

Current Concerns

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On the task of siding with life Lessons from a quarter of a century of “new euthanasia”

by Moritz Nestor

cc. The following article was written to mark the 20th anniversary of the founding of the “Hippocratic Society of Switzerland” – but the questions it raises revolve around core anthropological issues and are of fundamental importance. The article is about our attitude to life, to our fellow human beings, to the relationship of the generations with each other, as well as about placing these questions in a socio-political context. They do not only provoke thoughts in connection with the repeatedly heated debate about euthanasia and assisted suicide, they are also highly topical against the background of the current discussions about an allegedly necessary “balancing of goods” between health and economy in connection with Covid-19.



*Social engagement – an enriching experience for all involved.
(Picture © imago / Gustavo Alabiso)*



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Dear Ladies and Gentlemen

Allow me a personal preliminary remark. My father was an officer in the “Wehrmacht” of the “Third Reich”. He narrowly escaped death in 1943 during the rear-guard action in the Chertkovo basin, shot in the head and with frostbitten feet. I grew up deeply affected by the war and also by Nazi euthanasia. My father, who after six years of war had to continue to kill in his dreams for thirty-five more years, until his death, is a warning example to me of what it means to no longer be able to come to rest in life, because one has been involved – actively or passively – in killing. And it is deeply disturbing to have to think one day about whether your beloved father killed with the same hands with which he caressed you.

When I read the article “Uncharted ways of euthanasia in Holland”¹ in the “Neue Zürcher Zeitung” of 29/30 May 1993, I was left in disbelief.² In the democratic Switzerland of 1993, what were “uncharted” ways of euthanasia supposed to be? The NZZ article was the prelude to the campaign for the legalisation of “euthanasia” in Switzerland.³ At that time,

we learned that the frightening example presented in the NZZ article was the result of a gradual liberalisation of patient killing in the Netherlands since the 1970s, which was now coming to Switzerland. In the governmental reports of the Netherlands we found the “euthanasia” figures for the years 1990 and 1995. 1990: 19,803 (out of 128,824 deaths in this year) and 1995: 26,593 (out of 135,675 deaths in this year).⁴

Public discourse about killing as if it were a form of “love”, and its consequences

At the core of the Hippocratic Oath lies the prohibition of killing. The oath is the oldest code of professional ethics known in human history. Its great age of over 2,500 years and the fact that in all that time no penal law was needed for it to hold among doctors reflects what Viktor von Weizsäcker, one of the founders of psychosomatic medicine and modern medical anthropology, wrote in his 1923 essay “Hippocrates and Paracelsus”: the doctor’s profession is, he says,

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"an everlasting, perhaps eternal one. And as it is man's eternal fate that we become ill and need help, so that is why the doctors' actions have a history [...]. But medicine does not come and go like a people, a culture, it is longer, its art is of long duration [...], and this is precisely why it participates in everything that is longer than a story, why, like philosophy, it participates in the perpetual, the infinite – pertaining to the spirit. [...] it does not originate in the spirit, but in life, in that cell of earthly existence with its pains and sufferings [...] the "philosophos" [is] a lover of health or wholeness – thus basically a physician. For a gifted doctor will be [...] he who has a sense of harmony, a sense of beauty, wholeness and perfection; he will feel all the more keenly what is needed, or what is lacking, the stronger his longing for the beautiful, the whole, the stronger his love for the ailing will grow out of his love for the healthy."⁵

Have we not become doctors and psychotherapists because we were touched somewhere by that "love of the ailing" and that "love of the healthy" of which Weizsäcker speaks here, and through which, as he says, we "feel what is needed, or what is lacking"?: How does one become a doctor? Viktor von Weizsäcker answers the question "How do you become a doctor?" by means of a moving image:

"When a little sister sees her little brother in pain, she will find a way before all knowledge: fondling him, her hand finds the way, caressing, she wants to touch him where it hurts. So the little sister becomes the first doctor. A foreknowledge of a primordial effect prevails in her, even though she is unconscious of it: it guides her urge to the hand and leads the hand to the effective touch. For this is what the little brother will experience: the hand does him good. The sensation of being touched by the sisterly hand comes between him and his pain, and the pain retreats before this new sensation. And this is the genesis of the first concept of a doctor; so the first technique of therapy comes into being. In fact, here, being a doctor is entirely in the small hand, being ill is entirely in the aching limb, and it will always remain so; even if the hand grows larger and arms itself with instruments or lends its strength to healing poisons or the

"We humans owe our lives to the generation of our parents and grandparents, as it was their gift to us. It was their help and care that enabled us to become human. Therefore everyone feels a deep obligation of gratitude and so wants to return to them today what they have once given us – given out of love, without our even asking for it. This invisible contract binds the generations together naturally. It forms the core of our social nature."

speaking mouth, it will always remain, this hand, equally skilled in touching and taking hold, in caressing and cooling, an essence also of later medical activity."⁶

"With the question: What is the trouble? [...] the primal phenomenon of being a doctor is introduced into reality. This everyday occurrence [of the ailing person's encounter with his doctor, MN] deserves to be regarded with earnestness, yes, even solemnity."⁷ Its "beginning [is] not knowledge, but asking questions."⁸

So now, in 1993, the new "euthanasia" campaign also began in Switzerland. In autumn 1993, a member of the Dutch Society for "Voluntary Euthanasia", *Piet Admiraal*, appeared in the Aula Magna of the University Hospital of Zurich for the first time. The co-lecture was given by a Dutch opponent of euthanasia, Prof. W. C. M. W. *Klijn*, Professor of Ethics at the University of Utrecht and member of the "State Commission on Euthanasia" in the Netherlands, who warned us urgently: "You have Article 115. It will become the gateway."

Since then, the country has been inundated with euthanasia propaganda, and, in the last ten years, as aggressively as never before and to an extent that can hardly be surpassed. It was people like the philosopher *Robert Spaemann*, the psychiatrist *Klaus Dörner* and, above all, the German disability and hospice groups, who had realised even earlier that as little as only simply talking publicly about killing will cause serious social harm. When it was claimed that "being allowed" to talk about "euthanasia" was a question of tolerance, *Spaemann* was fond of quoting *Aristotle*: "Whoever says that it is allowed to kill one's mother deserves not arguments but rebuke."⁹ We only gradually understood what he meant back then. And what I am saying now is the lesson of thirty years of history.

The seriously ailing person is always existentially dependent on appropriate medical help and on the compassionate care of his relatives, good friends, doctors and nurses, who not only "care for" him, but support him compassionately, tirelessly instilling courage, confidence and hope. If the social environment, especially also doctors and nurses, radiates the ethos that everything humanly possible will be done to alleviate suffering, to heal; to do what is possible, and in the most difficult hours, where medical skills reach their limits, not to abandon the sick person, but to go through the most difficult times together – then such compassionate support is decisive for the course of the disease to a degree that should not be underestimated. The will to live and the hope for recovery play the most important role in the course of the disease and for the chances of recovery, in addition to the best possible medical treatment. This inner strength must be instilled in the despondent patient by his fellow human beings. The dependence of mortality on social connectedness is well documented in science: *Thure von Uexküll* summarises several studies in his standard work "Psychosomatics": People with

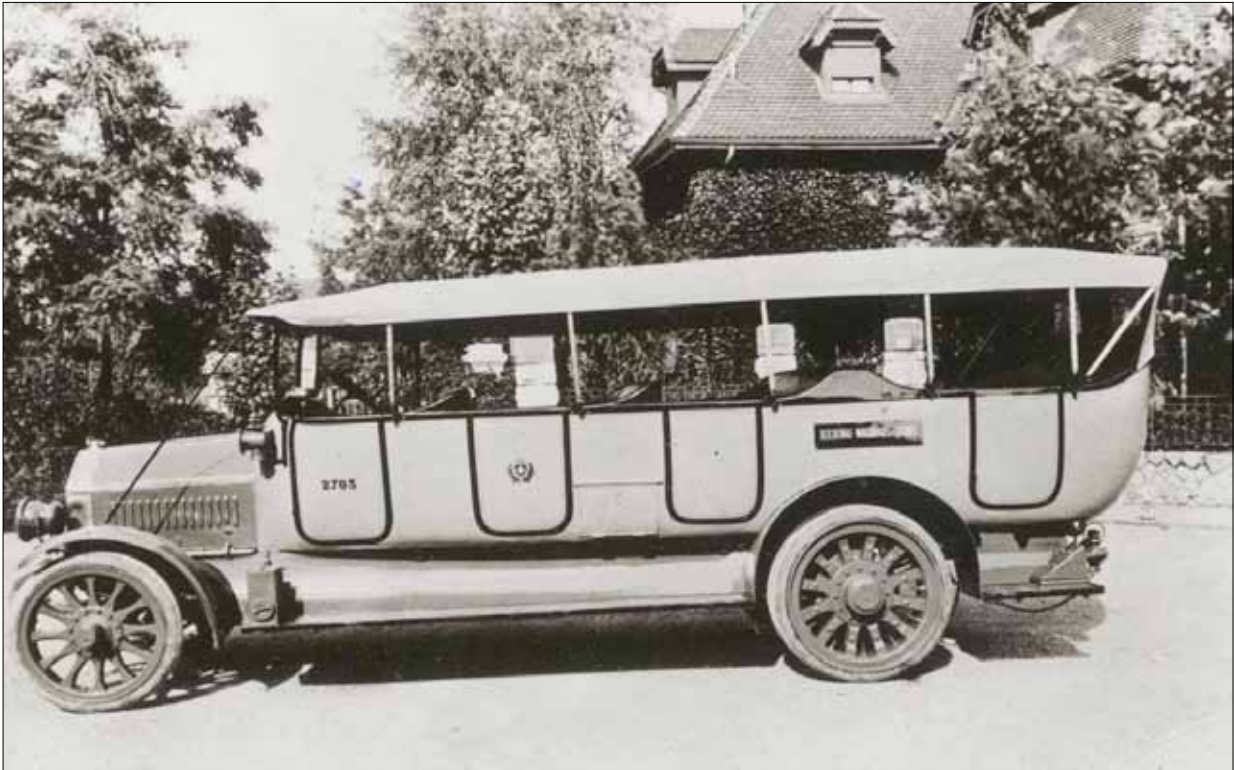
"the least social ties and human relations showed a mortality 2.3 times (for men) and 2.8 times (for women) higher than the group with pronounced social ties and human relations. [...] [and that, MN] unaffected by health status at the time of the start of the study and the year of death, socioeconomic status, health-damaging behaviour [...] as well as physical activity and use of preventive health services."¹⁰

In the past, the drama of suicide was not done justice when it was demonised as a sin. But neither is it done justice today when it is glorified as "self-determination", altruistic compassion or even an act of love. But this is exactly what has been propagated since 1993.

Keep the service public in the hands of the sovereign!

No sell-out to EU major corporations

by Dr iur. Marianne Wüthrich



The first post bus on the Flims-Reichenau route. (Picture PTT-Archiv)

This year, for many of us, the festive season over Christmas and New Year will be quieter than usual due to the pandemic. Instead, we will have more time to think about how we humans want to help shape the future of our world, but also of our immediate environment. We Swiss have our strong direct democratic rights to ensure that the Swiss model with its free and cooperative foundations is preserved and can once again increasingly act as a role model. Proposals for further development and adaptation to the needs of the time must always bear strict scrutiny: Does what is planned serve the good of the individual and the community? Do we citizens keep the steering wheel in our hands?

One of the pillars of our cohesion that requires our constant attention is a high-quality public service, which must first and foremost serve the population. “A good public service – the hallmark of Switzerland” is the title of the *Federal Department of the Environment, Transport, Energy and Communications* (DETEC) information page. According to the Federal Council, public service includes “the basic provision of infrastructure goods and services, which should be available to all sections of the population and regions

of the country on equal terms, in good quality and at reasonable prices.”¹ And it is precisely this basic provision that is threatened at its core since two or three decades.

Privatise public service?

Recently, the editor-in-chief of the “*Neue Zürcher Zeitung*” once again repeated the well-known demand of economic liberalism in an editorial: “A new round of liberalisation is necessary.”² As “justification”, it took up the case of *PostAuto AG*, which has actually been settled since two years. In brief: The business results of *PostAuto AG* had been presented worse for years by rebookings in order to receive more federal money. The fact that the “*Neue Zürcher Zeitung*” did not find anything more recent shows that such incidents are extremely rare in Swiss state-owned companies. Why? One of the great advantages of direct democracy is that citizens keep a watchful eye on federal, cantonal and municipal enterprises, as well as on parliaments and communal councils, because they, in turn, have to guard against the strong political rights of the citizens. Regarding the case of *PostAuto AG*, it should be noted that no one there worked into their own pockets, but that it was a matter of keeping bus lines alive that did not

bring in enough to cover their costs. Nevertheless, it was a question of taxpayers’ money that was not used legitimately, and Swiss Post has to pay this back to the Confederation, the cantons and the communes – everything has already been settled.³

This example clearly shows that the profit orientation of an AG [public limited company] is incompatible with the basic idea of public service. In the words of the “*Neue Zürcher Zeitung*”: “After all, the framework conditions set by the Federal Council for public transport [meaning the requirements for public service, mw] cannot be seamlessly reconciled with the profit expectations of the same Federal Council for its transport companies.” And further: “Finally, the state constantly gets into contradiction with itself when it wants to control the companies and at the same time maximise their dividends.”⁴

The logical consequence of this should be that the public service must first and foremost fulfill its mission to serve the population, without having to constantly chase higher profits. Editor-in-chief *Eric Gujer* draws a different conclusion: “The model case of the postal yellow balance sheet falsifiers would have been an ideal

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opportunity to discuss the *raison d'être of the federal enterprises.*" [emphasis mw]

This is plain language! How did it get to this point that a renowned Swiss newspaper is questioning the existence of the Confederation's public service enterprises? And why are the Swiss Postbuses a public limited company in the first place?

Liberalisation wind with the help of the ban on state aid from Brussels

It is no secret that the EU has no preference for state support of any kind, for example, towards service-public enterprises. The main purpose of the EU's internal market is, as is well known, the "free" market, which mainly serves large corporations to squeeze into well-functioning national or regional markets. Although Switzerland is not a member of the EU, foreign corporations have been putting the Swiss public service, for example the Post AG, in some distress since two or three decades.

The EU supports such activities by means of the "ban on state aid", a real instrument of destruction of national and local structures. According to Article 108 of the "Treaty on the Functioning of the European Union" of 13 December 2007 and the corresponding interpretation by the European Commission, state aid "for example in the form of grants, interest rate subsidies or tax exemptions, guarantees, state participation in companies, the provision of goods and services on preferential terms" is generally not permitted. If the Commission concludes that an aid could "affect interstate trade in the EU" and lead to "distortions of competition," "*the Commission must prohibit the aid* – unless it can be shown to be compatible with the common market."⁵ [emphasis mw]

For Switzerland, this ban on state aid is already having an impact today. One of these is the conversion of public service enterprises into public limited companies under private law, another is the exclusion of small hydroelectric power plants from state subsidies.⁶ For the future, far more serious consequences are to be feared if Switzerland were to conclude the framework agreement with the EU and thus be forced to adopt EU law in numerous legal areas.

