

Current Concerns

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Something is happening in Switzerland's direct democracy

More and more voices call for a fresh start with Brussels

by Dr iur. Marianne Wüthrich

Recently, new associations and committees have been speaking out in favour of a free, just and solidary Switzerland or a cosmopolitan, economically successful and free Switzerland (the adjective "free" is rarely missing among us Swiss). Two referendum committees have just handed in their signature sheets at the Federal Palace, one against the Covid 19 law and the other against the anti-terror law, which will be put to the vote on 13 June. There will be enough time until then to form an opinion. It should be noted here that despite the restrictions on public life that are necessary at the moment, direct democratic activities are continuing.

Today, we can turn to the pleasing fact that already in the first days of the new year, there are more and more voices among entrepreneurs and politicians of various hues who want to break off the negotiations on the framework treaty with Brussels and realign the relations of sovereign Switzerland with the EU on an equal footing. It is refreshing to see how even active politicians are stepping out of their party boxes and speaking their own minds. That's how it should be!

Growing opposition to the Framework Agreement from Swiss entrepreneurs ...

The successful defence of British interests vis-à-vis Brussels¹ has set enormous movements in motion in Switzerland. While the Federal Council is stonewalling and waiting for the "clarification" of the well-known "three points" (wage protection, EU citizenship directive, state aid) by the gentlemen in Brussels, many Swiss entrepreneurs are joining forces, giving the lie to those who have been claiming for years that without a framework agreement the bilateral path would be exhausted and the Swiss business location would collapse.

There is the business association *autonomiesuisse* (a counter-movement to *economiesuisse*, whose claim to be the sole representative of "the Swiss economy" is increasingly crumbling), which went public in November. *Autonomiesuisse* has about 350 members so far, includ-

"The 'total price' we would have to pay for the updating of existing market access agreements as well as for new agreements is clearly too high from the point of view of a sovereign state where voters are used to having the final say, is clearly too high. Against this the Federal Council should be honest with our most important foreign policy partner and break off the negotiations with this clear justification."

(Council of States member Thierry Burkart, FDP Aargau)

ing many well-known business personalities, and several FDP members sit on its board. In its argumentation, the organisation states unequivocally: "The discussion about the framework agreement revolves around side issues, while the main thing is forgotten: it would mean the end of Swiss sovereignty and the loss of attractive economic framework conditions. We dispel myths and show seven fatal consequences for Switzerland as a business location."² [emphasis mine] Reading these seven consequences, each set out on a fact sheet, is recommended for anyone who wants to grasp more precisely the connection between Switzerland's successful business centre and the independent, direct-democratic Swiss model.

In its media release of 15 January, *autonomiesuisse* summarises its position succinctly: "The present framework agreement would mean an irrevocable transfer of power to Brussels and subordination to the EU Court of Justice (ECJ). This would endanger Switzerland as a successful model with its competitive framework conditions." The entrepreneurs call on politicians to "rethink the relationship with the EU", for example with the further development of the bilateral agreements and the Free Trade Agreement (FTA) of 1972 (which secures EU market access for Swiss enterprises).³

Now the *Partners Group* entrepreneur network is also speaking out again, which was presented in *Zeit-Fragen* of 20 October 2020.⁴ Entrepreneur *Alfred Gantner*

and managing director *Philip Erzinger* introduce the association *Allianz Kompass/Europa* in the "Tages-Anzeiger", which also fights the framework agreement and has 250 supporters "from trade unionists to farmers to larger companies". He does not believe in the "theory of eroding bilateral agreements without a framework agreement", says Gantner, "because the EU has just as great an interest in regulated relations as Switzerland".⁵

Allianz Kompass/Europa is aiming for "a kind of Brexit-plus treaty", says Philip Erzinger: "With a big plus, because we already have a free trade agreement and functioning bilateral treaties." In order to protect our people's rights, says Gantner, he is also prepared to accept the expected marginal loss of growth, because with the framework agreement "we are so in the hands of the EU that it would be more consistent to become a member of the EU straight away".

Incidentally, there are also top representatives of mega-corporations who think this way and say so, at least after their retirement. *Oswald Grübel*, former CEO of CS and UBS, recently answered the question of what conclusions he would draw for Switzerland from the agreement between Great Britain and the EU: "For me, the free trade agreement shows that Switzerland does not need a framework agreement with the EU. It should not submit to the dictates of the European Court of Justice without necessity."⁶

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... and in politics:**FDP Council of States member
Thierry Burkart shows profile**

The sensational newspaper commentary by former FDP Federal Councillor *Johann Niklaus Schneider-Ammann* in September 2020 entitled "Framework Agreement: Three clarifications are not enough. The question of sovereignty must be addressed"⁷ has unblocked many sovereignty- and freedom-loving Swiss – especially in his own party. The UK's successful negotiations with Brussels have contributed to this.

Particularly noteworthy is the statement of *Thierry Burkart*, a member of the Council of States of Aargau and an FDP politician of the younger generation. On 14 January, he called for the negotiations with the EU to be broken off⁸ and thus set things in motion – initially in his party. For the *Free Democratic Party. The Liberals* has so far, at least outwardly, been practically united behind the Framework Agreement and the Federal Council's conduct of the negotiations. Council of States member *Thierry Burkart* noted two main points of criticism in his commentary:

- "The dynamic adoption of law, coupled with the role of the *European Court of Justice* (ECJ) in dispute settlement between Switzerland and the EU, considerably curtails our sovereignty." In the event of a dispute, the ECJ would ultimately decide. It could judge political decisions of the parliament or the people if EU law is even marginally affected. The loss of sovereignty means "ultimately less co-determination" for every citizen.
- The Framework Agreement would not be a "further development of the bilateral path." Because as a result of the comprehensive guillotine clause, there would in fact be no way out of the Framework Agreement for Switzerland, "unless we join the EU".

Thierry Burkart, member of the Council of States, concludes that from the point of view of a "sovereign state in which the electorate is used to have the final say", the price for updating the market access agreements would be "clearly too high". The framework agreement is therefore "not capable of gaining majority support as it is".

A fresh start would do no harm

Burkart calls on the Federal Council to break off the negotiations: "Breaking off negotiations would do less damage to the credibility of the Federal Council than if our negotiating delegation continued to pretend that this agreement was good and right and could somehow be pushed through by the people and the cantons."

According to *Thierry Burkart*, a new start would not be detrimental to the country's future either, because the great open-

"We want to preserve autonomous wage protection and the public service. The agreement jeopardises these concerns. That is why we have always said that it would have little chance before the people. We say that it would be clearer and more honest to seek a complete restart of the negotiations."

(Pierre Yves Maillard, President of the Swiss Trade Union Federation and member of the National Council of the SP)

ness to the world of Switzerland and its economy would remain. The free trade agreement of 1972 and the bilateral agreements with the EU could be further developed even without a framework treaty. Burkart concludes his statement with the words: "As between Great Britain and the EU, neither a unilateral adoption of law nor the court of the other party as arbitrator of disputes is needed. All that is needed is the mutual will to have good relations that benefit people here and there".

**Other FDP politicians
endorse Thierry Burkart's statement**

The clear position of the Aargau member of the Council of States went down badly with the majority of the FDP parliamentary group – such as party president *Petra Gössi* and National Councillors *Kurt Fluri* and *Christa Markwalder*. However, the CH media of 16 January 2021 also mention a whole series of FDP parliamentarians who, like Burkart, "reject or are sceptical about the role of the European Court of Justice in dispute settlement". These namely include members of the Council of States *Martin Schmid* and *Thomas Hefti* as well as members of the National Council *Maja Riniker*, *Marcel Dobler*, *Peter Schilliger* and *Christian Wasserfallen*. Council of States member *Andrea Caroni*, vice-president of the FDP, is also "not among the flaming advocates of the treaty"⁹. As already noted, several FDP members have also joined the *autonomiesuisse* entrepreneurs committee.

The "yes to reason" that the FDP parliamentarians had decided to give on the framework treaty in February 2019 was, some now note, based on overly positive ideas. (The Federal Chancellery had only put the text of the treaty online in German in mid-January 2019, and no one had been able to grasp in so short a time what is packed into it, formulated in bureaucratic EU style). In the FDP foreign policy programme there is nothing to be read about the framework treaty, but it is virtually included in the following sentence: "The FDP was the only party to always advocate the bilateral path with the EU without any ifs and buts, but rejects both EU or EEA accession and an isolationist pol-

icy." (<https://www.fdp.ch/positionen/aus-senpolitik>). In reality, most other parties are, in principle, also in favour of the bilateral path with the EU, but many politicians, entrepreneurs and citizens do not want to accept everything that Brussels has planned for Switzerland "without ifs and buts". FDP Council of States member Burkart also clearly explains that renouncing the framework treaty formulated by Brussels does not mean "isolation".

As far as EU accession is concerned, some FDP politicians seem to have forgotten that they were very much in favour of it not so long ago (and that even today they are prepared to accept a treaty with the EU that would possibly force Switzerland to join in a few years' time). For example, National Councillor *Christa Markwalder* who rebuked her parliamentary group colleague *Thierry Burkart* with extraordinarily harsh words:

"Such sniper actions are useless in terms of domestic policy and harmful in terms of foreign policy." [According to *Wortbedeutung.info*, the German word for sniper, "Heckenschütze", is "pejorative: someone who shoots at people from ambush"]. According to *Markwalder*, breaking off the negotiations would be "foolish, because what Switzerland has achieved so far - for example, the arbitration court for settling disputes – is very good."¹⁰ Is that so, indeed!

Christa Markwalder was president of the *European Movement Switzerland* (Nebs) from 2006 to 2014. On assuming the presidency on 7 May 2006, *Markwalder* said, according to the "Neue Zürcher Zeitung", that: "after a decade of bilateral negotiations, it was now time to pursue a more offensive European policy again. The Federal Council's report on Europe would be a good opportunity to discuss Switzerland's EU membership in greater depth."¹¹ The impression this left is still lingering today.

**SGB (Swiss Trade Union Federation)
president Pierre-Yves Maillard
takes up Thierry Burkart's demand**

Another surprise followed just one day after Burkart's statement. *Pierre-Yves Maillard*, president of the *Swiss Feder-*

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Russia's handling of the COVID-19 pandemic

by Gerd Brenner

Without a “hard lockdown” and with a much less expensive and luxurious health care system, Russia is apparently weathering the COVID-19 pandemic no worse than many Western countries. On top of that, Russia brought a comparable vaccine to maturity practically at the same time as Europe and North America. When the current rampant pandemic is under control, Western Europe will probably have to ask itself some unpleasant questions.

The Russian health system does not have a good reputation, not even in Russia itself. Originating from the Soviet Union's health care system, the so-called *Semashko system*, the Russian health care system was heavily privatised and commercialised in the 1990s – like many other things in those years. This created a two-tier medical system in which well-heeled patients in the big cities could afford top-quality European medicine in private clinics for cash. Medical treatment and spa stays in Europe were

also popular. Parallel to the rural exodus of the Russian population to the cities, the infrastructure for medical care in the countryside was also thinned out.

After 2006, the Russian state began to focus more on its responsibilities in the health sector and initiated reforms in the health system itself as well as in compulsory health insurance. These reforms produced contradictory results: Improved quality of medical care, increased qualification of staff and an expanded range of services in the cities are on the positive side, while more difficult working conditions and further thinning out of services in rural areas are on the negative side. The problem of overflowing bureaucracy, which has existed since Soviet times, could not be eliminated either.

