

Current Concerns

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Human rights and direct democracy Democracy as a guardian of human rights

by Dr rer publ Werner Wüthrich

cc. Democracy and direct democracy in particular are questioned again since quite some time. An assertion which should heat the minds in Switzerland, but not only there, is the question of whether there is a conflict between direct democracy and human rights, in which the will of the people had to stand back behind human rights. The following fundamental, legal, political and historical treatise shows that the current conflict is an artificially constructed one and human rights are best preserved by the people.

About 500 years before Christ, Greek philosophers have started to develop the idea of natural law. In the Renaissance – almost 2000 years later – the natural law has been developed in connection to Christianity further – in the context of the christian doctrine (Thomas Aquinas, School of Salamanca) – and later after the reformation also in protestant countries (Hugo Grotius, Samuel Pufendorf, John Locke). The law of nature became very important in the thoughts of the enlightenment, as it was taken as a basis of the first democratic constitutions of the emerging nation-states. The most impressive documents from this and the more recent times are referred to here in short.

The Declaration of independence of the USA of 1776

“All men are by nature equally free and independent and have certain rights inherent in them”, it says in the Declaration of Independence of the USA of 1776. The Constitution of the United States of 1789 terms these liberties in special additional articles: freedom of religion, freedom of expression, freedom of the press, freedom of assembly and the right to petition.

Declaration of human rights and civil rights in Paris in 1789

The guiding principle of the Declaration of human and civil rights of 1789, and the battle cry of the French Revolution “Liberté, Égalité, Fraternité” went around the



Community meeting in Vals GR 2016. (Picture Keystone)

“It is obvious that the people and the people’s representatives, as beneficiaries of the civil rights and liberties, virtually carry within themselves the warrant of the guarantee of human rights. [...] To the people as the bearer of the civil rights and liberties, the tenure of a guardian of human rights should be inherent.” (Giacometti)

world. The main points of the Declaration are: “People are born free and equal in rights and remain so” (Art. 1). “The purpose of any political association is the conservation of the natural and inviolable human rights. These are the right to life, to liberty, the right to property, the right to security and the right of resistance against oppression”(Art. 2).

“The freedom is to be allowed to do everything, which does not harm another. [...] The limits of freedom rights can be determined only by the law”(Art. 4). “The law is the expression of the collective will. All citizens have the right to participate personally or through their representatives in its formation” (Art. 6).

This way guiding principles and guiding ideas were incorporated in 1793 in the first Republican Constitutions of France (Constitution girondine and Constitution montagnarde). In addition to the freedom rights, also elements of direct democracy were included in both – the referendum as well as the right of initiative of the people. But they were never applied due to the revolutionary turmoil.

The Declaration of human rights of the United Nations in 1948

After the horrors of the Second World War, the UN General Assembly passed in 1948 the Universal Declaration of Human Rights: it determined the human rights much more comprehensive compared to the declarations in the past: personal freedom, freedom of religion, freedom of expression, freedom of assembly, the right to property, the right to education, the right to work and much more items are listed in this extensive document. There are also rights that are understood differently. For example, the communists understand the right to work as a duty of the government to create jobs for all. In the privately organised, social market economy in the industrial countries, however, the unemployed are supported and trained in an ideal case with the aim that they do not suffer hardship and find a job again quickly.

In 1949 the Council of Europe was founded (including today 47 countries). In 1950 its Parliamentary Assem-

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bly voted in the European Declaration of Human Rights (ECHR). In 1959, the European Court of Justice for human rights was established in Strasbourg – but only with limited powers. Only 1998, the current Court was created as a full-fledged Court, which significantly interferes with the legal system of the individual countries. Switzerland joined the Council of Europe in 1963 and ratified the ECHR in 1974 – without a referendum, because Federal Council and Parliament assumed that human rights are anyway contained in the Federal Constitution.

An example out of Swiss history

Today the human rights are included in the constitutions of almost all countries. But there are differences, coming from national characteristics, different cultures and political conditions. In Switzerland, the economic freedom (formerly trade and industrial freedom) is anchored as a fundamental right and closely connected with the direct democratic formation by the people. This phenomenon goes back to the period after 1830, when seven cantons began to include the economic freedom as a fundamental right alongside the classical freedom rights such as religion or freedom of expression in their constitutions.

In the then already heavily industrialised Canton of Glarus the *Landsgemeinde* (Cantonal Assembly) of 1836 agreed to a new Constitution, which said in article 9: "trade and industry are free. Reserved are the regalian rights and legal provisions, which are required by the public welfare." The economic freedom doesn't mean "laissez faire", but the fundamental right was embedded in the social compound and the *Landsgemeinde* democracy. In 1864, the Glarus people issued the most advanced factory law in Europe at that time again in an open vote and appointed the cantonal physician Fridolin Schuler as the Factory Inspector. Three proposals were on the table: a request by the Landrat (Cantonal parliament, which represented the position of the employer), by four factory workers and by Fridolin Schuler. His proposal was accepted by the people. The canton of Glarus established this way a social framework ensuring economic freedom and market economy, that guaranteed economic freedom as a fundamental right and provides for an economic order corresponding to the community and the common good. The legal developments in other cantons were similar and influenced the Federal Constitution of 1874 and the overall Swiss economy until today.

This example shows impressively that it is not only about anchoring human rights in a document and in the national constitutions, but what is much more important is the way in which human rights are enforced. The expert in constitutional law and rector of the University of Zurich, Professor Dr. Zaccaria Giacometti, who comes from the famous family of artists in the Val Bregaglia, concentrated on this very central question on the 121st Foundation Celebration of the University of Zurich on April 29, 1954.

"Democracy as a guardian of human rights" (Zaccaria Giacometti)

Giacometti pointed out in the introduction, that some politicians and contemporaries would spontaneously negate the question, whether the democracy could be the guardian of human rights – because history has shown that even democratically determined human rights can be set out of force or swept away by political events. The Jacobins under Robespierre had set up so a reign of terror in the first years after the revolution on the basis of emergency law, and the Declaration of human rights of 1789 and following the two constitutions of the 1st Republic of 1793 were not able to prevent this. There are unfortunately quite a few such examples in the history. Also Hitler succeeded in overriding the human rights contained in the Weimar Constitution relatively easily and permanently by relying on emergency legislation (Emergency Ordinance and enabling Act of 1933). How can this be prevented?

The Universal Declaration of Human Rights of the UN 1948 requires that human rights should be protected by the rule of law. Giacometti opens his presentation with basic considerations on the law, which he divided into the natural law and positive law, which differ in principle because they belong to different normative standards.

Positive law

The positive law is written law. In Switzerland it consists of the currently valid laws, so the Federal Constitution, federal laws and regulations. The right of the cantons, that stands above the provisions of approximately 2600 municipalities, is subordinate to federal law. Lawyers speak of a hierarchy of law. The Federal Supreme Court as a Constitutional Court checks the cantonal decrees on compliance with federal law. But the Federal Court can't verify federal law. The people are entitled here to the highest level of control using the referendum. In Germany and in the United States, however, the Constitutional Court reviews the federal laws and the policy of the Government on their constitutionality.

Natural law

The law of nature, however, that underlies the various declarations of human rights, derives from the nature of man, and is based on psychological, philosophical and religious convictions. Behind it is a view of the people and the world – and by that a piece of a belief system. The law of nature established ethical demands to the Government. After Giacometti it is a "thought and felt right", so it's no right in the sense of enforceable standards.

In natural law – so Giacometti – there are different approaches, because it occurs in different shades: as a Catholic natural law (Thomas Aquinas), as Protestant natural law (Hugo Grotius, Samuel Pufendorf), as a rationalist natural law (John Locke, Emanuel Kant, Rousseau, Montesquieu and many more), as liberal natural law (David Hume, John Stuart Mill). In the different schools of thought, there are however common basics. For the Marxists, however, not the nature of the people is important, but they want to overcome capitalism and set up a "fair economic order" in which "man becomes human" (being determines consciousness.).

Optimally, the development of the law works – according to Giacometti – when the law of nature combines with the positive law and there are not two conflicting systems facing each other.

Who should protect human rights?

After these introductory remarks Giacometti turns to the central question, who should protect human rights and ensure, that the law of nature or human rights are genuinely enforced and lived. He asks: Can democracy be the guardian of human rights?

The 1948 UN Declaration of human rights demands that all people are entitled to equal protection by the law (art. 7). After the second world war, in 1948, the creators of the German Constitution have built in barriers, which are supposed to protect human rights. Vital parts must not be changed at all or are difficult to change (i.e. with a two third majority in the Parliament). Germany anchors the law of nature (which is above the Constitution) in its constitution and reaffirms that human dignity is sacrosanct and that there are inviolable and inalienable human rights not to be changed even by the constituent committee. Parts of the German Constitution feature a "eternity clause" in this way. Quite in contrast to Switzerland, where the Federal Constitution is an "perpetual" construction site and continually changed. The continued existence of human rights in the constitution is for the Swiss sovereign self-evident.

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Land grabbing, the new colonialism

rt. With good reason, the Lenten season campaign “Geld gewonnen, Land zerronnen” (Money gained, land lost) started by the Churches (*Brot für alle* and *Fastenopfer*) is reminding us of the fatal global situation.¹ In addition to the horrible wars, mostly started by the “First” world, which are devastating large parts of the world, driving their inhabitants into poverty or forcing them to flee, in many parts of the world the people’s farming land, their bread, is sold from under their plough. “Land grabbing” is the term for this new form of neo-colonialism.

Area the size of Western Europe bought away

In the past years an area the size of Western Europe was bought away by state trusts, consortiums or pension funds worldwide. Huge areas, mostly the best arable land, were sold at prices prohibitive for locals. Had the people in these areas so far been able to eke out a living from their soil, they now have to work – if they are lucky – for a pittance on the newly created huge monocultures as employees of a globally active trust. They are exposed to pesticides, can be fired any time and now they have to buy their food. The soil is emaciated and destroyed, the landscape devastated. It has to pay off.