As a joint stock company, ready for the "free" market: Example of the fragmentation of the PTT

It has already been discussed here several times that certain circles in Switzerland unfortunately do not try to curb this questionable development, but conversely promote it. Forces in the federal and the cantonal administrations, but also in politics and in business associations, which

primarily represent the interests of large corporations, are pushing for the fundamental reversal of polarity in public service enterprises. The Post, the SBB (Swiss Railways), the hospitals, hydropower are to be increasingly subordinated to economic goals; instead of the common good, the focus is on returns. Rural hospitals are being closed despite the clear need of the population because they are "not operating profitably;" post offices have been closed for years against the resistance of the population with the "justification" that the post office counters are hardly used any more anyway (which is not true), etc.

The Swiss Post, for example, was called "PTT" (Post, Telegraphy and Telephony) until 1998 and has always been strongly anchored in the population. This close interaction worked perfectly: the high surpluses of telephone calls (the PTT had the telephone monopoly) financed the deficits of letter and parcel post, which was delivered punctually and reliably to every household, even in the many remote mountain valleys – a real public service. The post bus lines reached every village that was not on a railway line, although not yet at half-hourly or hourly intervals. Thanks to postal payment transactions (PC accounts), there were more than enough savings available for investments in new post offices or postbuses.

Under the external influences described above, the federal authorities began to split up PTT in 1998: the profitable telephone division was spun off and went public as *Swisscom AG*, with the Confederation retaining more than 62% of the shares – in order to generate dividends for private individuals instead of using the profits to serve the general public. In the "free" market, of course, there was no longer a telephone monopoly, but global competition entered the lucrative Swiss market within a short time. The second profitable division of Swiss Post, postal payment transactions, became a public limited company under private law in 2013 as *PostFinance*, which is still part of Swiss Post, i.e. wholly owned by the Confederation, but keeps its own accounts. What remained were the letter and parcel post and post bus services, which everyone knew would run deficits without cross-financing from telecommunications and postal payment services. Today, *PostAuto AG* is also a subsidiary of *Swiss Post AG*, and its shares are owned by the Confederation. After the 1998 split, suddenly left on its own, it was expected to make profits to keep weakly staffed lines alive, the account transfer described at the beginning occurred.

The sovereign does not want privatisation of the public service

The legal form of most public service enterprises no longer indicates whether they

are state-owned or privately owned, as almost all of them have been transformed into private-law companies in the last 20 years. As a public limited company, the public service enterprises have one foot in the door to privatisation, even though there is considerable resistance to the sell-out of self-sufficiency. Fortunately, this will not take place without the consent of the voters.

Direct democracy also has an important braking effect on the telecommunications company *Swisscom*: in 2006, the Federal Council wanted to sell the Confederation's majority of shares and thus privatise *Swisscom* completely. That would have flushed about 17 billion Swiss francs into the federal treasury (which Switzerland, with its relatively solid budget, does not need at all). Both the National Council and the Council of States did not support this proposal – although both councils did so by a narrow margin (99 to 90 and 23 to 21 votes respectively). As a result, the Confederation has retained a majority of shares in *Swisscom* to this day. Several members of the Council of States who were opposed supported the attitude of many Swiss towards the sovereign handling of the public service. *Filippo Lombardi* (CVP, Ticino), for example, insisted "that the telecom infrastructure must remain in Swiss hands," and *Simon Epiney* (CVP, Valais) called on the Federal Council to face the question "whether a state monopoly might not be followed by a private one." The parliamentarians also had opinion polls with them, according to which "a full privatisation in the sense of the Federal Council [in the referendum] simply has no chance" (*Peter Bieri*, also CVP, Zug).⁷

Ten years later, summer of 2016, Council of States member *Ruedi Noser* (FDP, Zurich) made another attempt at the total privatisation of *Swisscom*, but withdrew his motion in autumn because it would have had no chance in the Council debate – and according to a new survey, also in a referendum.⁸ Neither the insistence of *economiesuisse* and other domestic advocates of the borderless "free" market helped, nor an OECD study according to which "no other country in Europe is as hostile to privatisation as Switzerland." The OECD's chief economist even predicted that Switzerland's allegedly too low growth would be "insufficient to finance future government spending"(!) and recommended privatising *Swisscom*, among other things, as a shock therapy.⁹ Why does this not work, despite all the prophecies of doom? "The big difference: in other countries, it is not the people who have the last word," the "Bilanz" notes soberly.

Peace on Earth

Reflections on the Essence of Swiss Neutrality

by Dr rer. publ. Werner Wüthrich

On 30 October 2020 Federal councillors Sommaruga und Cassis announced Switzerland's candidacy for a non-permanent seat in the UNO security council. As Simonetta Sommaruga put it, the body was in need of members who knew how to build bridges. Former Federal councillor Micheline Calmy-Rey has recently published a book with the title "Die Neutralität. Zwischen Mythos und Vorbild" (ISBN 978-3-03810-493-3) (Neutrality. Between myth and model.) It is food for thought and worth reading, but some of its controversial claims should not go unchallenged. It offers a deep insight into the essence of neutrality but is meant to pave Switzerland's way into the security council.

In this article I will outline my first impression about the book. I argue that Switzerland has other frameworks at her disposal in which to promote peace, which are much better than a security council seat ever could be.

Neutrality is deeply rooted in the population. Every year Zürich university (ETH) conducts a survey which invariably confirms more than 90% support of the population in favour of and for the

maintenance of neutrality. Together with direct democracy and federalism, neutrality stands at the core of Swiss identity and *raison d'être*.

Distinctions are made between neutrality laws and neutrality politics. Neutrality laws consist of a limited body of treaties such as the *Hague convention* of 1907 which is relevant mainly in wartime (the neutral party must not take sides, must deny troops passing through or war planes flying over its territory, while trade is allowed with all parties). Neutrality politics on the other hand governs state politics in general. Swiss neutrality politics has assumed various shapes and appearances throughout history. After the First world war Switzerland was a member of the League of Nations and supported economic sanctions against countries violating international law, which created difficult situations – especially regarding Italy after their attack on Ethiopia (a.k.a. Abessinia at the time).

After the Second world war the federal council endorsed "integrative neutrality". Switzerland avoided taking sides in conflicts both politically and economically, which was the reason why the United Nations were not joined before 2002.

Calmy-Rey mocks this strategy saying that Switzerland had put herself into a "straightjacket" and had voluntarily restricted her range of activities. But was that really the case? After all the UNO had established their second most important headquarters at Geneva, in the non-member state of Switzerland. This has created numerous opportunities. Prior to their joining the UNO Switzerland actively collaborated in all UN sub-organizations and contributed financially, above average. This version of neutrality proved beneficiary in many instances and was highly appreciated. The *International Committee of the Red Cross* have their headquarters in Switzerland, too. They are committed to neutrality in their work. Sometimes this approach has provoked criticism, though. For instance, when Switzerland did not support sanctions against South Africa because of their apartheid policies.

"Active und pragmatic politics of neutrality"

The attitude in the Swiss federal council changed in the 1990ies, coinciding with the emerging goal to join the European Union. continued on page 6

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Public service as a red line for a framework agreement with the EU

Thanks to direct democracy, there is still hope that our good public service companies cannot simply be sold to the highest bidder. But we citizens must remain vigilant: the next red line for our state system will be the framework agreement with Brussels and also on the question of public service.

With this in mind, the *Conference of Cantonal Governments* (CCG) in March 2018 took an extremely critical position on the numerous traps of EU state aid law that a framework agreement and the associated adoption of EU legislation would have for the sovereign organization of public service by the Confederation and the cantons. Here are just a few striking points from the position reference of the CCG from 2018: "If this proves necessary, in future bilateral sectoral agreements with the EU, at best, autonomous rules on state aid can be anchored, which reflect the federal structure of Switzerland and take the characteristics of the individual economic sectors into account. It must be kept in mind that the EU system is politically and constitutionally [...] incompatible with the Swiss system. An

adoption and dynamic further development of the EU regulations is therefore definitely ruled out." (3.1. Point 11) And further: "Any monitoring and control of state aid granted in Switzerland can only be ensured by a Swiss authority within the framework of bilateral sectoral agreements." (3.2. Point 16)¹⁰ [emphasis added mw]

It is to be hoped that the cantonal governments will not fall short of this clear statement in the next hour of the decision. Even if, thanks to their intervention, the adoption of EU state aid law is not expressly included in the text of the framework agreement: Brussels would never, ever agree to the federal and cantons granting subsidies in the bilateral agreements based on it in accordance with Swiss law and the federal structure and for Switzerland itself to regulate and monitor. That would be diametrically opposed to the purpose of the framework agreement: It is supposed to force Switzerland to adopt EU law without any ifs or buts.

If it is clear to us citizens that the EU system is politically and constitutionally incompatible with the Swiss system, then the framework agreement has no chance in the referendum. Who knows, maybe neither in parliament. •

¹ <https://www.uvek.admin.ch/uvek/de/home/uvek/bundesnahe-betriebe/guter-service-public.html>

² Gujer, Eric. "Die Schweiz ist ein Land der Selbstgerechten. Dabei ist die Liste der Affären und Skandale lang." (Switzerland is a country of the self-righteous. Yet the list of affairs and scandals is long.) In: *Neue Zürcher Zeitung* of 4 December 2020.

³ DETEC [UVEK]. "Subventionsbezüge bei Post-Auto Schweiz AG" (Subsidy payments at PostBus Switzerland Ltd.)

⁴ Gujer, Eric. "Die Schweiz ist ein Land der Selbstgerechten. Dabei ist die Liste der Affären und Skandale lang" (Switzerland is a country of the self-righteous. Yet the list of affairs and scandals is long.) In: *Neue Zürcher Zeitung* of 4 December 2020.

⁵ European Commission. Competition. Delivering for consumers. Government support for industry (state aid) (https://ec.europa.eu/competition/consumers/government_aid_en.html)

⁶ See "We should promote small hydropower instead of choking it off"; in: *Current Concerns*, 24 November 2020

⁷ "Swisscom-Privatisierung ist gescheitert" (Swisscom privatisation has failed.) Report from the debate of the Council of States. In: *Neue Zürcher Zeitung* of 8 June 2006.

⁸ "Ruedi Noser zieht Swisscom-Motion zurück" (Ruedi Noser withdraws Swisscom motion.) In: *Handelszeitung online* of 26 September 2016 (sda/me).

⁹ Kowlasky, Marc. "Die Swisscom ist reif für die Privatisierung." (Swisscom ripe for privatisation.) In: *Bilanz* of 31 May 2016

¹⁰ Conference of Cantonal Governments (CCG). Position Statement. State aid in the Switzerland-EU relationship. Plenary meeting of March 23, 2018



The UN in Geneva. (Picture UN Photo/Jean-Marc Ferré)

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union. CalmyRey coins the term "active and pragmatic politics of neutrality" to describe this new orientation. Since then and until now Switzerland has often participated in international sanctions and has endorsed coercive measures which Western states have taken – for instance recently against Russia. Calmy-Rey mentions the Kosovo several times. As minister for foreign affairs she had been responsible to a large extent for Switzerland being one of the first countries to officially recognise the Kosovo as a state immediately after NATO's bombardment of Yugoslavia, although the Serbian region lacked important preconditions to become a state (and still does). The situation is still far from stable and the Kosovo even further from being a prosperous country. Almost 20 years later soldiers from various countries including Switzerland are still stationed in Kosovo to prevent armed conflict from flaring up again. Calmy-Rey writes that the extraordinary human rights situation had justified the immediate recognition as a state. NATO had justified their war against Serbia with human rights violations and "genocide" and had built their propaganda, which accompanies every war, mainly on these arguments. The wars in

Iraq, Syria and Libya were justified with human rights violations, too. This created some strange situations. One party in such a conflict (such as in Syria) may easily get tempted to fake human rights violations such as poison gas attacks and blame them on the enemy (i.e. False flag operations) – with the goal to get NATO or US bombers involved. Human rights violations as reasons to go to war are always problematic. More often than not, wars cause much graver human rights violations as compared with the ones they allegedly help to prevent. The underlying reasons of human rights violations are usually lacking political solutions and insufficient commitment to find them. This is exactly the point where Swiss neutrality politics could get involved and Switzerland become a bridge builder. In my point of view, there are better opportunities outside the UN security council to promote peace. For-instance, the Good services of Switzerland helped achieve the peace of Evian in 1962. Calmy-Rey offers many historical examples dating as far back as the 19th century. It is astonishing though, that in her book she misses out on the human bridge which Switzerland built for France and Algeria in 1962 which eventually helped the peace of Evian to get signed. This treaty put an end to one of the worst wars after 1945,

which is comparable to the Vietnam war in many aspects. This outstanding achievement of the diplomats at the Political Department (today Swiss Federal Department of Foreign Affairs, FDFA) was so crucial that it should be discussed in detail here.

Ending the Algeria war – a great challenge for the Good services of Switzerland

Algeria was the biggest and oldest colony of France but formally constituted a part of France. More than one million French people had settled there. The war of independence started in 1954. The Algerian *National Liberation Front* (FLN) was supported by Tunisia and Morocco, both of which had already become independent countries. France had deployed around half a million soldiers continuously in Algeria. Until 1962 about 1,7 million French military personnel had served in this war theatre – apart from professional soldiers the Foreign Legion and also many young Frenchmen drafted for military service. This big war was under heated debate especially in France. One reason that General *Charles de Gaulle* was elected again for prime minister in 1958 and for president in 1959 was his promise to end the war and grant independence

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to Algeria. For 8 January 1961 de Gaulle scheduled a peoples' referendum. His policies were supported by 75% of the voters in France. But the referendum didn't settle the issue. The peace process was disrupted massively. Only days later, on 20 January, the *Organisation armée secrète* (Secret Armed Organisation, OAS) was founded in Madrid which was joined by many French settlers and several high-ranking officers of the French military sympathised with the OAS. They went underground and started to commit attacks in order to topple the peace process. On 21 April the OAS staged a coup in Algiers including four French army generals who positioned themselves against Algerian independence and de Gaulle's peace plans. The coup failed but the situation remained highly dangerous. Open negotiations for peace were hardly possible. Both de Gaulle and the FLN approached Switzerland to help and provide Good services. In a first step the goal was to organise direct one-on-one talks.

These talks were held – in view of the dangerous situation in a highly clandestine setting. Today the reports are declassified and may be read at dodis.ch (www.dodis.ch/9709 and 10392; 10413 and 10389; 10307 and 398). Especially the 50 pages report of minister *Olivier Long* are worth studying: he and *Gianrico Bucher*, both staff members at the Swiss Political Department, had discretely prepared and organised the meetings. The war parties were to meet unofficially in Luzern, at first in a private setting. With *George Pompidou* (later to become French president) de Gaulle had appointed one of his most trusted collaborators as head of the negotiation team. Pompidou was working in private business at the time. The talks took place in the *Hotel Schweizerhof*. Algerians and French met after breakfast, spent the whole day together and discussed until late at night. Long and Bucher were sitting in the adjacent room and made sure nothing suspicious could be noticed outside which could prompt violent attacks from the OAS against the beginning peace talks. However, after a few days Long und Bucher found the situation too risky and transferred the negotiations to Neuenburg. This illustrates: quite often the Good services mean that talks in a neutral environment are organised and to keep them secure.

