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Veterans and War Victims in Eastern Europe during the 20th Century. A Comparison

Herausgegeben von
Katrin Boeckh und Natali Stegmann

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Veterans and War Victims in Eastern Europe during the 20th Century: A Comparison

Natali Stegmann / Katrin Boeckh

The care for war victims was 'a harbinger of the welfare state'; as formulated by Michael Geyer in 1983 in a groundbreaking article, in which he compared the care policy in France, Great Britain and Germany after the First World War.[1] This was the first war which was waged under the provision of a general conscription. In the European theatres of war, men – pulled out of their civilian lives – fought against one another risking their health, their integrity and their life. This could occur due to closer ties between state and society. The arm of the state reached into the homes of the worker and farmer as well as the townsmen and nobility, when it came to recruiting men for the war. In return, they would not only enjoy the status as voting eligible citizens; they also counted on the public institutions paying justice to them and their families in case something happened to them; they expected respect from their fellow citizens; and that they claimed for recognition for their sacrifice, be it in hard cash, be it on the level of symbol politics. Furthermore, gender relations would generally be defined in the sense of pre-war politics

1 Michael Geyer, Ein Vorbote des Wohlfahrtsstaates. Die Kriegsopferversorgung in Frankreich, Deutschland und Großbritannien nach dem Ersten Weltkrieg, in: Geschichte und Gesellschaft 9 (1983), pp. 230-277; for the state of research in the Western countries cf. also: Deborah Cohen, The War Come Home. Disabled Veterans in Britain and Germany, 1914–1939, Berkeley / Los Angeles / London 2001; Sabine Kienitz, Beschädigte Helden. Kriegsinvalidität und Körperbilder 1914–1923, Paderborn u. a. 2008; Joanna Bourke, Dismembering the Male. Men's Bodies, Britain and the Great War, Chicago 1996; Sophie Delaporte, Gueules cassées de la Grande Guerre. 2nd edition Paris 2004; Verena Pawlowsky / Harald Wendelin, Kriegsopfer und Sozialstaat. Österreich nach dem Erstem Weltkrieg, in: Natali Stegmann (Ed.), Die Weltkriege als symbolische Bezugspunkte. Polen, die Tschechoslowakei und Deutschland nach dem Ersten und nach dem Zweiten Weltkrieg, Prague 2009, 127–146.

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by the arrangement of social policy. Here it also concerned the image and the honour of men between the military and the civilian role models.[2]

The French, British and Germans fought on the same battles fields during the First World War; although the soldiers were part of the same events, they did not make the same experiences.[3] Everywhere in Europe, states were confronted with the same problems at the end of the First World War: masses of soldiers returned to their home country, most of them without earnings, many of them severely and irreversible injured. The public institutions tried, within the framework of guidelines of their respective social policy, to live up to the expectations of the returning soldiers. Public institutionalised war victims' policy was a novelty at the time in all of Europe. Until into the First World War there generally were support services for war invalids. The social services were however provided by charitable organisation and not by public authorities. In all involved states comprehensive social services for war widows and orphans as well as for the dependants of war invalids, were as fundamental and new as public measures for 'reintegration' of war invalids in the labour market and the inclusion of remedial care, counselling and nursing into the public health care catalogue.[4] Herewith, the young tradition of social insurance was tied in. War victims' care and remembrance policy oriented toward particular examples. As well as the resurrection of monuments for fallen soldiers, social policy was also symbol politics to a great extent.[5] Hereby, war efforts were defined for what they were worth, what a returning soldier had to achieve and who he had to look after it with. The new laws with this also created a hierarchy of the returning soldiers.

These indications to common characteristics should however not alter the view on the considerable difference in the arrangement of public policy and in social practice. As a clarification to these differences, it is not enough to only point to winners and the losers – as Geyer's comparison has already shown. [6] What the war represented in the lives of the former soldiers, as they defined their status as veterans and victims of war, as they portrayed their experiences, depended on both social and socio-political tradition as well as the group specific meaning of the war. Especially in Germany, the 'shame of Versailles' and the insult to honour was, for a long time, at the centre of attention. [7]

2 Maureen Healy, Civilizing the Soldier in Postwar Austria, in: Nancy M. Wingfield / Maria Bucur, Gender and War in Twentieth-Century Eastern Europe, Bloomington / Indianapolis 2006, pp. 47–69.

3 For the concept of war experience: Nikolaus Buschmann / Horst Carl, Zugänge zur Erfahrungsgeschichte des Krieges: Forschung, Theorie, Fragestellung, in: idem (Ed.), Erfahrungsgeschichtliche Perspektiven von der Französischen Revolution bis zum Zweiten Weltkrieg, Paderborn / München / Wien / Zürich 2001, pp. 11-26.

4 Geyer, Ein Vorbote des Wohlfahrtsstaates (note 1), p. 234 f.

5 For monuments cf.: Reinhart Koselleck, Die Transformation der politischen Totenmale im 20. Jahrhundert, in: Martin Sabrow / Ralph Jessen / Klaus Große Kracht (Ed.), Zeitgeschichte als Streitgeschichte. Große Kontroversen seit 1945. München 2003, 205–228; Marek Nekula, Tschechische Pantheons im europäischen Kontext, in: Jahrbuch für Europäische Ethnologie 2009: Tschechien, 29–52; Christoph Mick, Der Kult um den Unbekannten Soldaten in der Zweiten Polnischen Republik, in: Martin Schulze Wessel (Ed.), Nationalisierung der Religion und Sakralisierung der Nation im östlichen Europa, Stuttgart 2006, pp. 181–200.

6 Clearest is here the comparative view on the victor nations France and Great Britain.

7 Here recently a different image arises, cf.: Benjamin Ziemann, Die Konstruktion des Kriegsveteranen und die Symbolik seiner Erinnerung, in: Gerd Krumeich / Jost Dülffer (Ed.), Der verlorene Frieden. Politik und Kriegskultur nach 1918. Essen 2002, pp. 101–118; Christian Weiß, Opfer für den Frieden. Die pazifistische Kriegsdeutung des

When one compares such statements to those of other European countries, then there is some indication, that damages that were incurred in similar form according to specific contexts are articulated completely different and moreover even experienced differently. In addition, besides the post war regime, the respective national policy and the agitation of the war victims' and veterans' association contributed too. The role of the war for the nation, the respective idea of democracy, citizenship and conscription, as well as the socio-political and civil societal traditions were the actual determinants. This can only be shown in a comparison.

When we turn to the war victims and veterans in Eastern Europe in this special issue, then it occurs that the inclusion of this region in the described context is of substantial delay. Withal, we follow a quite pragmatic concept of Eastern European, that encompasses the region and that has been traditionally researched in the Eastern European history (Central Eastern and South Eastern Europe included). Only in more recent times, have researchers applied themselves to various areas of this complex topic. A workshop in February 2001 in Regensburg brought several of these together.[8] The papers discussed there are now available in revised format. They present new research results, that rest on comprehensive sources and that for the first time are introduced in this comparative synopsis. Herewith, we explicitly take over Geyer's question on the interdependencies of war victims' care, national citizenship and statehood of welfare. This question is open enough, to find links to and offers at the same time a contrast for a comparison of the new research results of some Eastern European countries with those of Western European countries. Furthermore, the concept by Geyer is not only extended in spatial perspectives. Simultaneously, we also expand the temporal context, in which besides the politics of the interwar period we also highlight the consequences of the war in the 20th century. Geyer's concept is insofar also expanded, that besides the war victims' perspective, veterans are also in focus; and whereby at the same time the negotiation processes on significance, presence and value of war participation are reinforced between state and societal actors. It results from the character of the wars dealt with, that the questions of nationalities and state building in the East European context comes to the forefront more strongly.

The historical context of the region in question is exemplified by certain characteristics: First it is important to recall that the mass wars of the 20th century in Eastern Europe had particularly high numbers of casualties. The fates of the returning soldiers, invalids and the surviving dependants in the Soviet Union, Czechoslovakia, Poland, Yugoslavia and in Kosovo, are dealt with in this discussion. Common to these countries is that after various wars they all were described as winning states; after the First World War, the Second World War as well as after, what is on their view the last European war, the

Reichsbundes der Kriegsbeschädigten, Kriegsteilnehmer und Kriegerhinterbliebenen, in: Stegmann (Ed.), Die Weltkriege (note 1), pp. 169–186; also for Austria the Topoi were extremely important, cf. Healy, Civilizing (note 2); for Hungary corresponding research has yet to be conducted.

8 The workshop was financed by the Fritz Thyssen Foundation. We thank the Foundation for their friendly support.

war in Kosovo. The historiography of these countries and on these countries, which for decades has been predefined by the Soviet system, also remained silent on the care of war veterans – in the Soviet Union as well as in other states of the Eastern Block. Although Tito's Yugoslavian veterans and partisans were obtrusively put at the centre of his state legitimisation, also there no one paid attention to socio-political topics. At present, it still appears that there is no genuine interest in a regeneration of history on veterans and – as in the Yugoslavian case – on partisans. In Russia, the glorious national past is in high course, in the countries of imploded Yugoslavia there are often too close ties to the Communist system in the way; also here logic and practices of the partisan worship are taken over and thereby national content is replenished. The significance of the two world wars for East European society is still shown today at world wars' festivities, which above all are nurtured in Russia. Here the wars are remembered in elaborate victory parades, at which many decorated veterans hold a forum.

The Country Samples: Wars in Eastern Europe during the 20th Century

The First World War brought about a topographical change, which particularly affected the East European region. The reason for this was that the multiethnic great empires of the Habsburg monarchy and the Ottoman Empire as well as tsarist Russia collapsed and in their place came a range of successor states. Out of the Habsburg legacy, Czechoslovakia arose as a new state; Poland came into being after more than one hundred years of partitioning between the Habsburg, Prussian, as well as Russian areas. Into its western half, the Kingdom of Yugoslavia also integrated territory formerly belonging to the Habsburg Crown, namely Bosnia-Herzegovina, Croatia and Slovenia. Not only Yugoslavia, but also the parliamentary run Poland, during the interwar period, went through similar political developments as all other Central Eastern and South Eastern European states – with the exception of Czechoslovakia and Finland –, namely they all suffered from authoritarian regimes that were maintained up to the Second World War. Also from the economic perspective, the Central Eastern and South Eastern European states were similar in that they were all characterised as agricultural; again here the exception is Czechoslovakia with its industrial regions. With the 1917 October Revolution, Russia took its own path, with as result the establishment of the first Soviet state. For all other states in Eastern Europe the end of the First World War was therefore the beginning of a new political, national and societal order, with which they had to prevail and consolidate the post war aftermath.

The Case of the Soviet Union

A great deal of the seven decades lasting Soviet Union was marked by military actions, occurring outside the borders as well as within. This was actually not to be expected after the 1917 October Revolution, when the Bolsheviks came to power, as the Russian

soldiers and population faced war fatigue, and the first act of government was a 'Decree on Peace' of 26th October 1917, passing a general armistice, whereby they immediately offered peace negotiations to the warring Central Powers. However, it never came to this. Anti-Bolshevik White Terror, Red Terror, and rural Green Terror as well as nationalistic riots, foreign intervention groups and the Polish attack on Soviet Russia hardly constituted more manageable fronts during the Russian civil war, which extensively wore on from Petrograd to Vladivostok, from 1917 to 1921. Solely the civil war already demanded six million deaths. The veterans' army of these wars was not excluded from the social revolutions of the 1930s by the Stalinist 'Revolution from Above' or by the collectivisation, industrialisation and the accompanying mass terror.

The Second World War started as the Soviet interpreted 'Great Patriotic War', first with the German attack in 1941 – excluded is the between National Socialist Germany and USSR agreed upon partitioning of Central Eastern Europe. As the Soviet troops crossed the border into west Poland in 1939, they barely had any fatalities. However, hereafter the World War continued with an incredible Soviet death toll: 20 million war casualties are estimated, independent of the devastation in further regions in the west and south. Also here, a local civil war in the west of Ukraine was involved, that was supported by a Ukrainian national movement and lasted until the 1950s.

After the Second World War, the European and global position of the Soviet Union had changed: they were now recognised as a world power, although they soon left the Anti-Hitler-coalition. The block confrontation in the Cold War progressed on the threshold of an open war; nevertheless the proxy war was maintained by both camps. At the end of the 1970s, the USSR was seized by deep internal crises that manifested economically, politically and socially as well as a crisis of legitimacy. In this situation, the Soviet leadership carried out one last war, the war in Afghanistan of 1979-1989, that cost 13 000 Soviet soldiers' lives. This also led to the collapse of the Soviet system and the USSR dissolution in 1991.

The Polish Case

The outbreak of the First World War was greeted by the leading Polish politicians. Already at the beginning of the 19th century, the national poet Adam Mickiewicz wished for an armed conflict between the German, Austrian and Russian partitioning powers, as only then the so-called national rebirth of the Polish state could be a realistic option. The Polish liberation from the domination of the partitioning powers was a longstanding tradition of national rebellions and was simultaneously the product of diplomatic interventions, especially in France and in the USA. It was the later president of the Republic, leader of the national oriented Polish Socialist Party (Polska Partia Socjalistyczna, PPS) Józef Piłsudski, who already at the beginning of the war called upon Polish men as well as women, who should initially fight on the side of the Habsburg formation for the liberation of Poland. It concerned the 'Legion'. The majority of the Polish soldiers fought simultaneously in the armies of the various partitioning powers. Even though the

assembly of the legion had great symbolic charisma, it was more so to be drawn back to the diplomatic efforts of the Polish negotiators, that the establishment of an independent Polish state with free access to the sea was accomplished in January 1918 by the 13th point of Wilson's 14 Point Programme (in November of the same year, the Polish Republic was proclaimed). After the Russian Revolution, Central Eastern Europe was to be represented as a buffer zone to fend off Bolshevism. The eastern border of Poland suggested by the British foreign minister Lord Curzon, did not meet Piłsudski's territorial requirements, who supported the link to the former Polish-Lithuanian aristocratic republic, the so-called Jagiellonian state idea. The Polish legion campaigned for their eastern border until 1921, which ended with extensive territorial advances.
With the attack of the German Armed Forces on Poland, the Second World War started. According to the secret additional protocol of the Hitler-Stalin-Agreement, Polish territory was divided fairly exactly along the Curzon line. The military resistance of the national army was swiftly broken; even so various groups fought during the entire war against the occupying forces. The Soviet as well as the National Socialist regime went with utmost brutality against the population. Those hit particularly harsh, were the people living in the areas that were first occupied by the Soviets and then after the attack by the German Armed Forces on the Soviet Union were occupied by the National Socialist troops. Although Poland formally belonged to the winning states of the Second World War, they had to suffer territory loss in the east – which was determined then and until today is still the valid east border that stretches along almost the same line as Curzon once drew. For these losses Poland was compensated with territory in the west, which after forced resettlement of Germans was reconquered territory, which to a great part was newly settled by mainly Polish from the east of the country. The Polish underground army attempted an uprising in August/September 1944 in Warsaw, to free the country on own strength. The Red Army awaiting in the meanwhile on the other side of the bank of the Vistula, later claimed that the liberation of the Polish for of their making. Many people did not survive the mentioned war; it is difficult to measure and a precise method of calculation is needed. For the time up to 1921, Julia Eichenberg will present estimations in the available contribution.

The Czechoslovakian Case

Out of Bohemia and former Upper Hungary, Czechoslovakia was erected in October 1918. The majority of the Czechs and Slovaks had fought in the Habsburg Army pursuant to their draft cards. At the same time, the Czechs established a legion. The legion was initially recruited in Russia and fought against the Habsburg association for their independence. Only at the end of 1917 or the beginning of 1918, it happened that the legion fell under the supreme command of the Czechoslovakian national committee and came to be recognised as the army of the still to be founded Czechoslovakian state. As in the Polish case, the perspective of sovereignty became considerably better due to the course of the war, the October Revolution and American politics. The foreign politics of

the founding presidents Tomáš G. Masaryk and his successor Edvard Beneš, who initially was the minister of foreign affairs, played an important role. The Slovak territories were occupied by the members of the legion, to defend them from Hungarian claims, however without it coming to a formal war. The Czechoslovakian politics was claimed to have a pacifist tenor; nevertheless they invested significant funds in the armour of the country. Thereby they oriented the construction of the army on the example of their French alliance partner.

When as a result of the Munich Agreement in September 1938, the Sudeten regions were separated from Czechoslovakia, Beneš did not command the Czechoslovakian Army as to avoid senseless bloodshed. Also the establishment of the Protectorate of Bohemia and Moravia in March 1939 passed without belligerent disputes. Just so, it was the Czechoslovakian Army, the Resistance and the Slovakian Partisans, who fought against the National Socialist occupying forces in the conception of the government in exile. As for the consolidation policy, the Slovak uprising from August 1944 and the Prague uprising of May 1945 played an important role. Different as in Poland, the role of the Soviet Union as liberator of Czechoslovakia was immediately recognised at the end of the war.

The Yugoslavian Case to the War in Kosovo

Yugoslavia existed as a state during the 20th century in three different models: first during the interwar period as a kingdom, then as a socialist republic after the Second World War and after its implosion, from 1992 to 2001 as a federation between Serbia and Montenegro.

Similar to the Soviet Union, the internal situation of this country was characterised over years by war- and civil war like conditions, the signing of international peace treaties by the governments in Belgrade did not necessarily lead to the pacification of Yugoslavia. After the conclusion of the in Paris negotiated peace treaties, that provided the new south Slavic state with a relatively large territory growth after the First World War, guerrilla like condition continued in the country by irrendentistic groups. In the south regular soldiers were again and again deployed against rebellious Albanian free gatherers, while the border to Bulgaria was repeatedly crossed by armed Bulgarian units in order to violently bring about border changes. At the same time the general dissatisfaction with the political system and the since 1929 existing royal dictatorship, as well as with the homogenising policy, especially vis-à-vis nationalities, led to an increasingly stronger radicalising growing group, which expressed itself more and more in the execution of politically motivated attacks.