Corrupted local politicians betray their citizens by selling the land underhand or by permitting it to be sold. A substantial role in this is played by the corresponding clauses of the international free trade agreements and the WTO treaties enabling the cross-border sale of farming land and products.²

Meaningful concepts are available

Comprehensive investigations have shown that a meaningful and sustainable agriculture needs to be small-scale, organic and regional if it is to feed the global population in the long-term. Over 500 experts have investigated and documented this in the IAASTD report of 2008 (*Agriculture at a Crossroads*, www.globalagriculture.org).

Justifications for injustice

It is easy to find explanations for land grabbing: low interest rates are driving capital into “lasting” values; pension funds are looking for long-term investments for their money; states with food shortages are trying to get a hold on land outside their territories. Many of these

explanations are correct – but they do not justify the process. It cannot be that death from famine or the uprooting of peoples is excused with an interest problem. Problems need to be solved in a just way. It remains an injustice if the weakest fall victim to the greed and the moral decadence of the First world!

Not only the victims are wondering: Where are the international institutions which could end these activities? Has the UN become corrupted by the *Global compact* between institution and trusts? The land grabbing problem would be a wide area for the not yet established International Criminal Court against modern colonialism, exploitation and impoverishment of inhabitants and the destruction of the biosphere.

Reverse of the medal – working poor in the West

But also the fair side of the medal is not as fair as it may look. In most states of the “first” world an 80:20 society has developed in the past 30 years. Not 80% but only 20% of the population are living in a carefree manner. Many, also in our “wealthy” West, are among the working poor. They often have two jobs but are still struggling to feed their family. Is that really necessary?

And the 20% more prosperous? Many of them are daily in fear of losing their well-paid work and their social status. In case they are over 40 they have a poor chance to find a similar position. They are ready to do many things to keep their position – many things they wouldn’t normally do. Is that really necessary?

Time for reason

What is our limit before we start organising our world in a more humanely way? What more does it take before we come to our senses?

Meanwhile there are various practical proposals how the global population can be fed. But this will require the individual states to return to their core tasks and to start protecting their citizens from robbery and exploitation. And the citizens as subjects of these states should shape and lead their state equally in referenda and elections. •

(Translation *Current Concerns*)

¹ Ecumenical campaign 2017: “Geld gewonnen, Land zerronnen”. In the Ecumenical campaign 2017 *Brot für alle*, *Fastenopfer* and other partners refer to the negative consequences of Land grabbing.

² “Dossier. The world for sale. Key subject of the magazine *Prospects*”. No 1/2017 Ed. *Brot für alle und Fastenopfer*.



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Hunger in Africa – Call for a prudent donation

rt. For months, international aid organisations such as the *UNHCR*, *FAO*, *Caritas* or *HEKS* have warned of an imminent hunger catastrophe in large parts of Africa. Absent rains and “civil wars” lead to a lack of food, which has long been apparent. Currently these are said to be ‘just’ thousands of people in South Sudan. But soon their number could rise to a hundred thousand, or even several millions. The population is also threatened by starvation in the north-east of Nigeria, Somalia and Yemen. The United Nations is talking of about 5.6 billion dollars needed for relief efforts.

The world would close their eyes to the hunger crisis in Somalia, said UN Secretary General *Antonio Guterres* during his visit to the Somali capital Mogadishu on 7 March.

The UN estimates that more than six million Somalis – half of the country’s population – are threatened by hunger. But a crisis does not only threaten Somalia.

The situation in South Sudan, in north-east Nigeria, or in Yemen looks similar. According to the UN, the lives of 20 million people are endangered in these four countries (see “*Neue Zürcher Zeitung*”, 7 March).

- In South Sudan government groups and rebels are fighting, the population is starving. The oil deposits in South Sudan have become the bone of contention for the Great powers and transnational companies. In this region, therefore, war-like conditions have prevailed for decades.
- Whoever supports and finances the so-called “Boko Haram” group in Nigeria, which is responsible for the hunger ca-



tastrophe in the country, remains open. This is also about power and influence in a region rich in crude oil, and here too the Nigerians do not play the leading role.

- In Yemen, an ancient cultural country (see *Current Concerns* No. 27/28 of 6 November 2015), a military coalition headed by Saudi Arabia leads an unrelenting war against the civilian population. Emergency supplies are not allowed into the country. Ports, roads and bridges needed for the transport of food supplies are bombed. This under the eyes and with the approval of the Western States.

With a differentiated view, it can be seen that in the countries suffering of hunger catastrophes or being on the verge of it, interventions by foreign corporations or other countries had preceded, leading to poor governance or, at all events, to war or

civil war. Longer-term solutions for each of these countries threatened by hunger exist and would be easily achieved.

Today, we are asked to provide survival assistance. One possibility of many is via the *Swiss Red Cross SRK*:

Postal account 30-9700-0, note “South Sudan”,
IBAN CH97 0900 0000 3000 9700 0, Swiss Red
Cross, 3001 Bern

Helping a drowning person is a human reflex – even under threat to one’s own life. One could be faced with a similar situation ... But what happens if the drowning person was repeatedly robbed 100 metres up the river and then thrown back into the water? Again and again, just before drowning, he floats past us. Of course, we help. And yet the question arises, who is constantly pushing the poor people back into the water, and how can we end this situation?

(Translation *Current Concerns*)

Farmland gets speculative – also in Germany

ds. The unsuccessful EU agricultural policy, the promotion of large-scale enterprises, increasing growth, massstalls, production for export have led to an increasing number of farmers closing down farms across Europe. Even large farms have difficulties to survive. They won’t be able any longer to withstand the price pressure, a result of overproduction.

High-performance cows have been bred, which are to deliver more and more milk in fully automatic milking systems. Without any regard for the welfare of the animals. And in the fields an overdose of chemistry is being used - without any regard to nature. The consequences are also felt by the consumers: manure, exhaust gases and antibiotics harm human beings and the environment.

With the disappearance of peasants’ agriculture many villages are deserted, they are threatened in their existence. Houses are empty, shops, schools and doctors’ offices are closing. Whole parts of the countryside is depopulated. At the same time the big cities cannot accommodate the lots of newcomers. Housing shortages and overpriced rents are awaiting those who move into the cities. Many villages are already deserted.

And what happens to the farmland?

Yet for a long time arable land hasn’t belonged exclusively to the peasants. These areas are owned by financial investors, and they hardly have a relationship to agriculture. Particularly in the east of Germany, speculators and corporations have recognised vast areas of arable land as safe in-

vestment and speculative property. Almost a third of the fields are in investors’ hands. The owners cultivate single crops on the large fields, so-called mono-cultures for export or for biogas plants, crops not for nutritional use, but as energy supply for cars or power stations. Even Chinese investors have already bought into Germany.

Structures develop where people in a village often don’t know at all who is farming the land. Two or three times a year there is a person who brings the machines by low loaders, does the work and drives away again. And all the cultural contribution and diversity that the peasants’ countryside has to offer will be lost”

(From the film: *Bis zur letzten Kuh. Warum viele Bauern aufgeben müssen.* <https://www.youtube.com/watch?v=45Mf8xy9hYM>)

Treating Russia on an equal footing

The speech by Matthias Platzeck (SPD) in Dresden

by Karl Müller

The opinion exists that anyone who criticises the EU and Nato states' policy towards Russia must at the same time believe everything in Russia to be in apple-pie order. This opinion is not correct. There is no country in this world in which "everything is in apple-pie order," and of course this also applies to Russia. Incidentally, there is no serious Russian voice that would claim anything of the kind. On the contrary, most Russians, as well as the responsible politicians in the country, are quite outspoken about the fact that their country is facing enormous tasks. One would appreciate being able to count on support from abroad in the accomplishment of these tasks – but not at the price of the loss of self-determination.

This is not a Russian whim, but valid and binding international law which cannot be too often called to mind. "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." So it says – in these exact words – in the first paragraph of Article 1 of the International Covenant on Civil and Political Rights, as well as in the International Covenant on Economic, Social and Cultural Rights – both from 1966 and signed by almost all EU and NATO countries.

But in the 1990s of the past century, after the dissolution of the Soviet Union, Russia made starkly opposite experiences, and this had catastrophic consequences for the country and its people. All this is known and well documented and has often been expressed. And yet many leading forces in many EU and NATO countries are still acting as if the 1990s had been the years of freedom and democracy in Russia. And right up till today, the attempts to directly influence Russia have not subsided – with the big difference that today, Russia and its policy – unlike in the 1990s – are no longer willing to allow them.

Matthias Platzeck

Matthias Platzeck was born in Potsdam in 1953 and lived in the GDR until the turnaround. Still in GDR times, he involved himself in environmental questions and in this way joined the *Alliance 90* at the time of the turnaround. (The Alliance later united with the West German Greens and as Matthias Platzeck opposed this, it led to his leaving the party.) He was without party affiliation for a few years, before he became a member of the SPD (the German Social Democratic Party). From 1990 to 1998, he was the Minister of Rural Development, Environment and Agriculture of the Fed-



Matthias Platzeck (picture wikipedia)

eral State of Brandenburg, in 2002 he was elected Minister President of that state, an office which he held until 2013, but then resigned for health reasons. In 2005, he became Federal Chairman of the SPD, but he only held this post until 2006. Since March 2014, Matthias Platzeck has been chairman of the *German-Russian Forum*.

On 19 February 2017, Matthias Platzeck gave a one-hour speech at the Dresdner Schauspielhaus as part of the series "Dresdner Reden" (Dresden speeches). These were organised by the Schauspielhaus together with the "Sächsische Zeitung" ("Saxon Newspaper"). This address deserves the greatest attention, although only a small number of media reported on it and although the speaker was strongly attacked for it in the newspaper of his own party, the "Vorwärts" ("Forwards"), by the speechwriter of today's German Foreign Minister *Sigmar Gabriel* (also SPD).