Signing the peace in Evian – the aim was achieved

After the second round of talks the concept of formal peace negotiations had been agreed upon: they were to take place in Evian, on the French side of Lake Geneva. The first phase of the negotiations, still secret, dealt with a truce. Before official negotiations were to start, the armed conflict in Algeria had to stop first. Only at this stage the media were to get involved – a highly sophisticated endeavour. Understandably, the Algerian delegation preferred not to stay on French soil. They resided in Switzerland in the Lausanne region and travelled every day with military helicopters or, on days with bad weather, with speedboats via Lake Geneva. But even on the Swiss side the Algerians didn't feel safe. An entire batallion was mustered by the Swiss army for their protection. In addition, the Algerians changed their residence every day to make sure the press didn't find out about their whereabouts. The costs of this huge military style operation were covered in full by the Swiss taxpayer. The conference of Evian became a success and ended with the Evian peace accord. Algeria gained their independence. Bucher and Long wrote their report for the departement (which is accessible at dodis.ch). In hindsight one may agree that the extremely cautious approach and highly professional conduct of the two staff members of the political department had been right. Only weeks after the peace had been signed assassins' bullets only narrowly missed Charles de Gaulle in his limousine. The Good services of Switzerland had helped to end one of the most brutal wars of recent times and to achieve a stable peace. Without policies of strict neutrality this would not have been possible.

The Evian peace accord helps Switzerland in their European politics

The Good services and the agreement of Evian strengthened the position of Switzerland in the international community, who may have been impressed how this had been possible to achieve. Switzerland was officially invited to the Elysée palace. Federal councillor *Wahlen*, chairman of the political departement, visited de Gaulle, who thanked him for the Good services of Switzerland (see the protocol of the meeting at dodis.ch

30270). *Wahlen* used the opportunity to present the problems Switzerland faced at the time regarding the European Economic Area to de Gaulle. Switzerland had been paid a visit by US undersecretary of state *George Ball*. He informed them about a meeting between US president *Kennedy* and the British prime minister *McMillan*. *Ball* confronted the federal councillors *Wahlen* and *Schaffner* with the "wish" or rather the plan of the USA to have the European Free Trade Association dissolved. A memorandum (see dodis.ch 15113) outlines *Ball's* statements during the visit. The NATO members of the recently founded the European Free Trade Association, EFTA, especially the UK, were to join the European Economic Area. The neutral countries such as Switzerland were to sign association agreements with the EEA. Similar to today's association treaties with the EU this was meant to include political co-operation. Councillor *Wahlen* informed de Gaulle about Switzerland's concerns: "Other reasons for us not to join the European Area [...] are constitutional problems. Our constitution of direct democracy doesn't allow us to transfer competences which belong to the people, our Sovereign in the fullest sense of the word, to another community."

De Gaulle replied: "France understands your wish to find a way to come to terms with the European Economic Area and this will not be easy to achieve. Rest assured though, that France will not create further difficulties."

Outlook

The politics of neutrality played a crucial role for the EU politics of Switzerland back then. The two secretaries of state *Bucher* and *Long* performed an excellent job when they organized everything in a highly professional manner without ever reading their names in the newspaper. They would have been worthy recipients of the Nobel peace prize as compared with some of the recent laureates. We face troubled times right now in which world peace seems to be far away. Real peace treaties have become rare exceptions. The efforts of the Federal council of 1962 and the two diplomatic staff members should be discussed in textbooks of state diplomacy today. This kind of neutrality politics was a true contribution to world peace. •

“We need to silence the drums of war”

75 years Nuremberg Trials

Interview with Professor Dr iur et phil de Zayas*



Alfred de Zayas
(Picture ma)

Current Concerns: Seventy-five years ago, in November 1945, the trial of Germany's main war criminals began in an international court in Nuremberg specially set up for this purpose by the allied victorious powers. How is the

establishment of this court by the victorious powers of the Second World War to be assessed from a political and legal perspective? What has the Court of Justice achieved? What has it not achieved? What were and are the consequences of the fact that the victorious powers themselves were not put on trial for their war crimes?

Alfred de Zayas: Without a doubt the Nuremberg Trials constituted a major step in developing what we know as international criminal law, and is the predecessor of ad hoc criminal tribunals like the *International Criminal Tribunal for the Former Yugoslavia*, the *International Criminal Tribunal for Rwanda*, and hybrid tribunals like the *Sierra Leone Tribunal* etc.

Whether we like it or not, judicial/political spectacles after armed conflicts are here to stay. The question is whether such trails can be rendered more “objective” and more in conformity with fundamental principles of justice and the rule of law, like *nulla poena sine lege*, *in dubio pro reo*, or whether they will be a mere continuation of wars by other means, and will contribute to facilitate the establishment of a “new order” based on a skewed historical narrative in which the vanquished people are made to bear responsibility for the outbreak of the conflict and all the ensuing atrocities. Alas, the concept of “collective guilt” has become prevalent, tacitly accepted not only by the victors, but by the vanquished as well.

Prevention of conflicts more important than tribunals *ex post facto*

Personally, I am troubled by the focus on the Nuremberg Principles and on international criminal tribunals in general, as if such tribunals were a genuine solution to international criminal behaviour. We know that tribunals and “punishment”

are always *ex post facto*. Would it not be far more important to focus on preventing conflicts? If we really want to prevent war crimes, we must actively promote peace as a human right and devise better mechanisms of mediation of disputes before they explode into local, regional or international conflicts. I do not believe in the concept of “deterrence”, because experience shows that none of the accused in Nuremberg or before the ICTY or ICTR ever thought that they would ever find themselves on the dock. When it comes to war, the name of the game is to win, by whatever means, and if one loses, it really is of much less importance that a given individual is tried and punished, it is a banal anticlimax. Such punishment only satisfies the old practice of the *lex talionis* – an eye for an eye – but it does nothing to redress the injustices or to rehabilitate the victims.

Throughout history the principle *Vae victis* – woe to the defeated has taken different forms. *Vercingetorix*, the leader of the Gauls, was defeated by *Julius Caesar*, taken to Rome, incarcerated, publicly humiliated and strangled. Many wars have been accompanied and ended with enormous massacres, e.g. the destruction orgies of *Genghis Khan* in China, Persia, Russia. *Timur (Tamerlane)* massacred millions in India, Persia, Syria, Azerbaijan. The British massacred many in India and China, especially during and after the Opium wars.

“We must never forget ...”

The idea of conducting judicial proceedings at the end of a war is a particularly Anglo-French invention, incorporated into the Treaties of Versailles and Sèvres. But at the end of WW II *Stalin* was hardly interested in conducting trials and he proposed killing 50,000 German politicians and military and leave it at that. *Churchill*, however, persuaded him of the advantages of conducting a “proper” criminal trial, which was formalised in the London Agreement of 8 August 1945, two days after the nuclear annihilation of Hiroshima and one day before the destruction of Nagasaki. Yeas ago I delivered a lecture on the Nuremberg Trials at the Freie Universität Berlin, which was subsequently published in the bestselling book edited by Professor *Alexander Demandt*, “Macht und Recht, Grosse Prozesse der Geschichte”, (Beck'sche Reihe, Munich, 1996, pp. 311–340). I focused on the inspiring opening statement by the American Prosecutor, *Robert Jack-*

son, and endeavoured to make a reality-check in the light of what has since transpired. (<https://www.youtube.com/watch?v=OU-d9esunwc>; <https://www.roberthjackson.org/speech-and-writing/opening-statement-before-the-international-military-tribunal/>.) Jackson said:

“We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow.” (IMT, vol. 2, p. 101) and also: “while this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nations, including those which sit here now in judgment.” (IMT, vol. 2, p. 154)

Greatest “forced population transfer” in history

Surely the Nuremberg Tribunal would have had greater credibility if among the judges there had been genuinely neutral jurists drawn from countries not directly involved in the war. Surely its credibility would have been enhanced if it had been given jurisdiction over all war crimes and crimes against humanity committed during World War II – but Allied crimes were never prosecuted, and the *tu quoque* (you also) defence was explicitly rejected by the Tribunal. It is a historical irony that while the Nazis were being convicted of the crime of “deportation” because of expelling Poles out of their homes in West Prussia and into central Poland and expelling Frenchmen out of Alsace-Lorraine, the greatest “forced population transfer” in history was in progress, a result of decisions taken by the US, UK and the Soviet Union at the Conferences of Teheran, Yalta and Potsdam. Some 14 million ethnic Germans were brutally expelled from their homelands in East Prussia, Pomerania, Silesia, East Brandenburg, Bohemia, Moravia, Hungary, Yugoslavia – with an estimated two million deaths among the German expellees.

The expulsions were purely racist, since the only criterion was being German – not even whether one was a Nazi. Even German-Jews were subjected to expulsion and confiscation. These expulsions are the subject of my book “Nemesis at Potsdam” (Routledge, with a preface by *Eisenhower's* political advisor, Ambassador *Robert Murphy*; German version “Die Nemesis von Potsdam”, *Herbig*, Munich 2005). It is estimated that 600,000 German civil-

* Prof. Dr. iur. et phil. Alfred de Zayas, UN Independent Expert on the Promotion of a Democratic and Equitable International Order (2012–2018).

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ians in hundreds of cities and villages died under carpet bombing by Anglo-American planes; at least four million German women were raped by Soviet, French, American, and British forces. Two million civilians were deported to forced labour in Russia, what the Yalta Conference declared to be “reparations in kind”. The Soviets, on orders of Marshall *Stalin*, executed in 1940 some 20,000 Polish officers at Katyn and elsewhere – all of the above in total impunity.

Personal liability for crimes instead of collective guilt

In 1950, the United Nations incorporated the criminal law principles of the Nuremberg Trials into international law as the Nuremberg Principles. What political and legal significance did this have? When and where over the past 70 years has the United Nations also applied these principles?

The Nuremberg Principles belong to international law “doctrine” – which, however, is applied in a selective manner. If anything, the Nuremberg Principles have been “weaponised” to denounce the “crimes” of geopolitical and geo-economic rivals. Every law school teaches the Nuremberg Principles; countless General Assembly and Security Council resolutions refer to them, every politician pays lip service to them, but the bottom line is that the principles are applied only against defeated enemies or against ousted political leaders. Alas, the principles have not prevented the commission of the crime of aggression, war crimes, crimes against humanity and genocide since 1950.

If Nuremberg meant something positive, or should be regarded as an ethical development of international law, then because of the establishment of the principle of individual penal liability. After the Nuremberg trials politicians and military are not able to hide behind the “Act of State” doctrine or behind the “superior orders” defence. As a corollary, if there is personal liability for crimes, then there should not be “collective guilt” of a whole people. On this basis, people like *Goering*, *Frank* and *Keitel* were tried and convicted. And yet, the entire German population was also held co-responsible, to this day, and many Germans are stigmatised 75 years after Nuremberg. Yet, if individual penal liability should now be the rule, shouldn't persons like *George W. Bush*, *Tony Blair*, *Donald Rumsfeld*, *Nicholas Sarkozy* (because of Libya!), *Mohammad bin Salman al Saud* (think of Yemen!) be also tried and convicted of the crimes of aggression and war crimes?

“No international treaty or tribunal can guarantee that, because it depends on the honesty of politicians, on the political will of governments, on the conscious decision by those who hold power to apply the rules to themselves, on an educated and well-informed civil society that calls their own governments to account, on a responsible media that takes its role as ‘watchdog’ seriously.”

After the Second World War, a culture of violence and impunity became well-established

Time and again after the Second World War, states have violated the Nuremberg Principles without being prosecuted by the United Nations. What were the consequences of this and what are the consequences to this day?

Alas, there have been no consequences for the criminals. China did not suffer when it invaded Tibet in 1950. The Soviet Union did not suffer when it invaded Hungary in 1956 and Czechoslovakia in 1968. Israel suffered no consequences when it aggressed its neighbours several times, i.a. Lebanon, Syria, Jordan, Egypt. Israel occupied Palestine expelled Palestinians, ignored to this day Security Council Resolution 242 of 22 November 1967 and even the Advisory Opinion of the International Court of Justice of 9 July 2004. Turkey did not suffer when it invaded the island of Cyprus in 1974, occupied 37% of its territory and expelled 200,000 Greek Cypriots whose ancestors had lived there for 5000 years. Turkey suffered nothing when it repeatedly massacred the Kurds and when it continues to commit aggression against Syria. Azerbaijan did not suffer when it aggressed the Armenians of Nagorno Karabagh with the help of Turkey and Syrian mercenaries and violated the Armenian's right of self-determination. Nigeria did not suffer when it committed genocide on the Igbos and Ogonis of Biafra during the 1967-70 war. Sri Lanka did not suffer when it committed crimes against humanity in massacring the Tamils. India does not suffer because of its occupation and continued massacres against the Kashmiris.

The United States has a particularly bad record. Two Democratic presidents, *John F. Kennedy* and *Lyndon B. Johnson*, are responsible for the Vietnam War. The aggressions against Grenada and Nicaragua are on Republican *Ronald Reagan's* conscience. The Republican *George H.W. Bush* pushed “regime change” in Panama, killing some 600 civilians and staged the 1991 war against Iraq with at least a hundred thousand

deaths among the overwhelmed Iraqis. The Democrat *Bill Clinton* carried out the aggressions in the Balkans, especially the NATO attacks against Yugoslavia, introduced the use of depleted uranium weapons, while the mainstream media applauded and actively helped with disinformation and fake news. The Republican *George W. Bush* is responsible for the genocidal aggression against Afghanistan in 2001 and Iraq in 2003. The Democrat *Barak Obama* has his hands full of blood because of Libya and Syria, the “regime changes” in Ukraine and a constant drone war against “terrorists”, which countless civilians have fallen victims to. There is a well-established culture of violence and impunity.

Wars of aggression are the supreme international crime...

Many hoped that the Rome Statute and the establishment of the ICC would enable something like a tangible implementation of the Nuremberg principles. To what extent have these hopes been fulfilled?

Personally, I never had any illusions about the ICC and understood it as a tool of the powerful against the weak, as a convenient structure to consolidate political gains, impose the badge of ignominy on the targeted countries and individuals, and formalize war propaganda and “fake news” into the “New Normal” and ultimately into “fake history”.

True enough, the hopes of many have been dashed, and yet many still harbour hopes that in some utopian future justice will prevail and all criminals, without distinction, will be tried and punished. Yet, hitherto only Africans have been indicted by the ICC, whereas the really big criminals, those who have started aggressive wars and bear responsibility for torture in Guantanamo, “extraordinary renditions”, secret prisons, engaged in war crimes and crimes against humanity – like *Bülent Ecevit*, *George W. Bush*, *Tony Blair*, *Donald Rumsfeld*, *Recep Erdogan*, *Ilham Alijev*, *Mohammed bin Salman*, *Ariel Sharon*, *Ehud Barak*, *Benja-*

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min Netanyahu – have thus far enjoyed impunity.

The genocide against the Yazidis, the bombardment of civilians in Yemen by Saudi Arabia, the massacres committed by Indian soldiers against Kashmiris, the Israeli crimes against the Palestinian in the occupied territories and Gaza – all await official investigation and prosecution. The ICC will only then acquire credibility when it prosecutes not only Africans, but also Americans, Brits, Turks, Saudis, Indians, Israelis, etc.

What would be necessary to ensure that war crimes committed by all states can be prosecuted in the future?

To this day we dream of a rules-based international order, in which international norms will be applied uniformly and not selectively. No international treaty or tribunal can guarantee that, because it depends on the honesty of politicians, on the political will of governments, on the conscious decision by those who hold power to apply the rules to themselves, on an educated and well-informed civil society that calls their own governments to account, on a responsible media that takes its role as “watchdog” seriously. As an American citizen I have condemned the crimes committed by the US in Vietnam, Panama, Afghanistan, Iraq, Libya, Syria, etc. – and joined many others like Noam Chomsky, Francis Boyle, John Quigley, Dan Kovalik, Stephen Kinzer, Jeffrey Sachs, William Blum in saying “not in our name”. But the system is such that the voice of civil society is ignored without consequences.