The Second World War started for Yugoslavia with the attack by the Axis Powers on April 6th 1941. In the fragmented country, it was the partisans under the leadership of Tito, who took up the underground war against the occupying forces. When, after the German retreat, Tito also took over the national leadership, then to the founding myths of his regime, belonged the myth that the country was 'liberated' with close to no help of the Red Army. Cornerstones of the new elite were his former fellow combatants, while

other resistance groups such as the royalist četnici were persecuted. In no other East or West European country the political positions of the veterans – their death toll totalled after reliable calculation over one million – was as high as in Yugoslavia. Without further wars being waged against foreign interventions, the militarism in Yugoslavia remained a self-evident instant of public life, with a highly equipped army as well as a civil, the so-called territorial defence, that had been established with the 'People's Defence Act' of 1969, and battle instructions in primary and secondary schools. The background for this was that after Tito's break with Stalin in 1948, Yugoslavia was no longer a member of the Warsaw Pact, but was the cofounder of the Movement of Non-Aligned. In doing so, Belgrade constantly suspiciously expected possible attacks from the East, to a lesser extent from the West.

The wars produced a new generation of veterans on the occasion of the implosion of Yugoslavia in the 1990s, introduced by the declarations of independence of Croatia, Slovenia, Macedonia and Bosnia-Herzegovina (1991). With the exception of Macedonia, all other of the republics became the parade field of the Yugoslavian People's Army, until matters were formally settled with the Dayton Agreement in 1995, especially the controversial situation in Bosnia-Herzegovina.

The setting for the last Yugoslavian war was Kosovo, where regular and special units of the Yugoslavian Army and the Albanian underground fighters of the Kosovo Liberation Army (UÇK) opposed one another, which fought for a Yugoslavian independent Kosovo. The arising spiral of violence, fired by the attack of the UÇK on the Serbian police stations and officers and an escalation of police and military violence towards the rural population catalysed the manageable guerrilla troops in an armed resistance movement of several thousand. The Yugoslavian major offense, once started in 1998, escalated more and more, affected the civil population and forced them into mass emigration. NATO conducted airstrikes on targets in Serbia and Montenegro in 1999, first forced the Belgrade government under Milošević to relent. Nine years later, the Kosovar leadership, again composed of deserved UÇK soldiers, managed to proclaim Kosovo's independence.

From these reports there are several fundamental differences to be made in war experiences between Eastern and Western Europe, which also effected war victims' and veterans' policy. To name in particular is the tradition of civil wars, which were inflamed time again in Eastern Europe during the 20th century – the Russian civil war, the guerilla warfare in Soviet Ukraine after 1944/45, the Second World War in the Balkans and the Kosovo civil war. Furthermore, a fact to be accentuated is that in the wars of the 20th century, many members of a nation or citizens of a political system were faced with different armies. Poland and Czechoslovakia with their legionaries' tradition are two examples of many. In total it was also the significance that was attributed to the Second World War, which was Eastern Europe specific. The 'Fight against Fascism' obtained systemic relevance in the Communist era and conferred to the Soviet domination a special legitimacy as 'Liberator'.

Veteran Care and War Victims' Policy in Eastern Europe: Comparative Perspective

The mentioned features indicate common aspects of the war victims' and veterans' policy in Eastern Europe. To them belong, that the starting point was outlined as either nation foundation wars – which apply to Czechoslovakia (First and Second World War), Poland (after the First World War) and Kosovo –, or state foundation wars such as the Russian civil war, Tito's partisans war during the Second World War and the liberation war of Kosovo from 1996 to 1999. In these cases, an internal discussion took place on the participation on the 'right' side, which in Poland during the interwar period led to bloody demonstrations. These discussions were suggestive of the further position of the veterans in the new state, as in all investigated countries, so long as they actually stood on the 'right' side; they belonged to the political elite. The 'legionaries' in Poland supported the state president Piłsudski, but also after his death in 1935, when a military junta was installed, they remained influential. As well in Czechoslovakia the veterans of the legion, returning from Russia, were placed in high administrative bodies. Tito, a partisan himself, nearly exclusively recruited from his comrades-in-arms for the first socialist Yugoslavian government. After the last Yugoslavian War Kosovo's liberation fighters, veterans of the Yugoslavian People's Army and their organisations displayed a correspondingly high self-awareness in these countries. These new collective mentalities have, without having experienced great change, survived the system transformation of the 1990s and also shaped the present.

The involvement of the veterans in politics also guided the war commemoration in all states, which clearly fell to the advantage of the winning fraction; veterans of the Habsburg army were marginalised in Poland and Czechoslovakia; whereas the 'Anti-Fascist' campaign in the Soviet Union and in Yugoslavia was an exclusive scene. In both of these countries, the Second World War received a state legitimising significance, that should not be underestimated, and produced consequences vis-à-vis the veterans' policy. After the Second World War, in a style of propaganda, all Soviet satellite states would refer to the heroic struggle for independence.

A further aspect that applies to the investigated states as well as to Western Europe is the reintegration strategies from the state side as well as from the veteran side. The classical care and protection strategies consisted of the allocation of financial compensation and of pension payments. The rule was however, that a state should orient on the further application of veteran and war disabled labour force, and to try to make them serviceable for the economy again. In Czechoslovakia as well as in Poland, after the First World War, there was a continuity of Habsburg tradition in which tobacco monopolies were preferably given to veterans.

After the First World War basically the same solution approaches were established in Poland, Czechoslovakia and Yugoslavia as well as for the Western European countries, yet when it comes to the Soviet Union, there is a completely different understanding of statehood, citizenship and rights and duties of citizens. With this view on war victims'

and veterans' policy, our knowledge is thereby also deepened on socialist welfare statehood. The comparison of contributions hereby shows, that among all the investigated countries, the Soviet Union legitimised social policy the least. In the foreground of politics there was much more focus on the right to and the duty of work. Except for this specific logic, the Soviet Union had very little understanding for the situation of veterans. The care for war victims was miserable; veterans' association were only able to have their voice heard in the 1980s.

With the Sovietisation of the Central Eastern European countries, the Soviet style model was implemented in specific ways. At the same time, in the so-called people's democracy the traditions of the interwar period and to an extent even those at the turn of the century, still played a role. The question of who fought on the 'right' side, in the context of the proclaimed Anti Fascist campaign and the Stalinist enemy marking, no longer only decided the measure of care, but also application and promotion prospects, deportation and partly life and death. The associations then had to form themselves in an Anti Fascist victims' association and had hardly any scope for action until the 1950s. Yugoslavia thereby took on a special position. Especially revealing is that also here in the early Socialist era, the war victims' association possessed incredible influence.

Veterans' policy in Western as well as Eastern Europe was not just a matter of domestic policy. In the Treaty of Versailles and in the Convention of Rome in 1922, the successor states of the Habsburg monarchy were obligated to care for the former Habsburg civil servants and military personnel. In Kosovo, it was the UNMIK mandate that tried to exert influence on the veterans' policy. In all cases it is remarkable that it remained with international statements of opinion, despite which did not have policy realisation as consequence. Integration strategies for the veterans consisted, after their demobilisation, furthermore of strengthening their political presence by creating organisations. War Victims' and Veterans' Associations were created in national as well as international frameworks. To this end, *CIAMAC* (*Conférence Internationale des Associations de Mutilés et Anciens Combattants*/International Consortium of War Victims' and Veterans' Associations) was founded, to which Polish, Czechoslovakian and Yugoslavian organisations participated. From the beginning many organisation from Western and Eastern European states belonged to the World Veterans Federation founded in 1950; Yugoslavia as an observer. The general state of research on these actors is bad. The participation of Eastern European associations becomes understandable with the Polish, Czechoslovakian, as well as Yugoslavian example.

The Kosovo example is astonishing in comparison to the World Wars insofar, as here international organisations followed a logic that clearly does not lie within a European tradition. Claims by the veterans on political influence and on social services were rejected. The ideology of liberation, that could legitimate an increasingly Kosovan nation, was thereby overrun. The corresponding arguments are evident in the manner of establishment, as to how the Kosovo liberation war was perceived by the European public. Different as for the First and Second World War, this war did not affect the continent as such and was not seen as a common experience. In analogy, the influence increased of

the international actors. This can be seen as a lesson learned from the previous wars. At the same time the comparative materials show, that the recognition of the war veterans' claims was of fundamental importance after the First World War as they were a stabilisation for the post war regime – especially there where the war was considered a war for nation establishment. This function in principle remained after the Second World War, also when it now more clearly excluded by definition more veterans.

Veterans and the Welfare State: World War II in the Soviet Context

Mark Edele

RESÜMEE

Dieser Aufsatz untersucht den Schnittpunkt zwischen dem entstehenden und sich wandelnden sowjetischen Wohlfahrtsstaat einerseits, und gesetzlicher Privilegierung von ehemaligen Soldaten des Zweiten Weltkrieges andererseits. Es wird gezeigt, dass – im Kontrast zu anderen Gesellschaften wie den USA oder Australien – kein kausaler Zusammenhang zwischen Veteranenversorgung und wohlfahrtsstaatlicher Entwicklung besteht. Wohlfahrtspflege für die breite Bevölkerung und Veteranenversorgung standen vielmehr in Konkurrenz zueinander. Der Aufsatz beginnt mit einem Überblick über die sich wandelnde Terminologie, die im sowjetischen Kontext die Kriegsveteranen beschreibt, sowie die mit diesen Konzepten verknüpften, sich ebenfalls wandelnden gesetzlichen Bestimmungen. Der zweite Teil skizziert sodann die Geschichte des sowjetischen Wohlfahrtsstaates, und zeigt auf, dass dieser nicht von der Veteranenversorgung angetrieben wurde. Erst in den späten 70er Jahren konvergierten die getrennten Entwicklungslinien der Veteranenversorgung und des Wohlfahrtsstaates. Seit 1978 können wir von Kriegsveteranen als einer „avant garde" in der Altenversorgung sprechen.

1 I tried a first stab at the intersection of veterans' policy and broader welfare development in a paper entitled "Veterans as the Avant Garde of the Soviet Welfare State?", which was presented at the Annual Convention of the American Association for the Advancement of Slavic Studies, New Orleans, 18 November 2007. The thought process started in this paper developed in a slightly different direction in "Warfare and Welfare: The Soviet Union in the Twentieth Century," a paper presented at the Biennial Conference of the Australasian Association for European History (AAEH), Adelaide, 6-9 July 2009. The calculations of demobilization numbers were first presented as part of a paper entitled "The Cold War and Soviet Troop Reductions, 1945–1960," at the Slavic Research Center, Hokkaido University 2008 Summer International Symposium Northeast Asia in the Cold War: New Evidence and Perspectives (26-27 June 2008). An earlier draft of the current version was discussed at the workshop "Veteranen und Kriegsgeschädigte in Osteuropa (20. Jahrhundert)," 16 February 2010, Lehrstuhl für Geschichte Südost- und Osteuropas, Universität Regensburg, and WIOS, Regensburg. I thank all participants in the resulting discussions for their often thoughtful, frequently helpful and only sometimes angry reactions.

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War making produces veterans as potential political actors and warring nations have several options for accommodating their demands. Reintegration can either be monopolized by the state or left to the non-state sector and the goal can either be the complete transformation of the soldiers into civilians ("demobilization") or their metamorphosis into a status group. The resulting combinations are illustrated in table 1. Germany and Britain after the Great War are examples of societies where the complete reintegration into civilian life was the aspiration. Germany focused on state action, while Britain leaned on the non-governmental sector to achieve the same end. In the same period, France is a prominent example for the other strategy – to reintegrate soldiers by forging them into a civilian status group. Government policy and legislation played a large role in this process, but self-organization was equally central in creating the compact between former soldiers and the state.[2] Hence, table 1 locates the French example at the intersection of the two right boxes.

Table 1: Regimes for the Accommodation of Veterans

Main actors:		
State	Soviet Union 1945–1948 Germany after World War I	Soviet Union after 1978 France after World War I
Non-governmental sector	Great Britain after World War I	Soviet Union 1948–1978
Main goal:	Demobilization	continuation of status

Ever since World War II, the Soviet authorities claimed that no other government cared so much for former soldiers as that of the first socialist state. The subjects of such pronouncements, however, knew better. In a letter to the authorities in 1978, one veteran put the record straight. Quoting Brezhnev's remark, that Party and government "have already done quite a bit" for veterans, he wrote that in real life "there are absolutely no … privileges" (*A l'got etikh … nikakikh net*).[3] That this former soldier was right does not

2 Antoine Prost, Les anciens combattants et la société française: 1914–1939. 3 vols., Paris 1977; Michael Geyer, Ein Vorbote des Wohlfahrtsstaates. Die Kriegsopferversorgung in Frankreich, Deutschland und Großbritannien nach dem Ersten Weltkrieg, in: Geschichte und Gesellschaft 9 (1983): 230-77; Deborah Cohen, The War Come Home. Disabled Veterans in Britain and Germany, 1914–1939, Berkeley / Los Angeles / London 2001.

3 For Brezhnev's remarks see his speech of 4 October 1977, in: Izvestiia , 5 October 1977: p. 2-3. Report of A. N. Vasil'enko to Propaganda Department of CC CPSU, on letters to the newspaper *Trud* in April 1978 (28 April 1978), RGANI f. 5, op. 75, d. 250, l. 48-52, here: 50.

prevent the myth of the caring Soviet state to reappear, again and again, not only in the publications of the Russian veterans' movement dreaming about a golden past, but also in academic literature critical of the current state of affairs. In this discourse, the present is juxtaposed with the alleged "upward mobility" of World War II veterans, and the "impressive set of privileges" supposedly granted to them by a regime which considered "provision of support for the needy … a top state priority."[4]

The reality is that between 1947 and 1978 there were few real advantages for those who had fought in the war. Somewhat schematically, we can summarize the Soviet pattern to move from a totalitarian version of the German or British pattern (where the goal is complete reintegration into civilian life) to an authoritarian version of the French model (where a new corporate group is created through a combination of organization and status ascription), via a period where veterans were largely ignored by legislation and welfare provision (table 1). Between 1947 and 1978, most veterans only had "informal privileges," a problematic category as I shall argue below. This notion does, however, capture the continued existence of a social entity of former soldiers despite the attempts of the authorities to declare the problem solved. After 1948, veterans continued to exist as an "entitlement group," a collectivity which shared, if not always a sense of itself as a unit, the conviction that war service entitled to a better life – and many other citizens agreed, irrespective of official policy or the letter of the law.[5] By the 1980s, this new social entity mutated again, this time into a legally constituted status group.

This transformation was a slow process which took three decades to mature. First came the rise of the war cult as a new legitimizing myth of the regime, particularly from 1965 onwards;[6] second came the elevation of *uchastnik Otechestvennoi voiny* ("participant of the patriotic war") to a new status from 1978 and its both gradual and partial broadening

4 For challenges of the myth see Elena Zubkova, Russia after the War. Hopes, Illusions, and Disappointments, 1945–1957. Translated by Hugh Ragsdale, Armonk/London 1998, esp. chapter 2; Beate Fieseler, Stimmen aus dem gesellschaftlichen Abseits. Die sowjetrussischen Kriegsinvaliden im‚Tauwetter' der Fünfziger Jahre, in: Osteuropa 52, no. 7 (2002): 945-62; id., Die Invaliden des‚Grossen Vaterländischen Krieges' der Sowjetunion –- Eine Politische Sozialgeschichte 1941–1991. Habilitationsschrift, Ruhr-Universität Bochum, 2003; id., Arme Sieger. Die Invaliden des Grossen Vaterländischen Krieges, in: Osteuropa 55, no. 4-6 (2005): 207-17; id., The Bitter Legacy of the ‚Great Patriotic War.' Red Army Disabled Soldiers under Late Stalinism, in: Late Stalinist Russia. Society between Reconstruction and Reinvention, ed. Juliane Fürst, London/New York 2006, 46-61. Most recently, see also Robert Dale, Rats and Resentment: The Demobilization of the Red Army in Postwar Leningrad, 1945–50, in: Journal of Contemporary History 45, no. 1 (2010): 113-33. For a more positive evaluation of the immediate postwar years see Kees Boterbloem, Soviet GIs or Decembrists? The Reintegration into Postwar Soviet Society of Russian Soldiers, POWs, Partisans, and Civilians Who Lived under German Occupation, in: War & Society 25, no. 1 (2006): 77-87. For celebrations of Soviet welfare for Second World War veterans see Ethel Dunn, Disabled Russian War Veterans: Surviving the Collapse of the Soviet Union, in: Disabled Veterans in History, ed. David. A. Gerber, Ann Arbor 2000, 251-70; Natalia Danilova, The Development of an Exclusive Veterans' Policy: The Case of Russia, in: Armed Forces & Society XX, no. X (2009): 1-27, esp. 12-13 (quotations); and Joonseo Song, Rule of Inclusion: The Politics of Postwar Stalinist Care in Magnitogorsk, 1945–1953, in: Journal of Social History 43, No. 3 (2010): 663-680, here: 663 (quotations).

5 Mark Edele, Soviet Veterans as an Entitlement Group, 1945–1955, in: Slavic Review 65, no. 1 (2006): 111-37.

6 Nina Tumarkin, The Living & the Dead. The Rise and Fall of the Cult of World War II in Russia, New York 1994; Lisa A. Kirschenbaum, The Legacy of the Siege of Leningrad, 1941–1995. Myth, Memories, and Monuments, Cambridge/New York 2006; Denise J. Youngblood, Russian War Films. On the Cinema Front, 1914–2005, Lawrence 2007.

to all "veterans" (*veterany*) of this conflict; and third came Gorbachev's organization of all of the latter in the new veterans' organization in 1986. Underlying the entire process was a veterans' movement, which since 1956 was partially organized but, more importantly, took much of its strength and dynamism from a widespread sense of entitlement, a notion that war service had created a claim to special treatment and a better life.[7]

In order to clarify these developments, we first have to survey the terms used in the Soviet context to describe veterans and the changing legal meaning they acquired. Section I will also give estimates of the sizes of the various groups of former soldiers. The second section will then sketch the history of the Soviet welfare state in order to establish the wider context in which these changes took place. I will argue that, until 1978, the development of veterans' welfare ran counter-cyclical to the overall growth of the welfare state. Whenever the latter was put on the back burner, the former profited; once veterans were ignored, the welfare state grew. Only from 1978 onwards we see a reversal of this process. Now, "war participants" took the lead in the creation of welfare legislation for the older generation more generally. The final section turns to the question of "social mobility" of veterans, demonstrating that the notion of preferential treatment of Soviet veterans and their supposed elevated status in postwar society relies on a projection of the post-1978 regime to earlier decades – an anachronism which universalizes the experience of a minority.