Dresden speech 2017

The complete speech by Matthias Platzeck can be found at: www.sz-online.de/nachrichten/brauchen-europa-und-russland-einander-wirklich-3617266.html?bPrint=true. It is also worthwhile to listen to it. It can be found at www.youtube.com/watch?v=ofhQOCH1cOQ (both in German)

Dresden address

Matthias Platzeck's speech makes a refreshing change from what one is accustomed to from our mainstream media. Even so, or perhaps precisely therefore, the speaker received a lot of applause for his

address at the Dresden Schauspielhaus, and he and his opinions also have a very good reputation in East Germany. Even large numbers of the readers of the "Vorwärts" were in favour of Platzeck's positions.

In Dresden, Matthias Platzeck spoke about his personal relationships with Russia and the Russians. He paid tribute to the Russians with whom he had personally been involved, and also appreciated the Russian culture and the great importance of the German-Russian relations in history.

Then he said: "Please understand me correctly, if today, in this address, I will be [...] treating what is on my own doorstep and addressing those aspects which according to my mind are not adequately taken into consideration, or of which I simply disapprove, in the way we deal with Russia in the West and particularly in Germany. This does not mean that I am in agreement with everything that is going on in Russia. [...] But I always try to look closely and also, despite all the criticism I might have, to understand the other side [...]. For me this is a minimum requirement in dealing with each other – especially if the dealings are to be peaceful."

Criticism of the popular image of Russia

Matthias Platzeck described the image of Russia that has by now been widely disseminated in Germany: "On television and radio, in magazines and newspapers, in the political discussion, we are met with a one-dimensional image of Russia and the Russians. The voices concerned with differentiation have become scarce." There is an image of Russia, "based on prejudices and stereotypes, some of which are centuries-old."

At the core of these prejudices lies the firm opinion, that "Russia and the West do not belong together; Russia and the West – they are fundamental opposites. One could also say that Russia and the West – they are enemies."

Russia's negative experiences

Matthias Platzeck then talked about the negative experiences Russia made with the "West" after 1990: "The changes in the 1990s discredited the terms 'democracy' and 'liberal market economy' in Russia. The entire economic and social system collapsed [...], crime got out of hand, murders were the order of the day; The excesses of an unbridled capitalism gave immense wealth to a few, the so-called 'oligarchs', but left the many impoverished.

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For the majority of the population, social stability and a functioning, reliable state have been a top priority ever since the chaos of the *Yeltsin* years. *Their return to their own strength, to national traditions and mentalities is an almost inevitable consequence of these negative experiences [...].* [emphasis mine]

Also Germany, on which Russia had pinned high hopes after 1990, contributed to these negative experiences and showed no willingness to take those Russian experiences seriously. On the contrary, "Germany was more interested in instructing the young [Russian] democracy with a raised index finger. As a partner and a power factor, Russia was no longer taken seriously." Platzcek recalls *Vladimir Putin's* speech to the German Bundestag and his offer of cooperation in 2001. "The outstretched hand was never grasped by German politics. Putin's speech at the Munich Security Conference in 2007 then proved to be an alarm call, which made it clear that Russia saw its security interests threatened by the American hegemony and the NATO-East expansion."

Never an equal dialogue partner

Matthias Platzcek mentions other Russian offers for cooperation which were never taken up, and concludes: "It is important to take into account that after the signing of the *Paris Charter* [in November 1990], Russia has never actually become an equal dialogue partner for the Western world, and not even for Germany."

First and foremost, Russia missed a convincing Western response to its security needs. But why did the West not establish a European security order which would have been accepted from all sides? For Matthias Platzcek this was and still is an expression of western hubris.

Russia's need for safety has been ignored

"The fact that this topic did – and still does – not find a sympathetic ear in the West certainly had much to do with the 'triumphalism' that took hold of the Western world after the end of the Cold War. Russia was the clear loser, the West was in possession of the only saving world formula, and was convinced that everything it did was right. So, out of this arrogance, the German policy with regard to Russia concentrated primarily on 're-education' about Western values." On the other hand, "the integration of Russia in Europe as a partner on an equal footing, the integration of Russia into a common European security architec-

ture, that is to say the concerns which Russian policy has repeatedly drawn our attention to over the years, these have not been taken seriously at all – not even by us Germans, who are connected to Russia by a tragic history."

Germany lacks respect for the Russian war victims

This is "perhaps the most painful disappointment on the Russian side": "Germany, which from 1941 to 1945 had carried out an extermination war of unprecedented proportions against the Soviet peoples, showed, according to what the Russians felt, a lack of recognition." And: "The great act of reconciliation achieved by the Russian people was not adequately appreciated, even though it ended with the gift of German unity to the Germans. Moreover, the reunited Germany showed a lack of due respect for the victims in Russia." In the past few years Germany has been thinking about all sorts of historical events, but not of the day when the "Wehrmacht" attacked the Soviet Union: "On that day there was a peculiar silence in Germany. The 75th anniversary of the attack on the Soviet Union was not a day of official commemoration, neither in the 'Bundestag' nor in the form of any events planned by the Federal Government."

Double standards applied in the Ukraine question

As far as developments in Ukraine are concerned, "things are painted in black and white [...]: It is always the others who are to blame." The discourse on the topic is "emotionally so charged [...] that there is no room for differentiated analysis, let alone for self-critical analysis. Resentment and irrational fears have won the upper hand and are eagerly fueled, old enemy images and prejudices are being reanimated" – on both sides – that is, namely also on the part of the EU and NATO states.

Matthias Platzcek criticises the "double standards" of the West; one wants to teach Russia about international law, but has "condemned oneself as untrustworthy [...]", for example by means of the violations of international law in Kosovo and Iraq or by the military activities in Libya."

Suggestions for a new start

Matthias Platzcek does not stop at the analysis. He makes suggestions as to how things may become better: "We must, as it were, restore everything to what we began with in connection with Russia and call out a zero-hour for German-Russian relations. Such a re-launch involves that we treat Russia as an equal partner and create eye-level – in our meetings and in our negotiations.

In addition [...], we must welcome the idea of accepting and respecting differing concepts based on different traditions, views and ways of thinking. [...] We have to concede to Russia that it will go its own way and that it will alone determine its steps towards democracy and the way in which this democracy will be shaped in the nearer and farther future."

Votes for an understanding

At present "votes for an understanding with Russia are most likely to be expected from the population and the economy [...]. Matthias Platzcek mentions a survey by the German *Körber Foundation* in 2016. According to this, "a clear majority of 81 per cent of Germans expressed their wish for closer relations between the two countries. Even 95 per cent of Germans thought that a political reconciliation between Russia and the European Union was important." And: "The results were similarly clear in Russia."

Finally, Matthias Platzcek discussed the importance of the German-Russian Forum and the necessary next steps. He sums up as follows: "I think that Germany and Russia, as well as the European Union and Russia, might superbly complement each other as partners on the continent – with opportunities and advantages for both sides. Nor will we be able to solve global crises rationally and permanently without the involvement of Russia. Today we are dealing with a highly complex multipolar world in which complex interrelationships and interdependencies must be taken into account, in which almost everything is connected with everything else. Matthias Platzcek continued, "we should do our utmost in Europe to ease and improve our relationship with Russia. We should also consider offering some commitment and effort in advance and we should begin to lift sanction unilaterally. This may also help to bring movement to the gridlocked situation on the continent."

The potential of relations was "gigantic [...]. However, an essential prerequisite for cooperation is a security regulation for the European continent in which Russia is integrated as an equal partner. For without or even against Russia [...] there will be no stability and no security in Europe. [...] Germans and Russians have a common geographical and a common cultural home in Europe. [...] Germans and Russians do not face each other with a cold heart, and that makes me confident and encourages me in my opinion that heading into the future together with Russia will be very promising." •

(Translation *Current Concerns*)

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Giacometti was doubtful. He paid tribute to the efforts in Germany after the war. He doubted, however, whether such barriers can really work in the constitution and the constituent institutions can control themselves, and whether the judges may align to the political circumstances or to the "Zeitgeist". His question: Can the positive law really prevent that the Constitution will be reinterpreted and bypassed, its provisions are not complied with or even swept away by political events?

Today Giacometti's view is confirmed: In the German Constitution it is forbidden, for example, that Germany wages a war of aggression. Every aggressive war is a fundamental violation of human rights, therefore war must not start from German territory. But what is the reality? German soldiers are in Afghanistan for several years, and are directly or indirectly involved in the wars in Yugoslavia and the war in Iraq, and they are involved as well in the Syrian war. – The barriers built into the Constitution and the Constitutional Judges have not prevented that.

The law of nature – so Giacometti – is interpreted by the governments. Therefore, subjective and political assessments play a role. The appointment of a federal judge in the United States for example is a highly political matter, because the US President uses to appoint mostly a judge with the same ideological point of view. Giacometti: "the law of nature can be even harmful for the constitutional state, when it is misused as an instrument of policy. [...] In the arsenal of natural law almost every political regime as well as every ideology finds spiritual weapons fitting for their ideological defence."

A contemporary example:**Law jurisdiction of the Europea Court of Justice for Human Rights (ECHR)**

Recently Switzerland was absurdly convicted in Strasbourg of torture. The court hold Switzerland liable for an asylum seeker sent back to his country of origin being tortured there. This, even though Swiss diplomats visited him there and brought him after his release back to Switzerland.

A panel of judges renders such judgments decisive in 47 countries. It is not surprising that in some countries the Strasbourg judges are increasingly perceived as "foreign judges" lacking legitimacy. Human rights understood in this way are becoming an instrument of dismantling national states.

