

# Current Concerns

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## Syria – quo vadis?

“Even during the war we did not face problems like this”

by Karin Leukefeld, Damascus

The explosion in the port of Beirut (on 4 August 2020) also shook Syria. Lebanon and Syria have close social, economic and political ties. During the war and siege, for a besieged Syria, Beirut has been the gateway to the world, through which people have been able to travel and come back, through which trade has not stopped. For Lebanon, Syria is a source of fruit, vegetables and food which are no longer cultivated in sufficient quantities in Lebanon itself. The corona pandemic restrictions imposed by the World Health Organisation (WHO) led to the closing of all but a few of the joint border crossing points. This means the end for Syrian refugees and workers in Lebanon. Shops along the road to the Lebanese-Syrian border are deserted.

“Even during the war we did not face problems like this.” If you ask the people in Damascus, Homs, Hama or Aleppo about how they are doing, the answer is always the same, as if they had agreed in advance. Work, health, the supply of food, electricity or petrol – everything was better during the war than it is now in 2020. At least it seemed to be more bearable, because people expected the war to be over soon, and then the country could be rebuilt. Nobody thought it would be easy, but such problems were not expected.

Whether they are merchants, traders or farmers, children or grandparents, young or old, each of them complains about the lack of electricity and petrol, the loss in value of the Syrian pound and the enormous inflation. Most of them have cut cheese, eggs, milk and yoghurt out of their daily diet. A kilo of lamb costs half a month's wages, and even a chicken is not affordable. “A chicken costs 10,000 lira,” calculates Hanan, who works in a family hotel in Damascus. Like all Syrians, he uses the old name of the Syrian currency “Lira”, officially it is a Lebanese pound. In the spring, Hanan's monthly wage was raised from 50,000 to 70,000 lira, but it's still not enough for the family of five and Hanan's father, who lives with him. In spring, the wage was worth the equivalent of nearly 60 euros, but today it is only 30 euros. “10,000 lira for a chicken,” Hanan



Pistachio traders in Morek proudly display the new harvest 2020. In the middle Ghazi al-Mohamed. (Picture Karin Leukefeld)

sighs and gestures with his hands. “How could I buy a chicken when I have 70 000 lira a month? We have not had any meat for months!”

“We're getting strangled,” Delal H., a retired gynaecologist in Damascus, agrees. Considering the acute shortage of specialists in Syria, the dedicated woman still carries on working in the hospital every day spreading optimism for professional reasons in itself. She is fond of showing the photos of “her” children she helped to give birth. On this day, however, she literally seems “beside herself”. “We have US military bases in the country, Israel bombs us when and where it pleases! Sanctions are preventing reconstruction, the *Caesar law* is threatening anyone who wants to help us. They are stealing our oil, and now – with Corona – things are getting worse. What do they want from us? Where is this going to end!”

### There was no hunger

Life in Syria is getting hard. While international aid convoys carrying the UN flag are travelling from Turkey to Idlib via the Syrian-Turkish border crossing at Bab

al-Hawa to supply the people there with medication, food, powdered milk, protective equipment against the new virus and much more, the Syrians in the rest of the country are somehow trying to keep their composure.

There was no hunger. Until 2010, Syria had not only supplied its own population and neighbouring countries with its agricultural products, but it had also been able to export food, says agricultural engineer Haitham Haidar during a detailed discussion in Damascus. Haidar is a friendly, calm man who is responsible for planning and international cooperation in the Syrian Ministry of Agriculture.

In 2020, only about four million hectares of the six million hectares of available agricultural land in Syria, could be cultivated. The reasons are many and varied, says the engineer: “Experienced workers are lacking, sanctions prevent the import of fertiliser, machinery and spare parts. 60 per cent of our agricultural facilities such as silos and storage facilities, factories for food production and numerous agricultural research facilities have been destroyed

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in the war." Moreover, Syria has lost about half of its livestock. The worldwide appreciated Awassi sheep are a great loss. "In 2010 we had 15 million of them, this year only 7 million were counted." Bedouins, who recognise neither state nor borders, might have sold the animals in Jordan, Iraq and Saudi Arabia.

Nevertheless, considering the difficult situation, the 2020 harvest was good, the engineer emphasises. However, the shortage of petrol and oil makes transport from the producer to the consumer more difficult and expensive, and also increases the selling price. "Our oil resources in the north-east of the country are being occupied by the Americans, and the import of oil – from Iran, for example – is being hampered by the sanctions". Harvests north of the Euphrates and in Idlib are illegally sold to Turkey and northern Iraq, Haidar said. "The destruction of our agriculture is a deliberate act".

**A greeting from Morek**

You can see this while driving through the provinces Hama and Idlib to Aleppo. Besides Al-Hasakah in the north-east, Hauran in the south and Al-Ghab in the west, Idlib is one of the most important agricultural centres of the country. Khan Shaykhun, Ma'arrat al-Nu'man, Saraqib are places whose names have been heard in recent years in connection with war.

Indeed, trade was flourishing in this area until 2010.

Fistik Halabi, the famous pistachios, are grown here, olive trees produce the best olive oil and the marble from the area is an export hit. Now the towns have been destroyed, villages to the right and left of the motorway have been abandoned, there are withered olive and pistachio trees and burnt oleander bushes on the central reservation of the motorway. A Turkish "observation post" has been established on the site of a grain silo, destroyed houses, workshops and factory buildings are lining the road.

Morek is known as the centre of the Fistik Halabi, the Syrian pistachios. The village is located about 30 km north of Hama and was a frontline to fighting units armed by jihadists in Idlib during the war. In the shadow of a Turkish military base surrounded by high walls – a so-called "observation post" – are the largest pistachio plantations. Wherever you stand, the plantations with their stocky, sturdy trees and dense foliage with umbellate fruits stretch to the horizon on fertile soil.

It is Friday morning when Mr *Nasser* from the Hama province media office accompanies us to the pistachio market in Morek. The place is still considered a military restricted area, so the Muchtar of Morek, the mayor, is waiting at the checkpoint. In the back seat of a military motorbike patrol, he drives ahead through the village, to which only a few families have returned. Morek is largely in ruins.

Farmer *Ghazi Nassan al-Mohamed* is the second generation of *Fistik Halabi* farmers to cultivate delicious pistachios. The harvest period lasts from July to November. Now, in September, the trees are harvested daily. Before the war, Mr Ghazi had 1,040,000 pistachio trees planted by his father, which were 40, 50 years old. "Old trees bring the best harvest, young trees can be harvested for the first time after 10 years". Before the war, around 50,000 tons of *Fistik Halabi* were harvested in Morek, says the man wearing a galabiya, a shirt reaching down to the ground, which is traditional for Sunni Muslims. "This year we have only half of it at the most." Trees were destroyed in the fighting, chopped down and sold because of the wood, the farmers were not there to protect and care for the trees.

When a van arrives honking loudly, the conversation is interrupted. There are baskets of fresh pistachios on the loading area. "Our harvest this year is important because the yield must be used to secure the new 2021 harvest," Ghazi al-Mohamed explains moving his two hands into the baskets with the fruit. "In the past, the government helped us with fertilisers, with machines, with everything. Now we have to pay almost everything ourselves, the government is under pressure." Quickly, a plastic bag is filled with fresh pistachios and handed over to the author. "Here you are, a greeting from Morek! May it taste good!"



*Women sort the shells out of the pistachios. They do not want to show their faces.  
(Picture Karin Leukefeld, September 2019)*

## «Dialogue on the Volga»

Online conference on Peace and Mutual understanding in the 21<sup>st</sup> century

by Eva-Maria Föllmer-Müller



For her fallen son “Grieving mother”. Monument at the Mamayev Hill Memorial.  
“We in Volgograd will never forget the war.” (Picture jae)

The International Forum of Peoples’ diplomacy was organised again by the city of Volgograd and the Volgograd region together with the governmental agency “Rossotrudnichestvo”<sup>1</sup> and it was an enormous effort and particular joy for the participants that the event could take place online between 29 October and 1 November in this difficult year 2020. About 250 speakers and disputants from 18 countries worldwide contributed to the three panel discussions and eleven roundtables during four days.

This year, the event was held under the aegis of the celebrations dedicated to the 75<sup>th</sup> anniversary of the end of World War II and the 75<sup>th</sup> anniversary of the United Nations Organization.

This article can only offer a brief overview of the numerous online video conference meetings which the author has attended herself. It is worth reviewing the contributions and statements in detail. They are all recorded and may be accessed at the website <http://dialogna-volge.ru>.

The Center for Public Diplomacy of Volgograd State University<sup>2</sup> started with the “Volgograd dialogue”, a forum of their own, which was opened two days prior to the main event. This forum was dedicated to scholarly discussions among rep-

resentatives of the expert community, as well as youth and non-governmental organisations, specialists in the field of international relations and public diplomacy from various countries. It dealt with the following topics:

- “Seeking global balance: is there a way from mutual mistrust to dialogue?” (see box p. 4),
- “30 years of sisters cities relations between Cleveland and Volgograd”,
- “The Contribution of Universities to the Implementation of the United Nations Global Sustainable Development Goals (SDG)”
- “Youth Diplomacy as a Tool for the Country’s Image Formation”,
- “‘Eastern Vector’ Issues and New Opportunities.”

