

Thoughts on a Memorial Stone **by** **Gebhardt Weiss**

The Federal Constitutional Court developed a tabooing guideline for the private and, even more so, public dealing with the National Socialist tyranny. This guideline derives from the “counter-pictoriality” of today’s German constitutional order, meaning its counter positioning to the injustice system of that past. The denial of the Holocaust is therefore not protected by the freedom of expression under Article 5 of the Basic Law. And in the case of a glorification of the National Socialist tyranny, a possible disturbing of the public peace can basically be presumed—with the potential consequence of restricting the freedom of assembly and action depending on the specific instance.

The tabooing guideline of “counter-pictoriality” may also apply analogously to Article 26 of the Basic Law regarding foreign and security policies valid since 1949: “Acts tending to and undertaken with intent to disturb the peaceful relations between nations, especially to prepare for a war of aggression, shall be unconstitutional. They shall be made a criminal offence.” This constitutional norm reinforced by potential prosecution also underscores the ethical condemnation of the German war of aggression which was brought to an end through unconditional surrender just a few years beforehand on May 8, 1945.

Article 26 with its ban on a war of aggression is untouchable. If it were ever to be abolished by the Bundestag and Bundesrat, this could only be imagined as the consequence of an extreme, fundamental change in society and the state. In this case, we would no longer live in our present, free and democratic Germany that acts in a responsible way domestically and abroad. This constitutional norm is an identity-forging pillar of our fortified democracy that responds to the aggressive aberrations of the past.

With this and the paramount positioning of human rights and individual freedoms above all other constitutional norms valid in regard to state structures, the mothers and fathers of the Basic Law responded to Germany’s domestically and then internationally unleashed criminal policies in a way that has since then shaped our identity. Germany lay almost hopelessly in ruins. But they were aware that it was only the reaction to the preceding criminal policies that led to increasingly harsh and brutal counter-violence, resulting in the destruction of Germany and the immense suffering of the German population.

In the public sphere determined by democratic decision-making processes and structures, this terrible basic causality of triggering German violence, on the one side, and the response of counter-violence, on the other, is not up for relativizing debate. Especially in this case, it may not be disputed by the glorification of the reign of National Socialism; individual aspects and causal chains may not be heroized or otherwise treated in a distorting or excluding way. Actions of remembrance in and at public buildings of municipalities, federal states and the federal government are bound to this. Furthermore, there are obligations regarding the war and the postwar period that can arise from international agreements affecting the culture of remembrance in Germany, all the way to individual communities.

In Lüneburg there is a controversial memorial stone dedicated to the 110th Infantry Division standing on municipal grounds and thus in public space. Moreover, it has been committed to the care of the city since 1960. Its current status may have to be legally clarified, including the question of whether the engraved epigram and Viking symbol is now to be considered a speech act and symbolic act of the city, or whether the city would like to treat both as an expression of the original initiators. It is also unclear on which legal foundations the epigram along with the official Viking symbol of the division and the institutional signature "110.I.D." was signed at the time, even though the unit no longer existed at that point and was therefore legitimized by no one. A question one could add is whether individual or institutional aspects are to be considered in view of the possible legal succession of the initiators at the time, a question that might be relevant to the right of free expression pursuant to Article 5 of the Basic Law. If such aspects that are possibly worthy of protection are not given, the question should be raised as to which content-related interests the city, represented by its elected representatives, should pursue based on the valid municipal constitution, with the aim of having a balancing effect on the public peace—for which the city bears responsibility.

A constructive debate on this subject cannot be furthered without overarching, constitution-bound orientations in the sense of the tabooing guideline of the Federal Constitutional Court, including Article 26 of the Basic Law. For the same reason, this is not an isolated affair of local municipal politics that the residents of Lüneburg can only resolve on their own, something which is also true for another reason, by the way: For only a few of the relatives of the 110th Infantry Division were actually from Lüneburg, and only a small part of the subordinate units were stationed in Lüneburg.

A constructive debate on the memorial stone must lead to a result that is comprehensible and acceptable for future generations, as well. Neither its removal nor its permanent concealment would be adequate, since both are

merely mechanical repressions of the memorial stone without trusting in the critical public discourse. They would also not amount to an elucidating response to the right of information of current and future generations regarding the associated local political responsibilities at the time.

Furthermore, the memorial stone, beyond the problems it poses in military-historical terms, is evidence of the broad social suppression and network-based reinterpretation of the German catastrophe that set in after the war, not only in Lüneburg, and still has repercussions to this day. The clearer these circumstances can be directly explained based on factual and elucidating information at the memorial stone, the better it would be for a concrete culture of remembrance sustainable in the future, as well.

As in many other public areas, including most federal ministries in Berlin which in the past years have sought the truth of their respective institutional past under National Socialism and of their internal networks of suppression in the following years, one will also have to reveal the postwar networks in Lüneburg, which from 1958 onwards led to the placement of the memorial stone under the manipulating suppression and reinterpretation of now historically secured processes. This remembrance work can be based on available insights into the actual military operations of the 110th Infantry Division and on as yet unutilized material, and should therefore lead to an elucidating result.