The world has not evolved much since the Peloponnesian Wars between Athens and Sparta. As we know from Thucydides’ historical masterpiece – the fundamental rule “might makes right” prevails to our days, and, as the Athenian general bluntly told the Melians “The strong do as they want and the weak suffer as they must.” (see the Melian dialogue)

In the seven decades since the end of the Second World War, the crime of aggression has enjoyed general impunity, notwithstanding the Nuremberg Trial and its Judgment. Indeed, 23 out of the 24 Nazi accused were indicted for the crime against peace and 8 were convicted pursuant to article 6(a) of the Statute which defines the crime as: “planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or par-

“The bottom line is that the principles are applied only against defeated enemies or against ousted political leaders. Alas, the principles have not prevented the commission of the crime of aggression, war crimes, crimes against humanity and genocide since 1950.”

ticipation in a common plan or conspiracy for the accomplishment of any of the foregoing”. In this sense the judgment of the tribunal formulated a great truth. Indeed, “[t]o initiate a war of aggression [...] is [...] the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.”¹

Alas, these noble words were not followed by international action, and no subsequent trial of other aggressors has taken place. The application of the Nuremberg precedent on the crime of aggression could have been tested in hundreds of cases. Perhaps the most blatant case was the assault on Iraq in March 2003 by the 43 countries that made up the ‘coalition of the willing’. This was nothing less than a concerted revolt against international law, a frontal attack against the United Nations Charter and the Nuremberg Principles. Even Secretary-General Kofi Annan called this geopolitically motivated war an ‘illegal war’.²

International conflicts can only be resolved through states working collaboratively together

As I earlier said, punishment is always *ex post facto*. What the world really needs is effective prevention, and this requires international solidarity and multilateralism. We need to silence the drums of war, stop war propaganda and sable-rattling. Our concern must be to stop the arms race, to prohibit the sale of arms to countries in conflict, to pursue a concerted policy of disarmament, especially nuclear disarmament, in order to advance the right to development and the achievement of the Sustainable Development Goals.

What is most necessary today is for states to work collaboratively together on resolving the root causes of local, regional and international conflict, often emerging from the unrepresentative nature of governments, great injustices and inequalities prevailing in the world, the race for natural resources and the asymmetries of trade relations. Over the past seventy years many armed conflicts and sever-

al genocidal wars had their origin in the denial of the right of internal or external self-determination. There are still many indigenous peoples, non-self-governing peoples and peoples living under occupation who have a legitimate claim to self-determination, including the Mapuches of Chile, the Saharouis of Western Sahara, the Kurds of Turkey and Iraq, the Igbos and Ogonis of Nigeria, the Tamils of Sri Lanka, the Catalans of Spain, the Kashmiris, the Palestinians – the list is very long. It is time for the United Nations to proactively support the realisation of self-determination as a conflict-prevention strategy, requiring mediation and, where appropriate, United Nations organised and monitored referenda.

It is tempting to compare the Potsdam Conference and the Nuremberg Trials with the Peace of Westphalia of 24 October 1648, which ended the 30 Years’ War, during which millions of civilians were massacred and war crimes and crimes against humanity were committed on a very large scale. Article 2 of the Treaties of Münster and Osnabrück provided for a general amnesty, because it was felt, that Europe had already suffered too much and the war should not be perpetuated by means of political show trials, which would only keep the hatreds alive. The text of Article 2 reads in part: “There shall be on the one side and the other a perpetual oblivion, amnesty, or pardon of all that has been committed since the beginning of these troubles...in such a manner, that no body, under any pretext whatsoever, shall practice any acts of hostility, entertain any enmity, or cause any trouble to each other ...”³

Professor de Zayas, thank you very much for the interview. •

¹ (1948) 22 IMT 411, at p. 427.

² ‘Iraq war illegal, says Annan’, BBC News, 16 September 2004.

³ <https://pages.uoregon.edu/dluebke/301ModernEurope/Treaty%20of%20Westphalia%20%5BExcerpts%5D.pdf>; Alfred de Zayas, “Westphalia, Peace of” in Rudolf Bernhardt, *Encyclopedia of Public International Law*, Elsevier, Amsterdam, Vol. IV, 2000, pp. 1465-1469

Peace requires the recognition of equal rights and justice for all – also in Palestine

by Professor Dr Dr h. c. mult. Hans Köchler, President of the International Progress Organization*



Hans Köchler
(Picture hans-koechler.com)

A few weeks ago, the world celebrated the 75th anniversary of the foundation of the United Nations. It is sobering to acknowledge, on today's occasion, that one of the early milestones in the history of the world organisation, namely resolution 181(II) of the General Assembly regarding the establishment of two states in Palestine, is still not implemented. While – as every year since 1977 – the Organisation solemnly commemorates the adoption of that resolution on 29 November 1947, the situation of the Palestinian people continues to deteriorate. It is indeed sobering to acknowledge that, in the case of Palestine, the international community, during all those decades, has been unable to live up to the UN Charter's commitment "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained." (Preamble)

Again, in this year as in the years before, new faits accomplis have been created by the occupying power in Palestine that may further prejudice a just and

peaceful solution. The situation is considerably more serious than it was a year ago.

This is particularly obvious in the continuation of Israel's illegal settlement policy. I would like to draw your attention to the recent statement issued in Jerusalem by the UN Special Coordinator for the Middle East Peace Process, *Nikolay Mladenov*, who bluntly and concisely stated, "settlement construction is illegal under international law," and called upon the authorities to reverse such steps. (16 November 2020)

Equally worrying are unilateral steps, made in the course of this year, to steer the peace process away from the path set out by the United Nations. A peace plan, announced on 28 January 2020, that is referred to by its drafters as "Peace to Prosperity," totally neglects the Palestinian people's right to self-determination and would, if implemented, legitimise large-scale annexation of Palestinian territory. In the words of Secretary-General *António Guterres*: It would be a "most serious violation of international law" and would "grievously harm the prospect of a two-state solution." As a matter of principle, a conflict or dispute between two parties can never be resolved if one of the parties is excluded from negotiations. A solution based on diktat will not only be unjust, but will be unsustainable as well.

Furthermore, the "peace treaties," referred to as the "Abraham Accords,"¹ between the occupying power and other coun-

tries in the region will not serve the cause of peace if they do not include a clear and unequivocal commitment of all signatories to a just solution of the issue of Palestine and Jerusalem. In the absence of such a solution, the treaties are also at variance with the Arab Peace Initiative of 2002.

The *International Progress Organization*, in unison with many civil society organizations all around the globe, supports the call of President *Mahmoud Abbas* for the convening of an International Conference on Palestine and welcomes the recent resolution of the General Assembly of the United Nations in that regard. ("Peaceful settlement of the question of Palestine," 2 December 2020)

In conclusion: Under international law, any acquisition of territory by use of force is strictly prohibited. Peace can only be restored in Palestine on the basis of equal rights and justice for all communities, which includes respect of the inalienable right of self-determination. Palestine can indeed be a free, independent and prosperous country if all parties involved appreciate that perpetuation of the status quo is no alternative, but the greatest risk, to sustainable peace. •

¹ "Abraham Accords Peace Agreement: Treaty of Peace, Diplomatic Relations and Full Normalisation Between the United Arab Emirates and the State of Israel." The treaty was signed before the White House in Washington, D. C. on 15 September 2020 by Israeli Prime Minister *Benjamin Netanyahu* and Emirates Foreign Minister *Abdullah bin Zayid Al Nahyan* in the presence of US President *Donald Trump*. The Kingdom of Bahrain signed a similar treaty at the same ceremony, also known as the "Abraham Agreement". (Editor's note)

* The text reproduces the statement held by Professor *Hans Köchler* at the United Nations Office at Vienna on 10 December 2020 during the annual observance of the International Day of Solidarity with the Palestinian People, convened by the "Committee on the Exercise of the Inalienable Rights of the Palestinian People" in accordance with United Nations General Assembly resolution 32/40.

Source: <http://i-p-o.org/UN-Palestine-Speech-Koehler-10-December2020.pdf>



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UN expert Nils Melzer calls for immediate release of Assange after 10 years of arbitrary detention



(Picture Twitter)

ef. Numerous human rights organisations, lawyers, doctors, politicians, individuals, family members – people from all over the world – have

long been campaigning for Julian Assange, who has not set foot on free soil for years, not to be extradited to the USA and to finally be released from detention in the top security Belmarsh prison (since April 2019), not least because of his poor state of health and the COVID-19 infection risk. For months, the Old Bailey court has been trying to decide whether Julian Assange may be extradited to the USA. On 4 January 2021, the judge in charge, Vanessa Baraitser, wants to announce the verdict. Both the prosecution and the defence have the opportunity to appeal to the High Court and then to the UK Supreme Court. Pro memoria: If Julian Assange is extradited, he faces up to 175 years in prison. The 1917 Espionage Act indictment focuses primarily on Assange and WikiLeaks' role in the publication of classified US documents exposing war crimes, crimes against humanity, and forms of corruption and abuse of administrative authority.

The Special Rapporteur on Torture, Nils Melzer*, is relentlessly advocating for Julian Assange with all his experience and expertise as an international law expert. We reprint the text of the UN release on his current statement below.

The UN Special Rapporteur on torture, Nils Melzer, today appealed to British authorities to immediately release Julian Assange from prison or to place him under guarded house arrest during US extradition proceedings.

He made the urgent call 10 years after Mr. Assange's first arrest on 7 December 2010, amid an outbreak of COVID-19 at Belmarsh prison. Reports say 65 of

approximately 160 inmates, including a number in the wing where Mr. Assange is being held, have tested positive.

In an opinion rendered in December 2015, the UN Working Group on Arbitrary Detention found that since his arrest on 7 December 2010, Mr. Assange had been subjected to various forms of arbitrary deprivation of liberty, including 10 days of detention in London's Wandsworth prison; 550 days of house arrest, and the continuation of the deprivation of liberty in the Ecuadorian Embassy in London which lasted almost seven years. Since 11 April 2019, Mr. Assange has been held in near total isolation at Belmarsh.

"The British authorities initially detained Mr. Assange on the basis of an arrest warrant issued by Sweden in connection with allegations of sexual misconduct that have since been formally dropped due to lack of evidence. Today, he is detained for exclusively preventative purposes, to ensure his presence during the ongoing US extradition trial, a proceeding which may well last several years," said Melzer.

"Mr. Assange is not a criminal convict and poses no threat to anyone, so his prolonged solitary confinement in a high security prison is neither necessary nor proportionate and clearly lacks any legal basis."

The progressively severe suffering inflicted on Mr. Assange, as a result of his prolonged solitary confinement, amounts not only to arbitrary detention, but also to torture and other cruel, inhuman or degrading treatment or punishment, Melzer said.

He expressed particular concern about Mr. Assange's exposure to COVID-19 given his pre-existing medical condition. "Prison decongestion measures seen around the world in response to COVID-19 should be extended to all inmates whose imprisonment is not absolutely necessary," the expert said. "First and foremost, alternative non-custodial measures should be extended to those with specific vulnerabilities such as Mr. Assange who suffers from a pre-existing respiratory health condition."

Due to the significant risks associated with Mr. Assange's continued imprisonment, in conjunction with the broader concerns that have been repeatedly expressed

concerning his treatment and conditions of detention, the expert reiterated previous appeals for Mr. Assange to be immediately released or placed under guarded house arrest.

"Mr. Assange's rights have been severely violated for more than a decade. He must now be allowed to live a normal family, social and professional life, to recover his health and to adequately prepare his defence against the US extradition request pending against him," he said.

In light of the expected first instance decision on his extradition on 4 January 2021, the expert also reiterated his call to the British authorities not to extradite Mr. Assange to the US due to serious human rights concerns.

Source: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26574&LangID=E>

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* Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Are there lessons to be learned from the 2020 Corona Year?

by Karl-Jürgen Müller

On 9 December 2020, the Ministry of the Interior of the federal state of Baden-Württemberg announced that the state's constitution protection authority had put *Querdenken 711* under surveillance with immediate effect.¹ *Querdenken 711* has its origin in the city of Stuttgart, the federal state's capital, defining itself as an "alliance" of opponents of the government's Corona measures in Germany. *Querdenken 711* was founded in the spring of 2020, meanwhile the group has many name cousins in other German cities with different numbers (in each case the telephone area code). They have mainly become known for the demonstrations and rallies they have organised against the government's corona measures in many German cities.

When it comes to corona, "*Querdenker*" take positions worthy of criticism. However, does this necessarily mean that they are already anti-constitutional? Considering the press release of the Ministry of the Interior alone, convincing evidence is lacking that *Querdenken 711* pursues anti-constitutional goals. The text is more akin to a political campaign statement – with a lot of mental acrobatics² – against an unwanted opposition. And in a way, it is also another piece in the mosaic regarding the desolate situation of German political culture.

Many political leaders and public officials in Germany, as well as the authorities under their control, no longer respond to criticism in a sovereign and objective manner. The meaning of the citizens' freedom of expression and its constitutional limits are to some extent arbitrarily re-defined. The word "conspiracy theory" (now also: "conspiracy ideology") should be chosen as the bad word of the year. At the same time, there is a not inconsiderable part of the citizenry with a deep mistrust of the state that is no longer justified on facts, and both sides seem to be irrevocably opposed to each other.

A good illustration

2020 corona year is a good illustration of the state of political culture in Germany. But it is also a sign of the lack of real solutions so far. Last but not least, however, it also gives impulses for what would be necessary to find solutions.

Complaining that we could no longer live as we did before the corona pandemic is ambivalent; for indeed, the state of the pre-corona world wasn't good at all. It was and still is very legitimate to take the pandemic as an opportunity to

"For a few weeks in March and April of this year, there was a lot of reporting about mutual aid, compassion for the most vulnerable in our communities, trusting cooperation between citizens and political leaders, the common task of fighting the pandemic, and so on and so forth. It would have been possible to extend such acts, which correspond to the social nature of human beings, to many other areas of life. At that time, Russian President Vladimir Putin expressed an important idea: If we succeed in fighting the pandemic together, then we will also have the strength, courage and ideas enough to solve all the other problems later on."

think thoroughly about how we will arrange our lives and our world in the future. This neither needs to be nor even should be the "new normality". For a few weeks in March and April of this year, there was a lot of reporting about mutual aid, compassion for the most vulnerable in our communities, trusting cooperation between citizens and political leaders, the common task of fighting the pandemic, and so on and so forth. It would have been possible to extend such acts, which correspond to the social nature of human beings, to many other areas of life. At that time, Russian President Vladimir Putin expressed an important idea: If we succeed in fighting the pandemic together, then we will also have the strength, courage and ideas enough to solve all the other problems later on. Obviously, this path has not been followed in many countries of the world. Why?

There is a lack of social bonding

The question of why so many actors act against the social nature of human beings is not easy to answer. It is a bundle of causes. Is there a central cause to all these causes? My answer to this question is: There is a lack of sense of community; put another way: The social connectedness of many people is still not sufficiently developed.³ The dimensions of our mental state, of the lack of genuine social bonding of our generations are usually underestimated. So far, the disciplines of social science and published opinion have hardly addressed this point of view – and, if at all, then often only with reproaches, out of weakened philanthropy, and with a moralising attitude.

The sharp controversies today work with terms like greed of the billionaires, totalitarian political goals, corona dictatorship, extreme right, conspiracy theories etc. The commentaries in our media, the political debates in the parties and parliaments, the militant speeches at the rallies against the state corona measures are offering a lot of illustrative material in this regard. Not all the statements are wrong. But a solution oriented toward the common good is not in sight. On the contrary, social polarisation is intensifying – and increasing in ferocity if there is also a lack in honesty.