1. Legal categories and legal history

Following the Latin meaning of the term, a "veteran" is either an experienced soldier or a demobilized participant in an armed conflict. There were maybe 25 million veterans in this sense of the word at the end of World War II, not counting surviving underground fighters and other irregulars.[8] They comprised about 15 percent of the population. The calculation of these numbers is tentative, not only because postwar population totals rely on somewhat controversial reconstructions, but also because there is no exact Soviet equivalent to the Latin meaning of the term and hence no archival data on this category of citizens.[9] The primary sources (both archival and published) instead use five other terms with partially overlapping semantic fields – *invalid voiny, uchastnik voiny*, *frontovik*, *demobilizovannyi,* and, yes, *veteran.* While the same words reappear in the context of other wars, I will focus here on their meanings with regards to World War II, or, more

7 For a detailed account of the legal and organizational history see Mark Edele, Soviet Veterans of the Second World War. A Popular Movement in an Authoritarian Society, 1941–1991, Oxford 2008, chapters 7 and 8.

8 Calculated from G. F. Krivosheev, Soviet Casualties and Combat Losses in the Twentieth Century, London 1997, 91; id., Poteri vooruzhennykh sil SSSR, in: Liudskie poteri SSSR v period Vtoroi mirovoi voiny: Sbornik statei, St. Petersburg 1995, 27. For a tabulation see Edele, "Soviet Veterans as an Entitlement Group," 120, table 2. On irregulars see Kenneth Slepyan, Stalin's Guerrillas. Soviet Partisans in World War II, Lawrence, Kansas 2006.

9 Most historical demographers assume a total population of 171 million by early 1946. See, for example, Naselenie Rossii v XX veke. Istoricheskie ocherki, vol. 2: 1940–1959, Moscow 2001, 134.

precisely, the German-Soviet war, dubbed the "Great Patriotic War" (*Velikaia Otechestvennaia voina*) in Soviet parlance.

The first of these terms is the oldest legal status of (some) veterans in the Latin meaning of the word. Since 1940, an increasingly complex legislation regulated the rights and duties of disabled servicemen, soon termed Invalids of the Patriotic War, who were classified by work ability into three groups: I for the most severely injured, III for those with most labor power remaining. Their number repeatedly changed due to death and re-classification, but in the immediate postwar years hovered somewhere around two percent of the overall population and between ten and 15 percent of all war veterans. During the entire war, some 3.8 million service-personnel were "invalided out" of the fighting forces; by early 1946, the official tally was down to 2.8 million, while only 2.6 million continued to be recognized as "permanently disabled."[10] Despite such efforts at limiting their number, this was not an insignificant share in regional comparison. In relative terms, for example, the Soviet Union acknowledged more war invalids after 1945 than, for example, Czechoslovakia in the interwar years (1.4 percent of the population – see contribution by Stegmann in this volume). As we will see below, the institutionalization of "war participants" as a status group in the late 1970s would privilege a very similar share of the population – three percent.

Notwithstanding such comparisons, the disabled were a minority among those who had seen service in the war. For this larger group two main terms circulated in public discourse: "frontline soldier" (*frontovik*) and "Participant of the Patriotic War" (*uchastnik Otechestvennoi voiny*). The former was not a legal term, but frequently used; the latter was a legal term, but used infrequently at the time. This was the category which came closest to encompassing all veterans in the understanding of this essay: According to the Soviet veterans' organization, there were about 20 million "war participants" in 1945 (or twelve percent of the population).[11] This word rose to prominence in the 1970s, in tandem with the term *veteran*, which played little role immediately after the war. As we shall see below, the most important legal term in 1945–1948 besides war invalid was "demobilized soldier" (*demobilizovannyi*).

In different periods, then, different terms were at the center of veterans' welfare.[12] Until 1945, and again from 1948 to 1978, the major term was *invalid Otechestvennoi voiny,* a status emerging out of the 1940 legislation regarding military pensions. In addition to pensions (stratified by group of invalidity, pre-war income, and military rank), war invalids could in theory (if not always in practice) receive a variety of material benefits (for more on their situation see the contribution of Beate Fieseler in this volume). These included preferred access to food, fuel, consumer goods, and housing, exemptions from tuition payment in higher education, tax privileges, special labor regulations and better

10 Krivosheev, Soviet Casualties, 92; Catherine Merridale, Ivan's War. Life and Death in the Red Army, 1939–1945, New York 2006, 363.

11 Victor Stepanovich Nechaev, Sila Veteranakh – v edinenii, in: Veteran. Gazeta sotsial'noi zashchity, no. 31 (320), October 1994, p. 1.

12 Edele, Soviet Veterans, 84-89.

conditions for housing construction loan repayments. Between 1948 and the 1960s, changes to this privilege system were slow, and confined largely to some adjustments of pension regulation and size of payments. The 1960s saw a growth of privileges with regards to housing, public transport, labor regulations, medical care, and scarce consumer goods – a legislative activity which gathered further steam in the 1970s. The end point of this development were the 23 February 1981 Statutes on Privileges of Invalids of the Patriotic War and the Families of Fallen Servicemen, which systematized the legislation in one legal act.[13] From this date onwards, the status of Invalid of the Patriotic War began to grow into the new and developing category of "war participant," which would also give a ride to the "veteran."

The "participant of the Patriotic War" (*uchastnik Otechestvennoi voiny*), which became the central term of positive legal discrimination from 1978 onwards, had a somewhat subterranean history until that date. The term had already emerged during the war to designate experienced fighters.[14] After the war, it became a symbolic status, connected to the Victory medals of 1945. The medal *For Victory over Germany in the Great Patriotic War 1941–1945* was awarded to all soldiers who had served at least three, and to civilian personnel with a service record of at least eight months during the war. The medal came with a legal document (*udostoverenie*) which included the words „to the war participant" (*Uchastniku voiny*).[15] In terms of legal privileges, the category entitled to easier access to stipends, preferred admission to preparatory courses, technical colleges, institutes and universities. It did not free from entrance exams, as is sometimes suggested, nor did it give exemption from tuition payment or better stipends. The rights were much more modest, allowing students who had finished school with distinction before the war (*otlichniki*, a mark of high academic achievement which allowed admission without exams) to take advantage of this status despite the time lag caused by the war. Everybody else did have to sit and pass exams, but were then admitted outside of the ranking system (*vne konkursa*).[16] The category of war participant re-emerged during the growing war cult as a term of praise, especially from 1965 onwards, and was finally instituted in the 1978 landmark decree creating the basis for the fully blown privileges system of the final decade of Soviet history.[17] Central Committee and Council of Ministers Resolution No. 907 of 10

13 Sobranie postanovlenii pravitel'stva SSSR (= SP SSSR), 1981, No. 12, st. 71, p. 315-26.

14 See, for example, the order of the 147th Rifle division of 31 May 1942. Bundesarchiv-Militärarchiv (BA-MA; Freiburg im Breisgau) RH 26/297/100.

15 G. M. Shirshov, Oni stali osnovnym kontingentom Sovetskoi Armii, in: Voenno-istoricheskii zhurnal, No. 3, 2008: 34-35, here: 35. On the political struggles about the boundaries of this category see also Tat'iana Vladimorovna Chertoritskaia, Dorogie moi veterany: Iz istorii razrabotki i priniatiia zakonodatel'stva vo veteranakh, St. Petersburg 1995.

16 Mark Edele, A 'Generation of Victors?' Soviet Second World War Veterans from Demobilization to Organization 1941–1956. Ph.D. diss., The University of Chicago, 2004, 122-23.

17 Edele, Soviet Veterans, 9-10, 202-207. For a quick o verview over the definition of the category and the associated privileges by the time of the 40th anniversary of Victory see Uchastniki voiny, in: Velikaia Otechestvennaia voina, 1941–1945: Entsiklopediia, Moscow 1985, 751.

November 1978 gave special rights with regards to travel, holidaying, recreation leave, housing loans, medical care, gardening cooperatives, and private telephones.[18]
During mass demobilization, the term war participant was less important, and most of the struggle between veterans and the state of the immediate postwar years – delivery of promises always was a problem – focused on either the status of war invalid, or that of the person "demobilized from the Red Army" (*demobilizovannyi*).[19] This group's privileges were regulated in the demobilization law of 23 June 1945, which was applied to subsequent demobilization waves in 1946 and 1947, when many millions were released to reduce the armed forces to peacetime strength. It promised a uniform and a pair of shoes (no civilian clothes, although these were sometimes distributed from trophy funds), transport back home and food during the journey, a lump sum payment stratified by rank and length of service, help in reestablishing housing and placement into a job commensurate with skills and pre-war occupation. It also announced preferred access to heating fuel upon arrival, and more generally "utmost help" from local authorities.[20]
How many veterans were in principle eligible for these benefits cannot be determined with precision. The standard histories of demobilization speak of 8.5 million demobilized soldiers between 1945 and 1948.[21] The latest archival data we have, by contrast, are from 1 January 1947, when a total of 7.6 million demobilized soldiers had arrived in the localities.[22] Searching for an original source for the higher number leads the historian either into blind alleys or to a speech by N. S. Khrushchev on troop reductions of 1960.[23] The Soviet leader mentioned the troop strength of the victorious army as 11.4 million by May 1945, adding that "towards 1948" (*k 1948 godu*) this number had fallen to 2.9 million.[24] The difference between these two levels – the famous 8.5 million – cannot be the total number of demobilized soldiers, because mobilization of younger cohorts and remobilization of specialists continued as older soldiers were released.[25] Moreover, by early June 1945, just before demobilization commenced, the troop strength had increased to

18 SP SSSR, 1978, No. 27, st. 164, p. 540-42.
19 The classical study of this group and its postwar fate is V. N. Donchenko, Demobilizatsiia Sovetskoi Armii i reshenie problem kadrov v pervye poslevoennye gody, in: Istoriia SSSR, no. 3 (1970): 96-106.
20 Edele, Soviet Veterans, 34, 191. For an overview over the demobilization waves, complete with birth cohorts, time periods, and sources for the relevent legal acts see ibid., 23 (table 1.1). For a booklet informing soldiers about their rights and benefits see Pamiatka demobilizovannym riadovym i serzhantam Krasnoi Armii, 2nd enlarged ed., Moscow 1946. An early study of this legislation is Carol Jacobson, The Soviet G.I.'s Bill of Rights, in: American Review on the Soviet Union 7, no. 1 (1945): 56-63.
21 For example: B. N. Ponomarev (ed.), Istoriia SSSR s drevneishikh vremen do nashikh dnei, 12 vols., vol. 11, Moscow 1980, 56; or the article on demobilization in the authroritative handbook: Velikaia Otechestvennaia voina, 1941–1945: Entsiklopediia, Moscow 1985, 237-38, here: 238.
22 Statistical report by Committee for registration and distribution of labor under Sovnarkom, Gosudarstvennyi Arkhiv Rossiiskoi Federatsii (GARF) f. r-9517, op. 1, d. 56, l. 1.
23 For a documentation of such chasing of historical geese see Edele, A Generation of Victors, 41, fn. 5.
24 Pravda, 15 January 1960, 1-5, here: 3.
25 In May 1945 the birth year 1928 was prepared for the draft, which might explain the rise of the numbers between then and June. See the protocol of closed party cell meeting in Gork'ii gorvoenkomat, 21 May 1945: Gosudarstvennyi obshchestvenno-politicheskii arkhiv Nizhegorodskoi oblasti (GOPANO) f. 4968, op. 3, d. 4, l. 16. And in early 1947, demobilized airmen were re-drafted. See Peter Pirogov, Why I Escaped. The Story of Peter Pirogov, New York 1950, 245.

12.8 million[26] – implying a contraction of the army by 9.9 million during mass demobilization. Table 2 summarizes these data.

Table 2: Reconstruction of number of demobilized soldiers, 1945–1948

	Date	Strength of Armed Forces (mio)	Number demobilized (mio)	Source
A	May 1945	11.4	xxxxxxxxx	Khrushchev
B	June 1945	12.8	xxxxxxxxx	Krivosheev and Filimoshin
C	early 1948	2.9	xxxxxxxxx	Khrushchev
D	1945–1948	xxxxxxxxxx	8.5	Standard Soviet histories, also implied by comparing Khrushchev's numbers for 1945 and 1948 (D=A-C)
E	June 1945 – 1 January 1947		7.6	Archival
F	June 1945 – early 1948		9.9	F = B-C

Another category, "veteran" (*veteran*), became central only in the process of extending much of the privileges of *war participants* to more or less the entire older generation between 1978 and the mid-1980s. *Veteran* had been a term used infrequently in the immediate postwar years, and if used it referred to experienced soldiers within the armed forces, rather than people who had returned to civilian life. It had no legal meaning.[27] In 1956, the term received a new lease on life, when the regime attempted to join the World Veterans Federation (*FMAC*), and hence needed its own front organization, the Soviet Committee of War Veterans (*Sovetskii komitet veteranov voiny* – SKVV). Against the original intentions, the SKVV became extremely popular among veterans, was appropriated by them as a lobbying organization, and flowered organizationally from 1965, before being cut back to size by decree in 1976. As instituted in the SKVV, the term *veteran* referred to former combat personnel; subsequently, the concept became more inclusive, denoting anybody who had made a contribution to the war effort. Institutionally, this enveloping of the entire war generation was realized in the 1986 foundation of the "All-Union Organization of Veterans of War and Labor" (*Vsesoiuznaia organizatsiia veteranov voiny i truda*), which absorbed the SKVV in a somewhat uneasy settlement as well.[28] In Gorbachev's explanation of the necessity of the new institution, "veterans" became a "strata" within the population (*sloi naseleniia*), which the leader described as made up of

26 G. F. Krivosheev and M. F. Filimoshin, „Poteri vooruzhennykh sil SSSR v Velikoi Otechestvennoi voine," in: Naselenie Rossii v XX veke. Istoricheskie ocherki, vol. 2: 1940–1959, ed. V. B. Zhiromskaia, Moscow 2001, 26.

27 See, for example, Vstrechi veteranov s molodimi voinami, in: Krasnaia zvezda, 8 May 1947, p. 2.

28 Edele, Soviet Veterans, 16-17 and chapter 7. Also compare the entries for "veteran" in Sovietskaia voennaia entsiklopediia, vol. 2, ed. A. A. Grechko, Moscow 1976, p. 121; with the same item in Voennaia entsiklopediia, vol. 2, ed. P. S. Grachev, Moscow 1994, 80.

"the working class, the kolkhoz peasantry, the intelligentsia, women and men, veterans and youth, … nations and nationalities."[29] Hence, veterans had finally found their sociological place – as an organized, legally privileged generation.[30]

Not all terms for war veterans were unambiguously positive. Like in Czechoslovakia or Yugoslavia (see the contributions by Natali Stegmann and Heike Karge in this volume), the status of war invalid and war participant were defined explicitly as referring to those who had fought on the Soviet side. Those who had served in anti-Soviet formations were thus excluded.[31] A liminal position between these two groups was occupied by former POWs (*byvshie voennoplennye*) who had been repatriated to the Soviet Union after the war's end (*repatriirovannye grazhdane*).[32] Notwithstanding popular views to the opposite, they were not all sent to the Gulag or shot, but rather screened in a complex and nearly discriminate process (given what one might expect from Stalin's regime according to the precedents of the 1930s and the legal definition of captivity as treason).[33] Once cleared of wrongdoing, the welfare provisions for these 1.8 million returnees were similar to those of demobilized soldiers, although they were subject to some residency restrictions. They were also vulnerable to re-arrest throughout the years of Stalin's rule and their legal position remained problematic even after their somewhat silent rehabilitation in the 1950s.[34]

Table 3 summarizes the legal categories and the approximate group sizes in the immediate postwar years, when legal privileges were ubiquitous for veterans. It is noteworthy, that this reconstruction shows only 62 percent of veterans covered by welfare legislation, if we disregard the minor advantages for war participants at the time. This is obviously not an exact number, as the tally of demobilized soldiers is still not more than an educated guess, and the total number of veterans is a reconstruction. The share of the privileged would also rise if we use "war participants" (row E) as the base-line, but even then we would speak only of 78 percent.

29 M. S. Gorbachev, speech at the CC Plenum, 27 January 1987, in: Pravda, 28 January 1987, pp. 1-5, here: 2, 3.

30 Stephen Lovell, Soviet Russia's Older Generations, in: Generations in Twentieth-Century Europe, ed. Stephen Lovell, Houndsmills/Basingstokes 2007, 205-26.

31 There is some limited discussion of this issue in the veterans' press in the late Soviet years. See, for example, S. Kazimir, Bylo, da ne splylo, in: Veteran, No. 9, 1988, 11; and reactions by readers: Chitateli prodolzhaiut razgovor. Proshchenie net i ne budet!, in: Veteran, No. 15, 1988, 6. On those who served in anti-Soviet units see A. V. Okorokov, Antisovetsie voinskie formirovaniia v gody Vtoroi Mirovoi voiny, Moscow 2000.

32 See, for example, Pavel Polian, Deportiert nach Hause. Sowjetische Kriegsgefangene im „Dritten Reich" und Ihre Repatriierung, Munich/Vienna 2001, or Ulrike Goeken-Haidl, Der Weg zurück. Die Repatriierung sowjetischer Zwangsarbeiter und Kriegsgefangener während und nach dem Zweiten Weltkrieg, Essen 2006.

33 Katrin Boeckh, Stalinismus in der Ukraine. Die Rekonstruktion des sowjetischen Systems nach dem Zweiten Weltkrieg, Wiesbaden 2007, 303, 318, 541.

34 Edele, Soviet Veterans of the Second World War, chapter 5. For the number repatriated: 102. On the silent rehabilitation see also Beate Fieseler, Innenpolitik der Nachkriegszeit 1945–1953, in: In Handbuch der Geschichte Russlands. Vol. 5: 1945–1991. Vom Ende des Zweiten Weltkriegs bis zum Zusammenbruch der Sowjetunion. 1. Halbband, ed. Stefan Plaggenborg, Stuttgart 2002, 36-77, here: 48.