The judges in Strasbourg are criticized, because they often do not judge in a generic way (corresponding to the spirit of the ECHR) in more recent times, but extend

the human rights for political or for reasons of development of their own power. The question of human rights gets out of hand, so that the judges sit on a pile of a few thousand of uncompleted cases today. There are discussions, whether a crucifix may hang in the classrooms of Italy or whether there's a human right on a minaret, whether Muslim students must take part in the swimming lessons, etc. Such judgements, which are supposed to impact even beyond the affected countries, weaken democracy in the concerned countries and distract from the very essence of human rights. And especially they distract from noticing that today the most elementary human rights in many parts of the world are starkly violated – especially in the crisis regions, and as a result of the war policy which is conducted by countries which have ratified the ECHR.

The people as a guardian of human rights: Conditions for the direct Democracy

Professor Zaccaria Giacometti referred in the second part of his presentation to the crucial point: Can the people be guardians of human rights?

Human rights are essential for man: "It immediately suggests itself that the people and the representatives of the people as the beneficiaries of the rights of freedom in a sense are intrinsically entitled to guaranteed human rights. At least this should be presumed. People enjoying freedom rights are intrinsically supposed to have the duty of being guardians of human rights." Zaccaria Giacometti's point of view of humans is expressed in a beautiful way in such statements. He trusts people as social and rational beings, to ensure the order that corresponds to them by their nature.

Democracy – so Giacometti – offers the greatest chance of achieving the freedom rights. Giacometti: "the people must be prepared for the liberal democracy, must be politically mature. People appear mature for real democracy, if they meet certain requirements":

Idea of freedom: "firstly the idea of freedom of the individual and the people has to be alive and the constitutional law of nature must be effective not as a law but as an ethical force."

Political conviction: "liberal values must prevail, but not euphoric moods or opportunistic intuition on the spur of the moment but as deep political beliefs that dominate the consciousness of the people all the time and is supported by the driving forces of political life."

Historical consciousness: "the people must have a liberal tradition. The liberal beliefs have roots in such a tradition. As a result, tradition is historical consciousness and therefore liberal tradition is liberal historical consciousness. But a democ-

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DES REKTORS PROF. DR. ZACCARIA GIACOMETTI
gehalten an der 121. Stiftungsfest der Universität Zürich am 29. April 1954

DIE DEMOKRATIE
ALS HÜTERIN DER MENSCHENRECHTE

JAHRESBERICHT 1953/54



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racy has such historical awareness in the case that it is based on a liberal past, so that the previous generation has handed a treasure trove of liberal political ideas, views and experiences to the living generation. [...] What you have inherited from your fathers, acquire it to make it your own."

Political education: "the living generation has to appropriate this ancestral treasure in liberal political insights and liberal political experiences, to grind out through appropriate political education, proving and probation as constituents and as a simple legislator of genuine democracy."

Giacometti came to the conclusion: "A great political education means is the referendum."

Since the introduction of the referendum law at the federal level in the year 1874, active citizens have taken the referendum about two hundred times successfully resulting in voting on a bill. About as many times there was voting on people's initiative. Additionally, there were numerous referendums in the cantons and municipalities.

The principle of division of forces as guarantor of human rights

Giacometti hinted out a further point in the constitutional state that protects human rights: the principle of division of power according to Montesquieu is a cornerstone of democracy and human rights: the state power is to be divided into the executive (government), legislative (legislature) and the courts. These three branches of power inhibit and check each other, which prevents misuse of power and protects civil rights and liberties. In direct or semi-direct democracy, with referendum and popular initiative, the people is

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– alongside the parliament – an important part of the legislative power incl. the constitution. Giacometti said: "Active citizenship as a sub-organ of the constitutional and the legislative powers discharges this inhibiting function against Parliament and the administration."

Giacometti then explained how the principle of the division of power has kept Switzerland in the difficult time between the two world wars from reducing democracy and restricting civil rights and liberties substantially – as has happened in most countries at the time.

Federalism as guarantor of the Human rights

Giacometti cites Federalism as a further constitutional principle which respects human rights. By dividing federal authority between the cantons and the Confederation, Federalism protects citizens' individual freedom. A similar effect can also be observed in the cantons, where the municipalities have a far-reaching autonomy with their own fiscal sovereignty and in which the citizens actively participate in community affairs. The "community people" themselves take care of civil rights and liberties.

Giacometti hinted at an important point in federalism: "The smaller the community is, the more intense seems the participation of the liberal-minded citizens in the exercise of public functions." This argument has recently been central to statements against community fusions. In the canton of Glarus, for example, the interest in community events (especially in the municipal councils) has clearly diminished after the merger of the small municipalities into three large communities.

Protection of human rights in times of crisis

The times immediately after the First World War were difficult, so that the authorities in Switzerland often sought refuge in emergency law without complying with the ordinary legislative procedure and, in particular, without allowing the referendum. The measures were urgent and had to be put into force quickly, was the reasoning in each case.

In particular, in the thirties, the Federal Council and Parliament attempted to combat the crisis by means of economic control measures (generally binding federal resolutions), which could indeed be explained by the emergency situation, but were mostly infringing the fundamental right of trade and commercial freedom. The decrees were "urgent", i.e. they were immediately put into effect with a simple majority of the Parliament, usually limited

to two or three years (and often extended later). In total, the authorities sought refuge in the inter-war period about a hundred and fifty times (thus eliminating the referendum and preventing popular votes).

For example, in 1934 the Confederation forbade the opening of new department stores or the expansion of existing department stores with new branches. This measure was directed against the founder of Migros, *Gottlieb Duttweiler*, who had begun to expand the Migros system area-covering all over the country (thus threatening the existence of many detail shops). Duttweiler (who had certainly taken the referendum against the ban), however, let himself not be deterred by the emergency right. He sent trucks as mobile sales warehouses to the neighborhoods of the cities and villages and extended the Migros sales network in this way. And shortly afterwards, he founded a new party, the Landesring der Unabhängigen (country ring of independents), which in 1936 submitted a popular initiative to "safeguard the constitutional rights of the citizens" (which was rejected by the people in 1939). In the years and decades after, the Landesring should still submit many popular initiatives and take referendums.

Controversial legal basis of the emergency law

Federal Council and Parliament based their emergency policy on Article 89 of the then Federal Constitution:

"Federal laws, as well as generally binding federal resolutions, which are not of an urgent nature, should, moreover, be submitted to the people for acceptance or rejection if they are demanded by 30,000 voting Swiss citizens or eight cantons."

In the inter-war period, the authorities very often opted for an emergency law by claiming that a general-binding federal decision was "urgent" and thus excluded the referendum. But no one knew exactly what "urgent" meant. An explanation was always found, because the times were really difficult and the authorities tried to combat the crisis. Many active citizens, however, found that the emergency law was used too often and the reason would lay in the bureaucracy's struggle for more power. Abroad, there were enough examples in which politicians used the crisis to eliminate the civil rights and liberties, to break down democracy, or even to establish a dictatorship.

Zaccaria Giacometti, who was Rector of the University of Zurich after the war, and was one of the most influential experts in constitutional law of his time, said in his speech in 1954 that

"the adoption of a large part of the urgent federal resolutions, inacted during the two decades between

1919 and 1939, [...] was not for reasons of shortage of time, but for fear of negative popular decisions, for example, of the rejection of economic control measures. [...] While these popular decisions [...] largely served to defend the restrictions on freedom linked to the governing measures, this fear of negative popular decisions [...] was based on the fear of the people as guardian of the civil rights and liberties."

This statement is as up-to-date today as it was then. Today, there is also a risk that in the context of globalization and international law the nation-state will be weakened and democracy and civil rights and liberties will be reduced. Such dangers also exist in the context and as a result of the fight against terrorism.

Fight against too much emergency law in the inter-war years

It is interesting how the people in the inter-war period responded to the many emergency laws and fulfilled its role as guardian of civil rights: the possibility to call for a referendum was often blocked – but not to launch a people's initiative. A total of 25 national initiatives were submitted during the inter-war period – among them five people's initiatives from different political camps all of them aiming at containing emergency law and defining its legal requirements more closely and more precisely.

The so-called Richtlinienbewegung (guidelines movement), which was supported by the economic opposition such as the SP (socialist party), the trade unions, the employee associations, the farmers' home movement and the Free Trade Association, was successful. In its initiative for urgent decisions it required a majority of two-thirds in Parliament and a time limit of three years for those decisions. The initiators collected more than 300,000 signatures. So strong was the need to rectify the unsatisfactory legal situation! The Federal Council agreed with the direction of impact of the people's initiative. However, he weakened it drafting a counter-proposal, which was adopted by Parliament. Later, the initiative was withdrawn. Article 89, revised by Parliament, read as follows:

"General binding federal decisions, the enforcement of which cannot be postponed, can be declared urgent by the majority of all members in each of the two Councils. In these cases the popular vote cannot be demanded. The term of validity of urgent federal decisions is to be limited."

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The people agreed on 22 January 1939, on the eve of the Second World War, with almost 70 per cent. The new article clarified the situation to some extent, but he changed the legal situation just slightly.

During the war, Federal Council and Parliament had an extensive authority, which largely excluded referenda and people's votes on federal decisions. But even during these difficult years, the commitment to freedom and democracy did not rest. Active citizens submitted six people's initiatives, which, however, just came to vote after the war. They related to key questions of a future economic order, agriculture, pension provision and family policy, and they set the direction to lay in the course of a number of popular votes the foundations for social market economy as we know it today. This shows that even in the threatening situation of the war, active citizens were politically concerned to improve the living together and the state order (see *Current Concerns* 22.2.2016).

Constitutional Court as a way out?