### International Forum for People’s diplomacy

The International Forum for People’s diplomacy “Dialogue on the Volga” was opened by the governor of the Volgograd region, *Andrey Ivanovich Bocharov*. Messages of greeting followed, by *Vasily Alekseevich Nebenzya*, Permanent Representative of the Russian Federation to the United Nations and the UN Security Council, *Matthias Platzeck*, chairman of the German-Russian Forum, *Dietmar Bartsch*, co-chair of the Left party

and member of the German federal parliament, *Bill Boerum*, former chairman of the US Sister Cities International, *Kazumi Matsui*, mayor of Hiroshima and president of *Mayors for Peace International*, *Sylvester Rowe*, representative of the *International Association of Parliamentarians for Peace*, *Ann Lucas*, Lord mayor of Coventry and *Atanas Krystin*, the acting ambassador of Bulgaria to the Russian Federation.

### An indispensable initiative in a time of growing global political tensions

In his address *Vasily Nebenzya* pointed out that the foundation of the United Nations in 1945 had been an effort to lay a strong foundation for a post-war international community. Not only had the UN become a symbol of overthrowing evil but also a synonym for humanity’s hope for a world without wars, for welfare and friendly co-existence. He responded to the criticism which has been voiced recently, especially of the security council, by saying that the UN were unique in their legitimacy, representation and universalism.

*Matthias Platzeck* praised the event as an indispensable initiative promoting peace and reconciliation in a time of growing global political tensions. Espe-

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cially in this year, 75 years after the end of the war, the legacy of the past was especially important, he emphasised. Volgograd (Stalingrad back then) had been the theatre for one of the most terrible battles in the World War and is a place of admonition now. “Like no other nation we Germans have reason to remember and honour the suffering of those who helped to rid the world of fascism and national socialism. The peoples of the Soviet Union carried the main burden of all countries who fought against *Hitler* Germany. We are responsible to their memory never to let the dark side of history be forgotten, keeping alive the memory of the past is a precondition for a peaceful, for a good future. And that is why it is good that the Dialogue on the Volga focuses on the co-operation of our societies in this future. Co-operation of the citizens, this is foreign politics from bottom up. A kind of diplomacy which really builds bridges between the people. We can witness that very well in German-Russian relations. The roads of reconciliation which cities and municipalities in Germany and Russia walk together, these are roads leading towards a common future. And this inspires hope, especially in

times like today I feel inspired to hope by this. Why should it not be possible to repeat what we were able to do on the public diplomacy level on the big arena of state politics, too? That we can pose that questions with confidence today, that we have this hope, was made possible by discussion forums like ‘Dialogue on the Volga’”.

**Lessons from the Second World War**

Two panel discussions were hosted by the Volgograd regional administration. The topic was “Lessons of World War II”: The 75. anniversary of the “Great Patriotic War” should not be forgotten and history should be prevented from being altered and instrumentalised, the organisers voiced. They stressed the importance of educating the youth about history who often have little knowledge. Several projects from Russia were highlighted with great commitment which document how the culture of remembrance is kept alive: museums, monuments, teaching materials for schools, eye witness accounts, war graveyard maintenance and more. The Volgograd regional human rights commissioner *Valery Rostovshikov*, *commissioner for Human Rights in the Volgograd Region*, emphasised that the most important task worldwide today was to

preserve peace. We could survive anything as long as there would be not another war. Millions of people have visited the *Mamayev Kurgan* in Volgograd where streams of blood have been flowing. It is not in human nature to destroy, but to build something new. “We in Volgograd will never forget the war.”

**International relations in times of change**

The panel discussions on the topic “International relations during the times of change: Ways of development” was chaired by Professor *Hans Köchler*, president of the *International Progress Organization* from Vienna. (see box). Participants of the discussion included the vice-chairman of the *German Russian Forum* Professor *Wilfried Bergmann*, academic director of the German Russian Forum *Alexander Rahr*, former prime minister of Slovakia and member of the Valdai Discussion Club Professor *Ján Čarnogurský*, as well as *Anton Aleksandrovich Varfolomeev*, Head of the Study Center for New Challenges and Threats at the Diplomatic Academy of the Russian Foreign Ministry. Topics that were discussed included:

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## “The emerging multipolar constellation will be substantially different from that of 1945”

*Press Release of the International Progress Organization I.P.O. (excerpt)*

Three decades after the end of the Cold War, the world is faced with the need for a major realignment of global powers. The unipolar order of the period immediately following the Cold War has proven unsustainable. The collapse of the bipolar order of the post-World War II era has triggered a process in which a multitude of states negotiate a new balance of power. The emerging multipolar constellation will be substantially different from that of 1945, around which the United Nations Organisation was established.

In a speech at an international panel discussion, organised by Volgograd State University, on the question, “Is there a way from mutual mistrust to dialogue?”, the President of the *International Progress Organization*, Dr *Hans Köchler*, emphasised that the present phase of transition to a new balance of power will be a litmus test not only for the relevance of intergovernmental organisations such as the United Nations and its specialised agencies, but also for regional structures such as the European Union. Existing frameworks of cooperation will need to be adapted to the realities of the 21<sup>st</sup> century. Emerging global and regional powers, and their frameworks of co-operation such as BRICS, will need to be integrated into the global decision-making process.

In his address transmitted from the headquarters of the I.P.O. in Vienna, Dr. Köchler further stated that the COVID-19 pandemic has made obvious major structural weaknesses in the system of inter-governmental cooperation. The sovereignty of states not only implies the right of states to protect their citizens and to defend the national interest, but also the responsibility to respect the rights of other states. Under conditions of a global health crisis, every state has the duty to contain the further spread of the epidemic – in the mutual interest of all members of the international community. In view of the tragedy inflicted on millions of people all around the globe, it is time, Dr. Köchler concluded, to reconsider the doctrine of globalisation and to search for a new and sustainable model of global development. [...] Following the meeting at Volgograd State University, the President of the I.P.O. headed a digital international panel discussion on “International Relations in Times of Change,” organised by the Municipality of Volgograd in the framework of the annual “Dialogue on the Volga: Peace and Mutual Understanding in the XXI Century.” In his introductory statement, Dr. Hans Köchler drew the attention of the participants to the risks of transition from a bipolar –

via unipolar – to a new multipolar power constellation – where a struggling hegemon may be tempted to wage preventive war against an emerging rival. He also raised the question of nuclear disarmament in the face of re-emerging great power rivalries and characterised the policy of unilateral sanctions, and their extraterritorial enforcement, as major threat to peace at the global level. Dr. *Ján Čarnogurský*, former Prime Minister of Slovakia, speaking from Bratislava, emphasised the volatility of the unipolar order in the years after the end of global bipolarity. Mr. *Anton Varfolomeev*, Head of the Study Center for New Challenges and Threats at the Diplomatic Academy of the Russian Foreign Ministry, highlighted, inter alia, the role of the nation-state in tackling the global health crisis triggered by COVID-19. Mr. *Alexander Rahr*, Academic Director of the German-Russian Forum, Berlin, emphasised the indispensability of the United Nations Security Council in resolving international conflicts and called for a more inclusive approach in matters of international security, highlighting the increasing role of countries such as India and Turkey. [...]

Source: <https://www.i-p-o.org/IPO-nr-Int-Forum-Volgograd-02Nov2020.htm>

## “To contribute to consolidating peace and security”

### Resolution of the International Forum of People’s Diplomacy “Dialogue on the Volga: Peace and Mutual Understanding in the XXI Century”

We, the participants of the International Forum of People’s Diplomacy “Dialogue on the Volga: Peace and Mutual Understanding in the XXI Century”, that was held in Volgograd (Russia) on the 31st of October – 1st of November 2020 and dedicated to the 75th anniversary of the end of World War II and the 75th anniversary of the United Nations,

- acknowledging the achievements of Coventry (United Kingdom) and Volgograd (Russia), the cities that initiated the international twinning movement in 1944,
- taking into account the longstanding experience of Stalingrad-Volgograd (Russia) in developing and promoting the ideas of peace and people’s diplomacy,
- underscoring the accomplishments and authority of the UN as the main organisation regulating international relations in accordance with the principles of respect, equality and self-determination,
- firmly condemning all forms of violence, discrimination, xenophobia, racism, and any attempts to rehabilitate fascism and revise the historic outcomes of World War II,
- supporting the ideas of disarmament, non-proliferation of nuclear weapons, peaceful co-existence, consoli-

dation of the international community for the sake of peace and security of the world,

- ascertaining that a global nature of the changes occurring today in the world is taking a threatening turn and calls for an immediate pursuit of constructive ways for resolving political, social and humanitarian problems,
- recognizing the growing role and capability of people’s diplomacy in overcoming modern challenges and threats, and in strengthening the relations between nations,

resolved:

1. To address international organisations, public authorities, the expert community, and other actors in people’s diplomacy with an appeal to actively contribute to the process of strengthening peace in international relations in accordance with the Sustainable Development Goals designated in the Declaration of the United Nations General Assembly Resolution No. 70/1 adopted on September 25, 2015.
2. To assist international organisations, public authorities, the expert community, and other actors in people’s diplomacy in enhancing international cooperation and strengthening

global partnership in various fields to overcome contemporary challenges and problems.

3. To encourage public authorities, the expert community, and the public to preserve the objective historical memory of World War II and its legacy, to involve the youth in this work.
4. To contribute to the media’s awareness about the work of the International Forum of People’s Diplomacy in Volgograd, as well as about the positive experience of all international organisations, countries and cities that participated in the Forum, in terms of the implementation of peace initiatives.