How "sustainable" should investments be?

What, for example, is to be made of the fact that a major Swiss daily newspaper published an 18-page supplement on the subject of "Invest sustainably" on 3 December 2020? Does this show a "new" corporate philosophy on the way to more common good? "Sustainable," after all, would mean giving equal weight to social, ecological and economic goals. Are we really moving toward a more just and peaceful world? So that, to name just one of many examples, people in Syria and other countries no longer must suffer from sanctions? Or that the global arms race is ended, acts of war cease immediately, peoples and nations are recognised as equals, and the United Nations Charter and the principles of international law are eventually taken seriously? So that the gap between rich and poor would stop to widen? Or should still be true what we al-

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Erwin Ringel, the father of suicide research and a student of Alfred Adler, warned that suicide is neither a sin nor an act of self-determination.¹¹ The motive for suicide is rather a deep human need that must be recognised. The doctor, but also all others involved, must learn to understand the psychological drama behind the desire for suicide and what has gone before this, when a person's own death appears to be the only possible way out.¹²

This "mental constriction" (Ringel) can occur especially in people who find it difficult to cope with being dependent on care. Having to accept help can trigger such strong emotions of self-rejection in them that at length, they feel worthless

and a burden for their fellow human beings, until suicidal thoughts suppress any positive relationship to life – if the human environment cannot counteract this.

This process is artificially taken up and reinforced by public talk about killing as an alleged choice, as an "autonomous" decision, as a "labour of love". In the resulting social climate, old and sick people in particular begin to feel that they are a burden on family and society. At some point, the gradual inner erosion of their self-worth is so advanced that they begin to feel morally obliged to talk to their spouse, relatives or doctor about "euthanasia" and even to "desire" being killed.

Human life, especially in its first and last phase, is fragile and highly dependent on support and help. This is a fact seldom

realised by capable people in their healthy days, who throughout their lives have drawn their significance for their fellow human beings from the fact that they were strong, independent and willing to help. The realisation that their usual strength is suddenly diminished by ageing or illness and that they can no longer cope with everything as quickly and powerfully as they used to, often shakes their self-confidence. It is especially difficult for them to accept help when nature sets previously unknown limits to their hard-working lifestyle, which was a blessing for relatives and fellow human beings, and which can no longer be overcome by their will. Whole areas of previous life activity break away.

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ways see up to now: Those who "participate" and already have a lot of money and power are "rewarded" – and those who do not participate are excluded and battled. When George W. Bush was US president, a certain Thomas P. M. Barnett worked for him. At that time, immediately after the Iraq war in 2003, he had thought about the countries in which the US army "must" wage wars in the future. He precisely listed those countries that would not participate in the globalisation favoured by the USA.⁴

What should we think of the "Great Reset" and its critics?

The controversy over a project that Klaus Schwab, the director of the World Economic Forum (WEF), is promoting and pushing with all his means: "The Great Reset". The Internet is full of documents and statements about it. Schwab himself, together with an economist, has even written a book on the subject: "COVID-19: The Great Reset" – and next year's WEF meetings are to have this as their main theme. Schwab takes the corona pandemic as an opportunity to question the previous way of living together, of politics and especially of doing business. The economic and financial world is to be radically changed, from shareholder capitalism to stakeholder capitalism. Also, with the goal to prevent violent conflicts within states or even revolutions. So that the whole world be-

comes more social, ecological and equal – more inclusive; so that all interests involved are considered. The managers of the big corporations are to become the good world leaders. An essential tool for achieving the goals set is to be digitisation and "artificial intelligence" in industry ("Industry 4.0"), but also in other areas of life. Policymakers should create the necessary framework conditions, if possible, globally and uniformly.

Klaus Schwab and his comrades-in-arms are experts in marketing. What one looks for, however, largely in vain, are factual, concrete and thorough discussions of this project. Let alone convincing alternative offers. There are many dissenting voices – with quite different starting points. They range from the accusation that Chinese communism is behind everything to the assertion that this coming capitalism will be more capitalistic than anything before. Some think they can recognise a combination of socialism and capitalism in their analysis. Nearly all these opposing voices are very sharp and polemical.⁵

How honest is politics?

Critics of state corona measures rightly question our politicians' honesty when they claim they are doing everything they can to combat the corona pandemic to protect the health and lives of their citizens, while at the same time doing the opposite in many other areas. But why don't these critics demand from our states such a determined effort not only with Corona,

but in all other areas as well – and help to do so themselves? Otherwise, slogans like "love," "peace" or "freedom" will remain empty phrases. Nothing more than fine words without substance. Yes, it is obvious that there are forces in politics and business for which the Corona pandemic is the trigger for plans that have been nurtured for a long time. But it does not make sense to conclude from this that we should not fight the pandemic with all necessary means.

"He who has internalised the right to life not as his personal privilege, but as the fundamental right of all human beings, will also take a firm stand against all injustice, against violence and war, against the exploitation of humans by humans." Such stated an article in *Current Concerns* on 30 March 2020. That is still true today. But no one can force it. It is also a question of social connectedness. Making progress in this area is a task for mankind for many generations to come. – *Everyone can help today.* •

¹ https://www.verfassungsschutz-bw.de/site/lfv/get/documents/IV.Dachmandant/Datenquelle/PDF/2020_Aktuell/Pressemitteilung_IM_zur_Beobachtung_Querdenken711.pdf

² So it says at the end of the press release: "The majority of the participants of the 'Querdenken' demonstrations are not extremists. [...] However, the extremist actors, especially also within the 'Querdenken' organisers, seem to have managed to spread their anti-constitutional messages among large parts of the non-extremist participants."

³ Annemarie Kaiser has reminded of these connections in her 1981 book *Das Gemeinschaftsgefühl – Entstehung und Bedeutung für die menschliche Entwicklung* (The feeling of community – origin and significance for human development), particularly in the chapter "Der ethische Aspekt: Gemeinschaftsgefühl als anzustrebendes Menschheitsziel" (The ethical aspect: a feeling of community as a human goal to strive for) p. 31ff

⁴ cf. Thomas P.M. Barnett "The Pentagon's New Map: War and Peace in the Twenty-First Century", Berkeley, New York, 2004

⁵ One of the few exceptions is the text by Diana Johnstone which appeared on 24 November 2020: "The Great Pretext" (<https://consortiumnews.com/2020/11/24/diana-johnstone-the-great-pretext-for-dystopia/>)

"Yes, it is obvious that there are forces in politics and business for which the Corona pandemic is the trigger for plans that have been nurtured for a long time. But it does not make sense to conclude from this that we should not fight the pandemic with all necessary means."

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A lifestyle focussed on efficiency is not the only, but the most important factor obscuring sick people’s view of their rich life experience, which enables them to take a mature overview of what it means to have lived a whole life span. This is not possible for young people at the beginning of their lives. The elderly are living witnesses of the past and contribute to the fact that cultural development does not stop. Their overview gives rise to the wisdom of old age, on which the younger generation in particular can rely, so as to have their small and large worries weighed more calmly by the more realistic view of old persons with their experience of life.

It is a great fellow-human task to encourage people in this situation with so much courage and realism that they will be able to reconcile themselves to their

weakness, that they will be able to plan more perseveringly, calmly and realistically and possibly conquer hitherto unrecognised areas of life – namely precisely also their above-mentioned significance for the first generation, which is still staggering at the beginning of life. This, too, is part of human freedom.

The ailing and those in need of help may become despondent, may doubt the meaning of life and no longer feel the strength to go on living, especially when they are suffering from pain. If a doctor or relatives or media products interpret this lack of strength and courage as an expression of a “free decision” to kill oneself, then the sufferer is cut off from help to master his difficult situation together with others. He feels abandoned, which will all the more encourage suicidal thoughts.

We humans owe our lives to the generation of our parents and grandparents, as

it was their gift to us. It was their help and care that enabled us to become human. Therefore everyone feels a deep obligation of gratitude and so wants to return to them today what they have once given us – given out of love, without our even asking for it. This invisible contract binds the generations together naturally. It forms the core of our social nature.¹³ Just as we were as children, so today the old generation is entitled to the same full commitment and loving care that we once gladly received from them. This is the natural right of the generation of parents who have grown old. This inter-generational contract is irrevocable.¹⁴ We can violate it, but a person’s “mistaken opinion about himself and about the tasks of life sooner or later comes up against the sharp protest of reality, which demands solutions in the sense of community spirit”¹⁵, since, without mutual help, human coexistence becomes impossible. “What happens when this clash with reality takes place, can be likened to a shock effect,” Adler notes: the fellow human damage is an accusatory expression of the denied right to help.

The concern for success and for the protection of life accompanies us throughout life, especially in illness and helplessness in old age – even if digital automation as well as prosperity cloud our view in this respect. Those who help others become more certain that they too will be helped in difficult situations. This creates a sense of security and trust that can alleviate the fear, to which we humans are so prone, and make life bearable. That is the best possible protection of life.¹⁶

It is precisely people who are able to accept help and have thus courageously overcome a serious illness or need for help, that convey courage to others and the hope that the latter can and will also be helped in difficult hours. Through the public talk about “euthanasia”, however, the ailing and those in great need of help experience that their fellow human beings, on whom they depend and from whom help might come, consider death as a solution. The ailing person is abandoned to fear. This emotionally weakens him, and also all others involved. The natural compassion and the spontaneous innate impulse to help, which the child already expresses in the first year of life without having to be taught, which is part of its nature, is weakened, disintegrates. At some point, the euthanasia society reproaches that doctor who still wants to help, for wanting to prevent a desperate sufferer from dying. In a society where the natural impulse to want to help comes to a standstill, the strength and hope to overcome difficult tasks and to grow in doing this slacken everywhere.

«Euthanasia» in Europe 1990–1995

Netherlands

	1995			1990		
	unintentional ending of life	intentional ending of life	total	unintentional ending of life	intentional ending of life	total
assisted suicide		407	4613		386	3736
death on request		3,256			2,319	
ending of life without the patient’s explicit request		950			1031	
forgoing life-prolonging treatment	9,361	18,045	27,06	11,852	11,208	23,060
intensifying painkillers	22,115	3,935	26,050	19,324	4,859	24,219
total	31,476	26,593	58,069	31,176	19,803	51,015
annual death rate	23.2%	19.6%	135,675	24.2%	15.4%	128,824

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Upholding human dignity – until the last breath

by Erika Vögeli

It is a great achievement of the Thurgau Church to have presented with a project and a resulting publication a positive alternative to the highly publicised discussion about assisted suicide and the accompanying – mostly unspoken – dangerous shift in emphasis in the attitude towards human life. It places dignity, self-determination and autonomy, but also compassion for the suffering, in the social context without which these concepts have no real meaning. Even if we recognise it as inalienable and inviolable, the experience of our dignity always has a social reference and always depends on how we experience ourselves in the encounter with our fellow human beings. It is not the increase in the need for help that touches it, but, as the blurb states, the “tendency of society that calls into question the inalienable dignity of vulnerable life.”

Talking about end of life and dying is difficult for most people and associated with various emotions. Fears, feelings of insecurity, ambiguities due to current discussions about self-determination and dignity in these questions preoccupy many. Sometimes predictably, often abruptly we are – being sick or suffering or as relatives – confronted with questions that are complex and burden us because they affect the core of our being. How long should life-prolonging measures be maintained? When can it make sense to withhold therapy and what does that mean? What do dignity and self-determination mean in this context? A loved one says he or she wants to die – what does that mean?

The Protestant Church of the canton of Thurgau has answered such questions with the publication “Den Weg zu Ende gehen. In der Begegnung mit dem Sterben Lebendigkeit erfahren” (Walking the path to the end. Experiencing aliveness in the encounter with dying.) It is a beautifully designed handout that makes the experiences and thoughts of experts from various disciplines (theology, medicine, jurisprudence, gerontology) and of relatives accessible to those affected and anyone interested, and provides valuable suggestions.

The editors are concerned with an attitude “which does not want to condemn those who bear the thought of a possible suicide, but which is clearly directed against a tendency of society which calls into question the inalienable dignity of vulnerable life” (blurb). And in their introductory statement they also warn of the far-reaching consequences for the individual as well as for society as a whole if suicide “even outside of the greatest personal emergencies was to become a normal end-of-life option.” It would be an “epochal change in the view of life” with “far-reaching consequences for many areas of life.” (pp. 15)

The considerations presented in the book are not solely religiously based; in their fundamental nature, in their ethical and anthropological reference, they are just as relevant to every secularly oriented person. The fact that “there is a God above man”, as the editors write with reference to *Dietrich Bonhoeffer*, also points to the fact that we as humans

cannot create life. Even if such fantasies of omnipotence and ideas of feasibility do circulate. The same applies to the statement that living and dying always have something to do with our fellow human beings: “From birth, we are not people simply living for ourselves alone and responsible only to ourselves, this we are not even after we have attained our majority, and we are not even when we die.” (p. 15) And it also applies to the statement that “an essential aspect of the life and self-understanding of Christians is that we care for one another.”

Important legal considerations on the patient’s self-determination and responsibility for his own decisions also belong in this context. “Of course, a doctor should not be allowed to decide over the patient’s head,” (p. 21). But placing the responsibility for medical treatment at the end of life on the patient or on his or her aged spouse can become a serious imposition. “The over-emphasis on patient autonomy runs the risk of turning against the person concerned and placing only one-sided responsibility on them, rather than providing them with the care and companionship they need.” (p. 24)

All contributions emphasise the importance of human relationships and the fact that absolute autonomy does not exist. We all need a social network, not only the sick and the dying – but the latter, by nature, to a special degree. This is also the basic idea of palliative nursing and care: to show its possibilities and importance and to anchor the knowledge about it as broadly as possible in the population, is therefore also a central concern of the publication, which is expressed in all contributions. Time and again, it is also discussed that we need to reflect on the fact that dignity must not only be linked to performance and efficiency, but also belongs to the human being in the case of decreasing strength, increasing weakness and need for help. “However, it must be possible to experience the dignity of a person.” – in trusting, living, social relationships, according to one of the authors. (p. 54)

Thus, it is also addressed that autonomy and self-determination take place in the social context, and the question of assisted suicide always includes the counterpart of the person in need. This second person has to decide whether to try to “give value back to him or her, to show him or her new perspectives in dealing with a difficult situation, to endure the difficult situation with him or her” or to share the assessment that this life is no longer worth living. Thus, the attitude of this other person “will always influence the suicide wish in one direction or another – self-determination does not release any fellow human being, and certainly not a doctor, from responsibility.” (p.82) The killing itself – or witnessing an assisted suicide – leads to psychological injuries, for example in the form of post-traumatic stress disorders and depression. Conversely, experiencing “how people overcome crisis situations with the help of their fellow human beings and go through developments” gives everyone courage and hope. (p. 84)

The descriptions of a family doctor are also touching and lead the way in this re-



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gard: His experiences show impressively that even in people who place great value on self-determination and independence, the desire for assisted suicide is silenced when they feel supported in a human relationship. This includes talking about the possibilities of palliative care and support in the terminal phase in the personal environment. This has nothing to do with the much-discussed unnecessary prolongation of life by monstrous machines (a false idea that is outdated anyway) – here it is about a procedure that is completely tailored to the patient and developed with him or her, which allows him or her to become calm with as little pain as possible, to let go inwardly and to fall asleep peacefully.