A committee composed mainly of lawyers and professors of constitutional law – among them Giacometti – submitted in 1936 a people's initiative "On the Protection of the Constitutional Rights of the Citizens" with 58,000 signatures. The legal experts demanded that a Constitutional Court be established with the task of checking federal decrees (for which the possibility to launch a referendum was excluded) on its compliance with the Constitution and of assessing its urgency. On the one hand, the initiators wanted to put a stop to the emergency practice of the federal authorities. On the other hand, they wanted to lay the foundations for establishing a constitutional court. The voting campaign evoked strong emotions. – On 22 January 1939 it came to the vote. The result was clear: almost three-quarters of the voters and all cantons said no. It is not the judges to decide on such important political questions – but the people.

After the Second World War, Giacometti changed his mind and in 1954 he commented on a proposal that judges should decide on fundamental constitutional questions: "The judge over the constitution! This is an intolerable idea in a constitutional state."

There is a correlation between the debate on emergency law at that time and

the discussion on the so-called "international law" of today. Today, the Parliament tends to not implement people's initiatives because some parliamentarians assume a "primacy of international law" (which means bilateral treaties with the EU in particular), which is said to be above federal law. The Federal Court has contributed to this paradigm shift without legitimacy of the Constitution and of the people. In October 2012, for the first time, the Federal Court declared non mandatory international law to stand above the Federal Constitution and this was justified as follows: "If there is a genuine conflict of laws between federal and international law, Switzerland's obligation under international law will in principle be applied. This is true even for agreements which do not relate to human or fundamental rights." This is new and reduces considerably the legal framework for direct democracy. Judges would have a task which they hadn't had yet. Justly, critics speak of a silent coup d'état. The answer came promptly: in August 2016 the self-determination initiative "Swiss law instead of foreign judges" was submitted. Further initiatives relating to the agreement with the EU enabling the free movement of persons have been submitted or are being prepared.

Return to direct democracy after the Second World War and today

The debate on the constitutional basis of the emergency law soon resumed after the Second World War. The legal situation was still unsatisfactory because it gave the authorities too much scope to prevent referendums and to circumvent plebiscites.

In 1949 the popular initiative "Return to direct democracy" was adopted in popular vote. All the major parties had previously opposed it. Giacometti was decisively involved in the initiative. The people's initiative decreed that emergency resp. urgent law should continue to be possible and could be put into force immediately in the councils with simple majority. However, if it violates the Constitution, it must be voted on within a year. If it is immediately put into effect, but is not contrary to the constitution, the referendum can be taken within a year. – This rule still applies today. The popular vote of 1949 caused the emergency law to be applied only in a few cases.

At that time, the Swiss People has, in constant commitment to democracy and freedom, hindered the dismantling of democracy and the development of power of government, parliament and courts,

and protected human rights. Today, in times of globalization and EU integration, the road to protecting and maintaining human rights and direct democracy is at least as rocky as in the difficult times then. We are faced with a very similar situation to that after the Second World War: it is about the return to direct democracy. At that time, it was possible to find a constitutional solution for the emergency law, which has not been questioned to this day. It is to be hoped that such clarification will also be achieved in today's debate on "international law" – that is, treaties with foreign countries – which should limit the framework for direct democracy.

Crowning concluding words of the great expert of constitutional law Zaccaria Giacometti in the year 1954

"In Switzerland, the people is actively – comprehensively and immediately – a direct protector of human rights, and our country is therefore characterized, in spite of all, by a harmony of extensive individual and political freedom. This harmony is conditioned by a free-spirited atmosphere, based on liberal political values, on long time liberal tradition, on long-standing, liberal political experience and probation. Yes, Switzerland is a unique case of democracy, where the people as the legislator is itself the guardian of human rights, and thus gives, in the most beautiful way, the living proof of the possibility of existence of a genuine, a liberal democratic state."

The presentation ended with the well-known words of the Zurich poet, Gottfried Keller:

*"The country is just right,
Is not too good and not too bad,
Is not too big and not too small,
To be a free man inside! "*

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Exploding Expenses and over-arching administration in the Swiss State

A Call to Duty for us Citizens

by Dr iur Marianne Wüthrich

People living in directly democratically organised states are, according to surveys, more satisfied than others. For they feel less exposed to the power of the state, because they can co-decide on important issues.

But direct democracy involves much more than the right to vote on issues and take initiatives or referendums. To the “satisfied citizen” is also the awareness that every single one of us is important. By considering the whole at community, canton and federal level with our fellow citizens and feeling responsible for it, we become satisfied citizens. For example, it must be a matter of all of us which school we demand for our next generations of citizens. Whoever thinks the school is no longer important to him, because his children are already through with it, is not aware of the commitment of the citizen in the directly democratic state.

In the following, two areas alert citizens are today in particularly necessary. Two current examples from the municipal vote on 12 February 2017 in the city of Zurich show this; in other large Swiss cities it will not be much different.

Containment of government expenditure

While in smaller municipalities the citizens still have an eye on the fact that the state rate do not shoot through the roof, in a large city like Zurich the majority of the voters seems to have lost any measure. For years, they have granted the most generous loans for all kinds of projects, which could certainly be realised at much lower cost. Perhaps even with a renovation instead of a new building? Throughout the country, the primary school has become well known, for which the Zurich citizens granted a credit of 90 million (!) Francs on 9 June 2013 (for just 5 nursery classes and 15 primary school classes).

It goes without saying that the majority of them are socially thinking and do not want to take the Red Pen in schools or social institutions. The education of youth for direct-democratic participation implies that they are not only striving for their own interests, but also learning to look for fellow human beings. Citizenship to ensure a good education of our children and grandchildren cannot be done with the construction of overpriced luxury schools. In a village, such an exorbitant expenditure would be inconceivable, even after deducting the higher land charges and building costs in the city.

On 12 February 2017, the citizens of Zurich had to decide on three municipal votes, in addition to three federal votes. One of them again contained a credit for the construction of a school house, which this time amounted to “just” 30 million francs. Whoever now believes that the city administration has come to reason is wrong. The planned school house Pflingstweid is a lot smaller than the school house Blumenfeld from 2013: It has only nine primary school classes (1st to 6th grade), i.e., CHF 30 million for 180 children! With catering space plus sports hall plus multipurpose hall – for nine classes! And with galleries all along the window fronts, so that schoolchildren can “learn independently”. According to Curriculum 21, they can stroll there or in the adjacent park: “At the same time valuable connections between the park and the school are created,” according to the commentary in the voting newspaper.

Most of the Zurich voters seemed to have no hesitation in agreeing to the 30 million school house. More than 88 per cent said yes on 12 February.

We do not do good to our school children, when we teach them in Curriculum 21-compatible luxury buildings. What they need are not individual boxes, galleries and “learning” on a greenfield, but a school room for each class and a class teacher who works with them to develop the learning material. In addition to all the other advantages of class teaching, a much lower cost is a further advantage.

Removal of Administrative Bubbles

Another area, which we as citizens need address, is the almost sinister growing administrative bubbles at the federal level, the cantons and cities. Not only because the strong increase in the number of clerks and the “projects” they initiate which cause an increasingly taxation. But in addition to that there is a creeping takeover of state power by democratically unauthorised administrative departments that is particularly disturbing. For example, at federal level, the Federal Office of Public Health (FOPH) or for the Environment (FOEN), which have been discussed more frequently in *Current Concerns*.

In the cities, administrative bubbles are growing particularly strongly in the social sector. It must, of course, be taken into account that large cities have a far higher share of people depending on social welfare than in rural areas in proportion to the population. Nevertheless, there would be

plenty of opportunities to be more economical in this area as well. The Social Department of the City of Zurich spent around CHF 1.4 billion in 2015. This is roughly a sixth of the urban budget. A staggering sum!

Another example from the Zurich municipal vote of 12 February: The voters decided on the future of sip züri. The sip züri (security, intervention, prevention) is a group in the Social Department, which was introduced by the municipal council (parliament) in 1990 with a limited duration and has been extended several times since then. Their employees are to communicate in the public space in case of dispute and noise, intervene with harassment and provide information and direct help on the spot. In addition, sip züri has to supervise so-called “exposed institutions of the social department”; The four urban centers for drug use and the publicly funded prostitution facility – with 15.900 hours of service in 2015.

You have read correctly: The Social Department of the City of Zurich operates four drug delivery centers at the expense of taxpayers and the publicly funded prostitution area which you find only in Switzerland (see box)

On 12 February, the voters now had to decide whether the “Conflict and Help in the Public Access Area” program should be permanently installed and, in particular, whether to allow the annual approval of the necessary financial resources to the municipal council (parliament). 79.4% of respondents said yes, although a strong minority in the parliament (49 no – against 69 yes votes) had argued against it from two far-flung political corners.

Against a Complete Administration of the Citizens by the State

The SVP criticized the fact that sip züri is not a real security service because it has no enforcement powers, i.e., for example, it cannot impose space or house bans, but in case needs the police to intervene so that finally two institutions are concerned with the same problem. Hence sip züri, which costs the taxpayers every year 4 million francs, is only a further expansion of mobile social work.

The leftist AL (alternative list), on the other hand, came to grips with the “gentle repression” which sip züri exercises with its “social control in public

International Women's Day – Supplement to 8 March 1917

by Rainer Schopf

One hundred years ago, on 8 March 1917, hundreds of thousands of women demonstrated against hunger, the tsarist government, against war and for peace. They claimed their men back from the murderous First World War. Only a week later, Tsar *Nicholas II* had to resign. The pressure of the peaceful protesters had grown too great, and the generals refused the Tsar to violently suppress the uprising and to shoot at the demonstrators. Thus, it was a bourgeois revolution led by women imposing a monarchical democracy in Russia already in March 1917. The women peacefully fought for and enforced freedom of the press, of religion and of opinion, and they succeeded

ed in forbidding the banishment to Siberia.