Medical treatment in state clinics is basically free, but low wages have not made the practice of direct payments to doctors disappear. And two-class medicine also persists in the form of private hospitals.¹ The

share of expenditure on health in Russia has risen moderately in recent decades and currently stands at a good 5.3 % of gross domestic product, which is far less than in most Western European countries.²

It is probably more a consequence of the improvement in the economic situation of large parts of the Russian population and of changing lifestyles than of reforms in the health sector that key demographic indicators of Russian society have converged with those in Europe in recent years. For example, infant mortality fell from 11.9 ‰ in 2005 to 5.3 ‰ in 2017 – and the trend continues to fall. For comparison: In 2017, infant mortality in Switzerland was 3.3 ‰, in Slovakia 5.8 ‰.³ After a low point in the 1990s, the life expectancy of Russian women increased to 77 years, that of men to 72. This significant difference between the life expectancy of men and women is typical for Russia and distinguishes it from Western countries.⁴ Here, the effects of the

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ation of Trade Unions and SP National Council member, echoed his liberal parliamentary colleague's call for the negotiations to be broken off: “We want to preserve autonomous wage protection and the public service. The agreement jeopardises these concerns. That is why we have always said that it would have little chance before the people. We say that it would be clearer and more honest to seek a complete restart of the negotiations.”

Even earlier, the trade union leaders (including *Adrian Wüthrich of Travail Suisse*) had stipulated the safeguarding of Swiss wage protection and the public service as conditions for their approval of the contract formation with the EU. But so far Maillard had not so clearly mentioned a restart of the negotiations as an option. The sovereignty issue in the agreement was “very difficult”, Maillard said. Britain's treaty with the EU, in which the ECJ plays no role, shows that there are other possible solutions.¹²

Prospect for 2021

This is an encouraging start to this new year in the Swiss EU discussion. It is not a break-off of friendly relations with the EU that is in the offing, but a dignified conclusion by the Federal Council to a draft treaty that was blueprinted in Brussels and never suited Switzerland. This would be a much better way for the Federal Council to express its solidarity with the people than if they were to sign a treaty that would then be dumped in parliament or, at the latest, in

“The discussion about the framework agreement revolves around side issues, while the main thing is forgotten: it would mean the end of Swiss sovereignty and the loss of attractive economic framework conditions.”

(*autonomiesuisse*)

the referendum. It was well that we were able to first wait for the conclusion of the negotiations between London and Brussels, which now gives us new momentum. And it is good that there are so many of us, citizens, politicians, entrepreneurs, who do not want to give up the Swiss model. •

¹ cf. Wüthrich, Marianne. “The dinosaurs got wiped out, but the hedgehogs are still around”, in: *Current Concerns* No 30 of 5 January 2021

² “Sieben Gründe für ein besseres Rahmenabkommen” (Seven reasons for a better framework agreement) <https://www.autonomiesuisse.ch/de/argumente>

³ *autonomiesuisse*. “Rahmenabkommen EU-Schweiz: Rückhalt bröckelt auf breiter Front. Jetzt müssen die politischen Akteure die Beziehung zur EU neu denken” (EU-Switzerland Framework Agreement: Support is crumbling on a broad front. Now the political actors must rethink the relationship with the EU). *Media release* of 15 January 2021, signed by the Steering Committee of the Co-Presidency, Dr. *Hansjörg Bertschi*, Prof. Dr. *Martin Janssen* and Dr. *Hans-Peter Zehnder*

⁴ “Rahmenabkommen Schweiz-EU: Lieber die Verhandlungen würdig beenden ...” (Switzerland-EU Framework Agreement: Better to end the negotiations in a dignified manner ...)

⁵ Alich, Holger. “Widerstand gegen Rahmenabkommen. Mit Bernhard Russi und Kurt Aeschbacher gegen den EU-Vertrag. Gespräch mit Philip Erzinger und Alfred Gantner” (Resistance to the

Framework Agreement. With Bernhard Russi and Kurt Aeschbacher against the EU Treaty. Interview with Philip Erzinger and Alfred Gantner), *Tages-Anzeiger* of 16 January 2021

⁶ Zulauf, Daniel. “Jetzt werden die Zahlen richtig astronomisch. Interview mit Oswald Grübel” (Now the figures are getting really astronomical. Interview with Oswald Grübel), *St. Galler Tagblatt* of 4 January 2021

⁷ *Neue Zürcher Zeitung* of 19 September 2020

⁸ “FDP-Ständerat fordert Übungsabbruch beim Rahmenabkommen: ‘Der Bundesrat sollte gegenüber der EU ehrlich sein’. Gastkommentar von Thierry Burkart” (FDP Councillor of States calls for abandonment of practice on the Framework Agreement: ‘The Federal Council should be honest with the EU’. Guest commentary by Thierry Burkart) in: *Aargauer Zeitung* of 14 January 2021

⁹ Benini, Francesco. “Schweiz-EU. Dafür oder dagegen? Das Rahmenabkommen mit der EU entzweit die Freisinnigen” (Switzerland - EU. For or against? The Framework Agreement with the EU divides the Free Democrats), in: *Aargauer Zeitung* of 16 January 2021.

¹⁰ *ibid.*

¹¹ “Christa Markwalder ist neue Nebs-Präsidentin” (Christa Markwalder is new Nebs president), in: *Neue Zürcher Zeitung* of 8 May 2006

¹² Benini, Francesco. “Verhandlungen mit EU abbrechen. Gewerkschaftspräsident Pierre-Yves Maillard unterstützt die Forderung von FDP-Ständerat Thierry Burkart” (Break off negotiations with EU. Trade Union President Pierre-Yves Maillard supports the demand of FDP Council of States member Thierry Burkart), in: *St. Galler Tagblatt* of 15 January 2021

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at times unhealthy lifestyle of Russian men, which also includes alcohol abuse, are still noticeable. In recent years, however, the lifestyle and drinking habits of an urban middle class in the conurbations in particular have changed and have come closer to those of Western Europeans.

Lockdown and the measures that followed

After the outbreak of the COVID-19 pandemic in China, Russia quickly closed the border to its East Asian neighbour and was thus hit by the pandemic later than Western Europe and had a little more time to prepare. After a short, hard lockdown, the Russian government quickly relaxed the measures against the spread of the coronavirus again and did not introduce a new lockdown even in the face of the second wave. Since early summer last year, shops, cultural institutions, catering establishments and public transport have been open and usable with minor restrictions.

That domestic political considerations played a certain role here is not explicitly proven, but it is plausible. Western commentators, on the other hand, who claim that the Russian state could not afford a "hard lockdown" economically at all, should be reminded that Russian state finances are currently much more solid than those of many European countries, despite great dependence on oil and gas revenues. Russian public debt is considerably lower than that of many European countries, and Russian gold reserves are more substantial.⁵

All in all, the figures relating to the COVID pandemic in Russia are quite comparable to other countries in Europe and North America: the number of peo-

Sputnik vaccine in Latin America

gl. Argentina, hit hard by the second wave of COVID-19, received the first 300,000 doses of the Russian vaccine "Sputnik V" at the end of December. After Mexico, Costa Rica and Chile, it was the fourth country in Latin America to be able to start vaccinating, initially medical staff. President *Alberto Fernández* received the vaccination in January after approval was granted by the Ministry of Health the day before. In a *Twitter* message, he thanked the Russian research institute *Gamaleya* for its development work. Another 5 million doses are expected to arrive by the end of January, followed by another 14.7 million in February.

Mexico has also ordered 7.4 million doses of "Sputnik V" among other vaccines. In Mexico, 2580 medical personnel have died from COVID-19, 47 % of them doctors.

ple infected with the coronavirus in relation to the size of the population and the number of fatalities are in similar ranges to those in European countries, and the number of tests carried out is even comparatively high.⁶ Of course, Western observers always like to doubt the accuracy of the Russian figures. But they should be told that the European figures are not always beyond doubt either.

Treatment of infected persons and the "Sputnik V" vaccine

People in Russia's cities who think they have COVID symptoms are advised not to go to ordinary hospitals, but to report to specialised centres where they will be tested and given medication if the suspicion is confirmed. Depending on the severity of the disease, they are then sent home in quarantine or hospitalised. Another option is for medical professionals to visit people at home and test them.

When President *Vladimir Putin* announced last August that Russia had become the first country in the world to develop a vaccine against COVID-19, he caused many observers in the West to shake their heads in disbelief and others to smile condescendingly. In fact, Putin's announcement was made before the start of the mass tests with tens of thousands of people willing to be vaccinated, but in the meantime the first promising test results seem to be confirmed: The Russian vaccine from the *Gamaleja Institute of Epidemiology and Microbiology* in Moscow seems to be comparable to Western vaccines in the areas of effectiveness and side effects.⁷ This will not surprise the unbiased observer given that the development of the vaccine was led by *Denis Logunov*, an experienced scientist who had previously been involved in the development of vaccines against *Middle East Respiratory Syndrome* (MERS) and the highly dangerous *Ebola virus*.⁸ Incidentally, the mode of action of the Russian vaccine is similar to that of some Western preparations. In this sense, it is not surprising that the Russian researchers reached a result in very similar time frames as their Western colleagues.⁹ The Russian government is apparently so sure of its case that it agreed to supply the vaccine to Western countries. The results in Hungary, Brazil, Argentina, India, Mexico, Kazakhstan and other countries will show what the Russian vaccine and thus Russian medical research are worth.

That the Russian government savoured the success propagandistically may have annoyed some observers who are convinced of the superiority of Western medicine. Those who are particularly eager will undoubtedly report heavily on the disadvantages of the vaccine, whose name "Sputnik V" is, to make matters worse, reminiscent of the great success of Soviet

space research in the 1950s. It is remarkable that the researchers apparently placed great emphasis on easy storage and transport when developing the vaccine from the outset, so that it can be easily delivered to remote areas in the huge country and so that the gap between medical care in urban centres and remote rural areas does not widen even further.

Conclusion

If some new "cold warriors" in the West may have hoped that the outbreak of the COVID-19 pandemic would weaken Russia and its government worldwide, they will have been disappointed by now. Now that rumours about the development of the coronavirus in biological weapons laboratories and its deliberate spread in the context of biological warfare have largely been dispelled, the question can be viewed soberly. At best, the time is ripe for pragmatic cooperation between the West and Russia, because the current (current rampant) COVID-19 pandemic will probably not be the last of its kind. What is embarrassing, however, is that in view of the second wave of the disease, one has to ask why the wickedly expensive health systems of Western European countries did not produce much better results than the Russian one.

