a clear definition, identifiable characteristics, a normative function, and a basis in existing legal doctrine. It does not require treaty revision or the creation of new international institutions, but can be operationalized through the adaptive interpretation of existing law.

The implications of this argument extend in two directions. Theoretically, the concept of relative neutrality contributes to the broader scholarly debate on the adaptation of international law to contemporary conflict environments. It demonstrates that legal concepts need not be discarded when they face new challenges, but may be functionally reinterpreted in ways that preserve their normative function while updating their operational content. Practically, the concept provides a framework for states, legal advisers, and international organizations engaged in managing the complex neutrality-related questions that hybrid conflict continuously generates.

Looking ahead, the most urgent need is normative harmonization. The application of the law of neutrality to cyberspace, the information domain, and the economic tools of hybrid warfare requires the development of more specific rules through international agreement, state practice, or authoritative interpretation. The concept of relative neutrality provides a principled framework within which such rules can be developed, but it does not substitute for the hard work of legal elaboration that the contemporary security environment demands.

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