The fact that this is a very different experience also for the relatives than a possible assisted suicide is proven by the equally touching testimonials of people who have accompanied a close relative in the last phase. They “hold a deep treasure of experience” as the blurb rightly puts it. They tell of challenging times with highs and lows, but also of gratitude for the time given together, of new experiences and reconciliation, of strengthened family cohesion and the encouraging certainty of having overcome even this life situation together.

A publication that invites reflection and encourages us, in the debate about self-determination and dignity at the end of life, not to lose sight of the fact that the vulnerability of all human life is part of our existence – if we reject it, we also violate the humanity within ourselves. But first and foremost a reading that brings us closer to the subject in a way that is humanly unifying and encouraging. We wish it numerous readers.

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Thus, alone the talk about and the constant media coverage of killing out of compassion work against the basic conditions of human life. Human emotional connectedness and natural compassion are twisted into "deadly compassion". The natural social forces of the human being, as we know them from the rich findings of anthropology, individual psychology and developmental psychology, the human sense of solidarity and community atrophy in the individual and in society, when they are exposed to this social psychological operation.

Since everyone gets sick at some time, public talk about "good killing" hits first and foremost the protective sphere of the family and the patient's relationship of trust with his doctor, the guardian of life. But when the doctor is publicly said to be responsible for the "good death" and to be able to "unselfishly" deliver the patient for "love", then the doctor becomes a danger. I will no longer be able to trust that I can turn to the doctor without fear, that everything he does is for my good, and that I can be sure that he is and remains the guarantor of my will to live – this trust will be destroyed.

We have seen honestly written reports from many countries about the true processes of "euthanasia", which the public never learns about from the media products of the euthanasia debate talking about the "good death". In these reports, relatives relate of their realisation after the act that they have become an accomplice, and guilty of the death of a beloved relative, how they become depressed and wonder, burdened with shame, how they are now to go on with their life.¹⁷ The images of euthanasia doctors with their petrified and mechanical reactions after a patient killing are also well-known, and suggest why these doctors had to go for a weekend of withdrawal after an "assisted suicide".¹⁸

Public talk about killing is already a disposal of human life, that will at some time somewhere lead to acts against life, and that will destroy basic moral attitudes. If there is a public "debate" that it is a "deed of love" to give poison to people whose lives are no longer considered worth living, then this judgement is a heteronomy and thus a disposal of the life of

a patient. In a social climate characterised by this, anyone can become an accomplice simply by silent acceptance. This is because silence has the same effect as acquiescence.

Because of their profession, doctors and psychologists are advocates of life. They know what public talk about killing does to the soul of patients. And they also know, above all, what happens in the inner life of people who actively or "passively" participate in the killing of their patients or family members. Anyone who gives poison to a person tired of living has previously made a value decision. He evaluates the life of the other person as no longer worth living. So, in reality, the suicidal person dies heteronomously.

Doctors and psychologists can assess what will be the consequences for society in the long run of such processes, in which people decide on the value of the lives of others. For this reason, they bear a special responsibility towards society, namely to inform it about what the influence of the continuous flood of films, talk shows and other mass propaganda about "euthanasia" will be on society as a whole: social bonds and solidarity between people, as well as all the interpersonal strength of which humans are capable, will slowly be weakened in all areas. The medical ethicist Giovanni Maio describes this "lentiprocess" in society as a whole, which remains unnoticed, while dangerously shifting basic ideological attitudes towards life in all minds:

"A society that does not view suicide with dismay, but declares it to be an understandable act, runs the risk of also sending other people to their deaths, because in this way it is signaled that our society can understand suicide, and even considers it reasonable. A society that considers it reasonable to take your own life in the face of illness is dangerous. For it will drive into even deeper despair many people, who are struggling with themselves and despairing about whether their life is still worthwhile and whether they are not just a burden".¹⁹

When the euthanasia campaign began in 1993, it was part of a restructuring of the Swiss state according to the US-Ameri-



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can concept of *New Public Management*: "Rethinking the state" meant running the state like an office with management methods. This included, in parallel with the euthanasia campaign, the conversion of state hospitals into profitable enterprises. The "new medicine" that has now been introduced is characterised as follows in "Careum working paper No. 2/2009".

"Future viability requires a fundamental change in the therapeutic relationship. The individual doctor-therapist relationship is normalised to the extent that it [...] basically follows the laws of the world of goods and consumption. [...] The "new medicine" is [...] a cost-intensive mass market with high demand and increasing specialisation and division of labour. In the perception of the consumer, the comparison of services is important and there is competition between providers. Transparency is therefore an indispensable prerequisite, especially for the protection of patients. In highly standardised care, it is not a question of craft or art, but of comprehensible service descriptions. Accordingly, a therapeutic relationship based on an individualistic conception and clinical purism is obsolete."²⁰

"Those who help others become more certain that they too will be helped in difficult situations. This creates a sense of security and trust that can alleviate the fear, to which we humans are so prone, and make life bearable. That is the best possible protection of life."

Immediately after the fall of the Iron Curtain and the collapse of the Eastern Bloc, we witnessed the onset of the campaign to legalise drug use; it gave rise to the open drug scene on the Platzspitz and the Letten in Zurich and to its consequences. At the same time the restructuring of the education system was entered upon, and a little later began the "reform" of nurs-

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ing education according to the same concepts. We encountered the same ideological concepts, actors and foundations in all areas. *Ernst Buschor*, for example, joined the Department of Education after the restructuring of the Zurich hospital system.

In the early years, resistance to the euthanasia campaign was at the forefront of our activities. From 1993/94 to 2000, we resisted the campaign to "liberalise" Article 114 of the Swiss Penal Code, which sanctions homicide at the request of the victim. Then, by an overwhelming majority, Parliament stopped the legislative initiative of Social Democratic leader *Franco Cavalli* to introduce "active assistance of euthanasia", based on the model of the Netherlands. Today we can look back with great pride at this success, to which the *Hippocratic Society* contributed very energetically and significantly. We saw at that time that the front of the anti-"euthanasia" movement ran across all political camps and the right-left schema, and we found, across all ideological and religious differences, allies and loyal comrades-in-arms who were aware of the long-term consequences for a society when the state no longer provides the protective framework of legal equality.²¹

Equality of rights

The rule of law rests on the fundamental idea passed on to us from Greek antiquity: peace must be *a just, a secure* peace. Man must use his reason and, guided by compassionate feeling, must relate the law in his state to a pre-state standard, to the nature of man, and adapt it to this. In this way, political action approaches justice. From this sprang, and interestingly enough this happened in parallel with the history of the Hippocratic Oath, the history of the emergence of the democratic constitutional state, which also lasted 2,500 years. In its modern form, with its monopoly on the use of force, it was and is the historical alternative to the struggle of all against all, to despotism, anarchy, the law of the jungle and the law of the strongest – to power politics of every hue. The "civil state" is *equality under the law*, which can overcome the class divisions of the 19th and 20th centuries as well as the religious divisions and the feudal order of earlier centuries.

The basic experience of man in the state of war of all against all is the fear of being killed. The means of overcoming citizens' fear of being killed by their fellow citizens was the monopoly of all power in the hands of the state, which is bound by the separation of powers, by law and order and human rights and "whose power is superior to any other power and which is therefore capable of keeping in

check the violence that private individuals use against one another, of restraining the horrors they inflict on one another by the super-horror that emanates from it."²² The enemies of the war of all against all "agree to surrender their weapons to the state in order to remove the mutual threat, to use the state as a guarantor of their security against each other and to submit to it. [...] people no longer can and no longer want to settle their conflicts with their fists. Renunciation of violence and (legal) obedience make up the citizen."²³

Thus, in the early European modern era, we see "the birth of the modern state out of the sufferings of the civil wars of the 16th and 17th centuries". It "is the institutional overcoming of civil war. It establishes civil peace by establishing the monopoly of legitimate physical violence and depriving citizens of the right and the power to be judges and bailiffs on their own account."²⁴ And yet this is the essence of euthanasia, that the "angel of death" presumes to be "judge and bailiff on his own account".

The state order of peace knows no worse evil than death. Its purpose is the protection of life, physical integrity and freedom.²⁵ In the protective state, all professions are called upon to fulfil the state's purpose, the protection of life. However, this state can in turn become the object of citizens' fear if it deviates from its purpose. This is the relevance of human

rights. They are meant to protect the citizen against an overbearing state.

This model of the state is a fragile entity that must be lived consciously and, moreover, is only imperfectly developed in today's states. "And yet political thought has not yet found a way back behind it without sliding into chaos."²⁶ These legal-philosophical considerations and the social-psychological ones are two sides of the same coin. Let us therefore go back for a moment: whoever decides to give poison to another human being has first made a value judgement: This life there in front of me is without any value. Otherwise, he does not even provide the poison, but soothes, helps and accompanies his fellow human being, even in his most difficult hour. This would be self-determination based on humanity, and this is what man needs "until his last breath" and must have, for cogent reasons. The "assistant to suicide", however, wants a "self-determination that brings forth the last breath".²⁷

So how did it come about that in the only direct democracy in the world, of all places, the killing of ailing persons was put up for grabs and the equality of rights was abandoned, which took away people's fear of their fellow human beings, especially of the doctor? Why did the Swiss "euthanasia" debate begin at the same time as the introduction of *New Pub-*

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Letter to  the Editor**Read and relax while doing so**

Thank you for this interesting and stimulating article with the review of the book by *Hansjörg Küster* about "The Alps". Also, in other circles it has apparently been communicated that it is a good book; because at my bookstore it was even in stock. And, I find the book very factual, sober and far away from any kitsch, which one must sometimes expect in connection with the Alps. For example, since it describes the processes in the formation of the Alps (folding) without overloaded technical vocabulary in a catchy way and clearly understandable in their historical course, it is also well suited for reading at the moment, because the reading of this book does not raise any additional problems, as can be the case with political reading, and it invites you to devote a quiet hour to it. Scientific fact-hoarding, which often has its purpose and *raison d'être*, will not be found in this book – on the contrary, at many points in the text one feels reminded of one's geography lessons, of the "moraines", the "glacier gates", the "Quaternary", terms that we laboriously memorised when we were 15 years old. In general, on the subject of the

Alps, I find that holidays spent by parents with their schoolchildren aged around 10 to 16 in the Alps climbing mountains can have a very, very good effect, even if you often go to the same Alpine area. So, I enjoyed it very much, with my brother and my father: it requires sportsmanship, organisational skills, keeping agreements – a bit of map knowledge – and the willingness to get up before 7 a.m. It is a sporty demanding vacation, in contrast to a beach vacation – tastes are different! – but in my opinion it is very nice for young people and children, to get to know the imposing and varied mountain world of the Alps with its diversity; and it's good for them to experience their parents on the same level, when they live nature together and make new discoveries. I can say of myself that I enjoy reading *Hansjörg Küster's* book and even recover while doing so. Thanks to *Renate Dünki* for the congenial review of *Küster's* work, which leaves nothing to be desired and aptly covers all aspects of the book one after the other.

Susanne Wiesinger, Freiburg (Germany)

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lic Management? Is it mere coincidence that at the World Economic Forum 2000, the leaders of the Western industrial nations and high finance, representatives of the World Bank, the IMF and global investors discussed, together with the "euthanasia" philosopher *Peter Singer*, how much to spend on health in the future? At a time when the world was again arming itself and preparing for wars to come – as it is still doing! The attempt to introduce "euthanasia" is the implementation of what was planned there. I only wanted to hint at these connections briefly. They are a topic of their own.

- ¹ The Dutch medical society KNMG and the governmental papers in the Netherlands officially use the term "euthanasia", which was also used by the National Socialists: "Euthanasia is defined as the active termination of life at a patient's voluntary and well-informed request." [KNMG. Euthanasia in the Netherlands. 16.8.2017. <https://www.knmg.nl/actualiteit-opinie/nieuws/nieuwsbericht/euthanasia-in-the-netherlands.htm> (accessed 3 March 2019)] Noteworthy: In the official Dutch texts, "assisted suicide" is referred to as "euthanasia", and according to the above definition is an "active termination of life", thus a killing!
- ² See also: Freispruch für ärztliche Hilfe zur Selbsttötung (Acquittal for medical assistance in suicide.) In: *Neue Zürcher Zeitung*, 1 October 1993
- ³ There are serious historical reservations about the term "euthanasia", "because the National Socialist "euthanasia" law – which ultimately did not come into force – had the term in its title: "Gesetz über die Sterbehilfe bei unheilbar Kranken" (Law on euthanasia for incurable ill patients). In: Nestor, Karen et al. *Hilfe beim Sterben, Hilfe zum Sterben oder Hilfe zum Leben? (Help in Dying, Help to Die or Help to Live?)* In: *Swiss Medical Forum - Schweizerisches Medizin-Forum* 2017; 17(35), pp. 738–743, p. 738. The text of the proposed Nazi law of 1940 can be found in: Roth, Karl Heinz (ed.). *Erfassung zur Vernichtung*. (Collection for destruction), Berlin 1984. p. 177, see also: pp. 121, 130f., 143.
- ⁴ Cf.: van der Maas, P. J.; van der Delden, J. J. M.; Pijnenborg, L. *Medische beslissingen rond het levenseinde. Het onderzoek voor de Commissie Ouderzoek Medische Braktijk inzake Euthanasie*. Sdu Uitgeverij Plantijnstraat, 's-Gravenhage 1991. ISBN 90 39 901244 [= "Rommelink Report". English translation: Euthanasia and other Medical Decisions Concerning the End of Life. Amsterdam 1992] See also: van der Wal, G. & van der Maas, P. J. *Euthanasie en andere medische beslissingen rond het levenseinde (Euthanasia and other end-of-life medical decisions)*. The Hague: SDU 1996. See also: Gunning, Karel F. *Human rights and Euthanasia in the Netherlands*. [Manuscript in the possession of the author: Comparison of the official non-language euthanasia ceremonies of 1990 and 1995] See also: Fenigsen, Richard. *The Report of the Dutch Government Committee on Euthanasia*, Norfolk 1991.
- ⁵ von Weizsäcker, Viktor. *Arzt und Kranker (Doctor and patient)* I. 3. expanded edition. Stuttgart 1949, p. 7ff.
- ⁶ *Ibid.*, p. 89
- ⁷ *Ibid.*, p. 86
- ⁸ *Ibid.*
- ⁹ Spaemann, Robert. In: Stettberger, Herbert (Ed.). Berlin 2017, pp. 197–208, p. 202
- ¹⁰ Cf.: von Uexküll, Thure. "Psychosomatik" (Psychosomatics.) Quoted from: Eser, Albin (ed.). *Lexikon Medizin, Ethik, Recht*. (Encyclopaedia Medicine, Ethics, Law.) Freiburg/Br. 1992; Holt-Lunstad, Julianne. *Testimony before the US Senate Aging Committee*. 27 April 2017. [URL: https://www.aging.senate.gov/imo/media/doc/SCA_Holt_04_27_17.