Table 3: Overview of Categories and Group Sizes for Veterans in Late Stalinist Years

#	Category	Approx. size (mio)	Share (in %)	Date	Notes
A	Veterans (in the Latin meaning of the word)	25	100	1945	Not a legal category
B	Invalid of the Patriotic War (invalid Otechestvennoi voiny)	3.8	15	1941–1945	Covered by legislation beginning in 1940
C	' ' '	2.8	11	1946	
D	' ' '	2.6	10	?	Official number of permanently disabled
E	War participant (uchastnik Otechestvennoi voiny)	20	80	1945	Only a minor legal status until 1978
F	Demobilized soldier (demobilizovannyi)	8.5	34	1945–1948	lower limit, standard number in the literature
G	Demobilized soldier (demobilizovannyi)	9.9	40	1945–1948	number reconstructed in table 2 above
H	repatriated POWs	1.8	7	data as of 1956	similar privileges as for demobilized applied in parallel with discrimination
I	maximum number covered	15.5	62		I = B+G+H

However we turn to the available data, then, they do not imply complete coverage of veterans during the immediate postwar years. One group self-evidently not privileged were those who found themselves in Stalin's Gulag after their return. Others were less unlucky, but still outside of the system of special provisions. Soldiers who had been demobilized during the war, those who stayed in the army, and those who had been "invalided out" but were subsequently categorized as healthy, fell through the net of legislation. Many

within this excluded group, however, might have been among those holding high-level decorations, which gave the right to an additional set of privileges until those were abolished in late 1947.[35]

Overall, then, the legal history of veterans can be summarized thusly: During and immediately after the war, a large share of veterans were covered under the overlapping legislations for demobilized soldiers, war invalids, repatriated citizens and war participants more generally (see table 3). Recipients of higher decorations were covered under an additional set of advantages, which were dismantled at the end of 1947. This year marks the transition to the second period in this history, where special provisions were largely absent, leaving only war invalids as a legally recognized group. The category of recipients was consistently kept as small as possible through restrictive definitions and humiliating examinations. During this period, veterans did not cease to feel entitled to special treatment and many other citizens basically agreed. However, the state only started to recognize these entitlements through a legal status during the third phase, which began in 1978. In this year, "war participants" became a status group with special provisions, which were subsequently broadened to more and more of those who had survived World War II. 1986 can stand as an end-point in this transformation of veterans into a legally defined and organized war generation.

The history of Soviet veterans as a corporate group thus has a clear historical rhythm. An original status group was forged during the period when the wartime emergency and the postwar problems engendered welfare legislation for various subgroups, which converged to a considerable degree between 1945 and 1947. It survived as an entitlement community after most of the privileges (except provisions for war invalids) were dismantled in 1947 and 1948, to re-emerge in 1978 as a new status group of "war participants," whose privileges were subsequently broadened to more and more "veterans" of the "war generation" in the 1980s.

2. The Soviet welfare state and the veterans

How does this periodization relate to the history of the Soviet welfare state? From the very beginning, the Soviets competed with the "capitalist" countries in caring for the population. At times, this welfare state building was suspended and often even rolled back in order to deal with perceived emergencies and actual wars, but overall, the claim always was that this was a fairer, better, and more equal society than any other. While in practice often better understood as a warfare state, the Soviet leadership had other aspirations, too. In order to outperform the developing welfare states outside its borders, the Bolsheviks instituted, in October 1918, social insurance for all toilers. This universal system was fated to exist mainly on paper, and was dismantled in the 1920s and 1930s, to be replaced by highly stratified provisions. In this Stalinist version, welfare became

35 Edele, Soviet Veterans, 191-192.

a means of mobilization to labor and war, and, hence, extremely unequal. Sick leave, for example, differed according to profession, length of service, branch of industry, and personal work discipline. Pensions, where available, followed the same logic of hierarchy and meritocracy. The war further dismantled parts of the welfare structure (the social security system and child protection services, for example), while adding the new provisions for soldiers and war invalids referred to above. Vigorous attempts to build a more universalized health-care system in particular from the late 1930s onwards, continued to be thwarted by the demands of mobilization for war, followed by the costs of the atomic weapons program.[36]

While thus already the 1936 Constitution had promised "the right to material security in old age, as well as in case of illness or loss of the ability to work", it took into the 1950s that such claims were slowly realized, not least because the example of "Western" welfare democracies forced the authorities' hands somewhat. A landmark was the pension reform of 1956, which universalized and systematized the chaotic legislation which had developed since the 1920s. In 1965, even collective farmers – always the step-children of Soviet politics – were brought into the pension system. By now, the Soviet welfare state had become a central part of the regime's claims to legitimate rule. No wonder, then, that the old article, which had promised material security in the 1936 constitution (art. 120) became longer (now art. 43) in the new constitution of 1977.[37]

We can thus see two phases in the interconnection of the veterans' benefits system and the Soviet welfare state after World War II. First, the two developed independently from each other. Indeed, the state was extremely reluctant to institute veterans' benefits, which after 1948 were restricted to war invalids' care, which constituted a better system than what non-military disabled had to contend with.[38] Until 1978, however, this parallel universe did not play a leading role in welfare state formation. Unlike in the United States, where provisions for returning soldiers of the Civil War were slowly broadened to

36 Pavel Stiller, Die sowjetische Rentenversicherung 1917–1977, Cologne 1979, 10-12, 15-16, 66; id., Sozialpolitik in der UdSSR 1950–1980. Eine Analyse der quantitativen und qualitativen Zusammenhänge, Baden-Baden 1983; Bernice Q. Madison, Social Welfare in the Soviet Union, Stanford, Calif. 1968, 45, 51-53; Susan Zimmermann, Wohlfahrtspolitik und die staatssozialistische Entwicklungsstrategie in der 'anderen' Hälfte Europas im 20. Jahrhundert, in: Sozialpolitik in der Peripherie. Entwicklungsmuster und Wandel in Lateinamerika, Afrika, Asien und Osteuropa, ed. Johannes Jäger, Gerhad Melinz and Susan Zimmermann, Frankfurt a. M. 2001, 211-37; Christopher Burton, Medical Welfare During Late Stalinism. A Study of Doctors and the Soviet Health System, 1945–1953, Ph.D. diss., The University of Chicago, 2000 (see esp. his overview of the health system in chapter 1); A. A. Danilov / A. V. Pyzhikov, Rozhdenie sverkhderzhavy. SSSR v pervye poslevoennye gody, Moscow 2001, 101-102, 114; Dorena Caroli, Bolshevism, Stalinism, and Social Welfare (1917–1936), in: International Review of Social History 48 (2003): 27-54.

37 F. J. M. Feldbrugge (ed.), The Constitutions of the USSR and the Union Republics: Analysis, Texts, Reports, Germantown, Maryland 1979, 96-97; Stiller, Die sowjetische Rentenversicherung, 10-12, 15. For a study of the historical development of the Soviet pension system and its transformation after the breakdown of the Soviet Union see Andrea Chandler, Shocking Mother Russia. Democratization, Social Rights, and Pension Reform in Russia, 1990–2001, Toronto 2004.

38 Bernice Madison, Programs for the Disabled in the USSR, in: The Disabled in the Soviet Union. Past and Present, Theory and Practice, ed. William O. McCagg and Lewis Siegelbaum, Pittsburg 1989, 167-98, here: 185-8; Fieseler, Die Invaliden des 'Grossen Vaterländischen Krieges', 164, 472-75.

more and more citizens, and unlike Australia, where the care for the obviously deserving poor of the World War broke open barriers for welfare provisions more generally, in the Soviet Union the growing welfare sector developed partially from ideological sources and partially as a result of the "peaceful competition" with the capitalist world.[39] It was only from 1978, when war participants were integrated into a newly created status group, that the causal nexus developed which made war veterans into the *avant garde* of the Soviet welfare state, their privileges becoming the blueprint for provisions for the entire older generation.

3. Social mobility

The central distinction between entitlement claims and actually instituted privileges, which underwrites the analysis presented here, is obscured in much of the literature.[40] Some authors suggest that the absence of formal rights mattered little, as "informal privileges" were ubiquitous in Soviet society, leading to "upward mobility for many soldiers."[41] This thesis is half correct, but also empirically imprecise. "Informal privileges" did exist and in individual cases helped veterans to get ahead in life, but they could not compensate for the lacking legal privileges and their administrative implementation; they could not, and did not, lead to social mobility of veterans *as a group*. The Soviet Union was not France, at least not before 1978.

Legal and institutional histories thus matters. It is true that the sense of entitlement veterans felt after the war was accepted as legitimate by many Soviet citizens, including many local and regional officials with decision making powers over access to scarce resources, in particular housing.[42] Returned Slavic servicemen could also take advantage of resources (houses, agricultural land, etc.) that the wartime ethnic cleansing had freed up in the Caucasus. In what used to be Eastern Prussia as well as in the Karelian Isthmus, special settlement schemes intended to "improve" the ethnic composition of these borderlands, favored demobilized soldiers and their families.[43] In the Baltics, the understaffed Communist Party was in parts filled with demobilized soldiers, many of them Russians, who often were promoted into leading positions as well.[44] In the other "Western borderlands" (Ukraine, Belorussia) the postwar cleansing of the elite of those

39 Theda Skocpol, Protecting Soldiers and Mothers. The Political Origins of Social Policy in the United States, Cambridge, Mass. 1992. On Australia see, inter alia, Stephen Garton, The Cost of War. Australians Return, Melbourne 1996, William De Maria, Combat and Concern: The Warfare-Welfare Nexus, in: War & Society 7, no. 1 (1990): 71-86.

40 For example: Amir Weiner, The Making of a Dominant Myth: The Second World War and the Construction of Political Identities within the Soviet Polity, in: The Russian Review 55 (1996); and id., Making Sense of War. The Second World War and the Fate of the Bolshevik Revolution, Princeton / Oxford 2000.

41 Danilova, The Development of an Exclusive Veterans' Policy, 12-13.

42 This point becomes particularly clear if veterans are compared to re-evacuees. See Rebecca Manley, To the Tashkent Station. Evacuation and Survival in the Soviet Union at War, Ithaca/London 2009, 260-62.

43 See Edele, Veterans and the Village, 169-70.

44 Elena Zubkova, Pribaltika i Kreml'. 1940–1953, Moscow 2008, 149-50, 155.

who might have "collaborated" with the enemy also advantaged veterans, who could draw on their war-service as proof for their loyalty.[45] Within the unoccupied heartland, too, we can list many examples of invented rights which were realized at the local level, as well as instances of informal affirmative action for returned combat personnel.[46] As a result of all of these processes, veterans did move up in the world.

This upwardly mobile group, however, did not constitute a majority. The peasant soldiers entering the Communist Party at the frontline and moving on to higher education and a career in politics and administration were a small minority, both among war participants as a whole and among peasant-soldiers in particular. Only one percent of demobilized soldiers were students by early 1947 and a large share of these would have entered higher education with or without the war. Ninety-nine percent did other things. The Party-men dominating postwar politics on all levels were veterans, it is true, but they, too were a minority, as the majority of war survivors – at least 79 percent – were *not* Party members. Pre-war trends in party admissions were continued at the front, which meant that the educated remained more likely than the uneducated to become comrades; workers and employees continued to join far above their share in the population; while the obverse tendency continued for peasants. Officers joined more than the ranks and more specialized units had more party members.[47] Much of the visibility of veterans in administration and politics, then, was an effect of men (and some women), who had served in the army, returning to their prewar life trajectories. In terms of political generation, Stalin's promotees of the 1930s (whether they later became *frontoviki* or not) dominated the Soviet polity until the 1980s, not the wartime generation.[48]

As far as the majority of returnees are concerned, they did eventually leave the village, but whether or not the move from collective farmer to unskilled factory hand constitutes "upward mobility" remains a matter of judgment. Moreover, a close examination of the now available data indicates that veterans (like everybody else) were fleeing the exploitation in agriculture rather than seeking the bright light of the city. Originally, most returned to "mud and cockroaches" (Catherine Merridale), only to leave once postwar dreams of a better village turned out to be hollow. No informal esteem for the defenders of the motherland could compensate for the economic exploitation of the mass of Soviet veterans after the war – the returned peasant-soldiers who had made up the ranks of Stalin's army.[49] As far as the sometimes celebrated "Stalinist care" (*Stalinskaia zabota*) for disabled veterans is concerned, it might be sufficient to point out that 70 percent of

45 On Ukraine see Weiner, Making Sense of War, chapter 1.
46 Edele, Soviet Veterans, 133, 195-96.
47 Ibid., 134-38, 142, and chapter 6 (on social mobility).
48 John D. Nagle, A New Look at the Soviet Elite: A Generational Model of the Soviet System, in: Journal of Political & Military Sociology 3, no. 1 (1975). See also, with much more detail: Evan Mawdsley / Stephen White, The Soviet Elite from Lenin to Gorbachev. The Central Committee and its Members, 1917–1991, Oxford 2003.
49 Mark Edele, Veterans and the Village: The Impact of Red Army Demobilization on Soviet Urbanization, 1945–1955, in: Russian History 36, no. 2 (2009): 159-82; and Merridale, Ivan's War, 362.

those rounded up as beggars during a campaign against "anti-social, parasitic elements" in 1951–53 were war or labor invalids.[50]

Eventually, however, veterans did become a central status group in Soviet society, leading the way for welfare provisions and an elevated symbolic status for the entire "older generation." Why this shift in 1978? Partially, this is a story of a contingent political event, of unintended consequences of the constitutional debate of 1977, of backroom politics, the lobbying of the veterans' organization, and the letter-writing activities of rank-and-file veterans all over the Soviet Union.[51] But there were longer-term transformations at play, too, which made 1978 and what followed possible in the first place. The original reluctance of the political leadership to reward returning soldiers with special privileges was partially of ideological origin: veterans were just citizens who had served in the army, they were not a social group in a Marxist understanding, and hence they did not exist "in themselves." But the state's resistance to the veterans' entitlement claims was also motivated by hard-headed realism. In 1945, about 15 percent of the population were veterans, not counting irregulars of all kinds; a slightly smaller group, about twelve percent, were acknowledged as "war participants," and about two percent of all Soviets were recognized as war invalids. These were significant shares, once spouses, children and dependents were added to these potential beneficiaries of a veterans' benefits system. The leader of the country expected war with the United States in the not-so-distant future while having to contend with a destroyed economy they had to re-build without foreign aid. Privileges for returning soldiers would cost too much and lessen the incentives to go back to work and re-build Socialism in order to fight another day. By the late 1970s, money was still an issue for the decision makers, but the group of potential beneficiaries was much smaller. According to the data of the SKVV, there were eight million war participants in the country in 1979, at a time when the total population of the Soviet Union stood at 241 million.[52] The share of all veterans, hence, was not much larger than the share of war invalids had been after the war. And while the country was still crippled by systemic shortages as well as the long-term consequences of the war, the crisis years were over and even something of a consumer society had taken shape.[53]

50 Report by Minister of Interior S. Kruglov and Militia boss N. Stakhanov on struggle to liquidate begging (20 February 1954), available at http://www.alexanderyakovlev.org/almanah/inside/almanah-doc/1007415 (accessed July 2010). On this campaign see also Sheila Fitzpatrick, Social Parasites. How Tramps, Idle Youth, and Busy Entrepreneurs Impeded the Soviet March to Communism, in: Cahier du Monde russe 47, no. 1-2 (2006): 377-408. For a wider perspective on the history of begging see Hubertus F. Jahn, Armes Russland. Bettler und Notleidende in der russischen Geschichte vom Mittelalter bis in die Gegenwart, Paderborn 2010.

51 Mark Edele, Collective Action in Soviet Society: The Case of War Veterans, in: Writing the Stalin Era: Sheila Fitzpatrick and Soviet Historiography, ed. Kiril Tomoff, Julie Hessler, and Golfo Alexopoulos, Palgrave 2011.

52 Shorthand report of 4th SKVV plenum, 19 September 1979, GARF f. r-9541, op. 1, d. 1520, l. 118 (the number refers to uchastniki grazhdanskoi i Velikoi Otechestvennoi voiny, a number including the remaining survivors of the Civil War); and Itogi Vsesoiuznoi perepisi naseleniia 1979 goda, vol. II: Pol, vozrast i sostoianie v brake naseleniia SSSR, soiuznykh i avtonomnykh respublik, kraev i oblastei. Chast' I. Statisticheskii sbornik, Moscow 1989, 32.

53 On normalization see Julie Hessler, Postwar Normalisation and Its Limits in the USSR: The Case of Trade, in: Europe-Asia Studies 53, no. 3 (2001): 445-71; Donald Filtzer, The Standard of Living of Soviet Industrial Workers in the Immediate Postwar Period, 1945–1948, in: Europe-Asia Studies 51, no. 6 (1999): 1013-38; on the war's long-term impact see Mark Edele, The Impact of War and the Costs of Superpower Status, in: The Oxford Handbook of

Clearly, it was much easier to accommodate three percent of the population during times of relative (if modest) prosperity than twelve or even 15 percent during a period of catastrophic wartime destruction. Simply put, the Soviet Union was not the United States of America, which could afford to extend veterans' benefits to about half of the population by the 1960s, while also investing heavily in armaments.[54] There had also been a cultural shift, which had replaced the Revolution with the Great Patriotic War as the major legitimizing myth. Brezhnev himself constantly claimed his own heroic past as central to who he was, and the bombastic war cult the leader helped instigate in the 1960s and 1970s had its own doing in transforming war veterans into part of the symbolic center of this society. The subsequent broadening of the group of the privileged to all who had participated in the wider war effort, while neither planned nor foreseen by policy makers in 1978, was also only logical in this context. The war had taken on a symbolic life of its own, a life which continues to this day despite the slimming of the ranks of the survivors.

Modern Russian History, ed. Simon Dixon, Oxford, forthcoming. On Soviet consumerism see Vladimir Shlapentokh, Public and Private Life of the Soviet People. Changing Values in Post-Stalin Russia, New York/Oxford 1989; Susan E. Reid, Cold War in the Kitchen: Gender and the De-Stalinization of Consumer Taste in the Soviet Union under Khrushchev, in: Slavic Review 61, no. 2 (2002): 211-52. Lewis H. Siegelbaum, Cars for Comrades: The Life of the Soviet Automobile, Ithaca 2008; Anne E. Gorsuch, and Diane P. Koenker (eds.), Turizm. The Russian and East European Tourist under Capitalism and Socialism, Ithaca/London 2006.