We are convinced that:

The implementation of the proposals set out in the Resolution will contribute to consolidating peace and security; developing international relations in accordance with the principles and norms of international law; enhancing global political, economic, cultural and humanitarian cooperation; and benefit civil society.

This resolution is drawn up in the Russian and English languages, which are equally authoritative.

Volgograd 31 October 2020

Source: <https://drive.google.com/file/d/1rxb0ML3l655pidVFLEDIZ566b1yYfUE-l/view>

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- the main challenges of the emerging multipolar order
- risks of a transition from unipolar to multipolar constellation
- importance of regional groupings (i.e. European Union, Eurasian Economic Union, African Union) for a sustainable order of peace also at the global level
- more efficient approaches to tackling worldwide emergencies such as the COVID-19 pandemic,
- financial and economic crisis / environmental crisis through the international community (UNO)

#### What will come after the unipolar world?

Professor Köchler opened with an overview analysis of problems in today’s world: After the end of the bipolar world order which had stabilised the world for four decades after the war no new sustainable, stable order has emerged as yet, let alone a new power balance. During the period of time with a unipolar constellation after the end of the Cold War, many unstable situations had unfolded or be-

come even more unstable in several geopolitically important regions such as the Middle East, the Caucasus and regions in Africa. One of the most crucial problems had been the interventionist politics of the dominating power in this period and their attempts to force their views and concepts on the rest of the world. The question how the world order should be structured is interconnected with the question of the worsening relationships between the big civilisations, at present especially between the Islamic world and the West. In this regard no solution has been found either. The regional organisations which emerged after the end of the Cold War have not reached the amount of power and influence to be able to offer contributions to the global interplay of forces. The United Nations Organisation would therefore have a special role to play.

#### Severe mistakes of US politics

Professor Čarnogurský said the US were acting as if they still had the role of unipolar world power. Today US laws were being enforced almost anywhere in the world, which can be demonstrated in the case of Nordstream 2, where the US were sanctioning corporations which contribut-

ed to the project. Russia and China were economic world powers today and had become more influential than the US. Crises and conflicts cannot be solved militarily. As a matter of fact the USA don’t play a role any more they just haven’t noticed it yet. They need more time to understand this. The EU should stop supporting the US and end the sanctions because they damage co-operation. We are going through a dangerous period of time.

#### The West no longer has a power monopoly

Alexander Rahr started with an analysis of the SARS-COV 2 pandemic: the situation was explosive, riots of violent protesters like in the US could erupt here in Europe too. The world showed no signs of recovery but everybody was trying to look after themselves. Conflicts that had been there before the pandemic were heating up. We already had arrived in a multipolar world, important actors today included China, Russia, India and Turkey. The West no longer has a monopoly of power. In this context he drew attention to a proposal of *Vladimir Putin* which he had made some time ago: a summit meet-

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ing of the five permanent members of the UN security council to discuss ways and measures to stabilise the world order and develop a framework the world can rely on to avoid chaos. The five member states but the other nuclear powers as well had enough resources and capacities to come up with ideas. Big changes in international politics were lying ahead and concerted measures were necessary in the security field, Rahr emphasised.

### Good relations between Germany and Russia created stability in Europe

Periods of stability between Germany and Russia had always created stability in Europe in the past, Rahr continued. Whenever they were waging wars against each other the whole of Europe experienced chaos. Friendly relations would also influence politics in Europe. According to Rahr, Russia had done everything to support German unification and the Germans should be very grateful to Russia for that. Russia was important for Europe and the current tensions should end. The Forum “Dialogue on the Volga” was making an important contribution in this regard.

Anton Varfolomeev posed the question if unipolarity ever had existed in the first place or a unipolar world had not rather been an illusion. Unipolarity would need a hierarchical system to come to solutions. Never had something like that existed, the world had always remained diversified. Other countries such as Turkey were gaining significance right now. Iran had been pursuing their independent policies successfully for 3,000 years. The BRICS states had their own agenda as had other countries. The role of the state has to be re-considered. There had been the immature notion that independent states were no longer existent. But key problems like pandemics could only be solved by states. This is why the states still had an important role to play.

### Roundtable

#### “German Russian Dialogue”

The author contributed with a brief statement to a roundtable about the topic: “German Russian dialogue: problems and opportunities for co-operation”. This roundtable was moderated by Professor *Tatiana Vasilievna Evdokimova*, Head of the Department of general history and the methodic of teaching history and social studies at Volgograd State Social and Pedagogical University. In two hours almost 15 speakers participated. She was able to acknowledge every single contribution with a few words. Again, only a short summary may be offered here.

Two introductory statements were made by the director of the centre for Germany-related studies at the Europe Insti-

tute of the Russian Academy of sciences in Moscow Dr *Vladislav Belov*, and by former Oberbürgermeister of Cologne (2009 - 2015) Jürgen Roters, who now promotes the twin city co-operation between Cologne and Volgograd in his capacity as the director of the communal programme of the German-Russian Forum.

### Co-operation between Germany and Russia

Dr Below provided an overview about the various phases of German-Russian co-operation since the 1990ies. Although relations were more difficult today there was a good dialogue on the administrative level. In certain specific areas such as the war on terror, organised crime and illegal immigration Russia was a reliable partner for Germany. Economically speaking he saw potentials for co-operation in the areas of new technologies such as hydrogen research or waste recycling. Minister of Foreign Affairs *Sergey Lavrov* kept calling for a renewed dialogue.

Jürgen Roters praised this years’ “Dialogue on the Volga” as exemplary for a convention of citizens who wanted to personally contribute to reconciliation and peace work. “Volgograd has developed into an internationally renowned platform for peaceful dialogue across national borders. [...] The forum is an excellent example for political reconciliation and peace work.” The meeting was proof that dialogue is possible and the line of reasonable arguments doesn’t have to be cut short. Furthermore he referred to the end of the Second World War 75 years ago: “We are thankful that the Russian nation who suffered the horrendous number of 27 million casualties due to the German war of aggression reached out to us after the war and reinvited us into the community of nations. Commemorating this here in Volgograd today has a special significance.” He continued that it was necessary to look ahead and stress common goals since both sides were dependent on each other. “The number of twin city agreements between Germany and Russia has increased to more than 100. Despite the political ice age activities and projects at the municipal level contributed to the invigoration of German Russian relations.”

### A platform of peacemakers

*Yuri Starovatych* is former mayor of Volgograd, chairman of the Volgograd “Russian Endowment for Peace” and honorary citizen of both Volgograd and Hiroshima. “We are all friends here”, was the opening sentence of his speech. “Dialogue on the Volga” was a platform of peacemakers. This was again the common theme of this years’ talks. At 75 years after the end of the war there had been a 30 year long history of partnership between Cologne and

Volgograd. In 1945 Germans and Russians had been enemies, later partners. But unfortunately the gap between Germany and Russia was deepening again. Some German politicians – he singled out *Ursula von der Leyen* and *Angela Merkel* in this regard – were actively pursuing a deterioration of the relations. This was undermining trust.

### From one human being to another at a level of friendship

The author of this article criticised the current policies towards Russia, too: “The hybris in the West’s behaviour towards our neighbour Russia is beyond endurance. A policy which is dominated by imperial power schemes alone rather than being rooted in ethics makes a fruitful co-operation all but impossible.” She diagnosed a struggle of competing vigours in the current German-Russian relations: between those who aim for a continuous improvement of relations and others who chose and stick to confrontation. As always, a differentiation between the actual view about Russia in the German public and the picture painted in the published media products was mandatory. There is still a majority of more than two thirds of German citizens who would favour more co-operation with Russia and 94% of them at least regards good relations with Russia as “important”. It would be the task of the mainstream media to truthfully mirror the intentions of public opinion in their products but unfortunately this was rarely the case. One example is how little the numerous constructive projects on the communal level, which were made topics at this years’ dialogue on the Volga, were recognised in the media. One should not underestimate the significance of twin city relations. These partnerships were tools to counter the ongoing policies of confrontation. They are important keystones for the survival of German Russian dialogue and offer the opportunity to create a broad foundation of trust and mutual respect on an equal footing, from one human being to another in friendship. •

<sup>1</sup> *Rosstrudnichestvo* (Russian:

Росотрудничество) is the Federal Agency for the Commonwealth of Independent States Affairs (CIS), Compatriots Living Abroad, and International Humanitarian Cooperation in the Russian Ministry of Foreign Affairs. It has the task of promoting the knowledge of the Russian language abroad, fostering international cultural cooperation and conveying a comprehensive, up-to-date picture of Russia. The 61 Friendship Societies include the *Switzerland-Russia Society* (GSR) and the *Austrian-Russian Friendship Society* (ORFG).

<sup>2</sup> “Volgograd Dialogue” is a discussion platform organised by the Centre for Public Diplomacy (Volgograd State University) on current issues of world politics and security, created to promote the positive profile of Volgograd State University and the city of Volgograd as a peace ambassador, as a capital of public diplomacy, as a founder of the international movement of twin cities.

# Party politicisation, emotionalisation and polarisation in the German corona debate

## Afterthoughts regarding the new Infection Protection Act (Infektionsschutzgesetz) and a fundamental question

by Karl-Jürgen Müller

On 18 November 2020, the German Bundestag passed a “Third Law for the Protection of the Population in the Event of an Epidemic Situation of National Significance” by 413 votes in favour, 235 against and 8 abstains, with the votes of the CDU/CSU, SPD and Bündnis 90/Die Grünen factions and against the votes of the factions of AfD, FDP and Die Linke.