- ¹ <https://m.bpb.de/internationales/europa/russland/analysen/301756/analyse-gesundheitsreformen-und-ihre-ergebnisse>; <https://www.dekoder.org/de/gnose/russland-gesundheitssystem-onkologie>; <https://www.gtai.de/gtai-de/trade/specials/special/russland/covid-19-gesundheitswesen-in-russland-251238>; https://de.m.wikipedia.org/wiki/Liste_der_Laender_nach_Gesundheitsausgaben
- ² see per capita health expenditure at <https://de.statista.com/statistik/daten/studie/37176/umfrage/gesundheitsausgaben-pro-kopf/> and as a percentage in GDP: https://data.worldbank.org/indicator/SH.XPD.CHEX.GD.ZS?most_recent_value_desc=true
- ³ compare the corresponding figures: <https://de.statista.com/statistik/daten/studie/37212/umfrage/ranking-der-20-laender-mit-der-niedrigsten-kindersterblichkeit/>; <https://de.statista.com/statistik/daten/studie/937771/umfrage/rate-der-saeuglingssterblichkeit-in-der-schweiz-nach-geschlecht/>; <https://de.statista.com/statistik/daten/studie/810933/umfrage/kindersterblichkeit-in-den-eu-laendern/>; <https://de.statista.com/statistik/daten/studie/753074/umfrage/kindersterblichkeit-in-russland/>
- ⁴ see <https://oetexperte.de/lebenserwartung-russland/>
- ⁵ National debt: <https://de.statista.com/statistik/daten/studie/171417/umfrage/staatsverschuldung-von-russland-in-relation-zum-bruttoinlandsprodukt-bip/#:~:text=Im%20Jahr%202019%20betr%C3%A4gt%20die,9%20Prozent%20des%20Bruttoinlandsprodukts%20prognostiziert.> And the international comparison: <https://www.laenderdaten.de/wirtschaft/staatsverschuldung.aspx>. Gold reserves: <https://de.statista.com/statistik/daten/studie/156673/umfrage/laender-mit-den-groessten-goldreserven/>
- ⁶ compare the figures worldwide: <https://www.worldometers.info/coronavirus/>
- ⁷ <https://www.vedomosti.ru/society/news/2020/08/01/835757-klinicheskie-ispitaniya-vaktsini-zaversheni>; <https://covid19.rosminzdrav.ru/minzdrav-rossii-zaregistririval-pervuyu-v-mire->

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Practical alternatives to the “enemy image Russia”

by Karl-Jürgen Müller

The Nord Stream 2 Baltic Sea gas pipeline leading from Russia directly to Germany is the focus of the new cold war between the USA and Russia. A balanced and purely objective discussion about the pros and cons of this pipeline is almost impossible. The US and European disruptive manoeuvres against the pipeline construction are manifold. In recent years, there have been repeated delays in the construction of the pipeline. Now things are on the move again.

On 15 January 2021, the German Federal Maritime and Hydrographic Agency (BSH) granted permission for Nord Stream 2 to continue construction in the German section. The renewed approval had become necessary because the Swiss company *Allseas* had withdrawn its special vessels for pipeline construction at the end of 2019 following threats of sanctions by the US and a Russian vessel with a different technology, which has now been approved, had to be requested. The Russian laying vessel “Fortuna” is now in the Baltic Sea. Only 150 kilometres of the double line (2 times 75 kilometres) – out of a total length of more than 2,448 (2 times 1,224) kilometres – remain to be laid.

Foundation for Climate and Environmental Protection Mecklenburg-Vorpommern

As early as 7 January 2021, the state parliament of the German state of Mecklenburg-Vorpommern had decided to establish a *Foundation for Climate and Environmental Protection MV* with the votes of the ruling SPD and CDU as well as the opposition party Die Linke. The other opposition party, the AfD, abstained from voting. The purpose of the state foundation is not only to promote climate and environmental protection in Mecklenburg-Vorpommern, but it will also be able to support the construction of the Nord Stream 2 Baltic Sea gas pipeline. This, too, had been said public-

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[vacczinu-ot-covid-19; https://www.aerzteblatt.de/nachrichten/115504/Russland-laesst-Impfstoff-gegen-SARS-CoV-2-zu](https://www.aerzteblatt.de/nachrichten/115504/Russland-laesst-Impfstoff-gegen-SARS-CoV-2-zu); <https://www.tagesschau.de/ausland/russland-impfstoff-101.html>

⁸ to D. Logunov: <https://meduza.io/en/features/2020/07/23/russia-s-way-out>

⁹ see <https://www.google.at/amp/s/amp2.handelsblatt.com/meinung/gastbeitraege/gastbeitrag-von-biontech-bis-sputnik-v-so-unterschiedlich-wirken-die-anti-corona-impfstoffe/26683166.html>; <https://www.aerzteblatt.de/nachrichten/118731/Impfstoffe-Warum-Sputnik-V-eine-hoehere-Effektivitaet-gegen-SARS-CoV-2-erzielen-koennte-als-AZD1222>; <https://www.google.at/amp/s/amp.zdf.de/nachrichten/panorama/corona-sputnik-russland-massenimpfung-100.html>



The planned Nord Stream 2 Pipeline. (Map Nord Stream AG)

ly by those responsible from the outset. The state of Mecklenburg-Vorpommern is contributing 200,000 euros to the foundation’s assets, and Nord Stream 2 AG, based in Zug, Switzerland¹, has agreed to provide 20 million euros for the foundation’s assets – which is welcomed by the state government. “I am very pleased that we have won *Nord Stream 2 AG* as a partner for this project,” said the state’s Minister for Energy, Infrastructure and Digitalisation, *Christian Pegel* of the SPD². The foundation’s three-member board comprises the state’s former minister-president, *Erwin Sellering* (SPD), former MEP *Werner Kuhn* (CDU) and entrepreneur *Katja Enderlein*.

Supporting to build Nord Stream 2

The openly stated intention to use the foundation to support the construction of Nord Stream 2 is a reaction by the state of Mecklenburg-Vorpommern to the continuing intensification of sanction threats by the US government and the US Congress against all companies directly or indirectly involved in the construction of the pipeline. On 7 January, *Zeit online* quoted the state’s minister-president, *Manuela Schwesig* of the SPD, as saying: “We have no plans for this foundation to build or operate the pipeline.” She said there was only the possibility of contributing to its completion. “Whether this possibility is needed or used depends on whether the US continues to rely on sanctions against German and European companies.” According to the statutes, the foundation would have the right, for example, to buy components and machines that are essen-

tial for the completion of the gas pipeline. Thus, the companies supplying these things to the foundation would no longer be threatened by US sanctions. And since the foundation is a state-owned entity, no sanctions would be possible against it under the current legal situation in the USA: state agencies are still explicitly exempt from these US sanction threats.

An interview with Manuela Schwesig

In an interview with *Redaktionsnetzwerk Deutschland* (RND) on 14 January 2021³, the Minister President of Mecklenburg-Vorpommern commented in detail on the foundation project, but also on the broader political issues.

At the beginning, *Manuela Schwesig* is asked whether the small state of Mecklenburg-Western Pomerania wants to cheat the big USA and circumvent the sanctions against Nord Stream 2 with a foundation. She replied: “We are reacting to the fact that the Americans are threatening with sanctions a pipeline that has been approved by the rule of law and is almost completed in order to improve the market opportunities for their own fracking gas. I find that outrageous and I’m annoyed that all the critics of the foundation don’t say a word about where they stand on US sanctions against German companies.”

She counters the accusation that the new foundation only superficially has something to do with climate and environmental protection and is a sham: “The accusation doesn’t hold water. We have made everything very transparent, and the parliament in Mecklen-

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"Practical alternatives ..."

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burg-Vorpommern decided to establish the foundation with a very broad majority. The new foundation will do many good things for environmental protection in Mecklenburg-Western Pomerania over the years. It will neither build nor operate the pipeline. But it can help with the construction of the pipeline if that becomes necessary because of the American sanctions. We have made that completely transparent as well. By the way, two nature conservation foundations have already been established as part of the construction of the first Nord Stream pipeline. Nord Stream paid money into both and well-known environmental organisations are represented in both. Why should what then was right be wrong today? [...] Whether the new foundation will have to contribute to the pipeline construction remains to be seen. That depends on how the US proceeds. But the foundation will certainly contribute to environmental protection. Nord Stream will definitely provide the money for nature and climate protection projects throughout Mecklenburg-Vorpommern."

She is then asked if she sees no problem in mixing climate protection with the completion of a pipeline for the transport of natural gas. Her reply: "No, because I firmly believe that natural gas is an important building block for the energy transition. Germany is phasing out nuclear power next year and coal-fired power generation by 2038 at the latest. We need gas as a bridge energy source, at least for a transitional period, because we do not yet have enough wind and solar power available and the storage technologies still need to be further developed. A successful energy transition that works ecologically and economically is the best climate protection."

"Friendly countries cannot and must not treat each other like this".

Asked about her expectations on the German government, she replies: "We demand a withdrawal of the sanctions against our companies. And I expect the German government to make this point clear in its first talks with the new US administration. Regardless of whether one thinks the pipeline is right or not. "Friendly countries cannot and must not treat each other like this".

At the end of the interview, Manuela Schwesig is asked about the fact that she is being put in the same category as Russia's President Vladimir Putin. In response, she says: "These attacks show that many people are not concerned about objective criticism of an infrastructure project, but about reservations against Russia. If the pipeline did not come from Russia but from Scandinavia, there would be much less criticism. In Mecklenburg-Western Pomerania, 80 percent of the people want good relations with Russia; there has been a close partnership with the Leningrad region for years. We are committed to the German-Russian cooperation. That doesn't mean we are uncritical, but criticism and dialogue belong together".

* * *

While the problems of humanity demand cooperation between all states and peoples, the reality is different. This reality includes the Western "enemy image of Russia".⁴ This enemy image is concrete and tangible almost every day. Or what else is it good for when, for example, on the evening of Sunday, 17 January 2021, first "news" on the ARD's "Tagesschau" (a news programme) at 8 p.m. – once a flagship of German news broadcasts – "reports" in a completely one-

sided way on the return of Alexei Nawalny to Russia and his arrest there, and this plot runs through all news broadcasts as if it was brought into line?

The Greens in the frontline against Nord Stream 2

The fight against Nord Stream 2 is also part of this. It is interesting to see who is on the US side of the frontline. At the very front in Germany are politicians from the party Alliance 90/The Greens such as Katrin Göring-Eckardt (leader of the party's parliamentary group in the German Bundestag) and Annalena Baerbock. Ms Baerbock, one of the two party leaders, was quoted in detail by the German newspaper "Bild" ("Baerbock to Nord Stream 2: The GroKo makes itself a stooge of the Kremlin project"⁵) and also by the "Frankfurter Allgemeine Zeitung" ("Baerbock demands a stop of the foundation for Nord Stream 2"⁶). The party's other leader, Robert Habeck, even addressed the new CDU leader Armin Laschet: "Mr Laschet must correct the position of his party, the CDU, and must position himself clearly against Nord Stream 2."⁷ "Fridays for Future" has demonstrated against the new foundation in several cities in eastern Germany.⁸ Large German "environmental" associations such as BUND (German Federation for Environment and Nature Conservation), the "Deutsche Umwelthilfe" (the German environment aid), the "Naturschutzbund Deutschland" (NABU) (The German Nature and Biodiversity Conservation Union) or WWF-Germany want to prevent Nord Stream 2 and on 18 January stopped further construction for now with an objection procedure against the building permit by the Federal Maritime and Hydrographic Agency (BSH).