54 This share refers to veterans and their family members. See Kathleen J. Frydl, The GI Bill, Cambridge 2009, 358-59.

The Soviet Union's "Great Patriotic War" Invalids: The Poverty of a New Status Group

Beate Fieseler

RESÜMEE

Die Sowjetunion ging aus dem „Großen Vaterländischen Krieg" als Sieger und zweite Supermacht neben den USA hervor. Doch der Preis für diesen Triumph war schrecklich hoch. Der Krieg kostete schätzungsweise 27 Mio. Menschen das Leben, Millionen Soldaten kehrten verstümmelt, blind oder chronisch krank von der Front zurück. Aufgrund rigider Anerkennungsverfahren wurden aber nicht alle dieser Kriegsopfer in die Statusgruppe der staatlich anerkannten Kriegsinvaliden aufgenommen, die Anspruch auf Rentenzahlung und andere Privilegien geltend machen konnten. Aus staatlicher Sicht war vor allem die schnelle Wiedereingliederung ins Arbeitsleben die beste Therapie gegen kriegsbedingte körperliche Leiden und wurde deshalb zum Hauptinstrument sowjetischer Sozialpolitik. Es fehlte allerdings an begleitenden Umschulungs- oder Ausbildungsprogrammen, medizinischen Rehabilitationsmaßnahmen und einer ausreichenden Zahl funktionstüchtiger Prothesen. Während die staatliche Propaganda „umfassende Fürsorge" für die Kriegsversehrten in Aussicht stellte, erlebten sich diese selbst als „arme Sieger".

1. Introduction

The question to what extent the Soviet Union was a welfare state, was first raised in the 1960s, however no thorough analytical response has yet been given.[1] The Soviet leadership granted the welfare idea a central place in its political propaganda from the very

1 A. Nove, Towards a ‚Communist Welfare State'? Social Welfare in the USSR, in: Problems of Communism 9 (1960) 1, 1–10; Ders., Is the Soviet Union a Welfare State, in: T. Riha (Hg.): Readings in Russian Civilization, Vol. III, Chicago 1964, 745–756; B. Q. Madison, Social Welfare in the Soviet Union, Stanford / California 1968 as well as the literature in the paper by Mark Edele in this volume (Notes 36 and 37).

Comparativ | Zeitschrift für Globalgeschichte und vergleichende Gesellschaftsforschung 20 (2010) Heft 5, S. 34–49.

beginning and declared that it wanted to create a new, just and content society in which exploitation would be abolished and the right to social security guaranteed. These guiding principles were upheld until the very collapse of the system.

This paper examines the pensions and benefits for disabled servicemen and asks to what extent the state lived up to the task it had set itself and fulfilled the expectations that had been aroused.[2] The ex-servicemen are an ideal object of study due to size and definition of the group; they also paid for the survival of the Soviet state with their health and, as invalids, had reason to expect special aid. First we will sketch the material and institutional conditions that the Bolsheviks inherited and then look at the recognition processes, the war-victim pensions and benefits, the reintegration of disabled soldiers into working life and their discontent with the Soviet social welfare system.

2. Background

In the closing years of tsarist Russia the entire welfare system was still in its infancy and the care for ex-servicemen and invalids lay primarily in the hands of private philanthropists.[3] This changed, however, with the law of 25 June 1912,[4] in which the Russian government laid the foundations for public-relief payments to war victims and, for the first time, recognised the entitlement of *all* war invalids to pensions and free prosthetic devices.[5] An applicant's assets and family situation played no role – the degree of physical handicap alone determined the level of a pension. Nevertheless, as the payments did not cover the minimum income needed to exist, private charity remained important.[6]

Despite the immense costs involved, the Provisional Government (February–October 1917) continued the new course in social policy, further increasing the benefits for ex-servicemen[7] and creating the Ministry of Public Welfare (*Ministerstvo gosudarstvennogo prizreniia*) – a novelty in Russian history. Thus the administrative foundations for the modern welfare state were laid down, which were set the task of overcoming the coun-

2 For the recognition of all former combatants as one status group and their combination into the category of veterans, see the paper by Mark Edele in this volume.

3 The development of pensions and benefits for war victims in the Russian Empire has yet to be studied systematically, but see: E. Pyle, Village Social Relations and the Reception of Soldiers' Family Aid Policies in Russia, 1912–1921. Ph. D. Dissertation, University of Chicago/Illinois, 1997.

4 Pensii soldatam, ikh vdovam i sirotam. Zakon 25 iiunia 1912 s izdannymi v dopolnenie ego instruktsiiami i raz"iasneniiami Pravitel'stvuiushchago Senata, Petrograd 1915. Two days earlier, on 23 June, 1912, the Tsar endorsed the draft laws on workers' health and accident insurance. In practice, however, they only applied to about 20% of workers: V. L. Stepanov, Die Sozialgesetzgebung Otto von Bismarcks und die russischen Arbeiterversicherungsgesetze, in: D. Beyrau, I. Čičurov und M. Stolleis (Hg.), Reformen im Rußland des 19. und 20. Jahrhunderts. Westliche Modelle und russische Erfahrungen, Frankfurt 1996, 109–138. For the precursors of the law, see: J. von Puttkamer, Anfänge russischer Sozialgesetzgebung. Die Politik der Regierung und die Haltung der Industrie zur Haftung bei Arbeitsunfällen, in: H. Haumann und S. Plaggenborg (Hg.), Aufbruch der Gesellschaft im verordneten Staat, Frankfurt/M. 1994, 186–216.

5 Kak russkomu soldatu i ego sem'e poluchit' pensiiu i posobie, Moskva 1915, 17.

6 D. N. Borodin, Invalidnyj dom grafov Zubovykh, Moskva 1915, 5–6; see also: I. I. Charnomskaia, K voprosu o trudovoi pomoshchi uvechnym voinam, St. Peterburg 1915, 9–10.

7 E. Pyle, Village Social Relations, 6.

try's backwardness in this field. At the same time the care for disabled ex-servicemen was declared to be a governmental task.[8] A new goal was formulated: to replace the current concentration on material support for "help to self-help",[9] which was essentially a reference to publically funded reintegration into working life.[10] In addition, a fundamental reform of the private charity system was planned.

3. Invalid Welfare from the October Revolution to the First Five-Year Plan

The latter did not occur, however, because the Bolsheviks did away with all existing private philanthropic institutions after the October Revolution and by 1920 had brought the entire social-welfare field under public control. They assumed self-assuredly that the welfare institutions of the future Soviet state would render every kind of traditional charity redundant. In order to erase all memory of the pre-socialist period with its religiously inspired care for the poor and needy, on 17 April 1918 the public authority responsible for disabled servicemen was renamed the "People's Commissariat of Public Welfare" (*Narkomsobes*) and the customary, emotionally charged designation "maimed soldier" (*uvechnyi voin*) was replaced by the neutral term "disabled serviceman" (*invalid voiny*). In practical terms, in view of empty coffers, it was only possible to pay an elementary, minimum level of income to *persons unable to work*. After all, the Constitution of 1918 established the *requirement to work* for every individual as a basic social principle: "He shall not eat who does not work", it stated succinctly.[11] Accordingly, a new concept of social welfare won ground: only persons who were completely incapacitated, unable to work, and who genuinely had no other means of subsistence (other income, support from family, etc.) would be able to benefit.[12] Since fulfilling the interests of the workers was also a priority, the emphasis of welfare policy shifted away from disabled servicemen. During the New Economic Policy (*NĖP*) of the 1920s practically nothing remained of the tsarist government's care obligation of 1912 which had guaranteed *all* sick and wounded soldiers the right to a pension: the overwhelming majority of the 2.7 million

8 Soveshchanie pri Ministerstve gosudarstvennago prizreniia po voprosam pomoshchi voenno-uvechnym, 4 June, 1917: GARF 6787/1/37, sheet 37; speech by the Minister of Public Welfare, Prince D. I. Shakhovskoi, at the 1st All-Russian Delegates' Meeting of Wounded Soldiers, Petrograd, 15 June, 1917: GARF 6787/1/28, sheet 10.

9 O zadachakh Ministerstva gosudarstvennago prizreniia v oblasti okazaniia pomoshchi voennouvechnym. Doklad d-ra G. F. Melenevskago, 1917: GARF 6787/1/30, sheet 39.

10 Letter of the Minister of Public Welfare to various ministries requesting that all suitable positions be filled with disabled servicemen, 7 September, 1917: GARF 6787/1/30, sheets 81–82; circular of the Ministry of Agriculture on the allocation of workplaces to disabled servicemen, 19 September, 1917: GARF 6787/1/35, sheet 5; Zasedanie soveshchaniia po voprosu o trudovoi pomoshchi voenno-uvechnym so storony rabotodatelei i soiuzov rabotodatelei, 22 September, 1917, 29 September,. 1917, 6 October, 1917: GARF 6787/1/38a, sheets 1–6, 10–11.

11 Constitution of the RSFSR, adopted by the 5th All-Russian Congress of Soviets on 10 July, 1918, in: H. Altrichter (Hg.), Die Sowjetunion. Von der Oktoberrevolution bis zu Stalins Tod. Bd. 1: Staat und Partei, München 1986, 147.

12 Sotsial'noe obespechenie v Sovetskoi Rossii. Sbornik statei k s"ezdu Sovetov. Pod red. A. Vinokurova, Moskva 1919, 5.

invalids of the First World War and Russian Civil War – predominantly peasants – received no regular financial support from the Soviet government.

The top echelons of the Party and government pleaded for an as comprehensive as possible reintegration of disabled servicemen into working life instead of fostering their "sinecure mentality" with pensions.[13] However given the high unemployment during the NĖP this was out of the question, so the abject poverty of the invalids remained a mass phenomenon throughout the 1920s; but it was at least discussed in public and recognised as a social problem. Efforts were also made to alleviate the veterans' hardships through publically controlled fund-raising activities (donation appeals, lotteries, sale of commemorative stamps, calendars, etc.). Prints with depictions of begging invalids appealed to the population's readiness to help.[14] The state thus did not conceal that it was unable to meet its obligation towards the former soldiers alone, and was dependent on support from society.

This aid was increasingly sidelined in the course of the 1920s and the areas of responsibility of corresponding organisations were drastically curtailed. The government intended for the problem to be solved by public funds alone. Active reintegration into working life thus became the basic instrument of aid to war invalids, and a draft government resolution in 1930 declared it the "most practical form" of public welfare.[15]

4. The Stalinist Turnaround

The comparatively open and pragmatic approach to the issue of invalids ended abruptly in the 1930s. All existing societies and committees for aid to invalids were disbanded in 1935 as their activities had become "redundant".[16] This by no means corresponded to social reality, so other methods were chosen to bring wish and reality into agreement. Undesirable social phenomena were defined out of existence and the individuals were treated with corresponding rigour, where necessary with repression. Life in the Soviet Union had become "better, and happier too", Stalin proclaimed in 1935, and by definition there was no longer any place for inadequately supported invalids. The police now combated outcasts and outsiders, including disabled servicemen who were begging and homeless, and allegedly posed a threat to the Soviet state.[17] Social control and state security increasingly fused, and the concept of a "menace to society" spread like wildfire.

13 Letter from Trotsky to the Narkomsobes and the Vserokompom, 17 January, 1922: RGVA 4/4/207, sheets 71–72; letter of the Narkomsobes to Trotsky, 25 January, 1922: RGVA 4/4/207, sheets 79–80; Postanovlenie Narkomsobesa No. 115, 4 December, 1924: GARF 4347/1/219, sheet 9.

14 For example, see the poster "Don't leave the Red Hero empty-handed, buy special-issue stamps!" (around 1920), in: M. Lafont, Soviet Posters. The Sergo Grigorian Collection, München u. a. 2007, 49.

15 GARF 4347/1/607, sheet 60.

16 GARF 1235/76/121, sheet 7.

17 D. Shearer, Crime and Social Disorder in Stalin's Russia. A Reassessment of the Great Retreat and the Origins of Mass Repression, in: Cahiers du Monde russe, 39 (1998) 1/2, 139, 143; D. Shearer, Social Disorder, Mass Repression, and the NKVD during the 1930s, in: Cahiers du Monde russe, 42 (2001) 2/3/4, 526, 528, 534.

The campaigns of repression peaked in 1937/38 in the bloody "mass operations" of the Great Terror,[18] which also had the objective of rooting out social disorderliness once and for all. Although they were certainly not the main target, unemployed and homeless war invalids were also among the victims of the purges.[19]

The "socialist offensive" in dealing with the disabled servicemen was pursued not only with repressive means but also through ideology. Heroic passion compensated for the lack of genuine public welfare and went hand in hand with the state's terroristic practices. In order to mobilise the population – in particular young people – for the numerous new "fronts of industry", the myth of the Civil War had to be popularised. Yet real disabled servicemen were not suitable as role models. They had learned the hard way what struggle meant and as a direct result were no longer able to fight the "battles to increase production"; their primitive wooden crutches and empty sleeves were a reminder that not all wounds and deformities could be "overcome" by energy and will-power. They were therefore condemned to be swept under the carpet of the 1930's society committed to enthusiasm, optimism and heroism.

It was symptomatic and at the same time revealing of the condition of Soviet society in the early 1930s that a fictional, literary figure was stylised to be the glowing role model. The novel *How the Steel was Tempered*[20] (1932–1934) by Nikolai A. Ostrovskii furnished the "fitting hero" – Pavel Korchagin, a disabled serviceman who sacrificed himself, fighting to his last breath to build socialism. The book does not address the cruelty of war and the agony of the wounded but glorifies tireless struggle.[21] It denies the existence of physical boundaries that cannot be mastered by human endeavour. Pavel Korchagin is the "victim hero" whose iron will keeps him in constant combat-readiness, despite his physical decline, and enables him to perform at peak level. From then on he occupied a central position in the pantheon of totalitarian heroes and became a powerful model for many people–invalids included.

Now the apparatus for dealing with invalidity was ready. No distinction was made between civilian and military invalids. Regardless whether the physical impairment resulted at work or in defending the country, public welfare was first and foremost to serve the "socialist offensive" and help increase production. The social legacy of two wars was thus to be "surmounted" without great expense: with ideological axioms, and if necessary backed up with violence. A mixture of minimal care, reintegration pressure, repression of the non-integratables and all-encompassing hero-worship, shaped public attitudes to disabled servicemen from the 1930s until long after the "Great Patriotic War".

18 R. Binner und M. Junge: Wie der Terror „groß" wurde: Massenmord und Lagerhaft nach Befehl 00447, in: Cahiers du Monde russe 42 (2001) 2/3/4, 557–614; Dies.: „S ėtoj publikoj ceremonit'sja ne sleduet". Die Zielgruppen des Befehls Nr. 00447 und der Große Terror aus der Sicht des Befehls Nr. 00447, in: Cahiers du Monde russe 43 (2002) 1, 181–228.

19 There is no knowledge as to what proportion of the victims they made up.

20 Published 1932–1934, German edition 1947.

21 H. Günther, Das Tauwetter als Prozeß der Entkanonisierung, in: D. Beyrau/I. Bock (Hg.), Das Tauwetter und die Folgen. Kultur und Politik in Osteuropa nach 1956, Bremen 1988, 149.

5. The Work-Related Concept of Invalidity and its Legal Consequences

The previous health-related view was superseded in 1932 by a concept of invalidity embedded in labour-supply considerations.[22] Invalidity was now no longer recognised with physical impairment in general but only when it meant total or partial loss of the ability to work. The first category of invalidity under the new definition – the severely disabled – encompassed all persons completely unable to work and also dependent on constant care. The second group comprised those completely unable to work but not in need of care. Finally, the third category combined those still partially able to work, who could be employed under simplified conditions in low-qualified occupations, with correspondingly low income.[23] All those whose handicap did not force them to give up their profession were not recognised as invalids and had no pension entitlements at all – even when functional impairment was considerable.[24]

This production-related view of invalidity was first applied on a large scale to the millions of those physically impaired in the "Great Patriotic War" (over 18 million wounded or serious ill soldiers), of whom 3.8 million were discharged from the Red Army as invalids during the war. In the post-war years only somewhere between 2.6 and 2.8 million of these were recognised as disabled servicemen and entitled to public benefits.[25] The doctors who undertook the classification were instructed by the Ministry of Social Affairs, in ever newer briefings, to apply extremely strict standards. The example was given of an accounts clerk with a prosthetic device for his amputated lower leg. He was considered fully fit for employment and thus not to be recognised as a disabled serviceman, even if his defect had led to his discharge from the army. The admission of such cases to the third category was only possible temporarily at best, the instructions said, where a wound needed to heal or to allow the person to adapt to new circumstances (using prosthetic devices, writing with the left hand, etc.).[26] As the welfare offices saw it, war wounds either represented no impairment at all, were considered curable (through work!), or were to be overcome through adaptation. The physical impairment itself was thus trivialised and its consequences for the individual downplayed. Following a government directive, the disabled servicemen were regrouped between 1942 and 1948 in such a way that the majority of them again became available as manpower for the war economy or post-war reconstruction:

22 Trudovoe ustroistvo invalidov v SSSR. Sbornik normativnykh aktov i metodicheskikh materialov, Moskva 1963, 56; S. M. Schwarz, Arbeiterklasse und Arbeitspolitik in der Sowjetunion, Köln 1953, 339.

23 Ibidem, 56.

24 Ibidem, 52–53.

25 G. F. Krivosheev, Soviet Casualties and Combat Losses in the Twentieth Century, London 1997, 92; C. Merridale, Iwans Krieg: Die Rote Armee 1939–1945, Frankfurt a. M. 2006, 395.

26 A. Ia. Averbakh / M. V. Shirokova (Red.), Spravochnik po vrachebno-trudovoi ekspertize invalidov otechestvennoi voiny, Moskva 1943, 14; see also: A. Ia. Averbakh, Sostoianie vrachebno-trudovoi ëkspertizy v RSFSR i eë ocherednye zadachi, in N. M. Obodan (Red.): Vozvrashchenie k trudovoi deiatel'nosti invalidov, Leningrad 1945, 24, who even adduced the following example of full fitness for employment: an accounts clerk, blind in one eye, with fingers 3–5 of the right hand missing and his left lower leg amputated.