This law amends the *Infection Protection Act*, the *Medical Devices Fee Ordinance*, the *Social Security Code* and the two previous laws to protect the population in the event of an epidemic situation of national importance. Article 7 of the new law lists the fundamental rights (Basic Law) that can be temporarily restricted as a result of the amendments: the freedom of the person (Article 2, paragraph 2 Basic Law), the freedom of assembly (Article 8 Basic Law), the freedom of movement (Article 11, paragraph 1 Basic Law) and the inviolability of the home (Article 13, paragraph 1 Basic Law).

On the same day, the German Bundestag also approved the amendment to the law by 49 of 69 votes, the Federal President drafted the law and it was published in the official bulletin.<sup>1</sup> The law became effective on 19 November 2020.

During the debate and the decision-making process in the German Bundestag, a demonstration of several thousand people near the parliament and government buildings against the national Corona measures and especially against the new law was dispersed by the police using coercive measures, including the use of water cannons (without direct jets) and pepper spray. The vast majority of the participants in the demonstration had not complied with conditions for the authorisation of the demonstration, in particular distance rules and the wearing of protective masks, and had not heeded the police’s calls for the demonstration to dissolve itself.

### “Third Act to Protect the Population in the Event of an Epidemic Situation of National Significance”

Prior to the change in the law, German courts had repeatedly pointed out in rulings on state corona measures that there was no solid legal basis for government action. For German legislation, an unusually short time elapsed between the presentation of the draft law on 3 November

2020 and the decision on the law on 18 November 2020 (which was amended in some passages compared to the draft).

The new law concretises the hitherto general legal authorisation for government action to combat the corona pandemic with a new Section 28a in the *Infection Protection Act*, giving the Federal Minister of Health and the state governments extensive powers, including in case of restrictions on fundamental rights, but the 17 points expressly mentioned contain virtually nothing new compared to previous practice.

Contrary to the original draft, the new Section 28a explicitly states that the “prohibition of assemblies or marches” and “of religious or ideological meetings” and the “prohibition of entering or visiting facilities [...] such as homes for the aged or nursing homes, facilities for the disabled, maternity facilities or hospitals for close relatives” is only possible if otherwise “an effective containment of the spread of the corona virus disease 2019 (COVID-19) was significantly endangered”. “Protective measures”, it continues, “must not lead to the complete isolation of individuals or groups; a minimum level of social contact must be guaranteed.”

In the future, government measures must be justified within the ordinances and are limited to four weeks but can be mandated again. The basic prerequisite for government decisions is that the German Bundestag has ascertained the presence of an “epidemiological situation on a national scale” and that the number of new infections per week has exceeded regionally precisely defined limits (35 or 50 per 100,000 inhabitants in a district). This determination of the “epidemiological situation” can be revoked by parliament at any time.

### New law not uncontroversial

It is obvious that the new law is rather topical and therefore most likely not the last one regarding corona and COVID-19. Since March 2020 it is already the third “law for the protection of the population in an epidemiological situation on a national scale”. The extent of the powers of the Federal Minister of Health and the state governments, especially in the case of restrictions of fundamental rights, is still subject to pros and cons even among experts. In particular, it is controversial whether parliament will be sufficiently in-

involved in upcoming government decisions and whether the lists that have now been drawn up are sufficiently concrete and defined for the framework of government action, especially in the case of restrictions on fundamental rights.

### Debate with campaign tones

The debate in the Bundestag on 18 November showed that the politicians’ discussion about the national corona measures was strongly influenced by party-political competition and – probably also in view of the federal elections in September 2021 – campaign tones. The speaker from *Bündnis 90/Die Grünen* tried to present her party as fit for government. The AfD (*Alternative for Germany*) was once again put in the political dock by all the other parties, consistently with exaggerated accusations – but also the AfD members of parliament showed no more objectivity than the other speakers.

### Demonstrators – victims of state violence?

The demonstrators in the parliamentary and government district, most of whom are rather middle-class, have probably not done their – in part understandable – concerns a good turn. When they speak of an “Enabling Act” or a “Corona dictatorship”, shouting “Peace”, “Freedom”, “Resistance” and “We are the people!”, answering the police’s calls to stop the demonstration with “We stay here!”, they are following the nationwide slogans of the other demonstrations since summer with the same words, but in this way they are not contributing to solving the problem or containing the pandemic.

### “Respect works differently”

*Gabriele Krone-Schmalz*, known to a broad audience in Germany as a former Moscow correspondent for ARD (German TV), as author of books such as “Understanding Russia” (2017 in the 18<sup>th</sup> edition) and “Ice Age” (2018 in the 4<sup>th</sup> edition) and as a guest in talk shows, has published an important new book: “Respekt geht anders – Betrachtungen über unser zerstrittenes Land” (Respect works differently. Reflections on our quarrelling country). I also have to think of this book when I look at the 18 November. In her preface she writes:

**"Party politicisation, emotionalisation ..."**

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*"In a nutshell: It was the anger and a certain concern about undesirable developments in a country – where I like to live in – that drove me to write. [...] But this time it is far more concern than anger that makes me write this book. Of course, I am also annoyed when alarmism and hysteria dominate the discussion of important issues instead of a civilised dispute over reliable positions; when agreement is reached all too quickly in public discourse and divergent positions hardly ever appear in the media; and when opinions can be expressed but their authors are excluded and defamed by the other camp [...]. Respect works differently! All this is far more than just annoying. It is concerning because it contributes to the decomposition of our society and gnaws at the very foundations of our democratic constitutional state. Democracy can only work with interested, well-informed and compromisable citizens. Drop-out contemporaries, hysterical and angry citizens drive the system against the wall, and missionaries, who always consider themselves to be on the morally right side, all too often display deeply intolerant behaviour without realising it themselves. In this book, I will look at the mechanisms of polarisation. I want to show where the traps lurk that turn pluralistic debates into polarising fission fungus. And I want*

*"In this context, however, one important question remains: How can we explain the fact that German politicians, who, with regard to corona and COVID-19, speak of the paramount importance of protecting life and health, while on the other hand pushing for a Cold War and a militarisation of politics, after the presidential elections in the USA now even more so?"*

*to make people think about whether there might not be another way: calmer, more relaxed, more objective, in short: more respectful. Don't we also have much more in common in our society than the heated debates suggest?" (Translation Current Concerns)*

#### **How to deal with one's own concernedness?**

Corona and COVID-19 have made many people directly or indirectly affected: not only those who have become seriously ill by the virus and are struggling with death, but also those who have been severely restricted in their lifestyle by government measures. There are winners and losers also in corona and COVID-19. It is not surprising that not only the intellect but also strong feelings are set in motion. This makes it all the more important to pause again and again. A book like the one by Gabriele Krone-Schmalz can be helpful in this respect.

The task of making the world a more equitable and more peaceful place remains – quite apart from corona and COVID-19. Party politicisation, emotionalisation and

polarisation will most likely not help in this.

In this context, however, one important question remains: How can we explain the fact that German politicians, who, with regard to corona and COVID-19, speak of the paramount importance of protecting life and health, while on the other hand pushing for a Cold War and a militarisation of politics, after the presidential elections in the USA now even more so? Why, for example, is German Defence Minister *Annegret Kramp-Karrenbauer* holding a "keynote speech" at the *Helmut-Schmidt-University* of the Bundeswehr in Hamburg on 17 November 2020, in which she deepens the demarcation line with Russia and China making the military alliance with the USA the *conditio sine qua non* of German and European security policy? Is Germany now once again kowtowing to US President *Biden*, who – so far at least – is anything but a bringer of peace and protector of life and health? Is it not high time to resolve this paradox in favour of life? •

<sup>1</sup> [https://www.bundesgesundheitsministerium.de/fileadmin/Dateien/3\\_Downloads/Gesetze\\_und\\_Verordnungen/GuV/B/3\\_BevSchG\\_BGBL.pdf](https://www.bundesgesundheitsministerium.de/fileadmin/Dateien/3_Downloads/Gesetze_und_Verordnungen/GuV/B/3_BevSchG_BGBL.pdf)

Letter to  the Editor

### **"Everybody can start to get active"**

A big thank you to *Current Concerns* and *Christian Fischer* for the enlightening article "Protecting democracy – but how?" in the edition of 25 November 2020; for the fact that it is clearly stated: First of all there is the fundamental right to life. Only the living can exercise their fundamental rights. We are obviously living in a time in which it is necessary to make this clear again.

One who puts life at risk, his own and that of others, cannot seriously claim that he is committed to upholding fundamental rights and the continued existence of democracy. Perhaps the critics of the measures and deniers of the dangerousness of the virus need tutoring in history. At the beginning of modern state theories was the protection of the citizen (and

his property) from the arbitrary law of the jungle. The basic task of the state with its monopoly on the use of force is to protect the citizen. Where the state no longer performs this task, there is arbitrariness, the life of the individual is no longer worth protecting.

The differentiated consideration is urgently necessary considering the facts, that on the one hand there is a virus, and on the other hand – parallel (and also before) to the measures to contain it – there is and was an abuse of power.

I think, the suggestions on how our democracy could become more "direct" are encouraging and groundbreaking. Everybody can start to get active.