Unfortunately, this great success could not be transformed into sustainable governmental action in the coming months. Marxists, Bolsheviks, socialists, and others took the lead of the movement, directing the masses into their tracks. The rest is known. In the October Revolution, *Lenin* with his followers took power in St. Petersburg, ordered the Tsarist family to be assassinated, and established a dictatorship in which at a later date millions of Russians were murdered under *Stalin*.

The International Women's Day was proclaimed by *Klara Zetkin* in 1910 for the first time without a fixed date, and

in 1921 it was established on the 8th of March, in memory of the Women's March Revolution of 1917. This year marks the 100th anniversary of the women's rebellion, even without many people being aware of the events of 1917. In history, the victors are usually dominating, so Lenin, the courageous women. But in the former Eastern bloc countries you do not find an empty table in a restaurant on 8th March, if you did not reserve in time. The men invite their wives to eat and offer them flowers in recognition of their commitment to peace. A wonderful tradition. •

(Translation *Current Concerns*)

"Exploding Expenses ..."

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space." This patronizing and overprotection of the population by the state in today's well-fare society is even for the progressives too much.

Particularly noteworthy is the second argument of the AL. Here are the concrete numbers:

Money Sink

"Over the years sip züri has been steadily expanded. It started with 6.4 full time positions equivalents (FTE) and a budget of CHF 1.267.000 and has now reached 33.9 FTEs, with a budget of 4.179.700 francs.

The sip assignment was formulated so openly that new tasks could be added almost without restrictions. At first, drug and alcohol consumption as well as punks were the focus. Later, drunken teenagers were a problem, in 2008 the publicly visible red light milieu, 2014 asylum seekers in the center Juch. Today's disruptive factors are mainly drug users, socially marginalized, adolescents and partygoers."

The fact that this resistance to the extensive public administration of citizens by the state is coming from the far left, shows that really a drastic reversal is needed. It is astonishing that only about 20 per cent of the Zurich voters followed this warning voice.

We as citizens, especially in the cantons and cities, are becoming increasingly aware

Drug consumption in drop-ins and publicly funded prostitution facility

Drugs by the state – a whole lifetime

mw. Remember: In the nineties the Zurich electorates with the help of misleading propaganda were brought to accept the distribution of heroin and other drugs to addicts. It was argued by doing this they would be able "to live and work normally" and not bother the public. Vitaly important institutions for drug withdrawal and the following therapy were then closed.

The result: Many stay drug dependent all their life and often become criminal, too. Instead of helping the addicts out of their misery, today the urban social workers manage the so called "drop-ins", where addicts use their dope and make their injections round the clock. By the way, in Switzerland there are already built nursing homes where the ageing drug consumers – after their addiction has been paid by the state together with the health insurance funds over decades – can be dropped off.

One thing is clear anyhow: this requires many, many jobs in the social department of the municipality of Zurich.... and the administration bubble can continue growing.

of our control task to ensure that the public sector deals with the tax money in a more economical and prudent way. We have our voting right not only to "have something to

Sex boxes for punters a governmental responsibility?

On 11.3.2012 the electorates of Zurich-city approved a 2.4 million credit for a publicly funded prostitution facility with 46,545 yes to 41,883 no-votes, a narrow result with a rejecting majority in some districts, especially massive in Zurich Altstetten (64% no-votes), where the facility then was built.

The prostitution facility "Depotweg" first of all shall enable «better working conditions» for prostitutes. It consists of ten garage-like, open boxes, where the punters drive in with the car and can "purchase the sexual service" (cf "Neue Zürcher Zeitung", 11.3.2012). – "better working conditions" during sex in the garage? Even in this domain the wrap-around-care by Zurich-City becomes more and more grotesque: Not only patrols of sip züri take care of the adherence to the facility standards, but there is also an advisory pavillon of the «womens counselling service Flora Dora» for sex workers on the facility ground which is open daily from 7 p.m. to midnight. Besides the lease costs of 92 000 SFr. annual personnel expenses in the amount of 270,000 SFr.- have to be reflected in the budget.

say". In no association, in no cooperative, the members' assemblies would approve so lightly to spend money, just as the assemblies in smaller communities. •

Citizens' letter for peace and democracy

The monthly digital *letter for peace and democracy* addressed to the citizens has existed since 2014. It was already presented in this newspaper on 29 September 2015. Again, we draw attention to the fact that it has appeared on its own homepage (www.bürgerbrief-für-Frieden-und-Demokratie.de) since January 2017 and can also be subscribed free of charge via e-mail (*info @ Bürgerbrief-für-Frieden-und-Demokratie.de*).

Why this citizens' letter? Aren't there already many internet portals with often interesting information, so that one hardly has an overview? Precisely because of that! We do not add new information, but we choose information in order to make it easier for others to get information with a topic. We (briefly) summarise information and interesting opinions from various sources and link them with the original article. In this way, each reader can be informed by the summary and, secondly, if the interest is deeper, the source can also directly be called and studied.

Only sometimes we give a short comment to the source, if this seems necessary to us. Apart from that, we do not give any comment and we avoid polemic debates, which on some portals in the blogs take place excessively and rather hinder a quiet opinion. Our "commentary" on world events is the selection of the sources to which we refer. Here, of course, subjectivity flows in, because our overview is certainly not complete, although the editorial team is collecting diligently. And the choice is shaped by what we consider to be important, informative, interesting and serious, and what we come to know. It is like gathering sea shells on the beach: we take the best ones we see.

The thematic selection results from the title: peace and democracy – as well as their threats and safeguarding or active shaping in the current public life. We are convinced that peace and democracy can only be secured steadily if we citizens actively shape this process. To do this, we must certainly use our democratic institutions that we have. But it is not enough

that we just "work to rule", that is that we just vote, when we are summoned to the elections, and otherwise rely on our elected representatives or get annoyed with them. No, democracy and peacekeeping is a much broader form of public life. There are vivid activities of various kinds in Germany in many places. We also report on this in order to ultimately support networking, which then is in everyone's own hands. You just have to know.

We want to contribute to the spread of a political culture that engages in "bottom-up" debates and ultimately comes alive in decisions. To this end, we need much more and better direct democratic elements in Germany, which, in principle, are envisaged at the federal level, too. And we need imagination and courage for ethics to be not only informed, but also to act. For we citizens are the sovereign.

*The editorial team
Citizens' Letter for peace and
democracy*

(Translation Current Concerns)

Letter to  the Editor

Radical school reforms 2006 – 2016

In 2006, grouped under the heading of "harmonisation", Swiss people accepted the education article thinking that there would only be a harmonisation of the start of school education with educational objectives. That same year, a small project team of experts for "competence orientation" started working on the foundation of Curriculum 21. Simultaneously, the commune of Uetikon am See began planning "self-directed learning" in order for the school to be able to remain in the village. Mere coincidence? *Honi soit qui mal y pense!* [May he be shamed who thinks badly of it]

Of course, back then, nobody knew that "harmonisation" was one of three goals of the economical organisation OECD in order to "open" the global education market while envisioning to one day replace teachers with the same computer programmes worldwide. At the time of the shocking PISA results, OECD had already initiated a worldwide wave of reforms that replaced traditional education systems with OECD's "competence orientation" which in turn lead to a downward spiral (e.g. Finland, New Zealand etc.) within the PISA ranking that

continues to spark new reforms. Even today, hardly anyone knows that OECD's "competence orientation" (according to *Weinert*) with its "self-directed learning" has been established in the foundations of "Curriculum 21" as the sole contemporary method. Classroom teaching, free choice of methods and teachers have been replaced by self-directed, individual learning with the help of computer programmes.

Ten years later: In 2016, the Swiss teachers umbrella organisation LCH paved the way into the classroom for global education companies with its guidebook on "external educational funding". In October of the same year, German Federal Education Minister *Johanna Wanka* announced "Digital pact #D": 40,000 schools in Germany are supposed to be equipped with computers and WLAN within the next five years. In return for financial support, certain concessions are expected to be made that are a massive interference with the teacher's occupational profile and self-conception of teaching. Teachers are to be educated on the use of digital media during lessons. However, the focus would be placed solely on digital media as op-

posed to dealing with all types of media in school. At the same time, the study of digital technology as a synonym for media technology is made compulsory (see analogy to Curriculum 21) which is a direct interference with the teacher's free choice of teaching methods.

In 2016, Curriculum 21 "experimental" schools such as secondary school Ossingen have stopped using teachers and classic classroom teaching. Now, usually, "learners" and "learning guides" are sitting in front of computers and tablets. The isolated, digitalised monologue is particularly damaging for language learning. The same year sees Switzerland's PISA ranking plummeting and 20% of school graduates cannot be brought into work because they lack basic skills. Coincidence or bad omen?

The neoliberal economisation (privatisation) of education has been advancing further over the course of the last ten years. The global education market's revenue is meant to be increased from 4.5 trillion US dollars in 2012 to 6.4 trillion US dollars in 2017.

Peter Aebersold, Zurich

No end of history!

by Dr phil René Roca, high school teacher for history and head of the Research Institute for Direct Democracy

In the Canton of Basel-Stadt the Curriculum 21 was introduced in the 2015/16 throughout kindergarten, primary, and secondary school. On secondary level this also included combined subjects. In the future, instead of history and geography, there will be a combination of “Räume, Zeiten, Gesellschaften”, RZG (Spaces, Times, Societies) and instead of biology, physics and chemistry “Natur und Technik” (Nature and Technology). As a historian, I concentrate on the RZG. What I explain in the following section by means of the subject history is exemplary for all combined subjects. I would like to emphasise that I am as a high school teacher who “inherits” what primary and secondary school achieves, but these schools as a whole unit matters for me. It lays the central foundation for our direct democratic political system.

The value of the subject curriculum

Preliminary it should be noted that the value of the traditional, historically grown subject curriculum cannot be emphasised enough. It is a fruit of our scientific history. The result was a structure of knowledge that is immediately apparent in schools, but also in libraries and universities. Knowledge therefore is not a hotchpotch and cannot be “compiled” under whichever concept. Interdisciplinary work is only possible when structured basic knowledge is available. Especially at secondary level, it is necessary that historical knowledge is steadily conveyed.