Table 1: Distribution of disabled servicemen in groups, RSFSR 1942–1948[27]

	September 1942	October 1944	January 1945	April 1948
1st group:	1.6 %	1.53 %	1.5 %	1.9 %
2nd group:	52.7 %	35.4 %	33.9 %	21.1 %
3rd group:	45.7 %	63.1 %	64.6 %	77.0 %

It is particularly conspicuous that the percentage in the second category declined markedly in favour of the third. Whereas the second category made up the majority of all invalids (52.7%) in September 1942, the percentage declined to a third in January 1945 and to just 21.1% in April 1948.[28] Three years after war's end more than three quarters of all recognised Soviet disabled servicemen (77%) belonged to the third group and were thus required to work normal working hours. From then on they had to earn their living largely by themselves – and mostly without the promised retraining schemes. Many of them did not enjoy special sheltered workplaces but ended up in unqualified, poorly paid ones.

6. The Pension System

In the war years the political leadership of the Soviet Union was faced with the task of materially supporting a constantly growing group of the population who had lost either their ability to work or their breadwinner, and had nothing to offer in return. This called for a clear shift of emphasis compared to the previous decade and a half, in which public welfare had played only a minor role. Whereas state social policies in Stalin's "revolution from above" had focussed on the staff of enterprises, now classic *public welfare* was required for millions of disabled persons as well as widows and orphans. The state accepted the challenge, however sought to restrict the number of applicants to limit the period of entitlement and to keep the benefits as low as possible. At most, they covered the absolute basics, and in many cases not even that. The regime was not prepared to make greater material concessions or fundamentally reorient its social policy.[29]
A fixed public pension irrespective of previous income or military rank was already being paid out to the invalids of the First World War (the "imperialist war") and the Civil War; with the latter receiving higher benefits–loyalty to the regime was financially rewarded.[30]

27 GARF (filial') A-413/1/234, sheet 85; RGASPI 17/122/21, sheets 84–86; RGASPI 17/122/71, sheets 195–198; GARF (filial') A-413/1/460, sheets 2, 4; RGASPI 17/131/36, sheets 3, 10.

28 O rezul'tatakh proverki raboty organov sotsial'nogo obespecheniia po obsluzhivaniiu invalidov Otechestvennoi voiny, April 1943: GARF 5446/44/976, sheet 118; sheet 220ff; letter of the head of the Organisational-Instructional Section of the Central Committee of the VKP(b), Slepov, to the Secretary of the Central Committee, Malenkov, 1945: RGASPI 17/88/604, sheet 2; O sostoianii trudovogo ustroistva invalidov Otechestvennoi voiny na 1. 10. 1949: GARF 5451/29/330, sheets 19–22.

29 See also the paper by Mark Edele in this volume.

30 Postanovlenie SNK RSFSR, 19 March, 1935:„O normakh pensii invalidov voiny i semei lits, pogibshikh na voine", in: Material'noe obespechenie, 176–177; Postanovlenie TsIK i SNK SSSR No. 86/162, 31 January, 1937:„O povyshenii

These pensions, on the whole very low, were raised by 50% on 16 July 1940.[31] At the same time, considerably better pensions were introduced for those soldiers, sailors and non-commissioned officers of the Red Army and Soviet Navy who had become partially or completely unable to work in the course of military duty *after 1 January 1938*.[32] From then on the level of their pension no longer depended solely on the degree of invalidity but also on their military rank and – as a new principle – on their previous income. This now had greatest influence on the level of pensions, and the degree of disability was a lesser determinant.[33] The maximum pension was 400 roubles.[34] As had been the case previously, too, peasants (and also students) as well as the rural population in general were disadvantaged. The following rates applied for the three invalidity groups:

Table 2

	Without connection to agriculture	With connection to agriculture
1st group	100 % of former wage	80 %
2nd group	75 %	60 %
3rd group	50 %	40 %[35]

Those who were peasants or students before enlistment only received a pension according to this fixed formula:

Table 3

	Without connection to agriculture	With connection to agriculture
1st group	150 roubles	120 roubles
2nd group	120 roubles	96 roubles
3rd group	90 roubles	72 roubles

As these tables show disabled soldiers of peasant origin were always disadvantaged compared to workers and administrative employees and thus received a lower pension.
On 28 January 1946, the minimum pensions for disabled servicemen of the first category

razmerov pensii invalidam grazhdanskoi voiny i voennoi sluzhby v riadakh RKKA, byvshim Krasnogvardeitsam i Krasnym partizanam, a takzhe chlenam seme ėtikh lits". In: Sobranie Zakonov SSSR 9, (1937), No. 30. According to this decision, former Red Guards and Red Partisans of all invalidity categories were paid a 25% allowance on top of the above-mentioned pensions and were entitled to a better "personal pension" providing they had gained "particular merit": Ibidem. Corresponding requests were received by Voroshilov and others, see e.g. the letter of Disabled Serviceman of the Civil War, 2nd category, T. F. Agarkov of 25 January, 1948: GARF 5446/54/58, sheets 55–54.

31 Postanovlenie SNK SSSR No. 1269, 16 July, 1940: „O pensiiakh voennosluzhashchim riadovogo i mladshego nachal'stvuiushchego sostava srochnoi sluzhby i ikh sem'ĭam, in: Sobranie Postanovlenii SSSR, 19 (1940), No. 465.

32 Ibidem.

33 Postanovlenie SNK SSSR No. 2291, 12 November, 1940, in: Sobranie Postanovlenii SSSR, 30 (1940), 729.

34 The original decision of 16 July, 1940 did not anticipate any deductions for persons on a wage-related pension who were engaged in agriculture. But the supplementary decision of the Central SNK of 12 November, 1940 cut the pensions of this group by 20%: Postanovlenie SNK SSSR No. 2291, 12 November, 1940: „O dopolnenii postanovleniia Sovnarkoma SSSR ot 16 iiulia 1940", in: Sobranie Postanovlenii SSSR, 30 (1940), 729.

35 However, the pensions calculated according to this method were not allowed to fall below the rates of the fixed formula.

were raised from 150/120 roubles (city dweller / country dweller) to 300/250 roubles, i.e. they were doubled,[36] but they still did not reach subsistence level. The pensions for non-commissioned officers were 25% higher than the rates given above.[37] Officers received even more. Appreciable pension increases for all disabled servicemen did not come until the mid 1960s.[38]

From early 1943 onwards the *requirement to work* applied to all invalids of the third category, and the "work-shy" risked losing their pensions. That proves once more the significance of work in the Soviet welfare system. Within the group of disabled servicemen entitled to a pension, those who worked were always considerably better off than those who were unable to. As a comparison shows, the pensions ranged from 72 to 400 roubles, allowing only an exceedingly meagre life to persons completely unable to work, whereas some disabled servicemen in employment could reach quite a decent income. Only a minority enjoyed the highest pension of 400 roubles. Despite being recognised by the state as war invalids, the social situation of the majority of disabled "Great Patriotic War" soldiers meant one thing: poverty. The pensions alone could in no way cover life's necessities, and incentives for the recipients to work remained, especially since the reconstruction of the country demanded the commitment of every halfway employable worker. Whoever wanted to get by with alternative survival strategies (which were often more lucrative than wages and pensions) was able to do so in relative safety until the late 1940s, but from the early 1950s these inventive invalids were increasingly prosecuted as "anti-Soviet elements".[39] Until then many disabled servicemen had preferred to beg or to live from small-scale black-market trading; others again plied the population with various skills (playing the accordion, singing, parading trained animals, etc.) for a small donation.[40]

The pension system was meticulously graduated according to the "divide and rule" principle – this made great differences in benefits between the individual groups of disabled servicemen and also led to a certain erosion of solidarity. Instead of helping foster a collective mentality among "comrades in misfortune", the "misplaced egalitarianism" (*uravnilovka*) much reviled at the time was subjected to all-out attack in the field of invalid pensions, too. The pensions of the "Great Patriotic War invalids" subsequently aroused the envy of the maimed soldiers of earlier wars, who were much less well off. Everyone eyed each other warily, suspecting the others of receiving more, and everyone was busy comparing and calculating, especially after all material bonuses connected with

36 Postanovlenie SNK SSSR No. 231, 28 January, 1946: „O povyshenii razmera pensii invalidam Otechestvennoi voiny 1-oi gruppy", in: Sobranie Postanovlenii SSSR, 3 (1946), No. 35.

37 Sobranie Postanovlenii SSSR, 19 (1940), No. 465, point 7.

38 M. Edele, Soviet Veterans of the Second World War. A Popular Movement in an Authoritarian Society, 1941–1991, Oxford 2008, 86; see also his paper in this volume. The other privileges were then also constantly extended.

39 E. Zubkova, S protjanutoj rukoj: Niščie i niščenstvo v poslevoennom SSSR, in: Cahiers du Monde russe, 49 (2008) 2 / 3, 441–474.

40 For the manifold peculiarities of this subculture of disabled sevicemen and other marginal social groups in the post-war years in Leningrad, see the autobiographical stories by E. Kotschergin, Die Engelspuppe, Mannheim 2009.

medals were abolished without replacement in 1948, and those who were not maimed therefore had no more privileges worth mention.[41] Hardly a complaint to public offices went without denunciation of alleged "speculators" or the "work-shy". A man with an amputated hand demanded a higher pension than one with an amputated leg because the latter could work, after all, he wrote in his petition.[42]

Despite all the instances of arbitrariness, obstinacy and red tape in the welfare offices, pension payments were the only aspect of public care for war victims that continued to function more or less smoothly. It also swallowed up the lion's share of expenditure on welfare.[43] Although the pension payments were low, they were supplemented by a seemingly arbitrary maze of one-off payments and non-cash assistance from various institutions (welfare offices, Party committees, Soviets, unions, the Komsomol, enterprises, churches, the Red Cross, etc.).[44] But these funds often benefitted not the neediest but the more mobile and resourceful of the disabled servicemen, who demanded them the most persistently – from all welfare offices at the same time. The professional thief and later fraudster Veniamin B. Vaisman pulled off the biggest coup. Fleeing from a penal camp in 1944, he got such severe frostbite that both legs and one hand had to be amputated. Soon, however, he was passing himself off as a disabled serviceman and twice-decorated "Hero of the Soviet Union". With a row of medals dangling from his chest he systematically visited the various ministries and presented himself as a former member of staff. Until his arrest on 30 May 1946 he obtained over 50,000 roubles in cash as well as goods to the value of 30,000–40,000 roubles from 32 ministers or their deputies, and also the Central Committee of the Communist Party itself. In addition, he was given letters of reference for a flat, for regular therapies and for state-of-the-art prosthetic legs.[45]

41 For this topic, see the paper by Mark Edele in this volume.

42 Petition of Engineer Captain Svetaev: GARF 5446/48/3245, sheet 165.

43 According to figures of the Minister of State Control, 95% of the budget of the Ministry of Public Welfare in 1947 was spent on pension payments but only 5% on invalids' homes, vocational boarding schools, sanatoriums, prosthetic devices, etc.: letter of the Minister of State Control, Vasiliev, to the Secretary of the Central Committee, Malenkov, 16 December, 1948: RGASPI 17/121/680, sheet 160.

44 For the organisation of "Invalids' Sundays" and "Invalids' Aid Months" by Party bodies, wounded soldier aid committees, village communities, etc., see: RGASPI 17/122/145, sheet 36; 17/122/157, sheets 81–82; 17/88/470, sheets 77–83; 603/1/8, sheets 192–194; 603/1/13, sheet 80; W. Eggeling, Das Sowjetische Informationsbüro. Innenansichten einer sowjetischen Propagandainstitution, 1945–1947, in: Osteuropa, 50 (2000) 2, 210. Similar activities were also organised by the Red Cross: GARF 9501/2/869, sheets 83–90; 9501/2/1187, sheets 54–65; 9501/2/1195, sheets 10–19. The Orthodox Church also supported widows, orphans and invalids during the war: M. A. Vyltsan, Prikaz i propoved': Sposoby mobilizatsii resursov derevni v gody voiny, in: Otechestvennaia istoriia, 3 (1995), 69–80. For aid campaigns of the Jewish communities, see: G. Kostyrchenko (Intro.): From a Report Concerning the Jewish Religion in the USSR in 1946, in: Jews and Jewish Topics in the Soviet Union and Eastern Europe, 19 (1992) 3, 40; F. Grüner, Jüdischer Glaube im Sowjetstaat. Zur Lage der jüdischen Religion in der Sowjetunion in den Kriegs- und Nachkriegsjahren, in: Glaube in der 2. Welt, 30 (2002) 4, 13–19; K. Boeckh, Fallstudie: Lemberg in Galizien. Jüdisches Gemeindeleben in der Ukraine zwischen 1945 und 1953, in: Glaube in der 2. Welt, 30 (2002) 4, 24.

45 ("Top-secret") report of the Deputy Minister of the Interior of the USSR, I. Serov, 14 June, 1947 to I. V. Stalin, V. M. Molotov and A. A. Zhdanov: GARF 9401/2/170, sheets 65–69 as well as Serov's ("top secret") report of 21 June, 1947 to Stalin, Molotov, Zhdanov and L. P. Beriia: Ibidem sheets 77–79; report of the Prosecutor General: GARF 8131/37/3874, sheets 60–61. For the phenomen of imposture in Russia in general and in the Stalin period in particular, see: S. Fitzpatrick, Making a Self for the Times: Impersonation and Imposture in Twentieth-Century

The Soviet authorities never showed any such generosity towards bed-ridden, seriously disabled people. The neediest and the honest ones ultimately fell by the wayside, while imposters and defrauders were able to grab a large piece of the less-than-ample public welfare cake.

7. Reintegration into Working Life

From a purely quantitative point of view the return of disabled Soviet servicemen to working life turned out to be a great success. Work was ultimately considered the most important instrument of reintegration. In 1948/49, according to official figures, over 90% of all disabled servicemen had returned to regular work and thus at least were "off the streets". But the problems connected to the integration of hundreds of thousands of disabled servicemen were still far from solved. Above all there was a scarcity of training opportunities. A total of 173,000 disabled servicemen are said to have undergone retraining between 1941 and 1945, and from 1941 to 1948 it was 350,500 *in the RSFSR alone*, which indicated a considerable intensification of qualification schemes after the end of the war.[46] But what do such figures really say? On the one hand the courses did not last very long, and on the other hand one should bear in mind that in 1948 more than half (53%) of all registered disabled servicemen[47] had not completed any training at all[48] and another large cohort could no longer practice their previous occupation. As such, around a million people would have needed retraining in Russia alone. This goal was never achieved – not even in *quantitative* terms. As far as the quality of the retraining schemes was concerned, most did not go beyond a brief introduction to the new job.
Many of the war-disabled peasants returned to their villages with no training at all. Allegedly they often took on managerial posts in the administration of kolkhozes (collective farms). As may have been the case with *some* disabled servicemen, the bulk of them ended up at the lowest end of rural society. Agricultural work is physically strenuous, and as only few of the invalids were still capable, many worked as farm hands.[49] In 1950 just 28.7% of disabled servicemen living in the country performed qualified work.[50] Therefore the proportion of simple labourers and casual workers – and thus the penury among

Russia, in: Kritika, 2 (2002) 3, 469–487; Dies.: The World of Ostap Bender: Soviet Confidence Men in the Stalin Period, in: Slavic Review, 61 (2002) 3, 535–557.

46 RGASPI 17/131/36, sheet 15. This figure may be greatly exaggerated like much of the Narkomsobes data, especially when one bears in mind that Sukhov stated for the war years alone: "Over 173,000 disabled servicemen have learned a new occupation": Itogi raboty organov sotsial'nogo obespecheniia za gody Velikoi Otechestvennoi voiny, 30 May, 1946: GARF (filial') A-413/1/753, sheet 6.

47 RGASPI 17/131/36, sheet 10.

48 Ibidem, sheet 10.

49 This stratum made up an average of 6.5% in the kolkhozes of the RSFSR: O. M. Verbitskaia, Izmeneniia chislennosti i sostava kolkhoznogo krest'ianstva RSFSR v pervye poslevoennye gody (1946–1950), in: Istoriia SSSR 5 (1980), 137.

50 I. Kruchinin, Trudovoe i bytovoe ustroistva pensionerov v RSFSR: GARF (filial') A-413/1/1380, sheet 18.

disabled servicemen – must have been greatest in agriculture, given that the pensions there were among the lowest too.

Those invalids who had been employed in industry before the war generally tried to find work in their old enterprises.[51] Despite the great shortage of labour even employees of long standing were often unable to return to their old collectives.[52] Severely-disabled ex-servicemen were most frequently rejected since the factory managers considered them "cripples",[53] or at least they feared that workers fit only for limited employment would prevent fulfilment of the planned production targets. This was the case due to the fact that industrial enterprises received no credit for employing disabled servicemen and the production goals were not lowered commensurately.[54] Many companies therefore did not want to employ any disabled servicemen at all: "I'd rather give the job to a prisoner than a disabled serviceman", the manager of the *Dalstroi* construction directorate said, commenting on the application of a war invalid.[55] One manager informed the welfare offices in advance that he "didn't need any disabled soldiers".[56]

For many disabled servicemen reintegration amounted to a demotion – even for those who were well qualified and had only a slight physical handicap. They complained to various authorities about this downgrading, which was manifest at all levels of industry. There is no way of telling how often the ex-servicemen were successful in their complaints. The problem remained unsolved and filled welfare-office files from the early 1940s until well into the 1950s. The invalids employed in unqualified jobs included many simple workers whose wounds prevented them from working in factories at the pace required to fulfil the production norms[57] – they had to switch to auxiliary jobs outside the actual production process, where hourly wages rather than piecework rates applied.[58] The Ministry of Public Welfare considered their employment as watchmen, gatekeepers, janitors, cleaners, cloakroom men, etc.[59] to be "appropriate" or a "legitimate

51 This is according to Nesterova, head of the Public Welfare Section of Moscow's Krasnogvardeiskii District, at a meeting of the Moscow staff of the Narkomsobes, April 1943: GARF 5446/44/976, sheet 131. The Narkomgoskon established, however, that in the Sverdlovsk region and in Moscow, at least, the overwhelming majority of the disabled servicemen employed in industry had found work independently: GARF (filial') A-339/1/1800, sheets 105, 125.