*Rita Müller-Hill, Cologne*

# On the injustice of euthanasia

by Professor Dr iur. Karl Albrecht Schachtschneider

cc. Strong efforts continue to erode and undermine the state's obligation to protect life – our foundations of human and fundamental rights. This was demonstrated once again when on 16 November 2020, starting at 8.15 pm, in Switzerland and Germany the film "God", which makes propaganda for "euthanasia", was broadcast simultaneously, accompanied by a more or less one-sided discussion round minted specially for the respective country. For us this was the occasion to publish the following text. The German Teacher of Constitutional Law, Karl Albrecht Schachtschneider, originally wrote this contribution shortly after the ruling of the German Federal Constitutional Court on so-called "euthanasia" in February 2020. The text is more than just a fitting response to films like the one mentioned above. It refers to fundamental rules for the human community and for the state, which must be recalled consistently.

In its judgement of 26 February 2020 (2 BvR 2347/15), the Federal Constitution-

"The Federal Constitutional Court explicitly denies the human being's capacity for practical reason, for moral freedom, his dignity, and thus reveals that it does not understand the ethics of the Basic Law, i. e. the moral law, and therefore ignores it."

al Court derived from the general right of personality "a right to die in a self-determined manner as an expression of personal autonomy," (Guiding Principle 1) as well as to claim assistance, even assistance on a commercial basis, in the event of suicide.

## Judgement fails to recognise the fundamental principles of law

The judgment fails to respect the fundamental principles of our legal system, indeed, the fundamental principles of law in general. These basic principles are human dignity, which Article 1 (1) sentence 1 of the Basic Law declares inviolable, and

freedom, which constitutes human dignity and which Article 2 (1) of the Basic Law formulates and protects. Justice can only be brought about in freedom, by general laws to which every citizen has consented, directly or indirectly, in accordance with majority rule.

According to its consistent case-law, the court bases the general right of personality on the general fundamental right to freedom in conjunction with the principle of human dignity (marginal no. 205 of the judgment, most recently BVerfGE 120, 274 (303); 147, 1 et seq. (19 marginal no. 38)). It gives to this right the highest status that a right can have in Germany.

In its Guiding Principle 3b, the court states on p. 2: "Respect for the fundamental right of self-determination, which also encompasses the end of one's own life, of a person who decides on his own responsibility to end his life himself, and who seeks support for this, collides with the state's duty to protect the autonomy of persons wishing to commit suicide and beyond this also the high legal right to life."

Article 1 (1) of the Basic Law reads "Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority."

Article 2 (1) of the Basic Law reads "Every person shall have the right to free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral law."

## Serious breach of culture

The Court and the doctrine following its case-law understand neither the dogma of freedom nor that of human dignity. They completely ignore the moral law governing the German legal system. In the euthanasia judgment, these errors have consequences which curtail the prohibition of killing imposed in Christianity. This is a serious breach of culture.

The freedom of the Basic Law is defined by the moral law. As an external



(Bild Wikimania)

Professor Dr iur. Karl Albrecht Schachtschneider was full professor of public law at the University of Erlangen-Nuremberg from 1989 until his retirement in 2010. He became internationally known through various fundamental Proceedings before the German Federal Constitutional Court, among others in 1992/93 on the Treaty of Maastricht, 1998 on European Monetary Union, 2005 on the treaty establishing a constitution for Europe, 2008 on the Lisbon Treaty, 2010ff on the euro rescue policy, 2016 on the quantitative easing of the ECB.

His areas of work include freedom, law and state theory (Kantian); constitutional, administrative and economic law; European constitutional and economic law; world economic law; international law.

Professor Schachtschneider has written or co-authored numerous books, including *Res publica res populi. Grund-*

*legung einer Allgemeinen Republiklehre. Ein Beitrag zur Freiheits-, Rechts- und Staatslehre (Res publica res populi. Foundation of a general republican doctrine. A contribution to the doctrine of freedom, law and state), 1994; Die Euro-Klage. Warum die Währungsunion scheitern muss (The euro lawsuit. Why monetary union must fail), 1998, co-authored by W. Hankel, W. Nölling, J. Starbatty; Demokratiedefizite in der Europäischen Union, Festschrift für W. Hankel (Democratic Deficits in the European Union, Festschrift for W. Hankel), 1999; Die Euro-Illusion. Ist Europa noch zu retten? (The euro illusion. Can Europe still be saved?), 2001, co-authored by W. Hankel, W. Nölling, J. Starbatty; Freiheit – Recht – Staat. Aufsatzsammlung zum 65. Geburtstag (Freedom – Justice – State. Collection of essays for the 65th birthday), 2005; Prinzipien des Rechtsstaates (Principles of the rule of law), 2006; Freiheit in der Republik (Freedom in the Republic), 2007; Die Rechtswidrigkeit der Euro-Rettungspolitik (The illegitimacy of the euro rescue policy), 2011; Die Souveränität Deutschlands (The Sovereignty of Germany), 2012; Souveränität. Grundlegung einer freiheitlichen Souveränitätslehre (Sovereignty. Foundation of a liberal theory of sovereignty), 2015; Erinnerung ans Recht. Essays zur Politik unserer Tage (Reminder of justice. Essays on contemporary politics), 2016; Die nationale Option (The national option), 2017.*

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freedom it is the independence from outside constraining arbitrariness and as an internal freedom it is morality, whose law is *Kant's* categorical imperative, the moral law, the human love principle of the *lex aurea* of the Sermon on the Mount. *It is not the right to do what one likes, not the right to arbitrariness within the limits of the law, as judged by the Federal Constitutional Court.* Reality finds universal freedom in legality; for liberal laws are the universal will of the people. Those who follow the laws do not hurt anyone. The laws must ensure that justice be done, that is, they must respect the constitution, especially that constitution that is born with man. This is freedom in morality, and it respects the rights of others, especially their freedom. When this freedom is realised through justice, well-being is brought about for all. The materialisation of freedom is a matter for the state, as this is the organisation of the people for a good common life, the reality of law, according to the rules of constitutional law.<sup>1</sup>

Freedom is the humanity of man. Only this freedom stemming from "the idea of the dignity of a rational being, who obeys no law other than that which he himself at the same time gives." (Kant<sup>2</sup>) is the dignity of man, which Article 1 (1) sentence 1 of the Basic Law declares inviolable. According to Article 1 of the Universal Declaration of Human Rights, this concept of dignity is the principle of universal jurisdiction:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

In contrast to this, the Court derives from the human dignity clause a wide range of legal propositions and rights, which are not contained in any law; i.e. they have not been decided by the people, directly or indirectly, in a free manner. Contrary to the democratic principle as well as to the separation of powers under the rule of law, through its judicature the Court makes itself a constitutional legislator whose dictates are irrevocable.<sup>3</sup> However, the people are the legislator, not the Constitutional Court.

**The right to kill oneself is argued to result from human dignity, of all things**

Rather than the principle of freedom, the material constitutional basis of the judgement on euthanasia is above all the – misunderstood – principle of human dignity. According to the judicature, general freedom can be restricted by laws. One such law, which was not legally question-

able, was § 217 (1) StGB (Criminal Code). This penal provision had made "commercial promotion of suicide" a punishable offence; however, non-business euthanasia was largely excluded from criminal liability (paragraph 2). This penal provision has now been declared unconstitutional and void because it is said to be incompatible with human dignity. None other than human dignity, of all things, is alleged to result in the right to kill oneself. Yet death ends the subject of dignity, the life of the human being. The killing of human beings is not justifiable. There are exceptions in cases of self-defence and emergency aid and consequently in cases of defence.

*Article 2 (1) of the Basic Law protects the right to free development of his personality, not the right to deprive this personality of its subject, the human being. The dead person can no longer develop his or her personality.*

---

*"The ability to self-determination of a person seriously wanting to kill himself is more than doubtful. [...] From suicideologists we read that most people with the will to kill themselves suffer from a disorder which is psychiatrically treatable, despite somatic illness. Attentive care could preserve many of these people's will to live."*

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The court argues with the "idea of autonomous self-determination rooted in human dignity", which it sees as protected by the general right of personality (marginal no. 207 of the judgement). This concept may be introduced, but it should also be understood. Laws that are "autonomous" are valid in themselves; therefore their subject matter is not set by the legislator in an authoritative manner, but is instead recognised freely as practical reason. But the right to self-determination as the right to live under one's own law, which is, as law, at the same time general, and is the right and duty to morality, to practical reason.

*Suicide is neither moral nor rational, because as a maxim it cannot be the basis of a general law, for example: whoever wants to take his own life, may do so. Those who do not manage to do so alone may seek help, including commercial assistance.*

*The Federal Constitutional Court explicitly denies the human being's capacity for practical reason, for moral freedom, his dignity, and thus reveals that it does not understand the ethics of the Basic Law, i.e. the moral law, and therefore ignores it. The court confuses will with arbitrariness, freedom with inclinations. There is no such thing as "free will" (Rnn. 240 et*

seq. et al.), which the court places above all the state's duty to protect life.

"That will which is based on nothing else but the law, can be called neither free nor unfree, because it is not based on actions but directly on legislation for the maxims of actions (i.e. on practical reason itself), and is therefore absolutely necessary and in itself not capable of coercion"; for will is objective; it is practical reason. "Only arbitrariness can therefore be called free;<sup>4</sup> for man can, although he must not, fail to be free in his actions, for example, disregard the laws of the legal framework."

As regards marginal no. 210 of the judgment:

"The will of the holder of a fundamental right is decisive, and this evades assessment on the basis of general values, religious commandments, social models for dealing with life and death or considerations of objective reasonableness [...].

Self-determination of the end of one's own life is part of the 'innermost area of the personality' of man, in which he is free to choose his own standards and decide according to them."