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Europeans do not want to be drawn into conflicts between the great powers

Results of a recent survey by the European Council on Foreign Relations

km. On 19 January 2021, the *European Council on Foreign Relations* published a study entitled "The crisis of American power: How Europeans see Biden's America"¹. The study consists of 26 pages, reflects results of a survey of 15,000 citizens in eleven European states² and comments on them. The survey was conducted at the end of November 2020, after the election of Joseph Biden. Its main purpose is to support the new US administration in its plans to tighten transatlantic ties again. The final chapter is therefore entitled: "Conclusion: Towards a new Atlanticism". Nevertheless, the survey results are very interesting by themselves. Only one thing should be pointed out here. Citizens were asked:

"If there was a disagreement between the US and China (or Russia), what do you like your country to do?" Respondents could choose between four different answers: "I would like my country to take China's side (or Russia's side)", "I don't know", "I would like my country to remain neutral" and "I would like my country to take the United States' side". The result is that for both US disagreement with China and disagreement with Russia, the majority would like their country to remain neutral. Everywhere in Europe, the figures are 60% (US-China) and 59% (US-Russia). For US-Chinese disagreement, the figures range from 67% in Portugal to 50% in Poland and Denmark; for US-Russian disagreement, the

figures range from 68% in Portugal to 45% in Poland. In Germany, the figures for both intergovernmental relations are 66% of respondents who support a neutral stance for their country in the case of disagreements between the great powers.

The study contains other interesting findings. It also shows that the majority of citizens think differently from their governments on an important political issue in many European states. ●

¹ <https://ecfr.eu/wp-content/uploads/The-crisis-of-American-power-How-Europeans-see-Bidens-America.pdf>

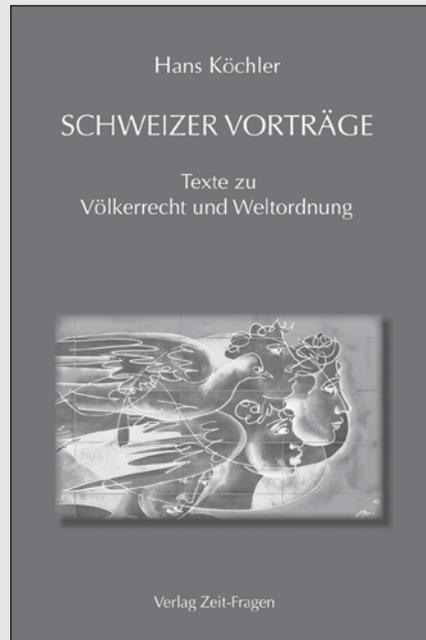
² Denmark, France, Germany, Hungary, Italy, the Netherlands, Poland, Portugal, Spain, Sweden and the United Kingdom.

Hans Köchler: Extraterritorial sanctions are against international law

"The most serious problem of unilateral sanctions, as far as international law is concerned, is the above-mentioned [...] extraterritoriality, i.e. the violation of economic rights – or sovereignty rights, respectively – of third parties. Under no circumstances is it acceptable in legal terms that third states – which are not involved in a dispute a state may have with another state – are subjected to unilateral sanctions of that state against the second state. Third-party states must not be drawn into a bilateral conflict by way of an extraterritorial enforcement of sanctions. No state has the right to dictate to other states, or companies in other states, how they should go about their business."

Hans Köchler, The Swiss Lectures. Texts on international law and world order.

"The sanctioning state usually ignores the legal problems caused by such an exaggerated assertion of national sovereignty (namely the extraterritorial enforcement of sanctions). Lip service at the United Nations notwithstanding, the overriding goal is not the promotion of the international rule of law, but simply to induce the sanctioned state to change its policy. As such demands are



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almost always made in situations where there exists an imbalance of power rela-

tions, appealing to a judicial tribunal is a waste of time for the sanctioned state. The only effective response will be retaliatory measures by the sanctioned state (on its own, if this is at all an option, or in alliance with other states)."

(loc. cit.)

"It does not require further explanation why bilateral sanctions cannot be applied extraterritorially. A state, imposing penalties on another state, is not authorized to prohibit, or put conditions on, economic cooperation of third parties with the sanctioned state. In the case in question, this also applies to European companies and individuals in their business relations with Russia."

(loc. cit.)

Professor Dr phil. Dr mult. h.c. Hans Köchler served as Chairman of the Department of Philosophy at the University of Innsbruck (Austria) from 1990 until 2008; Co-founder and president (since 1972) of the International Progress Organization (Vienna). Since 2018 member of the Faculty of the Academy for Cultural Diplomacy (Berlin). Appointed member of the University Council of the Berlin University of Digital Science.

"Practical alternatives ..."

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To the delight of the US

The responsible people in US will be delighted about this. As early as 20 November 2020, the Redaktionsnetzwerk Deutschland (RND)⁹ reported: "USA increases pressure on Nord Stream 2 companies. The US government sees the German-Russian Nord Stream 2 pipeline in the Baltic Sea in the final metres before its demise and is increasing the sanctions pressure on European companies involved. 'This pipeline is not happening' a senior US government official told the dpa news agency in Washington. 'This is what a dying pipeline looks like.'" The basis of the US sanctions is a law passed by the US Congress in December 2019 with the meaningful title "Protecting Europe's Energy Security Act" (PEESA), and the US government officially justifies its rejection of Nord Stream 2 with "too great a dependence of European partners on Russian gas".

So what does the US care about European energy security and Europe's (supposed) dependencies? The European colonial masters used to talk like the US officials today.

The same article also says: "As part of the Defence Budget Act (NDAA) package 2021, a law is expected to be passed to tighten sanctions." And then you can read: "Biden is also critical about the [...] pipeline project. In his previous role as US Vice President under Barack Obama, Biden had called the pipeline 'a fundamentally bad deal for Europe.'"

One day before the transfer of power, the old US administration decided on sanctions against the Russian company KVT-RUS and declared the transfer ship "Fortuna" to be "blocked property" – whatever that means in concrete terms. Officially, the US justification was that the pipeline would allow Russia to "use natural resources as a tool for political pressure and *malign influence* against Western Europe"¹⁰ [emphasis added by author]. And the designated new US Secretary of State *Antony Blinken* now also wants to use "every convincing instrument" to prevent Nord Stream 2.¹¹

*Is this the new "partner" and "friend" of Europe that EU Commission President Ursula von der Leyen spoke of in her eulogy of 20 January?*¹²

However, there have also been repeated protests against the US-American presumptions by responsible persons from Germany and Europe. The fact that the state of Mecklenburg-Western Pomerania is now taking concrete action is an important and courageous step. •

¹ The Russian company Gazprom is holding 100% of the shares. Former German Chancellor *Gerhard Schröder* is the chairman of the board of directors. The European companies *E.ON* (now *Uniper*), *Wintershall*, *Royal Dutch Shell*, *OMV* and *Engie* are contributing to the investment costs.

² <https://www.regierung-mv.de/Aktuell/?id=166889&processor=processor.sa.pressemitteilung> of 6 January 2021

³ [https://www.rnd.de/politik/schwesig-rechnet-mit-nord-stream-gegnern-ab-vorbehalte-gegen-russ-](https://www.rnd.de/politik/schwesig-rechnet-mit-nord-stream-gegnern-ab-vorbehalte-gegen-russ-land-statt-sachlicher-kritik-Q5FCSGXVF5CJZ-IQCDKP4BYXANE.html)

[land-statt-sachlicher-kritik-Q5FCSGXVF5CJZ-IQCDKP4BYXANE.html](https://www.rnd.de/politik/schwesig-rechnet-mit-nord-stream-gegnern-ab-vorbehalte-gegen-russ-land-statt-sachlicher-kritik-Q5FCSGXVF5CJZ-IQCDKP4BYXANE.html)

⁴ Still very much worth reading on this topic is the book by *Hannes Hofbauer* published in 2016: *Feindbild Russland. Geschichte einer Dämonisierung* (Enemy Image Russia. History of a Demonisation), Promedia-Verlag, ISBN 978-3-85371-401-0

⁵ <https://www.bild.de/politik/inland/politik-inland/baerbock-zu-nord-stream-2-groko-macht-sich-zum-handlanger-des-kreml-projekts-74890478.bild.html> of 14 January 2021

⁶ <https://www.faz.net/agenturmeldungen/dpa/baerbock-fordert-stopp-von-stiftung-fuer-nord-stream-2-17143748.html> of 13 January 2021

⁷ https://www.focus.de/finanzen/boerse/ostsee-pipeline-moskau-will-fertigstellung-gazprom-schliesst-scheitern-nicht-aus_id_12858693.html of 20 January 2021

⁸ <https://www.nau.ch/news/wirtschaft/fridays-for-future-demonstriert-in-mehreren-staeten-gegen-stiftung-fur-nord-stream-2-65850625> of 12 January 2021

⁹ <https://www.rnd.de/politik/nord-stream-2-usa-erhohen-druck-auf-firmen-und-personen-RG6LIRN-33JMRUYXSSPQJ56L3PM.html> of 21 November 2020

¹⁰ <https://www.zeit.de/wirtschaft/2021-01/nord-stream-2-russland-usa-sanktionen-gas-pipeline> of 19 January 2021

¹¹ https://www.focus.de/finanzen/boerse/ostsee-pipeline-moskau-will-fertigstellung-gazprom-schliesst-scheitern-nicht-aus_id_12858693.html of 20 January 2021

¹² The German magazine "Stern" (<https://www.stern.de/news/von-der-leyen--mit-biden-hat-eu-wieder-einen-freund-im-weissen-haus-30007508.html>) quoted Ms von der Leyen on 20 January 2021 as follows: "After four long years, Europe will once again have a friend in the White House," von der Leyen told the EU Parliament on Wednesday. The whole world had been waiting to welcome the USA back into the circle of like-minded states. "This day brings the US back," von der Leyen continued. "Europe is ready to reconnect with its old and trusted partner to bring new life into our cherished alliance."

UN Special Rapporteur on the negative impact of the unilateral coercive measures: US must remove sanctions and allow Syria to rebuild

UN human rights expert Alena Douhan today called on the United States to remove unilateral sanctions which may inhibit rebuilding of Syria's civilian infrastructure destroyed by the conflict.

"The sanctions violate the human rights of the Syrian people, whose country has been destroyed by almost 10 years of ongoing conflict," said Douhan, UN special rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights.

"The conflict and violence have already had a dire impact on the ability of the Syrian people to realise their fundamental rights, having extensively damaged houses, medical units, schools, and other facilities," she said.

The broad sweep of the U.S. sanctions law that went into effect in June could target any foreigner helping in reconstruction of the devastated country, and even employees of foreign companies and humanitarian operators helping rebuild Syria.

The *Caesar Syria Civilian Protection Act*, also known as the *Caesar Act*¹, contains the most wide-ranging U.S. sanctions ever applied against Syria.

"I am concerned that sanctions imposed under the Caesar Act may exacerbate the already dire humanitarian situation in Syria, especially in the course of COVID-19 pandemic, and put the Syrian people at even greater risk of human rights violations," Douhan said.

"When it announced the first sanctions under the Caesar Act in June 2020, the United States said it did not intend for them to harm the Syrian population," she said. "Yet enforcement of the Act may worsen the existing humanitarian crisis, depriving the Syrian people of



Alena Douhan
(Bild ohchr.org)

Ms Alena Douhan, (Belarus) was appointed as Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights by the Human Rights Council in March 2020. Ms Douhan has extensive experience in the fields of international law and human rights as, a Professor of international law at

the Belarusian State University (Minsk), a visiting Professor at the *Institute for International Law of Peace and Armed Conflict* (Bochum, Germany) and the Director of the *Peace Research Centre* (Minsk). She received her PhD at the Belarusian State University in 2005 and obtained Dr hab. in International Law and European Law in 2015 (Belarus). Ms Douhan's academic and research interests are in the fields of international law, sanctions and human rights law, international security law, law of international organizations, international dispute settlement, and international environmental law.

the chance to rebuild their basic infrastructure."