52 RGASPI 17/122/100, sheet 93: The applicants were stopped by the plant managers and not even allowed into the factory: Saratov, October 1942. Three years later the situation there had still not improved: 17/122/101, sheet 146; 17/122/100, sheet 150. Letter from Grishakova to the Central Committee of 11 October, 1942: RGASPI 17/122/21, sheets 76–77.

53 Stenograph of the meeting of Moscow public welfare staff, April 1943: GARF 5446/44/976, sheet 128; GARF (filial') A-413/1/359, sheet 26.

54 GARF 5446/44/976, sheet 133.

55 RGASPI 17/122/100, sheet 60.

56 Letter of the People's Commissar of State Security, Merkulov, to the Secretary of the Central Committee, Malenkov, 5 May, 1945: RGASPI 17/121/425, sheet 28. It gives further examples of unfounded rejections of disabled servicemen as workers.

57 For example, 25% of Leningrad disabled servicemen had only one arm (or only one that was fully functional). A commission therefore examined which industrial occupations they were still able to work in: Dokladnaia zapiska „O rasshirenii sfery primeneniia truda invalidov na proizvodstve", 14 March, 1947: GARF 5451/29/242, sheet 212.

58 GARF 5451/29/128, sheet 4.

59 A. N. Sukhov, Ocherednye zadachi organov sotsial'nogo obespecheniia v oblasti trudovogo ustroistva invalidov.

tendency"[60] and it was not seen as a problem. Many highly qualified and experienced workers, engineers and technicians also ended up in such jobs, either because they were no longer able to work in their old occupation due to the war injury,[61] but did not receive any retraining, or because the enterprises, welfare offices and army commissariats placed this group of people against its will at the lower end of the workplace hierarchy where they were perceived to belong.[62] Then there were also many invalids who had been mobilised into the Red Army straight from school and had no occupational training at all. Once disabled servicemen found employment as unskilled assistants, no one attended to their advancement or the raising of their qualifications any more.[63] The public welfare offices filed the case away under "successfully referred", and the enterprises were often not even informed about the number of disabled servicemen they employed.[64]

For many disabled servicemen the reintegration into industry was therefore accompanied by a drop in professional status and a loss in income, while the goods and benefits they were supposed to have priority of access to (living space, heating material, additional food and clothing) – another privilege of this group – either existed only on paper or were given to those workers who were more important for fulfilling productions plans.[65] This conduct of the enterprises actually had less to do with conscious discrimination against disabled servicemen (although the ex-soldiers obviously saw this differently) than with fulfilling government demands and production targets – it was de facto imposed "from above". Companies were under extreme pressure to produce maximum results for the front or for reconstruction of the country. Disabled employees with impaired health and without efficient prosthetic devices did not fit well into a production system oriented towards over-fulfillment of the norms and whose chaotic, dangerous operations demanded constant improvisation.

Doklad. In: Ocherednye zadachi organov sotsial'nogo obespecheniia. Materialy Vserossiiskogo soveshchaniia rukovodiashchikh rabotnikov sotsial'nogo obespecheniia (mai 1945 goda), Moskva 1945, 18.

60 Ibidem 18; Sukhov, Zadachi sotsial'nogo obespecheniia, 1946: GARF (filial') A-413/1/753, sheet 27.

61 Ibidem, sheet 26: Sukhov spoke in this context of a "considerable percentage". Reconstruction required mainly workers able to do heavy physical work: M. Hildermeier, Geschichte der Sowjetunion 1917–1991. Entstehung und Niedergang des ersten sozialistischen Staates, München 1998, 704.

62 RGASPI 17/122/100, sheets 173–174: Kurgan region, January 1945. In some factories of the Gorkii region in early 1945, according to Narkomsobes figures, 60–80% of the disabled servicemen were in unqualified posts: GARF 8131/22/221. A SNK decision of 10 July, 1945 prohibiting the employment of qualified disabled servicemen as watchmen and janitors was passed on from the trade-unions to the enterprises: letter of the head of the trade-unions' social-security section to the factory committees: GARF 5451/29/242, sheets 159–161. The Head of the People's Commissariat of Tank Construction also reacted and ordered that they be relocated to qualified positions: Order No. 552, 24 August, 1945: GARF 8131/22/103, sheet 86.

63 RGASPI 17/122/100, sheet 195: Rostov region, January 1945; sheet 138: Voronezh region, May 1944. Here not even all the available money for appropriate retraining schemes was spent; RGASPI 17/122/100, sheet 113: Novosibirsk region, January 1945; sheet 150: Kirov region, January 1945.

64 RGASPI 17/122/100, sheet 113: Novosibirsk region, January 1945; sheet 150: Kirov region, early 1945; sheet 71: Kuibyshev region, January 1945.

65 RGASPI 17/122/21, sheet 86: October 1942; 603/1/13, sheets 148–149, Novosibirsk 1943. Naturally the lion's share of goods for distribution within the enterprises went to the management and the technical specialists, and corruption was widespread. Workers as a social group were fundamentally disadvantaged in this arbitrary distribution system: D. Filtzer, Soviet Workers and Late Stalinism. Labour and the Restoration of the Stalinist System After World War II, Cambridge 2002, 70, 73.

The pressure to fulfill the plan weighed heavily on companies and the bold postulate of "all-encompassing care" did not square with reality. To be able to meet production goals, the enterprises resisted the expectation that they should also assume the function of welfare bodies, and not without justification; they had difficulty integrating hundreds of thousands of disabled servicemen into the production process. It was much easier to use them on and off as handymen, especially since the state's labour policy was primarily directed towards disciplining the workers through regular increases in job norms (without corresponding wage increases). Disabled servicemen were in no way exempted from this pressure but had to compete with healthy workers in everyday operations in the enterprise. It no longer counted that they had suffered their physical impairment in the struggle to defend their motherland. The less the war injuries could be offset with occupational qualifications and medical rehabilitation, the more negatively they impacted on the persons affected. Ironically, the political leadership gave little attention to this aspect of dealing with the social consequences of war. Retraining schemes and also the supply of prosthetic devices continued to be totally inadequate, both in quantitative and qualitative terms. Consequently the disabled servicemen not only had to cope with the trauma of lasting physical disfigurement but also with substantial occupational and social degradation.

Even fragile livelihoods such as these were put into jeopardy:[66] lay-offs of disabled servicemen increased dramatically towards the end of the war and even more so in the course of demobilisation, repatriation and re-evacuation, which saw over twenty million people join or rejoin the workforce.[67] For the individual this meant far more than the loss of his income. Redundancy meant that food-ration cards, (company-owned) accommodation and all other workplace-linked social benefits also evaporated, so the loss of one's workplace was a real existential blow.[68] Lay-offs increased markedly in the second half of the 1940s, especially since the state did little to counteract this development. In late 1947 the welfare offices observed blatant, large-scale displacement of disabled servicemen from enterprises, invalids' cooperatives and even from outwork. They were replaced by healthy workers, who were now available in great numbers since demobilisation.[69]

66 RGASPI 17/122/21, sheet 76.

67 M. Hildermeier, Geschichte der Sowjetunion, 702–703.

68 Report by the head of the Social-Security Section of the Central Coucil of Trade-Unions, Gorbunov, and the head of the Section for Reintegration into Working Life and Care for Disabled Servicemen, Bezuglii, to trade-union secretary L. N. Soloviev, 1946/47: GARF 5451/29/242, sheets 1–4.

69 From the account of the Deputy Minister of Public Welfare, Nyrkov, at a meeting of the Invalids' Cooperative Insurance Funds, 26 November, 1947: GARF (filial') A-413/1/904, sheets 19–21. In Yaroslavl the wave of lay-offs of disabled servicemen lasted until 1950: „O vypolnenii profsoiuznymi organizatsiiami Iaroslavskoi oblasti i Iaroslavskim otdelom sotsial'nogo obespecheniia Postanovleniia Sekretariata VTsSPS ot 10 fevralia 1950 g. ‚Ob obsluzhivanii invalidov voiny, truda, i semei poteriavshikh kormil'tsev', Ministerstvom Sotsial'nogo Obespecheniia RSFSR": GARF 5451/29/397, sheet 112.

8. Heroes without a Voice: How the State Hindered a Collective Mentality

Soviet disabled servicemen's resentment about their poor pensions and benefits and the discrepancy between welfare-state rhetoric and their own experience of welfare grew, and in many cases it could hardly have been greater.[70] However collective protests did not occur in the first decade after the war. On the one hand, for political reasons, as the regime did not tolerate any social organisations (other than the Komsomol and the unions), and on the other hand as the invalids' committees threatened to cast a bad light on the quality of public pensions and benefits for war victims. The regime's almost paranoid fear of "unbridled associations", in particular those of veterans and disabled servicemen, had already led to the banning of all their organisations in 1920. There was therefore no living tradition and no example for the "Great Patriotic War" invalids to follow; there was no organisation that could have transformed the war victims' grievances through officially legitimated mediation processes – or through constant pressure from below – into political demands which could have led to specific social policies. Due to the enforced lack of social-policy debate, the public did not perceive the welfare problems of the disabled servicemen as particularly serious. Since the regime continued to present the pensions and benefits for war victims in the Soviet Union (which in reality were pathetically inadequate) as an achievement of socialism and to contrast this with "invalids' sad fate" in capitalist countries, the fiction of "all-encompassing care" was able to be perpetuated in broad sections of the population long after the war, and even after the collapse of the system.[71] Since social reality lagged far behind the expectations created by the propaganda, the disabled servicemen who received this allegedly lavish care remained without a voice and were refused the opportunity of having their own organisations that could have infused them with a sense of common identity.

When all veterans' and invalids' associations were disbanded after the October Revolution it was a matter of consolidating Bolshevik rule; in 1945 the preservation of the Stalinist system had top priority. Many people cherished great hopes of a better life after Victory Day. They expected material improvements but also a political breath of fresh air. Particularly former soldiers felt they had gained self-confidence through their experience of war, and they did not hide it. After the victory they felt like "giants", as the veteran and writer Kazakevich put it.[72] Stalin distrusted the ex-servicemen precisely because of their increased self-esteem and the ability to compare, that they had developed through their wartime stay abroad. He feared their claims to the "fruits of victory".

The traumatic memories of the war were not to be dealt with in public. Despite its war-weariness, Soviet society was not to succumb to a "helpless contemplation of its own

70 For the situation of disabled servicemen in the Ukraine, see: K. Boeckh, Stalinismus in der Ukraine. Die Rekonstruktion des sowjetischen Systems nach dem Zweiten Weltkrieg, Wiesbaden 2007, 120–122.

71 E. Iarskaia-Smirnova and P. Romanov, At the Margins of Memory. Provincial Identity and Soviet Power in Oral Histories, 1940–1953, in: D. J. Raleigh (Ed.), Provincial Landscapes. Local Dimensions of Soviet Power, 1917–1953, Pittsburgh 2001, 308.

72 Ė. Kazakevich, Slushaia vremia. Dnevniki, zapisnye knizhki, pis'ma, Moskva 1990, 316; see also: V. Kondrat'ev, Paradoks frontovoi nostal'gii, in: Literaturnaia Gazeta, 9 May, 1990, 9.

wounds"[73] but be mobilised, drilled and regimented anew, and thus return to the permanent state of emergency so typical of the 1930s: "It soon became clear that the term *RE*construction was to be taken literally in social terms as well: the new society was to be the same as before."[74] But it could not be quite the same because the demands made by the "Great Patriotic War" invalids on the Soviet state were not challenged as those of the veterans had been in 1947/48. In this respect the Pension Law of 1940 created a new status group, which was to enjoy a range of privileges in the long term. This gave rise to expectations that were only fulfilled at the lowest material level and on the whole were deeply disappointed. Some of the full-bodied propagandistic announcements concerning benefits remained pure propaganda–merely the pension payments were usually made punctually and smoothly. Being so low, however, they could not satisfy the hopes of the disabled servicemen. "Is this what we fought for?" was a common expression of exasperation in the post-war years. Since the paltry public benefits were not weighed up through additional symbolic recognition in the form of an invalids' organisation, frustration and resentment grew. This was expressed in a surge of petitions and letters of complaint to all conceivable official bodies, Party and government officials, magazine editorial boards and army commissariats.[75]

The welfare situation of invalids and veterans began to gradually improve in the 1960s, but the specific concerns of the war-disabled were still not taken very seriously. In this respect the invalids of the "Great Patriotic War" were the first status group of ex-servicemen to be publically recognised, but even after the cult of the "Great Patriotic War" developed in the 1970s their physical and/or psychological wounds ensured that they continue to be its "poor victors".

73 I. Deutscher, Stalin. Eine politische Biographie, Reinbek b. Hamburg 1992, 726.

74 M. Hildermeier, Geschichte der Sowjetunion, 701.

75 See the author's professorial dissertation, Die Invaliden des ‚Großen Vaterländischen Krieges' – Eine politische Sozialgeschichte 1941–1991, Ruhr-Universität Bochum 2003; for the persistence of similar expressions of irritation until into the 1950s see: B. Fieseler, Stimmen aus dem gesellschaftlichen Abseits. Die sowjetrussischen Kriegsinvaliden im ‚Tauwetter' der fünfziger Jahre, in: Osteuropa 52 (2002) 7, 945–962.

War Experience and National State in Poland. Veterans and Welfare in the 20th Century

Julia Eichenberg

RESÜMEE

Nachdem Polen 1918 seine staatliche Unabhängigkeit wiedererlangte, folgte eine Phase paralleler Nationsbildung und staatlicher Konsolidierung. Die Diskussion, ob und wie der Staat sich der Veteranen und Invaliden des Ersten Weltkriegs annehmen sollte, hatte großen Einfluss auf diese Prozesse. Hier manifestierten sich Fragen zur Nationalität – wer gehörte zur polnischen Nation und wer nicht – und zum nationalen kollektiven Gedächtnis – wie sollte man die polnische Teilnahme am Ersten Weltkrieg bewerten und gedenken. Konfrontiert mit den Forderungen von Veteranen und Kriegsopfern, entschied sich der polnische Staat für ein wohlfahrtstaatliches Modell mit starker staatlicher Kontrolle. Der sich entwickelnde polnische Wohlfahrtsstaat war stark beeinflusst von strukturellen Kontinuitäten aus den Teilungsmächten Deutschland und Österreich, die den speziellen polnischen Bedingungen angepasst wurden. Obwohl die Umsetzung des Wohlfahrtstaates in der Zwischenkriegszeit weniger erfolgreich war, als die Gesetzgebung es vermuten lassen könnte, bereitete die Diskussion zur Veteranenfürsorge in vielerlei Hinsicht das Fundament für das polnische Verständnis staatlicher Wohlfahrt im 20. Jahrhundert.

The First World War officially ended with the armistice on the 11th November 1918. The Polish state gradually emerged behind the lines of the withdrawing powers Russia, Germany, and Austria-Hungary. But the consolidation of a central government and national administration took much more time.

Deprived of developing its own tradition of statehood, civil society and welfare due to partitions, the Polish state had to be reinvented after 1918. The rapid and profound social and political changes of the 19th century such as industrialisation, urbanisation and the introduction of welfare legislation had been experienced only from the periphery of the *ancien régimes*. When Poland had to integrate the formerly partitioned territories after the end of the First World War, it was challenged with catching up to these changes.

Comparativ | Zeitschrift für Globalgeschichte und vergleichende Gesellschaftsforschung 20 (2010) Heft 5, S. 50–62.

Social welfare for soldiers, and the debates on its legislation, played a crucial part in these developments. In the national commemoration, the First World War was overwritten by the following border wars. However, this article argues that its heritage and the necessity to discuss social welfare for the soldiers who had fought in the wars were highly influential in the forming of the Polish nation, its state as well as its civil society in the 20th Century.

Poland's independence in 1918 entailed further battle: defending – and expanding – the new Polish borders. Yet, while Polish troops were still fighting, the young Polish state was already confronted with the problems of demobilisation. Soldiers and invalids of the First World War returned to their homes in what was now Polish territory.[1] Since they no longer lived in the state they had fought for, they turned to the Polish parliament, the Sejm, and the (often changing) government with their demands. They realised soon, however, that widows and orphans pensions, disability pensions and allowances for unemployed men were not the Sejm's first priority. The emerging political institutions preferred to attend to other problems first: ensuring the consolidation of state independence, military questions concerning the border wars and the re-unification of the infra-structure. Only a few members of the parliament took active concern in the problems of demobilised soldiers and submitted parliamentary inquiries to criticise the lack of action taken by the government. Adding to the difficulties, various ministries were responsible for questions of veterans' and invalids' pensions or allowances: the Ministry for the Former Prussian Province (*Ministerstwo b. Dzielnicy Pruskiej*), the Ministry of Labour and Social Policy (*Ministerstwo Pracy i Opieki Społecznej*) and the Ministry of Military Affairs (*Ministerstwo Spraw Wojskowych*). Many of the requests also required the approval of the Ministry of Treasury (*Ministerstwo Skarbu*). To pursue their aims, ex-servicemen had to organise and to found institutions and associations to promote their needs. This was true in particular for the Polish veterans of the First World War, standing in the shadow of the soldiers of the Polish army. Polish First World War veterans and invalids wanted more than purely charitable aid. They demanded moral and legal acknowledgement and compensation for their "work for the state". [2]

The first provisional regulations, issued during the Polish border wars, referred only to the Polish army and the Polish legions. War service on behalf of the nation, and defend-

1 No definite numbers exist for Polish soldiers fighting 1914–1918, but research suggests at least about 2 Million active combattants. Alexander Watson, Fighting for Another Fatherland: The Polish Minority in The German Army, 1914–1918. [forthcoming]. Piotr Wandycz, Se remobiliser pour renaitre: Les vioes polonaises de la sortir de la guerre, in: Stéphane Audoin-Rouzeau / Christophe Prochasson, Sortir de la grande guerre. Le monde et l'après-1918. Paris 2008, p. 307-328, p. 314. Lesław Dudek, Polish Military Formations in World War I, in: Béla K. Király / Nándor F. Dreisziger (Hg.), East-Central European Society in World War I. New York 1985, S. 454–470, p. 455. About half a million of these soldiers died, countless were wounded. Rezmer, Polacy w korpusie oficerskim, S. 140. Numbers for invalids vary, deputees talk of half a million RP II/0/ Sitzung 15, S. 819–828, 18.3.1919, p. 823); however, in 1921 the invalids committee speaks of 200,000 invalids; 150,000 of them registered RP II/0/2599, p. 1. – The present article was written within the framework of the the Dublin-based project „The Limits of Demobilization", funded by the ERC / IRCHSS.