**Man as a community-related person versus the dogma of individualism**

The idea that "the individual can find, develop and maintain his identity and individuality autonomously" (marginal 207) is the dogma of individualism and not the ethics of freedom for the human being as a rational being, living and dying under the self-given but general law, namely as a person.<sup>5</sup> *The Court has apparently moved away from that image of man that has been placarded for decades, namely that "man is not an isolated and autocratic individual, but a person related and bound to the community" (BVerfGE 4, 7 (15 f.); 65, 1 (44), constant jurisdiction.* The Court thus calls into question the principle of reasonableness of international law.

*The ability to self-determination of a person seriously wanting to kill himself is more than doubtful. This is a question for empiricists. From suicideologists we read that most people with the will to kill*

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*themselves suffer from a disorder which is psychiatrically treatable, despite somatic illness. Attentive care could preserve many of these people's will to live. The necessary attention can hardly be expected from commercial suicide assistants. The Federal Constitutional Court has not exacted it.*

Suicide is not a punishable offence for good reasons, but there is no freedom to kill oneself. Kant justifies the ban on "self-disembodiment" with the respect that every human being owes to "humanity in his person."<sup>6</sup> This enlightened ethic corresponds to millennia of Jewish and Christian tradition. The 5th commandment "Thou shalt not kill" also prohibits suicide; for life is given by God and can only be taken by God. *One does not have to be religious to accept the comprehensive prohibition of killing. It belongs to the culture of the Christian world, at least in Germany and Europe.*

The freedom to take one's own life is also to include assistance in this killing, and even professional euthanasia and death assistance is to be made legal. Euthanasia is killing. It is causal for the death of a person and is done intentionally. It is questionable to classify it as the unpunished aiding and abetting of an unpunished killing act, because as a rule, the suicide's authority of action is doubtful. If he had physical control, he would not need to be assisted in his suicide. Physical control and therefore authority of action lies with the so-called assistant to the killing. It is he who can refrain from "euthanasia". If he does not refrain, he commits indirect manslaughter. If he is controlled by a commercial purpose,



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"The Court has apparently moved away from that image of man that has been placarded for decades, namely that 'man is not an isolated and autocratic individual, but a person related and bound to the community' [...], constant jurisdiction. The Court thus calls into question the principle of reasonableness of international law."

he is a murderer for base motives. At least he commits homicide upon request (§ 216 StGB\*). Because of the difficulties of practising the various killing offences, it was helpful to create a separate criminal offence, § 217 StGB.

The delicate dogmatic demarcations of criminal law are better dealt with by a criminal law expert. In any case, the impunity of suicide cannot be transferred to assisted suicide.

#### Euthanasia sentence – a big step towards euthanasia

*The euthanasia ruling of the Federal Constitutional Court takes a big step towards euthanasia, firstly for people who want to die in an "autonomously self-determined" manner, as they have lost the will to live because of their age, because of an illness or for other reasons. The step towards euthanasia, which is heteronomous, i.e. other-directed, has become smaller. We have already had that. In general, the human dignity principle could justify killing others, for example: New generations of people should be able to live. That is what their dignity demands. There are too many people for our earth. Resources are no longer sufficient. Lifetimes must be limited. Infanticide in the womb has long been largely legalised.*

*The dangers of abuse of legal euthanasia are obvious. After all, how long must the heir wait until the testator has finally died? Many old, sick people no longer want to burden their loved ones with their care. However, the court has relativised the state's duty to protect life (Rnn. 228 ff. of the judgement) for the "free will" of the person willing to die.*

The right to life (Article 2 (2) sentence 1 of the Basic Law) is also a moral duty to live. *It is the duty of the state to protect life until death without restriction. This is our culture and the only possible justice in a community that has made human dignity its guiding principle.* •

<sup>1</sup> Zur Freiheitslehre des Grundgesetzes (On the freedom doctrine of the Basic Law) Schachtschneider, K. A. *Freiheit in der Republik* (Freedom in the Republic), 2007

<sup>2</sup> *Grundlegung zur Metaphysik der Sitten* (Groundwork of the Metaphysics of Morals), ed. Weischedel, 1968, vol. 6, pp. 67f.

<sup>3</sup> Schachtschneider, K. A. *Der Menschenwürde-satz des Grundgesetzes* (The Human Dignity Clause of the Basic Law), 2017, homepage www.KASchachtschneider.de. Current issues, also see Dürig, G., Kommentierung Art. 1 GG (Commentary Art. 1 of the Basic Law), in: Maunz-Dürig, *Grundgesetz, Kommentar* (Basic Law, Commentary), 1958, marginal no. 4 to Art. 1 (1) GG against the subjectivation of the human dignity clause

<sup>4</sup> Kant. *The Metaphysics of morals*, ed. Weischedel, 1968, p. 332

<sup>5</sup> Kant. *Grundlegung zur Metaphysik der Sitten* (Groundwork of the Metaphysics of Morals), op. cit., pp. 60f., 72, *Metaphysik der Sitten* – Metaphysics of morals, op. cit.

<sup>6</sup> *Metaphysics of morals*, *ibid.*, p. 554

\* § 216 StGB *Tötung auf Verlangen* (§ 216 Criminal Code Homicide upon Request)

(1) If someone is induced to homicide by the express and earnest request of the person killed, then imprisonment from six months to five years shall be imposed.

(2) An attempt shall be punishable.

[notes by the editors]

(Translation *Current Concerns*)

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# Communal mergers and direct democracy

by Dr. phil. René Roca, Research Institute Direct Democracy ([www.fidd.ch](http://www.fidd.ch))

Every year, the Department of Economic Affairs and Home Affairs of the Canton of Aargau organises a communal conference. The communal councillors of the 210 communes in Canton Aargau are invited to attend. After an introductory presentation, an exciting panel discussion is held at each event, at which experts speak on a particular topic. Afterwards, the members of the authorities present take advantage of the opportunity for discussion. The event concludes with an aperitif, during which informal discussions continue.

This year everything was different because of the pandemic. Despite the difficult circumstances, the cantonal administration in Aarau carried out the event professionally via live stream. This year's communal conference was dedicated to the topic "Opportunities and risks of communal mergers". All presentations and the subsequent discussion of the panel can be viewed on the website of the Canton of Aargau ([www.ag.ch](http://www.ag.ch); *Aargauer Gemeindetagung 2020*).

Although the following text refers to the canton of Aargau, the scientific evidence and further explanations can also be applied to other Swiss cantons.

## Introduction

I have been a non-party communal councillor in the Swiss commune Oberrohrdorf-Staretschwil for almost fifteen years now and have been deputy mayor for five years. I started my political career involuntarily when, shortly after a change of residence, I attended an information event in my new commune-

on the subject of a possible merger with the commune Niederrohrdorf. I quickly came into contact with other critical citizens of the community and we founded the association "Pro Oberrohrdorf-Staretschwil". We had good arguments that our commune should remain independent. In the end, we successfully opposed an expensive study that would have examined the potential effects of a merger with the neighbouring commune. We were successful at the communal assembly and at the ballot box. For the subsequent election to the communal council, I was nominated by the association and was elected. The two communities are still developing splendidly today.

Later, I continued to be involved in the merger issue, as a communal councillor on the committee "For communal autonomy and a solidary Aargau" against the "Communal Reform Aargau" (GerAG), which would have included the possibility of forced mergers. We were also able to win these votes clearly. Nevertheless, the canton has made new advances, and unfortunately it continues to support communal mergers with advice and a lot of money, even though scientific evidence shows that such mergers do not work.

## Communal mergers – scientific findings

In justifying communal mergers, the following points are usually listed: more efficient structures, professionalisation of services and cost savings. Consequently, it is primarily administrative and financial considerations that should encourage two or more communes to opt for a com-

mon future. However, hardly anyone has yet considered the political-democratic and human-community implications. Wrongly so, because they do play a role, even if they are repeatedly denigrated as "soft factors" in merger discussions. But let us first turn to the scientific evidence.

## The financial argument disproved

In theory as well as in practice, communal mergers are often motivated by savings effects. For example, it is expected that various effects will lead to greater synergies, which would reduce costs. Studies of the efficiency effects of communal mergers have so far been limited to case studies of individual mergers of communes and surveys of communal representatives. Professor *Christoph A. Schaltegger* of the University of Lucerne conducted a broad-based research project to examine 142 communal mergers in ten cantons between 2001 and 2014. Schaltegger explains the results of his study as follows: "The analysis shows that no systematic savings effects are discernible across all the communal mergers considered. Consequently, cost savings cannot automatically be assumed to result from mergers of communes". In the area of administrative tasks, a small savings effect was discernible, but no systematic savings effects were evident in the area of total expenditure. Schaltegger continues: "It can therefore be assumed that the savings in the area of administration will again be offset by increases in expenditure in other budg-

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"The communes Oberrohrdorf-Staretschwil and Niederrohrdorf at the Rohrdorferberg. Although the two communes are grown together, they have their own history and their characteristics. The two communes are developing splendidly even without merger the cooperation (e.g. concerning the fire brigade) works very well." (picture Hochfoto-Technik 2009)

**"Community mergers and ..."**

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et items." No systematic differences between merged and non-merged communes could be found in the indicators "population development" and/or "property prices" either. The result is therefore absolutely sobering, a "zero result", as Schaltegger notes. The assertion that a merger of communes generates savings must now be called a "merger myth". As a prominent example, the media attested the Glarnerland (Eastern Switzerland) a "merger hangover" during the merger process, because instead of savings, red figures had appeared.