A fact sheet¹ of the Department of Education Basel-Stadt claims the opposite in October 2016. Concerning the combined subjects it stated: “The subjects combining approach of disciplines aims at an alienation from the thinking in categories of single lessons and topics. The specialist disciplines are therefore committed to cooperate interdisciplinary. The experience realm of children and adolescents is not divided into disciplines [...]” Certainly, the latest version of Curriculum 21 shows that within the combined subject RZG the distribution of geography and history has largely been retained. Instead of chronology and systematic structure, only subject areas or topics are listed, for instance “Understanding Switzerland in tradition and change”. In the current RZG of Basel curriculum, however, this topic is not envisaged. This means that within teaching history is only recognisable in individual

fragments whose weighting – apart from a few binding contents – is not defined, but is placed at the discretion of the individual teachers.

It is fatal to forgo the value of the concept of “history”, since one renounces the specificity of thinking historically. If a thematic approach to history is made primarily, the result is a loss of awareness in terms of chronology and orientation in time. Historical consciousness and historical thinking fall by the wayside.

History has important integration functions

In several statements, the *Schweizerische Gesellschaft für Geschichte*, SGG (Swiss Society for History), as an organisation, which represents Swiss historians, demanded the uninterrupted conduction of history as a 2-lessons subject at secondary schools. Otherwise, knowledge of historical contexts would be increasingly lost: “However, precisely this knowledge is of crucial importance to judge and understand the political structures of Switzerland.” SGG further points out: “The imparting of historical and political knowledge about Switzerland also plays an important role, in a society in which many young people have immigrated into Switzerland, respectively no mediation of this knowledge can be expected from their immigrant parents. History provides the necessary individual and societal orienting knowledge on which integration processes can be built upon.” This also applies in particular to the Canton of Basel-Stadt!

Resistance to the abolition of the “history” of teachers, lecturers, experts (including a petition signed by over 1000 people) did not bear fruits. RZG is now introduced in Basel, with a reduction of the number of hours from four to three lessons. Now everything depends on the teachers of secondary level, who are struggling infinitely and are once again frustrated with good reason. The ultimate sufferers are the pupils.

Stop nonsense of combined subjects!

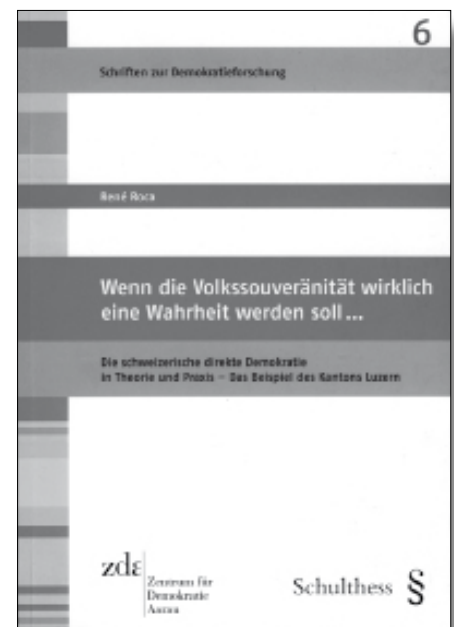
In the canton of Basel-Stadt, no serious revision of the last major school reform (OS, WBS, etc.) took place. Curriculum 21 is now introduced at all levels. Basel is one-eyed presented as a “pioneering canton”, and the problems are swept under the table. Now the next reform disaster is to

be coming. In terms of RZG, there are serious deficiencies: there are no teaching materials (not even in planning); training and education is often massively lacking practical relevance and overly theoretical; FHNW School of Education in Basel offers individual modules, but there is currently no separate training for RZG; it is only in autumn 2017 that the first training at the FHNW starts; so that the first FHNW graduates for RZG are available at the earliest in six years. The current solution of the Cantonal Department of Education (ED) for this problem: Two and/or non-specialist teachers are allowed to teach RZG. It is not too late to stop this nonsense!

The resistance against combined subjects as part of the Curriculum 21 is becoming ever wider. The Canton of Basel-Land has already achieved by an initiative, which has been accepted at the ballot box that individual subjects keep preserved at secondary level. In various other cantons combined subjects are questioned. Other elements of Curriculum 21 will also be so in the light of pedagogical practice. •

¹ https://www.edubs.ch/unterrichtslehrplan/volksschulen/einfuehrung-lehrplan-21/faecher-und-fachbereiche/faktenblatt-geschichte-und-geografie-in-den-fachbereichen-nmg-und-rzg/at_download/file

(Translation Current Concerns)



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Helvetia

A Swiss history for children and adults



Book Review

mw. "Helvetia. A Swiss history for children and adults" - as Iris Lydia Frei calls her magnificent and lovingly illustrated book, published in 2017. And in fact, the author understands in a well comprehensible language, with a lot of expertise and an exquisite sense of humor to address young and older readers and take them on a journey through Switzerland's history from the Middle Ages to recent time. It begins with the confederation of the three original cantons, whereby presenting in word and image each individual canton and its particular history in the development of the confederation, in the context of the European history of the respective epoch and until the foundation of the most recent Jura canton in 1979. Finally, Iris Lydia Frei briefly outlines how Switzerland is governed on the foundations of direct democracy and federalism. In the appendix, the individual cantons are listed with their statistical values and also with all kinds of characteristics and traditions.

At a time when Swiss universities abolish the professorial chairs of Swiss history it feels good to be able to read such an airy and competent history book, where the joy of one's own country can be felt on each page. "Helvetia" is also highly suitable as a shared reading matter in the family and in school classes.

The book "Helvetia" presents itself with some literal excerpts:

"Since there are four national languages in Switzerland (German, French, Italian and Rhaeto-Romanic), the Latin expression is often chosen as the name of the country: Confoederatio Helvetica (Helvetic Federation), abbreviated CH" (p. 5).

The legend of William Tell

"Landvogt Gessler was in office in the canton of Uri. He ought to have been a particularly unpleasant person. One day he had a high pole erected on the village square with a hat on top. Then he urged the Uri people to greet this hat hence, it were the emperor's hat. Actually, he only

wanted to show people that he could hold control on them. It must have been fun for him to boss others around ... "(The end of the story may be found on page 9)

The Federal Charter of 1291

"In order to preserve their autonomy, the villages on the lake had much earlier already formed alliances. Normally they were verbal agreements. This does not mean that the Central Swiss did not have time and again disputes among each other, for instance on alpine pastures or grazing areas. In uncertain times, however – the emperor had just died and the succession was unclear, – it seemed better to tolerate each other ..." (Read more on p. 23)..

The Swiss "Tagsatzung"

"Regular meetings of the cantons were necessary now, for it needed to be discussed how the 'common dominions' ought to be governed. Thus, whenever necessary, up to 22 times a year, the 'Tagsatzung' took place ..." (The continuation may be found on p. 44).

Brother Klaus and the Treaty of Stans

"In the Burgundian wars, the Swiss had shown unity and had together defeated a great opponent, Charles the Bold. As a result, however, there was a dispute within [...]. The opinions differed so much that the Swiss Confederation threatened to break apart in this dispute.

When the situation was muddled so much, Niklaus von Flüe was asked for advice ..." (read more on page 45).

The Kappel milk soup – a legend

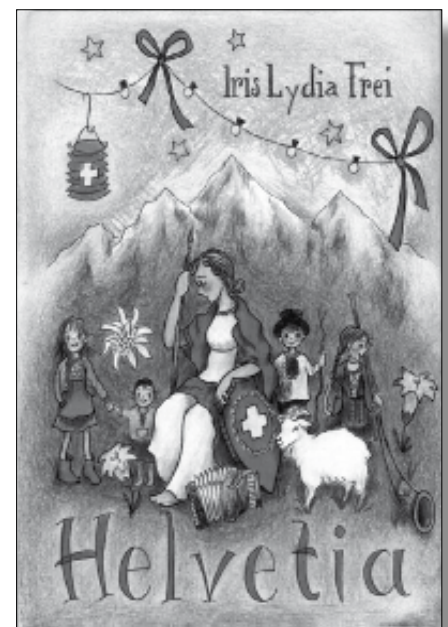
"At the end of June 1529, the Zurich troops marched against the cantons of Central Switzerland. This first Kappel war was a conflict between the reformed and the catholic cantons. It is reported that the warriors of the opposing armies assembled while their leaders negotiated. Right on the border between the two cantons they put a large cooking pot on a fire. It is said that the people of Zug contributed milk and the people of Zurich gave the bread for a milk soup, which was jointly

eaten up by warriors of both armies ..." (p. 67.)

How is Switzerland ruled today? The people are the ultimate power. [...]

"Several times per year votes are held on all kinds of topics. If a vote is about something that affects all Swiss, there is a federal vote for all voters. Other polls affect only one canton or even one municipality only. Then it will be voted only there. If, for example, a new station kiosk is to be built in the village of Gullen, entire Switzerland will not have to vote on it." (p. 115.)

Iris Lydia Frei was born in Basel in 1964. She lives and works as a bookseller in Basel and has participated in various exhibitions as an artist. Her wonderful storybooks are illustrated by herself. Apart from "Helvetia" (written German), "D'Mäss", "Fasnacht with Lucius", "Adventszeit" and "the end of wet bird Gryff" (rhymes in the Basel dialect by Dorette Gloor) available in bookshops.



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Learning to write

Handwriting – teaching in the light of neurosciences

by Nicole Duprat, France

In Finnish schools, cursive handwriting was abolished by a government decision since the beginning of the school year 2016. However, learning of print writing will be maintained. In the US, already 45 of the 50 federal states replaced cursive handwriting by print since autumn 2014.