The Caesar Act raises serious concerns under international law because of its unfettered emergency powers of the Executive and extraterritorial reach, she said. It also results in the high risk of over-compliance.

"What particularly alarms me is the way the Caesar Act runs roughshod over human rights, including the Syrian people's rights to housing, health, and an adequate standard of living and development. The U.S. government must not put obstacles in the way of rebuilding of hospitals because lack of medical care threatens the entire population's very right to life."

Since the economy is largely destroyed, Syria needs to be able to access necessary humanitarian aid and rebuild essential infrastructure in the country, while relying on foreign help. The fact that the U.S. Treasury has designated the *Syrian Central Bank* as suspected of money laundering clearly creates unnecessary hurdles in processing Syrian foreign aid and handling humanitarian imports.

The Syrian people's right to adequate housing should be respected and their access to essential services guaranteed, she said.

"Impeding access to supplies needed to repair infrastructure damaged by the conflict will have a negative impact on human rights of the Syrian people and may preserve the trauma of the decade-long conflict," Douhan said. Ensuring that the import of necessary humanitarian aid and construction materials is not inhibited could facilitate the return of displaced people as infrastructure is repaired.

If people are forced to live in degrading and inhumane circumstances because rebuilding is prevented, this could affect their physical and mental integrity, and may under some circumstances amount to cruel, inhuman or degrading treatment. •

¹ cf. as to that Current Concerns No. 14 of 7 July 2020, editors note

Source: <https://www.ohchr.org/EN/HR-Bodies/HRC/Pages/NewsDetail.aspx?NewsID=26630&LangID=E> of 29 December 2020

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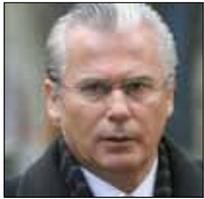
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Assange: They could not shoot the messenger

by Baltasar Garzón*



Baltasar Garzón
(Picture ma)

I don't know if the name of *Vanessa Baraitser*, a judge at the *Central Criminal Court* in London, will go down in the history of international criminal law or in the history of extraditions

in her country, but the decision she has now made will mark a turning point in her career. She refused to extradite *Julian Assange*, the founder of *WikiLeaks*, to the United States of America. A similar case involved Judge *Ronald Bartle* when he approved the extradition of *Augusto Pinochet* in a precedent-setting case in 1999.

It is true that the judge could have, and perhaps should have, made a clearer decision, clearly citing the defense of freedom of expression as the authoritative basis for her ruling, but she chose to fall back on what is less complicated for the British judiciary – which is always so balanced and politically correct – humanitarian motives.

That Julian Assange's extradition, demanded by the United States, has been rejected has caused a collective sigh of relief. The judge has come to the conclusion that we – the team of defense lawyers that I coordinate – have so often made clear: Julian Assange's health has deteriorated significantly as a result of years of forced detention and the constant harassment to which he has been subjected during that long period. "I find that Mr. Assange's risk of committing suicide, if an extradition order were to be made, to be substantial", Baraitser says. "Mr. Assange's mental health condition is such that it would be unbearable for him to be extradited to the United States."

That is true. I have seen with my own eyes how the journalist and founder of *WikiLeaks* was treated inhumanely by



Pro memoria: WikiLeaks founder Julian Assange shows a copy of the British daily newspaper "The Guardian" during a press conference at the Frontline Club in London, Britain, 26 July 2010, to discuss the 75,000 documents on the Afghanistan war that the organisation provided to "The New York Times", London's "Guardian" and Germany's "Der Spiegel". "There is no perfect information, but in the end the truth is all we have," Assange said. (Picture keystone)

powerful and omnipresent forces, how they tried by all means to silence, neutralise and eliminate him. They did not succeed. It has been a real David versus Goliath struggle that we have undertaken to prevent the United States from getting away with impunity, since 19 June 2012, when Julian asked for asylum in the Embassy of Ecuador in London. This was granted by the government of President *Rafael Correa*, a courageous step in the face of the powerful American government. Freedom of expression, freedom of information and, above all, the right of citizens to know who is pulling the strings that move the world. The right of citizens to know what they don't want us to know and where they want us to go was at stake. In other words, the very foundation of democracy was at stake.

Assange has positioned himself

Julian Assange has positioned himself and paid the price. He was accused of committing 18 offenses, 17 of which fall under the Espionage Act of 1917 – you see the time we're talking about – and one related to allegedly providing computer assistance to military officer *Chelsea Manning*, who the United States claims was the source of *WikiLeaks*. The 175-year sentence sought for that is related to the 2010 release of the Iraq and Afghanistan war diaries, the Guantánamo archives and State Department dispatches. What Assange revealed was the commission of various crimes by U.S.

authorities: War crimes, torture and various international crimes.

Since then, he has had a real history of suffering. This was confirmed by the UN Special Rapporteur against Torture, *Nils Melzer*. As from the UN Working Group on Arbitrary Detention and, with repeated and forceful reports, by the UN Health Rapporteur. Moreover, the treatment he has received in Belmarsh's maximum security prison since his expulsion from the embassy in April 2018 has led the court to believe that any trial against him that ends in conviction would be cruel and could lead to his certain death.

This decision shows the disproportionality of the possible punishments and the doubts that the U.S. penal system, especially in times of pandemic, arouses in the judge and leads us to read in her decision the apparent contradiction that the trial in the complaining country would be fair, but not the execution of the punishment because it could irrevocably lead to the death of the person concerned. This statement is even more serious than the clear statement that the prosecution of Julian Assange was political and violated the right to freedom of expression, as indeed is the case from the defense point of view. The ruling, in short, disqualifies the entire US detention mechanism. The British judiciary did the same only two years ago in the case of *Lauri Love* of *Anonymous*, when it refused to extradite him to the US in February 2018 for the same reason.

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* For years Baltasar Garzón (*1955 in the province of Jaén) was Spain's best-known investigating judge. He investigated numerous politically explosive cases at the *Audiencia Nacional*, Spain's highest criminal court, against drug trafficking rings, corruption cases, ETA terrorism and Franco-era crimes. In 1998, he issued an international arrest warrant for Chilean General *Pinochet*. This was the first case in the world to investigate a foreign former ruler under international criminal law. In 2009, he also investigated the U.S. government for torture crimes committed at the Guantánamo detention centre. In 2012, Baltasar Garzón was banned from practicing law for eleven years on charges of perverting the course of justice. Since then, he has worked as a consultant and lawyer in Latin America, coordinating the defense of *Julian Assange*, among others. He has received numerous awards for his commitment to human rights.

"Assange: They could not ..."

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Seven years of imprisonment and harassment

President Correa's solidarity and courageous efforts prevented Assange from being extradited to Sweden when he sought refuge in the Ecuadorian Embassy in London due to an obscure charge that vanished into thin air over time without indictment or evidence. All this fed the strong suspicion that it was a strategy to provoke his extradition to the United States. That was the point.

He spent seven years in the embassy, in a room without daylight, without fresh air, with all kinds of physical and psychological suffering. He was constantly spied on. The change of government in Ecuador, with the coming to power of a president compliant with the U.S., *Lenin Moreno*, meant expulsion from the embassy and incarceration in a high-security prison that threatened to worsen the journalist's fragile condition.

On my last visit to this prison, when we said goodbye in tears with a long hug, I really feared for his life and doubted that justice should prevail in the case of Julian Assange, while none of the serious facts he had revealed had been investigated by the country that wanted to silence him. In this dispute, the threat extended to his

close environment. His lawyers were also the object of espionage by the Spanish security company (*UC Global*), present in the Ecuadorian Embassy and presumably linked to the American intelligence services. This is being investigated by the *Central Instruction Court Number Five* of the Spanish Federal Court. Not even Assange's son, a baby, was spared from this surveillance. The latter's life – even under such minimalist living conditions – has been closely scrutinised and analysed.

Shooting the messenger

The great sin committed by the journalist was undoubtedly the foundation of the news agency *WikiLeaks*, which set up a system of firewalls on IPs so that any whistle-blower in the world could send information about the commission of crimes to this platform. The source remained anonymous. Years later, a European directive for whistle-blowers is being considered along the same lines.

Shooting the messenger has always been the *modus operandi* of the wicked, the criminals, those who do not know how to hide the evil they carry within them. Concealment is the forcible method they use in the belief that their sins will not see the light of day. Sometimes they succeed, but in this case the attempt did not go well. Assange was not alone, there were hun-

dreds of thousands of voices all over the world shouting for freedom for the journalist.

It is also true, however, that there has been much silence from authorities and unacceptable personal disqualifications. But finally, and for now, while waiting for the more than likely appeal, justice has been served.

I think the best summary comes from *Noam Chomsky*, whose résumé we read at the hearing before the British judge. According to the philosopher, Assange has done an enormous service to freedom of expression and democracy: "Julian Assange's actions, which have been categorised as criminal, are actions that expose power to sunlight – actions that may cause power to evaporate if the population grasps the opportunity to become independent citizens of a free society rather than subjects of a master who operates in secret". This is the glory of Assange and the misery of the United States. Today, the messenger lives on. And we, his lawyers, will continue to stand up for the fact that he did nothing more and nothing less than his duty as a journalist for the benefit of all.

Source: InfoLibre, Jan. 4, 2021; www.infolibre.es/noticias/opinion/plaza_publica/2021/01/05/no_han_conseguido_matar_mensajero_115081_2003.html (Translation Current Concerns/Zeitfragen)

Letter to  the Editor

"The soldier can no longer refer to an 'order from above'!"

Two years ago I had to prepare history lessons on the topic "The Nuremberg Trials" and I came across an idea that was new to me. It was a principle that also determined the trial – besides the ban on war(s) of aggression against another people – and that was the idea that superior orders were no longer recognised as alleviating guilt. This was one of the principles in the conduct of the trial – and it was necessary; because all these persons determining in the Nazi state talked their way out without exception on orders "from above", emphasised their allegedly strong sense of duty to have acted "in the name of the German people" – nobody deviated from it in the course of the trial! They hoped for a reduction of sentence. The fact that the judges at the Nuremberg trial no longer recognised the principle of command necessity means that every young soldier today must be aware of how he or she must behave as a soldier towards, for example, the civilians of the enemy, the prisoners of war of the enemy and the wounded soldiers of the enemy without breaking international law. Because the soldier can

no longer refer to an "order from above"! In school lessons, such questions are usually lost.

I find Professor *de Zayas'* idea in his interview on the Nuremberg Trials (cf. *Current Concerns* No. 28/29 of 24 December 2020) that war crimes must be punished, regardless of victor or vanquished status, and that the expulsions from Eastern Europe actually belong in court and those responsible for them should be held accountable, very important. Even *Aristotle* postulated a "secure and just peace" as the end of a war – actually self-evident! – and I wonder why mankind is reaching its limits in thinking and finding new possibilities in international coexistence. Perhaps progress is already visible in this direction, but if nothing moves except the eternal question as to which countries should have the non-permanent seats in the Security Council, and if the General Assembly of the 193 states in the world only takes place *once* a year, then this seems to me in any case too meagre and too little!