After more than twenty-five years, the mental defences have been damaged in many parts of society. The task has become more difficult – but it remains the same: as guarantor of the ailing person's life and as guarantor of the purpose of the state, to shed light upon processes that threaten the protection of life, whenever they are looming in the state. Recently, there has been a budding return to the *Conditio humana*: firstly, that "human autonomy is always autonomy in relationship ('self-determination needs the other person'²⁸)". Secondly, the term "balance suicide", coined by the psychiatrist *Alfred Hoche* in 1918 as a deliberate free will act of a healthy person²⁹, which has been reused by the new euthanasia movement since the 1970s, remains

- pdf* (accessed May 16, 2019)]; Holt-Lunstad, Julianne et al. "Social Relationships and Mortality Risk: A Meta-analytic Review". In: *PLoS Med* 7(7) 2010: e1000316 [<https://journals.plos.org/plosmedicine/article/file?id=10.1371/journal.pmed.1000316&type=printable> (accessed 16 May 2019)] Maio, Giovanni. "Die heilende Kraft der Zuwendung in der Medizin". (The healing power of caring in medicine). In: Ehm, Simone; Giebel, Astrid; Lilie, Ulrich; Prönneke, Rainer (eds.). *Geistesgegenwärtig behandeln. Existenzielle Kommunikation, Spiritualität und Selbstsorge in der ärztlichen Praxis*. (Mindful treatment. Existential communication, spirituality and self-care in medical practice). Neukirchen 2016, pp. 57–70; Id. "Die heilende Kraft der Begegnung" (The healing power of encounter). In: *Zeitschrift für Komplementärmedizin* 2013, 5; 5, pp. 58–62; id. "Therapie als Hilfe zur Annahme seiner selbst: Über die heilsame Kraft der Begegnung". (Therapy as help to accept oneself: On the healing power of encounter). In: *Balint-Journal* 2013. 14; 2, pp. 33–39.
- ¹¹ Cf. Ringel, Erwin. *Der Selbstmord. Abschluss einer krankhaften Entwicklung*. (The suicide. Conclusion of a pathological development.) Wien/Düsseldorf, 1953
- ¹² Cf.: Ringel, Erwin. "Das präsuizidale Syndrom – medizinische, soziale und psychohygienische Konsequenzen". (The presuicidal syndrome – medical, social and psycho-hygienic consequences.) In: *Hexagon "Roche"*. 1985; 13(1), p. 8–14
- ¹³ Cf. Dührssen, Annemarie. *Die biographische Annemese unter tiefenpsychologischem Aspekt*. (The biographical anamnesis from a depth psychological point of view.), Göttingen 1981. Cf. also: Nestor, Moritz; Vögeli, Erika. *Zum Dreigenerationenmodell*. (On the three-generation model.) 1998, <https://naturrecht.ch/wp-content/uploads/1998-MZE-Erika-Moritz-Dreigenerationenmodell.pdf> (accessed on 7 March 2019). Cf. also: Nestor, Moritz. *13 Thesen: Anthropologische Grundlagen der Familie* (13 Principles: Anthropological foundations of the family.), 1999. <https://naturrecht.ch/13-thesen-anthropologische-grundlagen-der-familie/> (accessed on 10 March 2019), cf. also: Nestor, Moritz. "Worin besteht der Sinn des Alters?" (What is the meaning of old age?) 1997. <https://naturrecht.ch/worin-besteht-der-sinnes-alters/> (accessed on 10 March 2019), Guardini, Romano. *Die Lebensalter. Ihre ethische und pädagogische Bedeutung*. (The ages of life. Their ethical and pedagogical significance.) Würzburg 1953
- ¹⁴ Cf. also: Nestor, Moritz. "In schwierigen Zeiten einen menschlichen Standpunkt gewinnen. Was uns geschichtliche Erfahrung, Naturrecht, Anthropologie und Psychologie dazu zu sagen haben – eine Annäherung". (On gaining a humane stance in paltry times. What historical experience, natural law, anthropology, and psychology have to say – an approximation). In: *Current Concerns* No. 12 of 30 May 2017.
- ¹⁵ Cf.: Chapter "Die Meinung über sich und über die Welt" (The opinion about oneself and about the world), in: Adler, Alfred. *Sinn des Lebens* (Meaning of Life). Leipzig 1933

very controversial among psychiatrists³⁰, and gerontologists and gerontopsychiatrists are again urgently warning against it.³¹ The new "counter-proposals for a [...] new culture of care [...] should be urgently discussed".³² Thirdly, the dubious hope that cruel suicides would be "transformed" into assisted suicides by allowing euthanasia is dashed by bitter reality.³³ We know the "social contagion" effected by real and fictitious suicidal behaviour ("Werther effect").³⁴ Copycat acts can be prevented!³⁵ Reporting can "prevent suicides if it reports on suicidal persons who found ways out of their emergency situation and were able to overcome their suicidality".³⁶

Sufficiently for what *Ernst Bloch* once called "docta spes", the "taught hope". •

- ¹⁶ Cf.: Chapter "Der anthropologische Aspekt: Gemeinschaftsgefühl als ursprüngliche Gegebenheit." (The Anthropological Aspect: Sense of Community as an Original Condition). In: Kaiser, Annemarie. *Das Gemeinschaftsgefühl bei Alfred Adler. Ein Vergleich mit Befunden aus Entwicklungspsychologie, Psychopathologie und Neopsychoanalyse*. (Alfred Adler's feeling of community. A comparison with findings from Developmental Psychology, Psychopathology and Neopsychoanalysis). Dissertation at the Faculty of Philosophy I of the University of Zurich 1977, p. 12ff.
- ¹⁷ Cf. Marker, Rita. *Deadly Compassion: The Death of Ann Humphry and the Truth about Euthanasia*. Morrow/Harper/Collins/Kirkus 1993. Cf. also: Müller-Frank, Stefanie. *Sterbehilfe*. "Die Fragen der Angehörigen". (Assisted suicide. The questions of the relatives.) In: *Deutschlandfunk Kultur* of 13 February 2017. https://www.deutschlandfunkkultur.de/sterbehilfe-die-fragen-der-angehoerigen.976.de.html?dram:article_id=378852 (accessed on 3 March 2019).
- ¹⁸ Cf. IKON. *Tod auf Verlangen*. (Death on demand.) Television film. Netherlands 1994. Cf. also: Goddar, Jeannette. "Tod auf Verlangen". (Death on Demand). In: *TAZ* of 12 December 1994. (<http://www.taz.de/1/1529588/>) (accessed on 3 March 2019)
- ¹⁹ Maio, Giovanni. *Medizin ohne Mass?* (Medicine without measure?) Stuttgart 2014, p. 175
- ²⁰ Panfil, Eva Maria; Sottas, Beat. *Careum working paper 2. Woher kommen die Besten? Globaler Wettbewerb in der Ausbildung – wer bildet zukunftsfähige Health Professionals aus?* (Where do the best come from? Global competition in education – who trains future-proof health professionals?) Careum 2009, p. 8
- ²¹ Bastian, Till (ed.). *Denken, schreiben, töten. Zur neuen Euthanasie-Diskussion und zur Philosophie Peter Singers* (Thinking, writing, killing. On the new euthanasia discussion and the philosophy of Peter Singer), Stuttgart 2000. Fenigsen, Richard. *The Report of the Dutch Government Committee on Euthanasia*, Norfolk 1991. Dörner, Klaus. *Tödliches Mitleid (Lethal compassion)*, Freiburg/Basel/Wien 1993. *Ib. Leben und sterben, wo ich hingehöre* (Live and die where I belong). 5th edition. Neumünster 2007. Spaemann, Robert; Hohendorf, Gerrit; Odunuc, Fuat S. *Vom guten Sterben. Warum es keinen assistierten Tod geben darf* (On dying well. Why there should be no assisted death), Freiburg/Basel/Wien 2015. *Ib. & Fuchs, Thomas. Töten oder sterben lassen? (Kill or let die)*, Freiburg/Br. 1997. Hoffmann, Thomas; Knaup, Marcus (eds.). *Was heisst in Würde sterben. Wider die Normalisierung des Tötens* (What does it mean to die with dignity. Against the normalization of killing), Wiesbaden 2015. Krause Landt, Andreas. *Wir sollen sterben wollen. Warum die Mitwirkung am Suizid verboten werden muss* (We should want to die. Why assisted suicide must be banned). Bauer, Axel W. *Todes Helfer. Warum der Staat mit dem neuen Paragraphen 217 StGB die Mitwirkung am Suizid fördern will* (Why the state wants to promote assisted suicide with the new paragraph 217 StGB. Schneider, Reinhold. *Über den*

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²² Isensee, J. *Das Grundrecht auf Sicherheit* (The fundamental right to security), Berlin 1983, p. 3

²³ Ibid.

²⁴ ibid p. 4

²⁵ ibid p. 5

²⁶ ibid p. 5

²⁷ cf. Mieth, Dietmar. "Sterbehilfe ist nicht zulässig". (Assisted suicide is not permissible.) In: *Rp-online.de*, (Interview from 30 July 2008). (https://rp-online.de/leben/gesundheit/news/sterbehilfe-ist-nicht-zulässig_aid-11621643 (accessed on 3 March 2019))

²⁸ cf. Flyer *Veranstaltungszyklus Autonomie in der Medizin*. (Flyer for a series of events on autonomy in medicine.) (www.nek-cne.ch/fileadmin/nek-cne-dateien/Themen/Symposium_NEK-ZEK/NEK-ZEK_2016_Flyer_D.pdf (accessed on 3 December 2016))

²⁹ cf. Hoche, Alfred. *Die Freiheit des Willens vom Standpunkte der Psychopathologie*. (The freedom of the will from the position of psychopathology.) Wiesbaden 1902, Loewenfeld, L. & Kurella, H. (eds.). *Grenzfragen des Nerven- und Seelenlebens. Einzeldarstellungen für Gebildete aller Stände*. Band XIV. (Border issues of mental and inner life. Individual presentations for educated people of all classes. Volume XIV.) cf.: "Bilanzsuizid". (Balanced suicide) In: https://de.wikipedia.org/wiki/Bilanzsuizid#cite_note-1 (accessed on 5 March 2019) cf.: Eser, Albin. "Erscheinungsformen von Suizid und Euthanasie – Ein Typisierungsversuch". (Manifestations of Suicide and Euthanasia – an approach for typification) In: Eser, Albin (ed.). *Suizid und Euthanasie als human- und sozialwissenschaftliches Problem*. (Suicide and euthanasia as a human problem and a problem of social science) Stuttgart 1976, pp. 4–11. In 1920, the psychiatrist Alfred Erich Hoche and the lawyer Karl Binding published the brochure "The Extermination

of Life Unworthy of Life." In this text they glorified suicide as "self-determined" death. Additionally, they supported "euthanasia" for the "terminally ill". And they demanded the killing of sick and disabled people, who they claimed, were only "human shells" and no longer of any value for the society. The brochure was used as a template for the National Socialist "Euthanasia" program.

³⁰ Bochnik, H. J. Suizid und Sterbehilfe. "Zur Frage der freien Willensbestimmung in Verzweiflung". (Suicide and Euthanasia. On the question of free will in desperation.) In: *Psycho* 1992;8, p. 736–43. Ernst, Cecil. *Exposé zu neueren epidemiologischen Studien zum Suizid*. (Exposé on recent epidemiological studies on suicide.) 1999, p. 5. Klesse, Raimund. "Der Todeswunsch aus psychiatrischer Sicht". (The death wish from a psychiatric perspective) In: *Imago Hominis* 2003;10(1), p. 37–44. Onkay Ho, A. Suicide: "Rationality and Responsibility for Life". In: *Can J Psychiatry* 2014; 59(3), p. 141–7. Leeman, C. P. "Distinguishing among irrational suicide and other forms of hastened death: implications for clinical practice". In: *Psychosomatics* 2009;50(3), pp. 185–97

³¹ *Suizidbeihilfe für alte Menschen. Positionspapier der SGG SFGG SGAP*. (Assisted suicide for the elderly. Position paper of the SGG SFGG SGAP). Bern 2014. http://www.sggsgg.ch/cms/media/Positionspapier/Suizidbeihilfe_Positionspapier_SGG_SFGG_SGAP_Stand_24-11-2014_def.pdf (accessed on 3 December 2016). Stoppe, G.; Kohn, J.; Schmutz, B.; Suter, E.; Wiesli, U. *Positionspapier: Suizidprävention im Alter*. (Position paper: Suicide prevention in old age.) www.publichealth.ch/logicio/client/publichealth/file/mental/Positionspapier_Suizidpraevention_im_Alter__D_def.pdf (accessed on 3 December 2016). Ruckebauer, G.; Yazdani, F.; Ravaglia, G. "Suicide in old age: illness or autonomous decision of the will". In: *Arch Geront Geriatr Suppl.* 2007;1, pp. 355–358

³² Nestor, Karen et al. "Hilfe beim Sterben, Hilfe zum Sterben oder Hilfe zum Leben?" (Accompaniment of dying patients, assisted suicide, or helping to live?) In: *Swiss Medical Forum – Schweizerisches Medizin-Forum* 2017;17(35), pp. 738–743, p. 741. cf. Bauer, Axel W. "Notausgang assistierter Suizid? Die Thanatopolitik in Deutschland vor dem Hintergrund des demographischen Wandels". (Emergency exit assisted suicide? Thanatopolitics in Germany in the light of demographic change.) In: Hoffmann, TS; Knaup, M. *Was heisst: In Würde sterben? Wider die Normalisierung des Tötens*. (What does it mean to die with dignity? Against the normalisation of killing) Springer. 2015, pp. 49–79; Maio, Giovanni. "Gutes Sterben erfordert mehr als die Respektierung der Autonomie". (Good dying requires more than respecting autonomy.) In: *Deutsche Zeitschrift für Onkologie* 2011; 41, pp. 129–132; ibid. "Eine neue Kultur der Sorge am Lebensende". (A new culture of end-of-life care.) In: *pfliegen: palliative* 22/2014, pp. 8–11; ibid. "Grundelemente einer Care-Ethik". (Basic elements of a care ethics.) In: *Jahrbuch für Recht und Ethik* 2016, 24, pp. 241–251; ibid. "Der Krebs als Brennglas des Lebens. Für eine Ethik der Zuwendung in der Onkologie". (Cancer, as a magnifying of life. For an ethic of care in oncology.) In: *Deutsche Zeitschrift für Onkologie* 2016, 48; 2, pp. 72–75; Ricoeur, Paul. *Lebendig bis in den Tod. Fragmente aus dem Nachlass*. (Alive until death. Fragments from the estate.) Hamburg, 2011

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The Hagia Sophia in Istanbul – Byzantine church, mosque, museum ...

On the eventful history of this important sacred building

by Dr phil. Winfried Pogorzelski

Last summer, one of the most important buildings in the world hit the headlines, the Hagia Sophia (Greek: Ἁγία Σοφία: “Holy Wisdom”) in Istanbul. The sacred building was built in the years 532–537 under the Byzantine Emperor Justinian I in the European part of the city as a domed basilica and dedicated to the Divine Wisdom. The building set new standards in every respect and still evokes amazement and admiration today. After the Ottomans conquered Constantinople in 1453, the basilica was surrounded by four minarets and used as a mosque until it was converted into a museum in 1934 under Kemal Atatürk, the founder of the secular Republic of Turkey. As such, it could be used by Muslim and Christian visitors alike and was a living expression of mutual respect between Christianity and Islam. Due to a decision of the Supreme Administrative Court, it is now serving as a mosque again, which caused approval among many devout Turks, but also astonishment far and wide – not only among Christians.

Audacious construction without precedent and without imitation

Emperor *Justinian I* (482–565), ruler of the Byzantine Empire (395–1435), had Hagia Sophia built as the main church of Byzantium and as the centre of the Orthodox Christian Church in what was then Constantinople; it served the emperor as an outward monumental sign of his divine graciousness. The basilica, which is now almost 1500 years old and a UNESCO World Heritage Site, amazes with its numerous special features and superlatives: the main dome made of bricks has a diameter of 32 metres and is enthroned at a height of 55 metres above a square of only four arches and pillars, a unique construction; it collapsed four times until the curvature was calculated so that the vault could withstand the great load. The base of the vault is surrounded by 40 windows, giving the impression that the dome floats above the nave. The generously dimensioned hall, 80 metres long and 70 metres wide, was once ridden through by Emperor Justinian on his horse. The harmony between the gigantic size and the balanced proportions of the interior distinguish the Hagia Sophia as one of the most impressive buildings in the world.