**Fusion shock for local democracy**

Communal mergers also have a particularly serious impact on democracy. According to a study by the *Centre for Democracy* (Zentrum für Demokratie, ZDA), mergers trigger a real "shock" for local democracy. The study shows that this is measurably reflected in lower voter turnout. This means that people are less interested in politics and disengage from militia-based social structures. Such aspects have so far been clearly neglected in communal mergers.

The shock, according to the ZDA study, is stronger for small communes that join larger ones. Local political networks are functioning in the communes. These would be broken up by a merger. The first consequence, as already mentioned, would be lower voter turnout in local elections and voting. The second consequence

is that representatives of local movements or non-party members have less chance of being elected and will leave the political scene. The consequences of a merger on local democracy should be made clear to local citizens and they should be aware of what is at stake.

**Not everything can be measured – the importance of the "soft factors"**

We are falling more and more under the delusion that we want to measure everything. Although, as has been shown, there are now empirical studies on communal mergers that clearly show the negative effects of such mergers, there are other factors that are not easily measurable. People basically want to participate in their communes. This is very well illustrated by our "militia" political system. A merger undermines this desire to actively contribute to the common good. The best energies and resources of a civic community are lost. But these human resources will be needed in the future to answer and meet the difficult challenges that lie ahead. The corona crisis is a particularly clear example of this. The future can only be mastered with people who voluntarily offer their thoughts and help to shape it.

**Theses**

1. As a conclusion to his study, Schaltegger concludes: "If on average no effect is achieved in all mergers, the communal merger cannot in principle serve as a recipe for cost savings or quality improve-

ments". The fact that certain political circles cling to the "merger circus" against their better judgment can only be described as ideological. These circles are more interested in power and centralism than in flourishing communes.

2. The research results show that pragmatic cooperation and problem-oriented collaboration among communes can open up important synergy potentials even without mergers.

3. The canton of Aargau should stop actively supporting communal mergers without scientific evidence by providing expensive advice and financial contributions. A recent example: I find it an advantage that the canton of Aargau does not have a large city. It is the small structures that give people a sense of home and identity, especially today, because the motto "Small is beautiful" still applies. What are the aims of a "model city of Baden" or the "greater Aarau area"? In any case, the canton of Aargau, the responsible communal authorities and the planners only promote the further democratic dismantling of the cooperative communal system, the cornerstone of direct-democratic Switzerland, with such nonsensical projects.

4. Communal mergers are not the "ideal way" to meet the challenges of the future. On the contrary, the "militia" political system and communal autonomy must be strengthened so that the quality of democracy improves again and people continue to participate in public life in a way that is oriented towards the common good. •

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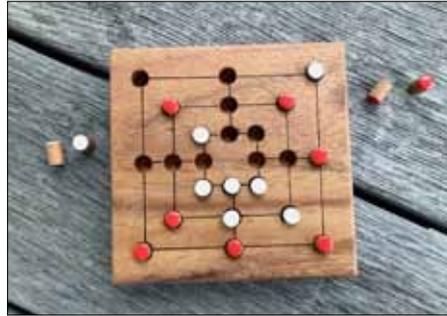
# “Scrabble”, “Ligretto”, “Chicken out”, “Halma” and “The Nasty Seven” – what is that?

by Dr Eliane Perret, curative educator and psychologist

Recently, I asked my class what they could actually do in their free time after school, that doesn't require a screen. At first, the class was silent. If I had asked my pupils about computer games or social media platforms, I would have immediately been snowed under with a wealth of answers. Finally, a boy offered “Go out and play football or just clean up your room”. Then a girl held her hand up and told me that she helped her mother with cooking and cleaning. One boy agreed that he also likes to cook with his father and draws often. Another boy told us about playing with Legos together with his younger brother. One girl enthusiastically listed the games “Scrabble”, “Ligretto”, “Chicken out”, “Halma” and “The Nasty Seven” that they would play at home. The other children looked confused and it was obvious that an explanation was necessary. The girl explained the different games to them. Meanwhile, one boy had a stony and slightly insulted expression. Obviously, he was disturbed by my question. I knew that in his spare time that he spent a lot of time, too much time with computer games. As time went by, a few ideas came up about how to have fun without electronics during free time. However, I also realised that many families have little time for playing together.

## “I am the excavator”

As so often, I thought about the discussion on my way home. Was getting together to play with other children no longer the order of the day? Playing is one of the most im-



Both black and white succeeded in this game with a mill (3 stones in a row). Mill is one of the oldest and probably best-known board games in the world. For example, a diagram was found on the temple of Kurma in Egypt, built in 1400 BC. Such a diagram has also been found in Troy. The mill game is easy to make yourself: Depending on the requirements, on cardboard or wood, painted or varnished according to your own taste. The playing field consists of 3 concentric squares. With a playing field size of 40 cm, for example, the largest playing field square measures 30 cm, the middle one 20 cm and the smallest 10 cm side length. (Picture ev)

portant activities for a child, especially a young child! Even babies play with their hands and feet. Strenuously and yet cheerfully, they reach for anything they can get to and put it in their mouth. In this way they get to know their body and gain their first experiences in their small environment. Later, when the infants can walk and hold objects their scope of action expands.

They begin to build, shape and test different materials. Paper is crumpled up, torn up and put into the mouth by way of trial. Towers made of wooden blocks emerge and collapse again with din and half-serious cries of horror. With paper and pencils they begin to illustrate their ideas in drawings. And soon the block becomes a car and the chair a locomotive, when the children at around two years of age start to use their surroundings according to their own ideas. Language plays an increasingly important role here. This symbolic game expands into role play in which people and actions from everyday life are imitated: “Now I am the excavator and you are the truck driver.”

## An incomparable field of practice

These forms of play are part of a child's personality development and provide an incomparable field of practice for their motor skill, social-emotional, mental and creative development. Children explore the unknown and try out newly discovered skills and master them “by playing”. With amazing stamina and enthusiasm, children engage in games in which they can move and which demand something of them. In doing so, they experience and train their body, begin to control it, experience their limits and learn to assess risks. They experience and process a wealth of sensory impressions and expand their knowledge of the world. By playing they practise empathy with other people, they develop under-

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## Training effect by play – digital or analogue?

by Dr. phil. Barbara Ritter, neuropsychologist, children's hospital of Eastern Switzerland, St. Gallen

The question is what exactly you want to train or promote with playing and for what purpose. When it comes to specifically training cognitive functions as efficiently as possible, computer tasks are probably more efficient because adaptivity and specification can be ensured much better. This works very well for adults if they are serious about the training. In case of children, there is always the risk that they simply click around on the screen over time and then the digital training misses its purpose. Some online trainings have feedback systems so that parents or trainers can notice this and intervene. Of course, you do not learn anything social with digital training. What we have in common, the relationship, waiting, frustration tolerance, emotion regulation, fine motor skills – none of this comes into play. This, in turn, is the advantage of parlour games, even if the training effect in cognitive terms is probably somewhat lower, because the level of difficulty is not always optimal or you only

have to think when it is your turn (depending on the game). However, parlour games are basically good training materials, because they can enrich everyday life for years (grandparents still play the card game “Elfer raus” (“elevens out!”) with their grandchildren), because they can be easily integrated into everyday life and because they casually achieve a cognitive training effect. Research has shown, for example, that cognitive functions such as spatial thinking can be statistically significantly enhanced in primary school children by playing and that seniors who often play parlour games in old age are on average less likely to suffer from dementia. In addition, parlour games are fun and foster cooperation, not to mention the training effect.

Recent studies show a mixed picture for PC games. There are actually functions in which gamers do better, for example reaction speed, visual discrimination or spatial thinking. Today's computer

games are much more interactive than in the past. Often people play interconnected as a team and communicate live via headphones during a game level. Therefore, a social interaction takes place. However, the risk is greater that gaming will slide into the field of addiction or that contacts in real life (so-called primary social experiences) will be replaced by it. Computer games are not bad per se, but they are critical, if played largely and uncontrolled. In analogue games, on the other hand, you sit opposite one another, face to face, and experience one another in direct interaction. If you want to play and promote at the same time, the brochure “Promoting and preserving brain functions with parlour games” is a good choice. The brochure contains recommendations for cognitively stimulating parlour games for all age groups and can be downloaded free of charge from: [www.kispisg.ch/neuropsychologie](http://www.kispisg.ch/neuropsychologie) (in German).

### “Scrabble”, ‘Ligretto’, ‘Chicken out’ ...”

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standing, they learn how to be helpful, they learn to endure and resolve conflicts, they learn to deal with disappointment. These are important parts of personality development. Children are intrinsically motivated to play, to deal with themselves and the environment, to recognise connections and conceive them in thought: “Thinking means researching, investigating, turning around, checking and supplementing with the aim of finding something new or seeing something already known in a new light – in short, it means asking questions” (John Dewey). No matter how sophisticated, the learning programme or the electronic medium cannot replace playing with other children. Children need analogue games, here and now.

#### How do you play? – what are the rules?

The next day it was pouring rain and we spent the break in the classroom – playing together. The children chose games and game partners. Favourites were “Uno”, “Mill”, “Mikado” and a ball game. Two children chose to do a puzzle together.

Soon it became restless in the “Uno” players’ corner. Obviously, they could not agree on the rules of the game. One child, who was losing, had special family rules and wanted to introduce them in the middle of the game. We discussed the issue and decided that it would make sense to agree on the rules – creatively designed with our own ideas – binding for everyone at the beginning of a game. Afterwards the game continued loudly but peacefully.