Susanne Wiesinger, Freiburg i. Br.

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Lessing and his Ring Parable – a masterpiece of true tolerance

The central metaphor in Lessing's "Nathan the Wise" is surprisingly relevant today

by Dr Peter Küpfer



Recha greets Nathan. On the left Recha's nurse Daja, still marked by the horror of the fire.
(Painting by Gottlieb Maurycy, 1877)

Gotthold Ephraim Lessing was born into troubled times in 1729. Unlike many of his contemporaries he was not willing to put up with the alleged automatism of inherited or copied prejudices constantly hampering with or preventing cooperation, creating quarrels, fights and eventually wars instead. His whole impressive life was influenced by the question how dogmatic viewpoints and presumptuousness evolve and how human reason should deal with that. In his "Nathan the Wise" he gave an answer to that question. It has remained valid ever since. Facing increasing tendencies towards intolerance again in our times, with discrepancies in factual, political or religious viewpoints threatening to escalate into "ideological wars", reminding ourselves of Lessing is a blessing and comfort.

Lessing was born as the son of a Pietist pastor in the small provincial town of Kamenz in Lusatia (Saxony). His father, himself an orthodox Lutheran, had always believed in the reconciliation of reason and Christian ideals. He took

Ephraim, the second name of his third-born son, from the Old Testament. This act alone may be regarded as a stance for religious peace in a time when anti-Jewish pogromes were events of the not too distant past. His son displayed similar courage in his later life.

At the university of Leipzig the bright young man had initially enrolled for theology but switched to medicine soon. While the era of Enlightenment was just beginning and many literary journals were founded it didn't take long for the enthusiastic reader to decide that he wanted to make a living as an independent scholar – a heroic plan in a time when the protagonists of literature (and music and painting) usually had to rely on the support of noblemen as their patrons. Because a free market place of arts as we know it today was only just beginning to develop in those year prior to the French revolution.

After he had moved to Berlin and established intensive contacts with the scholars and writers working towards enlightenment there, *Moses Mendelssohn* among them, Lessing earned his magister

grade in Wittenberg and returned to Berlin in 1752. There the polyglot young writer translated some texts of *Voltaire* as well as some treatises written in French by *Frederick II*. The exchange of letters with his friends from Berlin and other writers led to his publication of the "Letters, Concerning the Newest Literature". During the Seven Years' War the writer who often experienced financial hardship was serving as a secretary for the Prussian General von Tauentzien, so that he witnessed the cruelties of 18th century warfare first hand. This had not been the first time – as a young pupil in Meissen he witnessed how during the siege of the city in the Second Silesian War injured people were locked and left without any help in their houses that were destroyed by bombshells because the magistrate feared an outbreak of the plague. Lessing's comedy "Minna von Barnhelm" which is still well-loved on the stage today was the result of his approach to these war time experiences from a more optimistic angle.

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Lifelong struggle against prejudices

The young playwright always had to overcome obstacles. His talents, his broad education, his openminded curiosity and his elegant, sometimes sarcastic style of polemic writing do only too often collide with the necessity to make a living as a writer. Translations, theatre critiques, book reviews, his first own plays provide for some income but not enough to avoid the accumulation of debts. Some theatrical attempts are economically unsuccessful. This includes a play titled "The Jews", in which the young Lessing transports some thoughtful messages under the disguise of a comedy. Already in this early work Lessing diagnoses self-imposed restrictions of thought, that should be replaced by an openminded perception of reality, as the underlying cause of the persecution of Jews in European history. When he composed his main play "Nathan the Wise" a few years before his death, Lessing would draw on this early comedy.

His tragedy "Miss Sara Sampson" was one of the first plays in the High-Dutch tongue in which ordinary, common people rather than only kings and nobility (as required by the still influential doctrine of French classical drama) were experiencing fateful conflicts on the stage so that the audience were able to identify themselves with the humane acts in real empathy.

A first long-term position which enabled him to pursue his goals was his employment at the recently founded *National Theatre* in Hamburg – these were years with many ups and downs which saw the publication of his highly influential essay "Hamburg Dramaturgy". A certain consolidation in his personal financial situation came when in 1770 the Duke of Brunswick made Lessing his librarian in Wolfenbüttel, the most famous library in Germany at that time, a position he held until his death in 1781. He got married, but lost his son and his young wife shortly after childbirth. In 1772 he completed his play "Emilia Galotti", well-known to this day, in which Lessing shows the moral corruption of a luxurious court in an Italian setting – the resemblance to their own counterparts was only too clear for the German audience. Again the play failed at his time, but it impressed *Schiller* whose early work "Intrigue and Love" (premiered in 1783, six years before the French Revolution) picked up the theme and became a huge success eleven years later, with its storm-and-stress style castigation of absolutist arrogance and corruption of German princes of the rococo era.

"Nathan the Wise" – Lessing's legacy

As part of his duties as librarian Lessing published texts and text fragments from



Gotthold Ephraim Lessing
(Painting by Anna Rosina de Gasc,
Lisiewska, 167/1768,
Gleimhaus Halberstadt)

the bibliophile treasures at Wolfenbüttel. He preferred authors who were dedicated to realism and reason. But when he published the papers of the recently deceased college professor *Hermann Samuel Reimarus* from Hamburg under the title "Wolfenbüttel Fragments" this caused an uproar. This author argued for the notion (considered insulting by traditional-minded theologians) that the bible was not the word of God but a text composed by human beings, that Jesus was not the son of God, but a human being who corresponded with the Messianic expectations of his time, the teachings about the resurrection a mere product of the disciples' imagination. For this publication Lessing was viciously attacked by many public figures, most notably the pastor *Melchior Goeze* from Hamburg who interpreted the publication as a full-blown assault against religion which he felt obliged to sharply counter-attack in several pamphlets of his own. Those were again answered by Lessing and a public war of polemics broke out. Finally, the Duke of Brunswick quelled the quarrel by putting a gag order on his librarian. Lessing however did not give in so easily and decided to explain his viewpoint in a play, "switching from the pulpit to the stage" as he wrote in a letter. This is how his "Nathan the Wise" came into being, his legacy in the question of religious and interpersonal tolerance, a play which has remained present on the stage to this day and in which Lessing relates to the forces towards our human nature as social beings by means of the theatre.

Theatre of war

The plot is set in medieval Jerusalem during the Crusades. This is where Christianity, Jewry and Islam have coexisted for centuries. The bloody conquest of the city

by the Christian armies and their violence against the Jewish and Muslim populations are still well remembered. At present the wise government of the idealised Sultan *Saladin* aims to calm down any conflicts between the religious groups before violent hatred may erupt. The author's intention had obviously been to paint the representatives of the three main monotheistic religions – Christianity, Jewry and Islam – in different colours. Sultan Saladin fulfils the role model of the wise ruler in Lessing's play, the political leader and religious head of the Islamic ruling elite (a figure, modelled after the contemporary French and German protagonists of Enlightenment). His counterpart is the wealthy Jewish merchant *Nathan*, whose attributes are again humanity, solicitousness and wisdom. Unlike these two positive representatives of their respective religions and their "humanistic" actions the representative of the Christian religion, namely the Patriarch residing in Jerusalem, is a negative figure. The religious leader of the Christian invaders always suspects the Jews of committing crimes and shortly prior to the climax of the play puts up a scheme to have the well-respected Jew Nathan executed for alleged religious blasphemy. The youthful hero of the play, the Frankish knight Templar *Curd von Stauffen* (who is referred to as "Templar" in Lessing's play), who had participated in the crusade but had been kept as a prisoner and had lost contact with his retreating comrades, is also full of Christian prejudices initially against the Jewish population of Jerusalem. It is only when he gets to know Nathan and his family and the love story evolves from this encounter that he wakes up to a reality so much different from what he had expected. Thanks to his dramatic skills as a playwright Lessing succeeds in unfolding the plot from its starting point in an enthralling sequence of scenes and acts towards the quintessential insight for the audience.

Fates of human beings

Nathan has just returned from a long business journey with his caravan. To his horror he learns that his daughter *Recha* had almost died in a fire incident in his house. She had been rescued by an unknown Templar who risked his own life while saving hers. This was the young Christian knight mentioned above.

Nathan, still shocked by the news, wants to rush to find the young Templar to show his gratitude but *Recha* doesn't know where to look for him. Before he accomplished his life saving act he had been captured after a battle by Saladin's troops and would have shared their fate of the death sentence – but his face looked familiar to Saladin who spared him because the

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young man reminded him of his late brother *Assad* who had been killed in a previous fight. Aimlessly wandering around he eventually comes back to the house where he had saved the "Jewish girl", as he puts it. Nathan approaches him full of gratitude but the knight rejects him harshly, refusing any approval or thanks from a Jew. At last Nathan can persuade him to enter the house to meet his daughter.

In the meantime at Saladin's palace we are informed about the increasing financial difficulties of the Sultan by a dialogue between Saladin and his prudent sister *Sittah*. They are not caused by luxurious spending but by the dire situation of the people whom Saladin tends to help as much as he can with cash from his rapidly vanishing treasure. There is only one who can prevent the state from going bankrupt, the Jew Nathan with his vast private fortune. But is he to be trusted? Saladin decides to test his character, summons him to the court and poses the question for the true religion to him. If religion reveals the truth, Saladin argues, as all three of them claim, then not all of them can be equally true since they all confess the same god.

Therefore, which of the three religions is true? Nathan realises the catchiness of the situation. An old tale springs to his mind, the one about the three rings. The wisdom of this tale will not only save himself, but will also do good services to the Sultan. This tale is told in Lessing's Parable of the three rings, a crucial scene in the history of High-Dutch drama.

The Ring Parable

Not only because it is written in the very middle of the text the parable stands at the centre of the play. This is how it goes:

Once upon a time a "man living in the East" owned a precious ring of inesti-

mable value. The stone was an opal that shimmered with a hundred beautiful colours and had the power to make its wearer loved by God and by men as long as he wore it in the confidence of its power. The man wanted this wonderful ring to stay in his family forever and decreed that it should always pass to the most loved son.

In the course of generations, the ring finally arrived in the possession of a father with three sons, all three of whom he loved equally. From time to time he favoured the one or the other and in moments of weakness he told each of them in turn that the ring would be theirs. When the father's death drew close he realised the difficulty he was in. It pained him to think of the hurt he was going to cause to two of his sons.

He sent for an artist and ordered at great cost two exact copies of the ring to be made. Even the father could not tell the rings apart. One at a time he called his sons and gave each one his special blessing and a ring. Then he died. After much argument between the sons as to who had the true ring, they laid their case before a judge. Each one of them swore that he had obtained the ring direct from his dying father's hand.

The judge ruled as follows:

If you can't produce your father to testify I will have to reject your complaints. Are you waiting until the true ring opens its mouth? I hear that the true ring has the power to make its bearer loved by God and by men. At the moment you each seem to love yourselves more than anyone else. Perhaps all the rings are a fake, perhaps the true ring was lost and your father just made three copies. If you just want my judgement: go away!

If you want my advice: accept the matter as it is. Since each of you has received a ring from your father you believe that you alone have received the true ring. It is



*Nathan tells Sultan Saladin the Parable of the three rings.
(Scene image Wikipedia)*

possible that your father couldn't stand the tyranny of the one ring in his house. Each of you is straining to display the power of the stone in his ring! This power will come to your aid with meekness, with heartfelt tolerance, with good works, with the sincerest devotion to God. Perhaps the power of the stone may only express itself to your grandchildren and their descendants.