Hagia Sophia, exterior view from the front, 2005.
(Picture Dean Strelau – commons.wikimedia.org)

Interior design at its best: marble and mosaics

As far as the materials are concerned, no expense was spared: the 7000 square metre floor is covered with white Marmara marble; the cladding of the walls and the mighty columns of the building are made of green and black marble and red porphyry. For the Byzantine poet *Paulus Silentiarius* (6th century), the elaborately designed interior with its play of colours looked like an image of divine nature.

Only a few of the originally numerous Byzantine mosaics remain. In the 19th century, the Ticino architects *Gaspere* and *Giuseppe Fossati* uncovered all the remaining mosaics as part of the first modern overall renovation and drew up an inventory. Many treasures had to be freed from the plaster under which they were hidden, because in Islamic art the human form must not be depicted. Among the most significant mosaics in art history are the monumental depiction of Jesus Christ as the ruler of the world (pantocrator) from the 9th century and the donor mosaic from the 11th century showing *Mary* as the Mother of God and the infant Jesus, surrounded by the church founder Emperor Justinian with the model of Hagia Sophia and Emperor *Constantine* as the founder of the city with the model of Constantin-

ople. Typical of Byzantine mosaics is the shimmering gold background, caused by mosaic stones covered with gold leaf.

To the eye of today's visitor, the Hagia Sophia presents itself in overwhelming splendour. This is due to a sixteen-year restoration between 1995 and 2011. It was carried out by Turkish specialists under the auspices of UNESCO and revealed, among other things, an angel's face above one of the four colossal columns.

Inauguration of the Hagia Sophia mosque with the approval of the population

After an attempted coup in July 2016, the Turkish government under President *Recep Tayyip Erdoğan* declared a state of emergency. In order to strengthen his position of power and to divert attention from the economic and political difficulties – for example in the relationship with the European Union because of the refugee issue – measures were enacted which, beyond the two-year duration of the state of emergency and until further notice, strengthened the position of the president and weakened democracy. The corresponding constitutional amendments were approved by the majority of the population. In addition, a certain re-Islamisa-

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tion of many areas of life was promoted, such as religious life itself or school and university life. The ban on headscarves in state institutions was lifted.

The conversion of the Hagia Sophia museum into a mosque is part of this development as a symbolic but also understandable act: In the Turkish Republic, laicism does not mean the complete separation of church and state, but rather the control of religion by the state: the Supreme Administrative Court ruled that *Kemal Atatürk's* conversion of the Hagia Sophia mosque into a museum was unlawful and that the rededication of the building into a mosque was therefore legal.

Blue-green carpeting now covers the floor everywhere; the Byzantine mosaics depicting the human form are covered with white cloth panels – at least during prayer. Together with members of his cabinet, Erdoğan was taking part in the first Friday prayer on 24 July, surely sending an unmistakable message to the Islam-believing voters whose support had declined in the meantime.

After decades of deprivation – from 1934 to the present day – Muslim believers (over 95% of the population) were delighted to finally be able to pray again in their country's most important place of worship, which no one can blame them for. Hundreds of thousands of believers, for whom a lifelong dream was coming true, flocked from all over the country, filling the mosque, the streets and the squares around it, where they sat down in ceremo-

nial dress to join in the prayers. Those who could, followed on big screens how clerics dressed in white declaimed Koranic suras. The call "Allahu akbar" ("God is great") resounded again and again. A young Turkish woman joining in the celebrations euphorically expressed her hope that the Christian world would now respect the Islamic faith more, given that Muslims have long respected its prophet Jesus.

On the other hand: sadness, surprise and double standards

The fact that the Hagia Sophia is now a mosque again has triggered a great response from far and wide. Attentive contemporaries from politics, science, culture and religion have spoken out. *Bartholomew I*, the Ecumenical Patriarch of the Orthodox Christian World Churches, expressed his "sadness and shock". He exercises his office as head of the approximately 300 million Orthodox Christians scattered throughout the world as an honorary office, i.e. he has no official powers. For him, the function of the Hagia Sophia as a meeting place between East and West is in question after the rededication.

Greece, where Orthodox Christianity is the state religion with over 95% of the population belonging to it, speaks of a historical mistake that should have consequences. President *Katerina Sakelloropoulou* even spoke of a "deeply provocative act against the international community". The European Union, Russia and the USA, on the other hand, only regretted the decision.

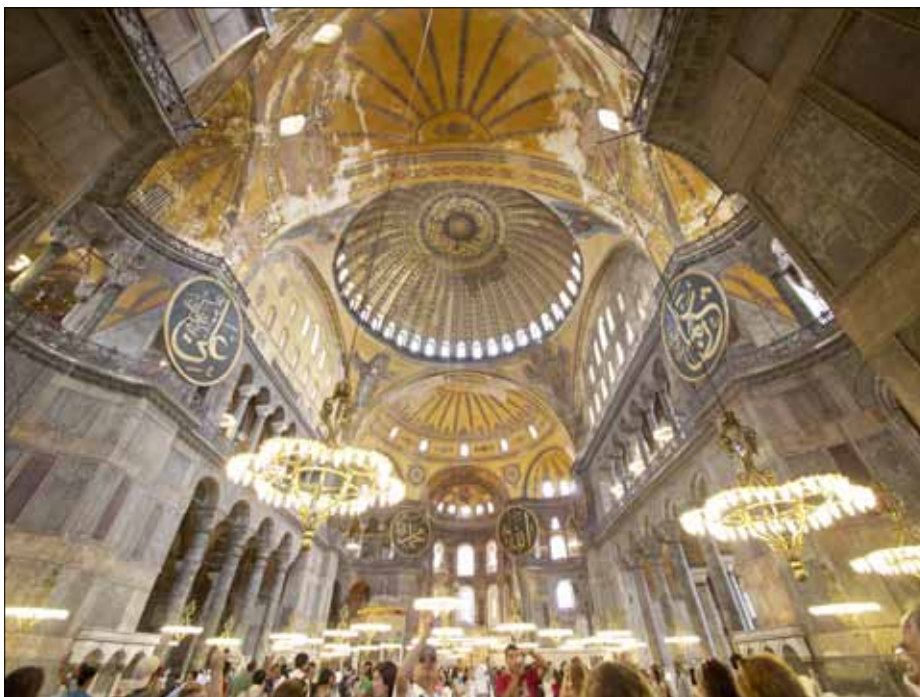
The Serbian-American economist *Branko Milanovic* emphasised that *Kemal Atatürk* declared the place of worship a museum in order to actually end the battle of religions over the church. The decision of the Council of State or Erdoğan to reverse Atatürk's move was interpreted by many of his supporters as Turkey regaining its pride as a world power.

Orhan Pamuk, Turkish Nobel laureate for literature, underlined that Atatürk's well-considered decision had been an important sign that Turkey was a secular state and part of European culture. He, along with millions of other Turks, could not support the regrettable abolition of this sign.

However, such views overlook the fact that the rededication of places of worship has been commonplace throughout history, as *Felix Körner*, Jesuit, theologian and Islamic scholar, points out: Christianity also appropriated places of worship of other religions and even redesigned them accordingly. For example, the Catholics of the 15th century built a Gothic nave in the middle of the magnificent mosque of Córdoba, whereas the conqueror of Constantinople, Sultan *Mehmet II*, was more considerate with the Hagia Sophia: he left its basic structure unchanged, only removing the altar. Moreover, Körner continues, it does not suit Christians at the moment to emphasise that they have just lost something that belongs to them: only a few years ago, requests from Muslims to be allowed to pray in the mosque of Córdoba were rejected by the Church. Demands to preserve the Muslim heritage more and to use the building as an interreligious place are still rejected by the Bishop of Córdoba, *Juan José Asenjo*.

Towards a coexistence of religions

The Swiss diplomat, author and journalist *Paul Widmer* also points out that the conversion of sacred buildings has been common practice for Christians and Muslims alike throughout history. If conversion was not successful elsewhere, there was sometimes equal use of places of worship, of which there are still isolated examples today in the canton of Thurgau or in the Toggenburg valley in the canton of Sankt Gallen. As unrealistic as it is for the time being to apply this model to the Hagia Sophia, there is hardly any other sacred building that is better suited for this purpose: The building is of immense importance for both religions and, thanks to its colossal size, offers space for both religious communities. He advocates coexistence. The idea of using the former museum and current place of worship for interreligious purposes, such as Islamic-Christ-



Interlocking geometries conceal the enormous support system that carries the huge dome. This is hidden behind elegantly arranged galleries that give the building the illusion of the dematerialisation of its vertical wall surfaces.

(Picture Dennis Jarvis – commons.wikimedia.org)

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When automobiles learned to ski

The triumph of the former “machina non grata”

by Heini Hofmann

Today, thanks to a perfect road network and winter road clearance, driving through Alpine valleys and over mountain passes is a year-round pleasure. This was not always the case, especially in Graubünden (Grisons). Graubünden's history is unique within Europe: first a tough ban on automobiles, then a world sensation – the snowmobile!

This acyclic historical and unique driving ban of the “blowing, tutting and stinking mockery” called automobile, praised by some as a courageous demonstration of a will, apostrophised by others as backwoods tyranny, lasted a whole 25 years, only to suddenly make way for the pure opposite – skiing cars!

Photographs testify that with these snow-worthy caterpillar vehicles, transnational winter rallies were staged from one gourmet temple to the next Belle Epoque hotel in the most difficult winter road conditions. But let's start at the beginning!

A curiosity: Grisons automobile ban

The automobile made its first appearance in Switzerland at the National Exhibition of 1896 in Geneva – a decade behind the rest of Europe. But while in the rest of the world the car steadily accelerated its triumphal march, in Graubünden, a stronghold of the Belle Epoque hotel industry of all places the course was set differently in the 20th century. The railway was given the green light while the car the red card; it became “machina non grata”.

This may also have had something to do with the fact that – unlike elsewhere – the people of Graubünden were able to participate directly in the decision-making process by casting their votes. Thus, in contrast to railway policy, Graubünden's automobile policy developed not only into a pan-European special case, but also into



The larger, winterised St. Moritz - Maloja - Castasegna (Bergell) Postbus course as a caterpillar-driven snowmobile. Lake Sils and Piz de la Margna in the background. (Picture Sammlung Marco Jehli, Celerina)

an anachronistic curiosity of automobile history par excellence.

The main initiator – the Engadine

The result was an astonishing situation that, in retrospect, can hardly be understood: in the very canton that a schoolboy characterised in his essay “The people of Graubünden feed on tourists,” there

were no automobiles, because driving was simply forbidden in the entire canton of Graubünden by a resolution of the Minor Council since 1900.

The Engadine was apparently the straw that broke the camel's back because in the message to the Grand Council the Minor

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tian prayer meetings or theological dialogue seminars, has already come up.

Prince *Hassan ibn Talal* of the Hashemite dynasty of Jordan points the way to a real alternative to these interreligious irritations and disputes. The Jordanian studied Oriental Studies at Oxford University and wrote on Islam as well as a book on Christians in the Islamic world. He founded the Trilateral Commission for Islamic-Christian-Jewish Dialogue and is a tireless advocate for reconciliation between the religions – the only viable path to a peaceful and humane future. ●

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Council's ban was justified as follows: "The ban of 1900 owes its origin to real danger and serious nuisance to road traffic in the Engadine caused by foreign car owners."

A whole ten votes

Some were pleased with this "peaceful oasis", while others were annoyed by such "medieval border closures". Ridiculous situations occurred repeatedly: For example, a count from Carrara, owner of the marble quarries, was allowed to drive his posh car as far as Castasegna. From here on, the horses pulled the car up.

Karl August Lingner, the *Odol*-king and saviour of Tarasp Castle, also had to use a horse-drawn train to bring his car up from the border in order to be able to drive it in the castle park. It would take a full quarter of a century for this to change – after no less than ten (!) referendums – until 1925.

The era of the caterpillar car

After the ban on cars in Graubünden was lifted, the automobile became popular. But the Graubünden passes as a natural north-south connection over the Alpine barrier, placed very special demands on automobiles, especially in snowy winters.

This prompted resourceful automobile designers to counter this challenge with a trick that was as simple as it was ingenious. They fitted the cars with sliding and caterpillar drives. This led to the amusing situation that the cars, when they were finally registered in Graubünden, immediately learned to ski...

An ingenious invention

Winterized automobiles equipped with caterpillar drive at the rear and skids under the front wheels now appeared in front of the high-class hotels in the Engadine. Automobile manufacturer *André Citroën* personally demonstrated the first prototypes in St. Moritz. With such skimo-biles, the journey over the snow-covered Julier Pass became more comfortable.

Even winter rallies were held as early as the 1930s, as a photo route from the



Two Autochenilles in front of the Kulm Hotel. With them, the journey over the snow-covered Julier Pass became more comfortable. (Picture archive Badrutt's Palace Hotel, St. Moritz)

Italian-Swiss border in Müstair via *Hotel Schweizerhof* in Sta. Maria to Badrutt's Palace Hotel in St. Moritz shows.

A long history

However, the caterpillar drives are much older than the snow-ready Autochenilles, as *André Citroën* called his snow cars. As early as the beginning of the 20th century, heavy caterpillar machines (caterpillar) were used in America – based on an English invention. The disadvantage was their limited speed. They were suitable for construction machinery, but not for military or tourist purposes.

The tinkering of the French engineer *Adolphe Kégresse* (1879-1943) at the court of the Russian Tsar *Nicholas II* was decisive, first with camel leather, then with rubber bands. Thus, the tsar's fleet included various all-terrain and even – with skids under the front wheels – snow-ready vehicles. Later, *Lenin* also made use of the new technology with a *Rolls-Royce* with caterpillar drive, built in 1915.

Citroën was the leader

Because of the revolution, *Adolphe Kégresse* returned to France, worked for *André Citroën* and managed the new factory for tracked vehicles, which were later often simply called *Kegressen*. In addition to civilian models, unarmoured and armoured military versions were also produced.

From 1928, the B2, B10 and B14 series were replaced by the more powerful C4 and C6 series. In civilian use, the Au-

tochenilles were used for public transport in the mountains (post office), fire brigades and ambulances, agriculture and forestry, as well as for towing ships.

Above all, however, these caterpillar cars were then used by tourism and the emerging winter and leisure sports, for off-road snow travel and over mountain passes, for towing skiers and sledges, but also for beach trips and hunting expeditions.

Almost forgotten today

Soon imitation products came onto the market, from *White* (USA) and from *Hannomag* (Germany), the latter even as a motorbike, the *Ketten-Krad* (tracked motorbike). At *Citroën*, bankruptcy (1934) finally heralded the end of tracked cars. New four-wheel drive vehicles such as *Jeep* and *Landrover* were more economical in consumption and faster. Agriculture, for its part, switched to the tractor.

One thing is certain: the Engadine and St. Moritz with their posh hotel icons played an important role as an advertising platform for the Autochenilles back then. Who knows, perhaps this should be recalled again at a winter rally – with a caterpillar car demo built into the route planning.

At the same time, one could also recall the unique Graubünden ban on automobiles by having the cars pulled by horses again on another section of the route (side road or Samedan airstrip) ... Betting that these nostalgic interludes would be a hit!