The Mikado players experienced a similar situation. Questions such as “who gets the stick that was shaking? Which sticks could be used for slinging and how many points did the different sticks count?” Meanwhile, the two girls playing “Mill” were unequally matched. One girl was an experienced player and knew all the tricks, the other had played it only a few times. The experienced player won time after time and the other player soon did not want to play anymore. The idea that the experienced player could teach her girlfriend solved the issue. At first, the experienced player was hesitant, but then she got involved in this new task. Now both were concentrated as they played the game: “Look, if you put your stone here, I can close a mill. You’d better put it there.”

Two children had set up their puzzle on the large table. “I always look for the edge pieces first,” I heard. “I look at the colours or look for pieces to make a figure, then I put them together.” With different and also changing solution strategies, the two made good progress, and soon other children joined them.

I remembered long winter evenings at home, when we had played “Eile mit Weile (Ludo / more haste, less speed)”, “Leiterlispiel (Ladder Game)” or “Tschau Sepp” (MauMau) together. Like my students, I had been confronted with winning and losing, luck or skill in these rule games. Often it is not easy to deal with the feelings associated with them – anger and disappointment, enthusiasm and joy. But this is also a field of learning.

#### Playing – a first profession?

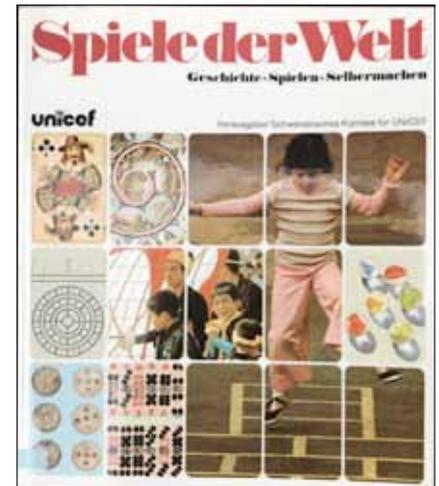
Play is not a by-product in a child’s life, but an essential part of his or her personality development. Therefore, child play has long been the subject of research. In a certain sense, playing is the child’s first profession, especially for young children. Children explore the world, and in doing so, acquire the basics of learning. Children want to take action, discover and understand, familiarise themselves with the unknown, find out how things work and how the laws of nature work. The game thus becomes foundation for learning in school and later for the development of professional skills. Comprehensively, play is about the development of intellectual, emotional, social, motor skills and creative abilities. Through play, children acquire the skills and abilities that will later enable them to become independent, self-reliant and socially responsible. This is an important prerequisite for a successful education and life. Not only for children, but also for the care of elderly people.

Supporting play – digital or analogue

Today, there are many learning/playing tools in circulation promising playful support for children, many of them digital. Which is better? I found a recommendation from experts in a flyer from a school psychology service: “If you want to support your child, make sure that there is enough room for play in his or her life and that screen time doesn’t overtake playtime. This avoids boredom, promotes adaptation, and allows the child to learn from experience and sort out the world. Imagination is a motor for productive thinking, for constructive ideas and for problem-solving skills which, together with a good education and a healthy, self-confident personality, offer the best conditions for good career prospects.”<sup>1</sup> Further important tips can be found in the text by Dr Barbara Ritter in the following box.

#### Free time – a gift

It is therefore important that children have sufficient free time at their disposal, which they can organise independently and free from expectations and pressure to perform. Even at school age children can and must learn to organise their time, develop and implement independent ideas. This strengthens their ability to understand and



The book “Games of the World. History, Play, Do-It-Yourself” contains numerous suggestions for games of all kinds. They are games for a wide variety of needs - games that can be played alone, in pairs or with several people, games that can be played indoors and others that can be played outdoors. In addition to descriptions and game instructions, it also contains instructions for making the games yourself. It was published in English in 1975, the German edition was published by the Swiss Committee for UNICEF in 1979. (Later a paperback edition was published: ISBN 10: 3596230748, ISBN 13: 9783596230747)

master everyday challenges. This does not mean leaving the child alone or emptying the playroom or kindergarten so that the child becomes “creative”. Because “the grass doesn’t grow faster when you pull on it”, as we often hear today, but it atrophies or dies if you do not take proper care of it. That’s why a real interest of parents in what their children are doing is essential. And of course, whenever time allows, playing together. Is there no room for it today?

#### And now?

When I recently came home, three children were sitting on a tree on the neighbouring property. Visibly amused, they watched the passers-by, expecting a reaction. I was happy. •

<sup>1</sup> School Psychology Service of the Canton of St. Gallen. *Lernen oder Spielen? Kinder lernen spielend* (Learning or playing? Children learn by playing), <https://www.schulpsychologie-sg.ch/pic-pdf-liste-themen/Lernen-oder-Spielen.pdf> (retrieved on 23 November 2020)

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## “A strange story”

by Renate Dünki

*Now come the evenings when it gets dark early. People like to stay in the warm flat, and it is even nicer when they get together to play together. It doesn't take much: a sheet of paper and a pencil are enough, material that everyone has at home anyway. “A strange story” is one of my favourite games, played by adults and children together. Why not give it a try, especially in Corona times, when the evenings are best spent in a small circle at home?*

### Writing – folding – passing on

Four or five players around a table: each equipped with a sheet of paper, a pencil and at least half an hour of time. Because this time passes so quickly, it can also become an hour. The first task for each player is to think up the outlines of a story they want to write down before starting the game. This story should consist of at least ten sentences, better more. Everyone starts with one or two sentences at the top of their blank sheet. The time for writing, about three minutes, depends on the slowest player. He should be able to participate with one sentence. Then everyone folds the written sentences backwards so that only a few words of the last line remain visible. Each player passes his sheet of paper to his left-hand neighbour and receives the sheet of paper from his right-hand neighbour in return. There they continue to write their story in such a way that the words found in the neighbour's sheet somehow fit in. The sheets are written on and passed on until everyone thinks they can come to an end.

### Of hedgehogs, monsters and bathing

The task is not easy, the heads are smoking. Everyone writes eagerly, looks over to the others once in a while, laughs or moans a little. Is everyone ready? Yes. Now the written text is folded over and passed on to the next person. It is not easy for me as a grandmother. The children always want to tell stories with giants and monsters that I don't like very much. I therefore try to tell a peaceful hedgehog story from my garden. The father sticks to the idea of a bathing Sunday by the sea. He wants to drive there in his big old car and have adventures. These different ideas will of course not be revealed to the others, otherwise it would be boring. But how do these fundamentally different stories fit together? Everyone defends his version in every round as best they can.

**And challenged again and again!**  
Each end of the previous sentence must be taken up, fitted into the next own sentence and integrated into the overall performance. This always changes one's own story. But nobody wants to give it up completely. That is quite challenging. A look at the children – a funny look back, a game within a game. You know that I have to rack my brains now. The visible end of the sentence is always exciting for me, which hopefully won't bring me a monster. But I hope in vain. It says: “... the green giant roared.” What is my hedgehog supposed to find? I am sure he is frightened. So, I write: “Quickly the little hedgehog curled up and showed his spines.”



(Bild pe)

The sheets go round in circles two or three times, depending on how much stamina you have in writing. Now they can be unfolded and the stories read aloud. The curiosity to hear the whole story and recognise one's own sentences is great. Everyone is amazed at the skill of the others in picking up the narrative thread and redirecting it back to their own story. They enjoy their own ideas and the ideas of others. There are no winners or losers. And there is no age limit either. I love such games, of course. Yes, the stories are really strange. And this game is not easy. It needs planning, but also linguistic and inner flexibility.

### Your idea – my idea

Everyone follows his or her own narrative plan. He has an idea of his story and the persons he wants to defend. I wonder if this will be useful later in discus-

sions in which the other party takes up a turn and either refutes it or uses it to make their own arguments. The main thing is not to give up the thread of the conversation! Such a writing game can therefore perhaps be a preliminary stage of funny and cunning argumentation. The ability to deal with an unexpected thought is crucial.

### How do you say that again?

This game at the family table requires even more: a vocabulary that can pick up or respond to a thought – introduced with words like but, unfortunately, suddenly; fun with strange stories and playing with them; the assumption that one's own ideas count, despite the interaction with older, more experienced people. This gives not only linguistic agility. Such a flexible narrative (and later writing) ability – always related to a group of listeners or readers – naturally does not develop in two or three years of schooling.

### In linguistic exchange emotionally connected

This begins early in the family: in the first year of life, in the first months of the baby's life. Anyone who has ever observed how parents and child lovingly “exchange” with each other by developing a dialogue of glances, laughter, sounds and the first speech sounds knows what is being talked about. The basis of an initial “conversation” is the attentiveness of the parents, who leave the child room for its own activities, welcome it joyfully and encourage it, but do not hassle it. Such warm situations in the family create bonds – the foundation of development and also of language. Older children also love such playful and heartfelt situations, for example a writing occasion as described at the beginning. Such games enliven or develop an important level of narrative and writing skills. Instead of continuing stories, this game can also be made with continuing pictures: Now it is a matter of drawing, folding, passing on. You start with a head and neck, fold the sheet over and hand it to your neighbour. Then you draw the shoulders and arms on the next sheet, continue with the body and end with the legs and finally the feet. Funny mixtures of a robber's head with hat, the shoulders of a crocodile etc. are created. This game is much easier and shorter. A good mood in a round is the prerequisite for both, and also laughing together about the funny result. By the way, this also works very well wearing a mask. •