*"Let each endeavour
To vie with both his brothers in displaying
The virtue of his ring; assist its might
With gentleness, benevolence, forbearance,
With inward resignation to the godhead,
And if the virtues of the ring continue
To show themselves among your children's
children,*

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"... to whom it is enough to be a man"

pk. Curd von Stauffen, the youthful hotspur and knight Templar is in the beginning still influenced by his prejudices and feelings of being appalled by all Jews including Nathan. The latter confronts these prejudices with his wisdom that not the religious confession is what counts, but the manner how human beings interact with their fellow human beings even if he believes in different dogmas. Not the confession counts but the way of living in humaneness.

Nathan: [...] I know how good men think – know that all lands
Produce good men.

Templar: But not without distinction.

Nathan: In colour, dress, and shape, perhaps, distinguished.
[...]

Templar: Well said: and yet, I trust, you know the nation,
That first began to strike at fellow men,
That first baptised itself the chosen people –
How now if I were – not to hate this people,
Yet for its pride could not forbear to scorn it,

The pride which it to Mussulman and Christian
Bequeathed, as were its God alone the true one, [...] Where, when, has e'er the pious rage
To own the better god – on the whole world
To force this better, as the best of all –
Shown itself more, and in a blacker form,
Than here, than now? To him, whom, here and now,
The film is not removing from his eye –
But be he blind that wills! Forget my speeches
And leave me.

Nathan: Ah! indeed you do not know
How closer I shall cling to you henceforth.
We must, we will be friends. Despise my nation –
We did not choose a nation for ourselves.
Are we our nations? What's a nation then?
Were Jews and Christians such, e'er they were men?
And have I found in thee one more, to whom
It is enough to be a man? [...]

(Lessing. Nathan the Wise, Act II, Scene V)

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*After a thousand thousand years, appear
Before this judgment-seat – a greater one
Than I shall sit upon it, and decide.
So spake the modest judge."*

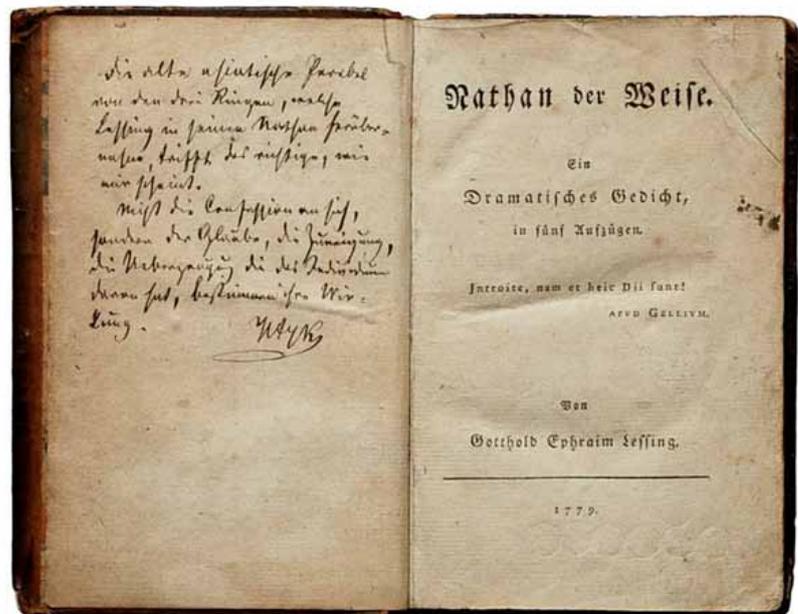
(Lessing, *Nathan the Wise*,
Act III, Scene VII)

"Brother love binds man to man"

Saladin is deeply touched by the parable and expresses his hope to become Nathan's friend, a state loan will testify to their friendship. However, the developments of human fate take a dramatic turn at this point.

The Knight Templar finally gives in to Nathan's invitation and visits Recha, somewhat reluctantly. Sure, enough he falls in love with her – nature's revenge for the prejudices, from his upbringing, against the daughter of the Jew. He learns from Recha's friend and former Nanny *Daja* that Recha is not Nathan's own daughter but was adopted after her Christian parents had died. In this conversation he is also made aware of the fact that Nathan did not raise Recha according to the rules of the Christian Church. Being a Crusader, he is enraged by this news which he interprets as preventing a Christian child from her religious rights and he informs the Patriarch about the issue, who in turn suspects a crime having been committed against a Christian baptised into the true religion. He wants to sue Nathan and keeps reiterating the fanatic sentence: "The Jew must burn!"

Towards the end of the philosophical drama all the fateful entanglements are untied one by one. The Patriarch and also the young Templar are put to shame when the truth is revealed. Nathan has not raised Recha as a Christian but according to the ethics of humanism. According to his convictions about respecting the child as a person he waits until Recha will learn the circumstances of her family and will decide for herself which religion to adhere to. The knight must admit that his choleric temper had prevented him from acknowledging the truth. Piece by piece the puzzle is put together to reveal the full picture: when Jerusalem was sacked by the Crusaders Nathan's wife and his seven sons were among those who perished as "collateral damage". Nathan however would not give way to despair but only a few days later, when he heard about the little child of a Christian mother who had died shortly after childbirth, he had the greatness to adopt Recha, the child, and to accept her as a gift from god. Research, documents and witnesses reveal what Nathan had suspected for some time: the young knight Templar is also a son of Recha's father. Finally, as his complexion already hinted at: His father whom he had never



First printing, on subscription basis, still without publisher's indication.
(Image Wikipedia)

met was Saladin's late brother, who apparently had lived in Germany several years under the alias *Wolf von Filnek*. This makes Recha and the Templar siblings who have found in Saladin and Nathan, if not natural fathers, but caring and considering father figures. Friendship and natural bonding have overcome enemy stereotypes nurtured by centuries of wars.

Symbolically the end of the play shows what is true for humanity as a whole according to Lessing: Brother love binds man to man, or at least should do so, as the first article of the *Declaration of Human Rights* demands today, much later and after several more wars: they should meet in the spirit of brotherhood and ban wars as a means to achieve their goals.

Truth will out

For many people the Ring Parable has become a metaphor for religious tolerance. Just as the three rings are indistinguishable for the observer, in the same way no religion should pretend to represent the one and only truth, Lessing argues. Truth cannot be possessed but has to reveal itself, people have to strive for it – but never with violence or war. Another dimension of the Ring Parable opens here, which is less often focused upon but which is essential to grasp its full meaning: Lessing's message does not only mean that all three monotheists religions are just equal as religions. This is part of its meaning but it does say more. The ones who carry the real ring, in other words those who are convinced to know how people should live must not just settle morally in this conviction. Neither must they force it on other people, as the negative example of the Patriarch shows as well as the catastrophic prelude to the plot. On the contrary they

need to prove with their deeds that they do in fact carry the "real ring". The real ring has the ability to "make its wearer loved by God and by men". During the time of absolutism this could indicate that the just, humane, the enlightened ruler would be the one who made him- or herself loved by the people, i.e., his or her subjects. The ruler had to govern in a mild, humanistic and just manner.

In our modern times the Ring Parable even grew in importance. Not only are the bearers of the real ring the religious and secular authorities competing and striving for justice, good laws and *good governance* today – in times of established or developing democracy the bearers are the people themselves, the family of humankind living together on this planet. Peaceful competition should have its place here, the ambition to prove before history, i.e., before the people, that one is worthy to bear the real ring. Or better – one would be worthy to carry it. Because modern human beings no longer need to rely on ring magic, one must become the seed of the common good oneself. This is the wisdom of the Ring Parable today. One could confine it to the realm of fairy-tale dreams where it doesn't do any damage. Or one can try to live according to it instead. Then the daily question would be not so much who is right or wrong in their view on life and the people, but who can carry oneself and humankind a step further towards a good and humane life – for all of us. Once more it is about each individual – and even better, cooperative contribution to promote the *common good* worldwide. Lessing does not call for heroic deeds but for the strive towards humanism in all of us – with as little prejudice as possible, and on a daily basis.

The significance of Catholicism and Catholic conservatives for the development of a democratic culture in Switzerland

by Dr phil. René Roca, Research Institute for Direct Democracy (www.fidd.ch)

In Switzerland, citizens have developed democracy over the past 200 years into a model that is unique in the world. Direct democracy is an integral part of the political culture and the decisive foundation for the country's economic success. The article "Historical Research and Direct Democracy" (see Current Concerns, No. 16 of 8 August 2020) summarised the research to date as a prelude and brief overview text. Now, as announced, the research results are to be examined in no particular sequence in greater depth based on individual topics. We will begin with Catholicism and its significance to the history of democracy. Its influence, especially in the form of Catholic conservatism, on the emergence and development of direct democracy in Switzerland is still very much underestimated and completely ignored by historians. The following is an excerpt from the introductory chapter of the conference volume "Catholicism and Modern Switzerland".¹

Historiographical research has already established the importance of Catholicism for the formation of Switzerland's democratic structures.² At the communal level direct democracy shares an important foundation with the cooperative principle. The earliest organised form of community was the parish, which in Switzerland were cooperatively and decentralized ("Kirchgenossen").

The "community freedom" promoted by the cooperative principle, in short, the communal-cooperative self-determination in parishes, corporations and political communities, is an often underestimated tradition. It is based on natural law and contributed a great deal to the later concretisation of popular sovereignty and the development of direct democracy at cantonal and federal level. In this process, which began in the early 19th century, Catholicism and later Catholic social teaching played a central role.

Definition and historical aspects

What is meant by "Catholicism"? Catholicism is the totality of the perceptible, historically contingent manifestations of Catholic Christianity. The term originated in the 16th century in the context of confessionalisation i. e., in contrast to Protestantism. Today, there are diverse forms of Catholicism, which have developed in the individual countries in their respective historical contexts.³

From 1523 onwards, the Reformation made its breakthrough in Swiss cities. But

as early as 1531, the Second Kappel War put a temporary end to this development. Thereafter, a lengthy process of "confessionalisation" began in the Confederation, which led to the formation of two confessional churches and two relatively strictly separated societies and cultures.⁴

Until 1712, Switzerland was characterised by a political domination of the Catholic political entities. The decisions of the Council of Trent (1545–1563) initiated a Catholic reform, which among other things led to the establishment of a Catholic education system, promoted above all by the new Jesuit and Capuchin orders. After the Second Villmerger War in 1712, there was an economic and political preponderance of the Reformed political entities, and confessionalism subsided somewhat. At the same time, the Enlightenment on the Catholic side only influenced the political and partly ecclesiastical elite. On the one hand, this resulted in state-church tendencies and, on the other hand, caused a multifaceted ecclesiastical reform activity oriented towards the Catholic Enlightenment.⁵

After the upheavals of the Helvetic period, the ecclesiastical reorganisation as of 1821 led to the formation of new dioceses in Switzerland. In the 19th century, about 50 monastic settlements were secularised. This process was partly absorbed by the numerous congregations for men and women founded from 1830 onwards (including sisterhoods at Ingenbohl and Menzingen, on which *Carlo Moos* published a text in the conference transcript).⁶

The years after 1830 were marked by the political regeneration of the liberals. At that time, basically the "Kulturkampf" (cultural struggle) had already begun in Switzerland which lasted until about 1880. In this context, two directions developed within Swiss Catholicism: The liberal Catholics formed a heterogeneous minority, while the majority remained Catholic conservatives.⁷

Historiography and research approaches

Franz Xaver Bischof wrote the following about the Catholic conservatives of the first half of the 19th century in the recently completed *Historical Dictionary of Switzerland*:

"The majority of conservative Catholics, who wanted to hold on to antiquated traditions for fear, in particular of losing their cultural identity, reject-

ed modernity more or less strongly by turning to Rome. [This brought about an] isolation from the zeitgeist [...]. In the Catholic conservative, predominantly rural-agricultural areas this ultramontanism tended to go hand in hand with backwardness in economy, education and culture."⁸

Such a classification of the Catholic conservatives, which is quite common, cannot be maintained based on the latest historiographical findings (see the contribution by *Heinrich R. Schmidt* on "Educational advantage of Swiss Catholicism" and the contribution by *René Roca* on the cantons Schwyz and St. Gallen in the conference proceedings). Why is the importance of the Catholic conservatives viewed one-dimensionally?