The probable hour of birth of the memorial stone was at the comradeship meeting of the 110th Infantry Division on June 7, 1958, in the ceremonial hall of Lüneburg's Town Hall. One of the division's former commanders, the retired Lieutenant-General Martin Gilbert (1888-1959), a career officer since the period of the German Empire, in an enthusiastically received speech characterized his former division "as the embodiment of the best German soldiery, in terms of performance and attitude, from the first to the last hour." He repeatedly foregrounded the proven soldierly performance of duties, self-sacrifice, comradeship, heroism, and the faith in Germany.

As customary with associations of Wehrmacht and SS veterans and comradeships at the time, Gilbert's political embedment of the division's past was not directed against the National Socialist abuse of these soldierly secondary virtues. He uttered not a word on the criminal war of aggression and destruction to which this division, among others, was deployed as an instrument and a precondition. Yet he did not spare with criticism of the current "time of abandoning the sense of national identity and pride" leading to only the third verse remaining of the poet's song "Deutschland, Deutschland über alles."

Gilbert went on to criticize the contemporary democratic processes in Germany along the three guiding ideas in this third verse—unity and justice and freedom. Furthermore, he criticized the war crimes of the victorious powers, the past injustice of expulsion and the arbitrariness of the victors at the Nuremberg Tribunal. He instead demanded a right-wing nationalist realization of the three guiding ideas only for a “fatherland blossoming in the splendor of this happiness” and concluded his speech with the words: “Then justice will be done to the German front-line soldier, for he rode, he fought, he suffered as a German, time and time again, only for the fatherland.”

In this reinterpreting line of thought that manipulated historical processes and causalities and simultaneously evidenced his distance to the new political system in Bonn, the retired general embedded an inspiring personal memory. He gave an account of a memorial stone set up with his former war comrades shortly after World War I. To honor the killed soldiers, the revering words of the Athenian statesman Pericles to the fallen soldiers of the Persian War were carved on a “huge boulder”: “Sage nur eins nicht, dass sie tot seien, unsere Tapferen” [Just don’t say that our brave ones are dead].

This was likely the hour of birth of the stone in Lüneburg that almost two years later became the memorial stone for the 110th Infantry Division. However, a slightly modified epigram below the Viking symbol was chosen by the organization committee of the association of comrades: “Es sage keiner, dass unsere Gefallenen tot sind. 110.I.D.” [Nobody say that our fallen soldiers are dead. 110.I.D.]

In comparison, one can notice the shift from honoring a virtue (after 1918: “our brave ones”) to honoring the fallen soldiers. But the decision was clearly made in line with Gilbert’s suggestion, albeit in connection with a memory of the entire, no longer existing division of “our” killed soldiers, i.e., without granting individual members the possibility of personally positioning themselves toward or even distancing themselves from this institutional, collective co-opting.

The honoring reference to an ancient Greek victim myth chosen in the name of the 110th Infantry Division was oriented—although only superficially—toward a mode of honoring fallen soldiers that had been often practiced since the 19th century not only in Germany, but elsewhere in Europe as well. What was mainly considered an important goal of secondary-ethical, male education modeled on such Hellenistic myths since the 19th century, e.g., performance of one’s duty even in hopeless situations, steadfastness through unrelenting male courage, the willingness to self-sacrificial soldiery, was never isolated from

other goals of ethical actions sanctioned by the gods in antiquity. Hence, the epigram carved into the memorial stone in Lüneburg contains a decisive misinterpretation of the ethical foundations of the Hellenistic sacrificial myth resulting from its planned, preparatory abuse by the ideologues of National Socialism.

Since Hitler's seizing of power, ever more weight had been lent to the Greek heroic and sacrificial myth in the propagandistic orientation of the population toward the aims of the National Socialist state and the attendant aims of aggressive and racist destruction. Never before had this reference to Hellenism been more present in children's books, schoolbooks, science, and glorifying propaganda. In the process, the secondary virtues—as opposed to antiquity—were increasingly separated from ethically relevant primary virtues, e.g., maintaining peace, respect for human rights, responsibility for preserving life. They became absolutized values in themselves. For based on such ethically isolated secondary virtues etched in the minds of the population, "performance of one's duty" could also manifest itself in a criminal war of aggression with no regard for the international law of war, or in the participation in gruesome operations of destruction without ethical restraints.

Especially in the gradually shrinking National Socialist sphere of power, this calculated abuse of the Hellenistic sacrificial myth reached a gruesome scale addressing in an increasingly brutal way German soldiers as well as the entire German population in senseless rallying commands and unscrupulous propaganda, one example being Göring's cynical comparison between the lost 6th Army in Stalingrad and the allegedly exemplary, self-sacrificing heroism of a number of Spartans at the Thermopylae.