In Switzerland, Geneva had already decided in 2000 in favour of writing lessons exclusively in print writing. However, the canton abandoned it in 2002. Since then, cursive handwriting was taught again, because the gaps in print writing caused the children problems. Whereas in cursive handwriting the whole word is readily identifiable.

Another argument in favour of cursive handwriting is the kinesthetic memory: a single swing allows one syllable to be written in one move. For example, the pronoun “elle” [= she] can be formed with a single movement thus enabling the hand to “remember” the double “l”.

The following comparison shows the differences between print and cursive handwriting.

Print writing

Print writing reproduces the typographical letters. Its distribution in the 20th century is attributed to the calligrapher and typesetter *Edward Johnston* (1872-1944). It has not been developed to be written by hand. It is more impersonal than cursive handwriting.

The line of movement is less demanding than with cursive handwriting, the speed of writing is slowed down due to the frequent start and stop of the writing instrument since each letter is performed separately from the other. One starts with the hand movement, but after each letter one must stop. So, writing loses its swing. Print writing slows writing down and makes it difficult to conceive the word as a whole.

The children’s biggest problem when learning print writing, i.e. when learning to write a text in single letters, is to handle the gaps. Where does the word begin and where does it end? This is often not clear. For example, on the one hand there is the gap between the words, on the other hand there is the gap between the letters, the beginnings and the directions must be redefined for each letter.

Cursive writing

Cursive writing, in French “*écriture cursive*”, “*écriture en lettres attachées*”, “*écriture liée*”, or “*écriture courante*”, is named cursive or longhand in English. It dates back to the early Roman times and

in the West, it was introduced in the 14th century. It is traditionally regarded as the most important script, the “everyday script”.

Its main characteristic is that it can be written fast. The writing instrument glides over the sheet, connecting the letters, only stopping between the words, thus maintaining the flow of the thoughts. Research shows that one writes faster with cursive writing than with print writing. Efficiency in movement is only achieved after having learned to form letters and words in a fluid, dynamic movement.

The ordering element with print writing is the form of the letter; with cursive writing it is the movement. Scientists have clearly shown that the handwriting movement is of central importance both for learning and for remembering the written language.

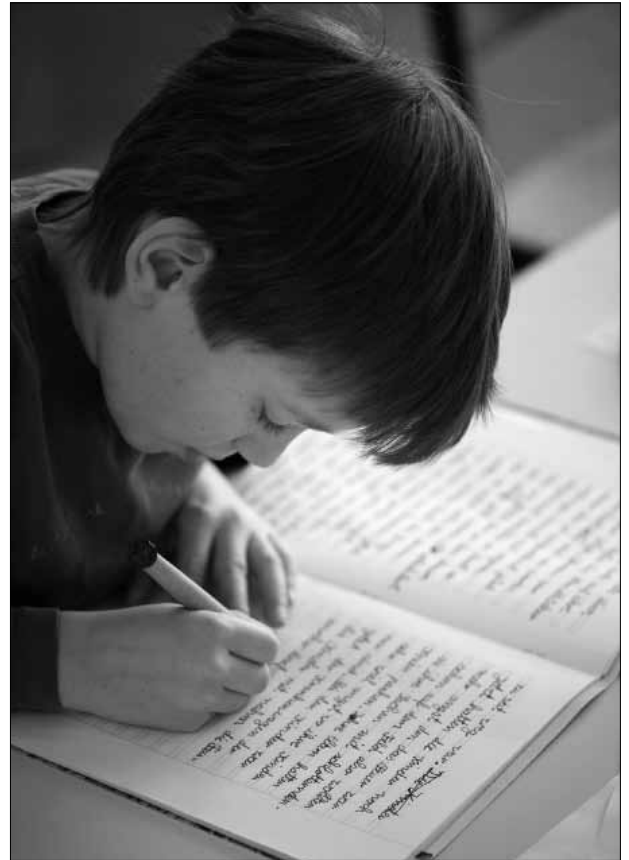
In a study (2005), *Velay* and *Longcamp* could show that the motor area of the brain, which is affected when you write letters by hand, is equally activated when you recognise the letters while reading. This memory track seems to be important so as to strengthen the knowledge of the letters both in reading and in writing.

Longcamp, *Zerbato* and *Velay* (2005) compared two groups of primary school students. One group learned to write the letters by hand, the other on the keyboard. It turned out that the students who had learned handwriting recognised the letters better than the others.

Training of the fine motor skills

Conjoined writing style is a training of the fine motor skills, which makes it possible to acquire a flow of writing. At the age of nine or ten years, the child develops his personal handwriting, gains in ease and speed in writing.

Cursive writing facilitates memorising orthography, as it is memorised in both the kinesthetic and the visual memory. The word is more easily recognised as a lexical unity, if it is clearly identifiable and thus sticks in the memory as a whole, namely as letters connected with each other.



In learning the written language, therefore, the sensorimotor as well as the kinesthetic memory and the visual memory are involved. With the help of imaging techniques of the brain it was possible to show that the movement in learning how to write is extremely important for learning how to read. In addition, you can remember notes that you have written by hand much better, than those that you have generated letter-by-letter on a keyboard.

Laura Dinehart, of the International University of Florida, writes: “There is a strong link between the early mastery of writing and school success.” Writing and the ability to control this process yourself allow to control one’s own feelings and to remember the work done. All these are skills that are of great use to the success in school.

Dinehart also notes that “the mastery of calligraphy seems to have an incomparable effect on the development of the child.”

Calligraphy – Greek *kailos* = beautiful and *graphein* = to write means literally “the beautiful writing”, that is, the art of beautifully shaping the individual letters of writing. By learning the calligraphy the joy in beauty, the senses for dili-

continued on page 16

"Independent, innovative and open..."

continued from page 15

gence, concentration and precision, order and harmony, the wealth of cultural heritage are passed on. With the material used, the smell of colours and inks, writing becomes an art, a journey through the centuries.

A beautiful pen, a quality ink, velvety soft paper, what a pleasure!

During a calligraphy workshop, where my students learned the art of medieval miniature, I could see the joy that they experienced in a quiet, concentrated atmosphere, while shaping the first letter of their first name on a small card in black letter. With the decorations, the squiggles, the precise movement and an aesthetic sense for the form, they discovered a further possibility to write their first names beautifully.

The quality of the writing is part of communication

A piece of paper will remain a preferred document for written communication for a long time. For the pleasure of the eyes and the spirit, it will retain its value. Thereby the quality of the writing is part of the communication.

It is only when the child has learned to write correctly, when it can hold his pen correctly, when it has mastered the spatial distances (dimension and proportion of the letters, respecting the lines, etc.), it is able to consider what it writes. Otherwise it needs all its attention to look for the right way on the paper with the pen.

Top priority for school and parents' home must be to consistently promote handwriting again. The neurosciences have proved their importance for reading.

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(Translation *Current Concerns*)

Connection between writing and thinking is not considered

"What complete misjudging of the connection between writing and thinking! As if thoughts were clearly arranged in the head and had only to be made accessible to others by means of writing. Even with superb writers it does not work like this, how should it do with children. Thoughts are brought into a clear structure just by oral and written utterances. Writing is a mental sewage plant. When writing down, words, sentences, thoughts are manually arranged, objectified, and fixed on a surface. Writing compels to dwell upon them. Writing is a gesture of devotion. A child learning this devotion has to concentrate like never before motoric skills and attention with considerable endurance, on one point: the tip of a pen. Regular, continuous writing movements demand a high level of coordination and concentration during the phase of learning them. Writing takes apart and puts together at the same time. It creates a feeling for the relationship between the parts and the whole. Or in Nietzsche's words: "Our writing equipment takes part in forming our thoughts".

Source: Christoph Türcke, "Learning without a teacher – Abysses of new learning culture", *Current Concerns* No. 3/4, 6 February 2017

Children who can not write anymore

"Between 10 and 30% of primary school pupils have difficulties in writing, according to studies from several countries. – The many worksheets and the lack of exercise are to blame for it. [...]"

Blotted notebooks, unshapely letters, and constantly the same remarks of the teachers: 'illegible', 'too slowly', 'inaccurately'. At the end of 1st grade, 30% of the pupils are not able to write a readable text. According to a Belgian study of 2016 with 2.507 pupils, they have not learned to shape the letters and the direction of writing. According to three studies from Quebec, Israel and the Netherlands, conducted between 2000 and 2016, between 10 and 30% of the primary school pupils have writing problems due to 'graphomotoric' difficulties. [...]"

Parents' concerns are not unfounded, as advances in learning reading and orthography are closely linked to the learning of writing.

The researcher Natalie Lavoie describes this in her book, published 2016, "Le Geste graphique au début de l'école primaire [Learning the Scripture at the Beginning of the Primary School] as follows: 'The accomplishments in the spelling do not only depend on the knowledge of the words or the writing style of the children, but also on their level in the mastery of the writing itself [...]. The acquisition of a fluid and automatic writing movement allows them to set free cognitive resources and attention to other aspects of writing. [...]'

But how to explain the 'explosive spreading' of unskilled writings, as criticized by some of the teachers? 'Many

pupils hold their pencil incorrectly and the sheet of paper is not in the right direction. They do not write on the lines and mix the spelling of certain letters. This applies to at least one third of my pupils in each class," confirms Lise Micheli, a language teacher at a public secondary school in Yvelines (F). Laurence Pierson adds that the systematic learning of holding the pen 'was already abandoned in the kindergarten and in the 1st grade of primary school'. There are ready-made worksheets in great numbers, which is seen as a simple solution to reduce the time spent on the pupils's paperwork and allows getting things done faster."

Source: Extracts from the article "Ces enfants qui n'arrivent plus à écrire", by Marie-Estelle Pech, *Le Figaro*, 1.March.2017

(Translation *Current Concerns*)