In the last 40 years, Swiss science of history has favoured social, cultural, and mentality too one-sided, also with regard to church and religious history. Methodological and theoretical approaches of the history of institutions, politics and ideas have been neglected and not promoted. *Urs Altermatt* stated: "If you look at the literature after the Second World War on the subject of 'Swiss Catholicism in the 19th and 20th century', you notice a paradigm shift around 1970."⁹ Altermatt saw the reasons for the historiographical cut, among other things, the consequences of the Second Vatican Council from 1962–1965 and the generational change among the leading historians, in which he was involved himself. Until around 1970, most of the historical works on the Swiss federal state were written by Swiss historians of the liberal conservative school of thought. The reason for this was that national culture in the second half of the 19th century and the first half of the 20th century was Protestant liberal dominated. According to Altermatt, "the Catholic ghetto continued to have an effect in the cultural sphere" until the 1950s and early 1960s.¹⁰ From the beginning of the federal state, historians of Catholic observance found themselves marginalised. It was not until around 1970 that they received a permanent place in the historical science of Switzerland, but only because they supported the paradigm shift. Renowned Catholic historians such as *Oskar Vasella*, professor of Swiss history at the University of Fribourg from 1931 to 1966, were either forgotten or actively marginalised. Particularly Vasella made ground-breaking achievements in one of his fields of research, the

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history of the Reformation. "With his reassessment of the Reformation, Oskar Vasella opened the dialogue across denominational divides and anticipated the ecumenical awakening of the Second Vatican Council."¹¹ Vasella also repeatedly addressed the founding phase of the federal state and the role of the Catholic conservatives in this regard. He stated that especially in the assessment of Catholic conservatism "a greater freedom in historical thinking"¹² is necessary to present the background of the founding of the federal state more truthfully. This has not happened until today. The University of Fribourg remained a centre of historiography on Swiss Catholicism, but with a modified basis.

Altermatt himself had a decisive influence on the paradigm change in the historiography of Catholicism from 1970 onwards with his study "Der Weg der Schweizer Katholiken ins Ghetto" ("The path of the Swiss Catholics into the ghetto")¹³, which was accepted as a dissertation at the University of Bern in 1970. The study deals with the tendency, particularly noticeable after 1848, that the Catholic conservatives, partly voluntarily and partly involuntarily, fell into a social-cultural isolation at the national level, in fact into an actual "ghetto". Since the end of the 1970s, terms shaped by Altermatt such as "Catholic ghetto", "sub-culture" or "special society" have been part of the common knowledge of Catholic linguistic regulation. From then on, national historical research classified Swiss Catholicism all too one-sidedly according to these sociological criteria and questions derived from them.¹⁴

Switzerland is a special case in terms of religious history and church policy. Since the founding of the federal state, the cantons have had church sovereignty. The Catholic Church has a dual structure of democratic institutions under state-church law (e.g. parish elections) and the hierarchical structure under canon law.¹⁵ The promotion of federalism and democratic consciousness on the part of the Catholic Church in this regard has so far only been mentioned marginally in historical research and has been given too little appreciation. Although the Catholic conservatives developed a resistance to the federal revision after 1815 and rejected a federal state they promoted a federalism of its own Swiss character. In addition, there are the merits of the Catholic conservatives regarding a democratic culture in Switzerland. As Vasella rightly pointed out, the history of the Sonderbund should therefore be submitted for reassessment. This was attempted with an article on the "Sonderbund" in the Historical Dictionary of Switzerland:

*"For a long time after the founding of the federal state, a historiography prevailed that attributed all the achievements of state policy, even the further expansion of direct democratic instruments, to the liberal-radical victors of the Sonderbund War. The one-sided historical view must be supplemented. Despite the defeat of the Sonderbund, some of its demands were incorporated into the new Federal Constitution of 1848. The victorious majority took the concerns of the defeated into account. In particular, the winners considered the desire for sovereignty of the cantons, which was also expressed by moderate liberals. Also the Jesuit ban should not hide the fact that the federal state set clear federalist accents with the establishment of cantonal sovereignty over schools and churches and the introduction of the Council of States and most of the cantons. Thus, the Sonderbund indirectly helped to make a centralist solution more difficult and to prevent further revolutionary transformations in the sense of the radicals. In the following decades, the focus was on compensation and inclusion of the losers and no longer on dictating the winners and exclusion."*¹⁶

Altermatt did not ignore the fact that the Catholic conservatives had promoted democratic culture. He wrote appreciatively that the political emancipation movement of the Catholics after 1848 organised the people loyal to the church on a democratic basis: "In contrast to the political programmes of other Catholic parties in Europe, political Catholicism in Switzerland recognised democracy as a self-evident form of state from the very beginning [...]"¹⁷ Furthermore, it must be emphasised that Catholic conservatives – along with the early socialists – were significantly involved in the development of direct democracy (cf., among others, the example of Lucerne¹⁸).

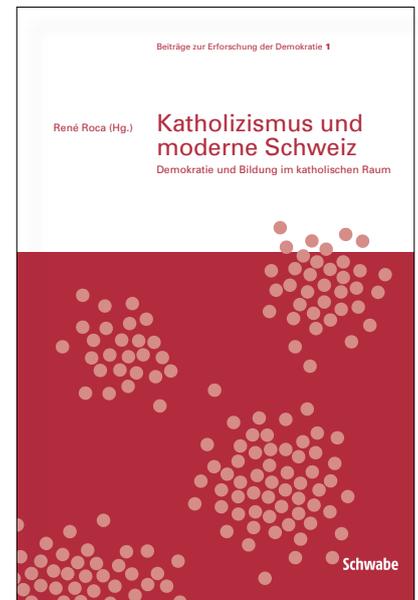
¹ Roca, René. "Einleitung" (Introduction), in: Id. (ed.), *Katholizismus und moderne Schweiz, Beiträge zur Erforschung der Demokratie*, (Catholicism and Modern Switzerland, Contributions to the study of democracy), vol. 1, Basel 2016, pp. 17-21.

² Roca, René. *Wenn die Volkssouveränität wirklich eine Wahrheit werden soll ... Die schweizerische direkte Demokratie in Theorie und Praxis - Das Beispiel des Kantons Luzern*, (If Popular Sovereignty is Really to Become a Reality... Swiss Direct Democracy in Theory and Practice - The Example of the Canton of Lucerne), Zurich 2012, pp. 222f.

³ Bischof, Franz Xaver. "Art. Katholizismus", (Article Catholicism), in: *Historisches Lexikon der Schweiz* (Historical Dictionary of Switzerland), vol. 7, Basel 2008, pp. 132-135, here p. 132.

⁴ Ibid., p. 132f.

⁵ Roca, René. "Genossenschaftsprinzip und Naturrecht als Grundlage. Schweizerische und luzernische Demokratiegeschichte bis zur Helvetischen Revolution", (The Cooperative Principle and Natural Law as a Foundation. Swiss and Lucerne History of Democracy up to the Helvetic Revolution) in: *Historische Gesellschaft Luzern* (Historical Society



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Lucerne) (ed.): *Jahrbuch* (Yearbook) 31, Lucerne 2013, pp. 45-62, here pp. 54-56.

⁶ Bischof, Franz Xaver. "Art. Katholische Kirche", (Article Catholicism) in: *Historisches Lexikon der Schweiz*, (Historical Dictionary of Switzerland), vol. 7, Basel 2008, pp. 126-128, here p. 127.

⁷ Stadler, Peter. *Der Kulturkampf in der Schweiz. Eidgenossenschaft und katholische Kirche im europäischen Umkreis*, (The Culture War in Switzerland. Confederation and the Catholic Church in a European Context), expanded and revised new edition, Zurich 1996, pp. 65-81.

⁸ Bischof, Franz Xaver. "Art. Katholizismus" (Catholicism), in: *Historisches Lexikon der Schweiz*, Volume 7, Basel 2008, ,S. 132-135, here p. 133

⁹ Altermatt, Urs: "Katholiken und Katholizismus im 19. und 20. Jahrhundert" (Catholics and Catholicism in the 19th and 20th century), in: *Schweizerische Zeitschrift für Geschichte*, vol. 41, number 4, Zürich 1991, p. 493-511, here p. 493

¹⁰ Ibid, p. 494

¹¹ Jorio, Marco. "Oskar Vasella (1904–1966) – ein bedeutender Reformationshistoriker" (Oskar Vasella (1904-1966) – a renowned reformation historian), in: *Zeitschrift für Schweizerische Kirchengeschichte*, volume 90, Freiburg 1996, p. 83–99, here p. 90

¹² Vasella, Oskar. «Zur historischen Würdigung des Sonderbundes» (On the historical appreciation of the Sonderbund), in: *Schweizer Rundschau* 47/48, issue 4 and 5, Einsiedeln 1947, p. 259-282, here p. 260

¹³ Altermatt, Urs. *Der Weg der Schweizer Katholiken ins Ghetto. Die Entstehungsgeschichte der nationalen Volksorganisationen im Schweizer Katholizismus 1848–1919* (The path of the Swiss Catholics into the ghetto. The history of the emergence of national popular organisations in Swiss Catholicism 1848-1919), 2nd expanded edition, Zurich 1991.

¹⁴ Altermatt, Urs. *Katholizismus und Moderne. Zur Sozial- und Mentalitätsgeschichte der Schweizer Katholiken im 19. und 20. Jahrhundert* (Catholicism and Modernity. On the Social and Mental History of Swiss Catholics in the 19th and 20th century), Zurich 1989

¹⁵ Berner, Hans. "Art. Kirchgemeinde", in: *Historisches Lexikon der Schweiz*, ("Art. Church Parish", in: Historical Dictionary of Switzerland), vol. 7, Basel 2008, pp. 240

¹⁶ Roca, René. "Art. Sonderbund", in: *Historisches Lexikon der Schweiz* (Art. "Sonderbund", in: Historical Dictionary of Switzerland), vol. 11, Basel 2012, pp. 618-621, here p. 621

¹⁷ Altermatt, Urs. "Art. Katholisch-Konservative", in: *Historisches Lexikon der Schweiz* (Art. "Catholic Conservatives", in: Historical Dictionary of Switzerland"), vol. 7, Basel 2008, p. 132

¹⁸ Roca, *Volkssouveränität* (Popular Sovereignty), pp. 95–208