The former soldiers of the 110th Infantry Division responsible for the design of the memorial stone and their supporters in the municipal context of Lüneburg were not only not internally freed from the repercussions of this propagandistic instrument of orientation, one can even allege, based on some of the sociopolitical circumstances at the time, that they made the decision to erect the memorial stone with its ambiguous epigram in conscious continuation of the abusive, National Socialist employment of Hellenistic secondary virtues—and with deliberate disregard for the ban on aggression stipulated in Article 26 of the Basic Law that was then already binding in primary ethical terms.

Therefore, a core problem of this memorial stone consists in the separation and shifting of perspectives relevant to values. The perspective of the glorification of war as a war of aggression and destruction which was planned, prepared and carried out by the Nazi system is totally suppressed

by an exclusively associative centering on the soldierly secondary virtues abused by the Nazi regime. Although they are not expressly mentioned, they envelop the memorial stone, so the speak, as ideals abusively etched into the minds of those involved and generally expressed, for example, in the speech of the retired general in Lüneburg in 1958. As an interim result, one cannot dismiss the impression that such a high-profile memorial to killed soldiers was also geared toward controlling the way the public reflected upon the actual military past of the 110th Infantry Division.

Yet there is still another core problem, for the armed Viking ship on the memorial stone, as a meaningful symbol of the division, makes reference to a soldierly mission intended in the light of the Nazi ideology. The choice of the motif, which was used more by SS groups, by the way, comes as no surprise, for it corresponds with a Germanic myth of heroism and domination with which the superiority of the Nordic race was to be propagated at the time. This manipulative perspective was also abused for a permanent, propagandistic orientation of the population toward the aggressive aims of the system.

In the context of an infantry division of the Wehrmacht, the connection of this symbol of a ship to troops that moved by foot, on horse or in light motorized vehicles at first appears strange. But here, too, an ideological explanation can be given based on the racist theories and demands for *lebensraum* in Eastern Europe, as they were fanatically advocated by Rosenberg, for example. In this regard, it must also be recalled that the 110th Infantry Division had been set up and ideologically tuned since the end of 1940 solely for deployment against Russia.

Rosenberg and most Nazi ideologues were advocates of the regime-supporting "theory," which was also propagated by German research on Russia, that the history of the eastern Slavic area had proven the inability of the local Slavic race to establish stable territories of rule. Accordingly, permanent local formations of power, including the foundation of the Kievan Rus, were pursued not by Slavs but by Varangians, a subgroup of the Vikings stemming from Sweden. They were indeed overseas merchants from Scandinavia (today's Sweden) who were interested in the security of the trade region all the way to the Black Sea and organized armed male societies to this end.

This adds a further aggravating aspect to the issue of racism associated with the symbol of the Viking ship. Its ambiguous symbolism brings together the contemporary ideological understanding of the superiority of the Germanic race and its alleged historically founded legitimation of Germanic rule over

the eastern Slavic *lebensraum*. It is this condensed ideological basic understanding that was attributed from the onset as an order to the division specifically set up to wage war in Russia—in a heroizing sense as the Vikings/Varangians again conquering the eastern Slavic territories. Today, these facts must be reflected and elucidated by any actions taken with regard to the presence of the memorial stone in public space.

One can assume that in the 1950s the survivors of the 110th Infantry Division, or at least their classically educated former commanders, were still aware of these ideal-symbolic connections implying an evidently racist and expansionist, aggressive symbolism of a mission.

Since this analytical result is most likely irrefutable, the question of a tabooing guideline also arises in regard to this symbolism in the sense of the aforementioned “counter-pictoriality” of the constitutional order vis-à-vis the National Socialist injustice regime. Based on stable legal grounds, clarity should be established on whether this National Socialist symbol in the context of the memorial stone and especially under today’s conditions violates Article 26 of the Basic Law, in particular its fundamental provisions protecting human rights. This question cannot be sufficiently and stably resolved now and for the future by council decisions made by the City of Lüneburg, which are merely based on the municipal constitution with its limited responsibilities of self-administration and job management.

Another general aspect going beyond Lüneburg is important: The task of remembrance work comprehensible for future generations must lie in clarifying the dangerous effect mechanisms of such ideal symbols, concealments and suppressions for all societies in general, and not in making it impossible through the mere mechanical concealment or removal of the memorial stone. This applies to us in Germany all the more, since political ideas are becoming increasingly entrenched in the right-wing fringes of our society that probably would have been enthusiastically applauded at the meeting of the comrades of the 110th Infantry Division at the time.

By the way, how important it can be to maintain public awareness of such effect mechanisms in social debates, even decades after the war, is demonstrated by a view to tenets of Islam which are today abused by the so-called IS and other Islamist terror groups to legitimize terrorist suicide attacks. Sura Al Imran, Verse 169 states: “And never think of those who have been killed in the cause of Allah as dead. Rather, they are alive with their Lord, receiving provision.” The comparison with the epigram referring to the Hellenistic sacrificial myth that immediately suggests itself in linguistic terms may be disturbing. But in regard to the past and present, it is worthwhile to

consider and elucidate how dangerous it can become for any society, when philosophically, religiously, ideologically, or politically justified secondary virtues are isolated and absolutized to induce unconditional obedience, or are even connected to inhumane, aggressive primary goals, and thus totally unleashed.

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