2 Michael Geyer, Ein Vorbote des Wohlfahrtstaates. Die Kriegsopferversorgung in Frankreich, Deutschland und Großbritannien nach dem Ersten Weltkrieg. in: GG 9 (1983), p. 230-277, p. 236.

ing the state led to an overall accepted right for compensation just like in other nation-states with a conscription army. However, the service of the large number of Polish First World War veterans was more difficult to translate into the new national narrative. Many of those who had fought alongside the partition armies did not continue to fight in the Polish army, and therefore did not take part in the following border wars. They had risked their lives and health in the war, but they had done so wearing foreign uniforms. Therefore, their position and their claims in the Second Polish Republic were subject to controversy.

In March 1919, barely a month after the convocation of the Sejm, the question of benefits for the invalids of the First World War was first raised. The previously improvised allowances were criticised as inadequate with regard to the increasing inflation. Immediate action was needed to avoid the impression that foreign countries were better in providing care for their citizens than Poland.[3] The first steps were taken, however they were highly influenced by the Polish national narrative of a state-building war. When the Polish state, in May 1919, issued a law on provisional payments for widows and orphans, it was limited to the members of the Polish army and legions. Several representatives demanded to include veterans of the First World War into the pension and allowance policy. Yet the legislation remained limited to the families of those who had fought directly for the liberation of Poland (i.e. not in the partition armies).

Deputy Hermann Lieberman argued against the discrimination of veterans of the partition armies. Their claims had been repeatedly rejected under the pretext that the armies of the former partitioning powers would cover their needs. Lieberman pointed out that this was completely unjustified and that the current Polish policy was one of sheer neglect.[4] Other delegates demanded benefits for the families of these soldiers on the ground that they "had fought for the Polish cause". [5] Wincenty Witos, later Prime Minister, described the service in the partition armies as a service of soldiers, "who did not loose their lives in defence of their own country, but who have indirectly contributed to it with their war service in foreign armies, to which they had been forced". He described the problem of veterans who had fought in these armies, as a "festering, often dangerous, wound" in the Polish nation, which needed to be attended quickly.[6]

Already the first debate introduced a welfare concept that was to become central to the Polish veterans' policy. Veterans demanded the assignment of so-called "Trafik"-concessions, authorising the sale of tobacco products and alcohol. The Polish Association of War Invalids (*Związek Inwalidów Wojennych RP*, ZIWRP) introduced this demand into the

3 RP II/0/15, p. 819-828, 18.3.1919, p. 822.
4 Herman Lieberman, RP II/0/33, p. 34-37, 6.5.1919, p. 35-36.
5 RP II/0/42, p. 19-27, Matakiewicz, 27.5.1919, p. 21.
6 RP II/0/42, p. 19-27, Witos, 27.5.1919, p. 23-24.

debate. However, it relied on a long tradition of social welfare for invalids, originating in the Habsburg social policy.[7]

Work became a key issue in the debates on veterans' welfare. The ex-servicemen associations stressed the desire to be reintegrated into work life. Veterans and their representatives criticised employers for not providing jobs for the disabled or ex-servicemen in general. Furthermore, veterans blamed the state for failing to provide legal guidelines and financial aid for the reintegration. Polish invalids were so desperate in their present situation that many regarded emigration as their only option.[8] By the same token, the Polish state chose to introduce a welfare concept that was closely linked to the concept of work. Invalidity was to be defined by the percentage of disability to work. Allowances were calculated accordingly. Work became the central point of reference for veterans' welfare, thus demonstrating structural continuities of administration from the partition powers into the new Polish state. The idea to estimate invalidity in terms of the disability to work originated in the German labour protection legislation, introduced under Bismarck. Both Germany and Austria-Hungary had taken this policy as an example to shape their own veterans' legislation before the First World War.[9] Through strong administrative continuities, the new Polish state adapted a very similar system.

Members of the Sejm supported the veterans' case in the debates for several reasons. Some featured a generally positive and sympathetic attitude towards veterans and their merits. Their support originated in an understanding of solidarity and moral commitment to social welfare based on the equality of all Poles and the responsibility of the Polish state for all its citizens.[10] In other cases, increased social welfare was clearly linked to political needs and objectives.[11] Especially the fear of social unrest, revolution, and the objective of maintaining political stability led to support for the veterans' claims. The return of the ex-servicemen, many of them wounded, called for a rapid processing of their request. A quick settlement was regarded as the best means to prevent and to calm social protests.[12] The border wars, while distracting the interest of the Parliament and the public from the needs of First World War veterans on the one hand, also provided the debates on state

7 RP II/0/15, p. 819-828, 18.3.1919, p. 823. For more details on the concept of 'Trafik' see Stegmann, Natali, Kriegsdeutungen Staatsgründungen Sozialpolitik. Der Helden- und Opferdiskurs in der Tschechoslowakei 1918–1948. München 2010, p. 94 ff.

8 RP II/0/15, p. 819-828, 18.3.1919, p. 820.

9 Robert Weldon Whalen, Bitter Wounds. German Victims of the Great War, 1914–1939. Ithaca/London 1984, p. 88–89.

10 Matakiewicz, 42/20, 27.5.1919 "They may have fought in the adversary armies and sometimes died in fratricidal battles, but all of them envisioned the same love for their country"; Józef Bochenek, RPII/0; Session 42/21; 27.5.1919.

11 Siehe Julia Eichenberg, "Söldner der Besatzer oder Helden des Unabhängigkeitskampfes? - Die Debatte um die polnischen Veteranen des Ersten Weltkriegs", in: Natali Stegmann (Hg.), Die Weltkriegs als symbolische Bezugspunkte: Poland, die Tschechoslowakei, die Ukraine und Deutschland nach dem Ersten und Zweiten Weltkrieg. Prague 2009, p. 147-168.

12 MP Reger refers to unrest und protest in Warsaw in November 1921 to protest the law of 1921 RP II/0/325 CCCXXV/19-24, 6.6.1922, p. 20.

care for veterans with a current reference. A fair pension system for veterans was seen as a motivation for the soldiers still fighting.[13]

A comprehensive veterans' legislation was also seen as the best representation of the Polish state in the international community. By voting for comprehensive welfare, the Polish Sejm deputies wanted to fight the reputation of the Second Republic as a "Saisonstaat", a German label indicating Poland was a state that would not last a season.[14] The developments of social benefits policy provided for former combatants abroad, especially in Western Europe, were a constant point of comparison. As a report by the Sejm's Committee for Invalids and the Budget Committee from March 1921 stated, that the decreeing of respective laws should be accelerated in Poland, "at a time when other countries such as France and Germany have already passed laws that ensure the welfare of their invalids." [15]

The newly formed veterans' organisations tried to impose pressure on debates and decisions of the parliament. One way employed to do so was direct lobbyism. Some of the deputies were also members of the parliament. These men, who had fought in the First World War, had an important function as intermediaries (e.g. Edmund Bigoński, Herman Lieberman).[16] They represented the views of the veterans in parliamentary debates and joined the relevant committees. The invalids' organisation ZIWRP emphasised the significance of disabled veterans as members of the Sejm – among them fourteen members of the ZIWRP. Consequently, the association boasted having "exercised a special influence on legislation concerning the protection of war victims", especially since three experts in the relevant Sejm committee (*Komisja Inwalidzka*) were members of the ZIWRP.[17] The committee itself was a result of lobbyism. The *Komisja Wojskowa*, the Military Committee of the Sejm, focused mostly on the soldiers of the Polish army. The veterans of First World War, however, were already in need. Under the impression that the division of responsibilities between the different committees did not speed up the process, the ZIWRP called for the foundation of an invalids' committee in the Sejm. They based this claim on the argument that Poland owed "the current political freedom" to the war invalids.[18] The committee, composed of 15 members from diverse parties, now filtered the debates regarding the issue of the demobilised (and disabled) soldiers.

With the return of the first "Polish soldiers" from the border wars, legislation became more open to the problems of veterans in general. In May 1920, the issue of welfare for veterans from the partition armies had first been raised in debates on military pensions. Due to the high number of officers and soldiers from the former partition armies in the

13 RP II/0/ 1262 W. Michalak (Nar. Zw. Rob.), (1920); RP II/0/325 CCCXXV/19-24, 6.7.1922, p 20.

14 RP II/0/15, p. 819-828, 18.3.1919, p. 822 speech by Putek.

15 Joint report by the Invalids' Committee and the Treasury regarding invalids' welfare legislation, in response to the inquiry by z Bigoński (Druk Nr. 1599) and Michalak (Druk Nr. 1262): RP II/0/ Druk Nr. 2599, p. 2.

16 Andrzej Garlicki (Hg.), Posłowie i Senatorowie Rzeczypospolitej Polskiej 1919–1939. Słownik biograficzny. Hrsg. von Andrzej Krzysztof Kunert. Warszawa 1998; Herman Lieberman. Pamiętniki. Warsaw 1996.

17 Polen. Zentralverband der Kriegsinvaliden der Polnischen Republik (ZIWRP) in: CIAMAC Bericht der X. Jahresversammlung in Genf, 20.-22. September 1934, Bericht Nr. III, p. 63-64.

18 RP II/0/107, 8.1.1920, CVII 29-32.

now Polish army, the Department of Military Affairs advised that they should receive a pension, if they had fought for Poland for more than six months or had retired because of invalidity.[19] Frequent inquiries and parliamentary petitions on behalf of minority delegates in the Sejm revealed that in reality, even of these scant benefits, only very few have ever actually been paid out. In comparison, invalids of the former partition powers seemed to have been well off, as they were legally entitled to the same rights as invalids of the Polish army. Nevertheless this law was only enacted in 1921, whereas financial support for the Polish army and the Polish legions was ensured as soon as 1919. Only after repeated parliamentary motions, a more balanced law was passed. After 1921, invalids of the partition armies were legally equal to the Polish invalids, but only if they served between August 1914 and November 1918 and if they held Polish citizenship.[20] However, a major problem for Polish ex-servicemen and invalids of the partition armies was the requirement to supply demobilisation documents. These had mostly been lost into the turmoil of war or had never even been issued in the first place. Members of the parliament complained in the name of the veterans about the "terror of evidence" that was imposed on requesting veterans to prove that they had never acted hostile towards the Polish state. Still, according to the Disability Committee more than three quarters of the First World War invalids were registered up to March 1921.[21]

The Making of the Polish Veteran

The question of accepting responsibilities for the former non-invalid combatants of the partition armies by the Polish state was put on hold.[22] The willingness to provide welfare was ranked, preferring some and neglecting others. At the top of the hierarchy were those veterans who could prove to have served in the ranks of the Polish army and who, in addition, fit the definition of "Polishness" (*polskość*).[23] Veterans who had only fought in the armies of the partition powers and those who belonged to ethnic and religious minorities were ranked lower in the hierarchy of national commemoration. The journal 'Inwalida'[24] accused the government of distinguishing between "'Polish' invalids – and

19 Their pension was 60% of what they would have received by German and Austrian (until 1.11.1918) or Russian (until 1.11.1917) calculations. Officers received 40% after ten years, plus additional payments. Siehe RP II/0/151, CLI/56-61, P. Godek 29.5.1920.

20 1921 r. 27.12.1918 (German army), 1.11.1918 (Austrian army), 1.3.1918 (Russian army). Ustawa o zaopatrzeniu inwalidów wojennych i ich rodzin z dnia 18 marca.

21 Joint report by the Invalids' Committee and the Treasury, RP II/0/ Druk Nr. 2599, p. 1.

22 Compare further inquiries with the same subject: RP II/0/Druk 211, Józef Rączkowski (PSL), 19.3.1919; RP II/0/ Druk Nr. 1122, Ks. Dr. Lubelski, 30.10.1919; [RP II/0/ Druk Nr. 1930, Komisja Inwalidzka (Jan Gawlikowski), 5.7.1920 (demanding a 300% raise of the allowances for families of the Polish armies and those of the partition soldiers), RP II/0/ Druk Nr. 2229, Pussak, Michalak, Bigoński, 10.11.1920.

23 Christoph Mick, Kriegserfahrung in einer multiethnischen Stadt. Lemberg 1914–1950. Habilitationsschrift, Tübingen 2003, p. 298.

24 Official Journal of the Association of disabled veterans ZIWRP.

invalid 'Poles'" ("*Inwalidzi 'Polscy' a inwalidzi 'Polacy'*"). [25] The association complained that, "an invalid of the Polish Army is met with gratitude, while invalids of the foreign armies receive only pity." They demanded that public acknowledgment of the sacrifice and legal recognition had to go hand in hand. In their view, a Polish soldier fought for Poland, whether in the Austrian, Russian, or German army. Their Polishness should not be questioned any more than that of Poles in one of the Allied armies. Polish invalids should be recognised without regard to the army in which they suffered their injuries. By the same token, everybody, regardless of their nationality, who served the Polish Army, should receive benefits. The same was demanded for civilians wounded on Polish territory. With the exception of obvious traitors, everybody should be included in the state welfare.[26]

The implementation of the Invalids' Law of 1921 was postponed repeatedly. In June 1923 the Comittee for Welfare and Invalids (*Komisja Opieki Społecznej i Inwalidzkiej*) handed in a report, in which it accused the Sejm for repeatedly delaying this law under different pretexts.[27] The draft law of March 1921 which ensured social welfare and provisions for invalids had been called back for revisions by the committee in May 1922.[28] As late as January 1923 was the debate on the bill resumed – only to be postponed again. The committee accused the Sejm of deliberately delaying the implementation of the law. After long discussions, it was finally decreed on 23rd November 1923. However, payments were not applied until 1925, and even then they were introduced only slowly and repeatedly stopped.[29] Moreover, the 1921 law was based on calculations in Polish Mark, and were not modified when Poland converted to the Polish Złoty in 1924. Only the reform of the invalids' legislation in 1932 would solve the complications arising out of this inconsistency.

Rapid and equal pension legislation was therefore a premature hope. Veterans constantly joined in public and sometimes violent manifestations.[30] They protested against the slow legislative process, against the slow implementation of the actual payments, and against cuts to the scarce existing allowances.[31] Regular motions and petitions documented that even though there was legal justice, financial support to veterans of the former partition powers was barely provided.

The late 1920s saw a nationalisation of discussions, including those related to the pension schemes. The lack of resources and the chronically tight budget of the Polish state wors-

25 Bolesław Kikiewicz,„Inwalidzi 'polscy', a inwalidzi Polacy", in: Inwalida, 8 (1919), p. 1-2, p. 1.

26 Ibid, p. 2.

27 RP II/0/Druk Nr. 607 Report by the Committee for Social Welfare and Invalids regarding social welfare legislation, signed by Edmund Bigoński, 13.6.1923, RP II/1/Druk Nr. 132: Urgent inquiry by the Sejm's Social Welfare Committee, signed by Edmund Bigoński.

28 RP II/1/81, 23.11.1923, LXXXI/5-9, S. 5.

29 Jabłonowski, Sen o potędze, p. 252-262.

30 RP II/0/273, p. 39-40 inquiry by MP Reger regarding the progress of législation, referring to the invalids protest over the last weeks, 14.12.1921.„Demonstracja inwalidzka w Warszawie", Inwalida Nr. 34, 21.8.1920, p. 1-3; Nasza kontra-manifestacja, in: Inwalida Nr. 10, 1925, p. 1-3.

31 RP II/0/ 273, p. 39-40 MP Reger, 14th December 1921

ened this situation. Even the legal requirements of international treaties were questioned and contested. A 1923 report on pensions of civil servants and professional soldiers of the partition powers by the Budget Committee emphasised the need for urgent legal improvements. It referred particularly to the growing number of retirees from the former partition powers. To reject claims by the veterans, it was argued that the Polish State had voluntarily taken on a moral obligation, but that it was not bound by any official legal agreement.[32] The moral promise, however, would have to be revised under the current economic situation. In a nutshell, the report of the Budget Committee formulated the view that would dominate the discussions of the following years: those veterans who had fought in the Polish army had earned their right to pensions, whereas the large share of pensioners of the partition powers were cared for based on morality and charity. The latter were increasingly regarded as a financial liability, "given as a favour" (*dar z Łaski*). With the rising economic crisis they were more and more regarded as a luxury the state could no longer afford.

The deputy treasury minister Markowski warned against the challenge of the increasing number of veterans. Future developments would put the Polish state in a difficult position, as its tight budget could not cover all of the demands. He therefore called for a major correction of the whole concept of pensions.[33] The committee chairman Mączyński replied

> *that our national minorities, who are not suppressed in the Polish state and never have been suppressed, have to get used to the fact that they live in a Polish state, and that the Polish State has the choice to honour citizens who had served the Polish nation in a special way.*[34]

For the first time, an official party claimed – in spite of better knowledge – that the Polish state was not obliged to look after the former military professionals of the partition powers as required by international treaties. Critics of veterans' welfare repeated this argument over the coming years.

With the increasing nationalisation of the political atmosphere in Poland in the 1930s a more radical attitude towards national minorities emerged. The minorities (Jews, Germans, Ukrainians, and Lithuanians) were suspected of having a general lack of interest in the national memory culture and a negative attitude towards Polish independence.[35] The suspicion that members of minorities had no loyalty towards the Polish state dated back to the World War and was used to justify their exclusion from the Polish nation. These claims were picked up on during the debates on veterans care. Representatives of the Jewish, German, and Ukrainian minorities repeatedly complained about receiving poor treatments and requested legal equality. As Dietrich Beyrau stated with regard to

32 RP II/1/Druk Nr. 673 Budget Committee Report regarding welfare legislation for retired military and civil servants (Druk Nr. 500), 23.7.1923, signed by Mączyński (head of committee): RP II/1/58, 27.7.1923, LVIII/9-79, p. 11-16.

33 RP II/1/58, 27.7.1923, LVIII/9-79, p. 16-18 : Vice-minister Skarbu Mąrkowski answering to the committee's report.

34 Ebd.

35 Steffen, Jüdische Polonität, p. 104, p. 108-109, p. 383.

labour market policies in Poland, the debates on pensions and care were social conflicts concerning positions and distribution that took on the character of national conflicts.[36] The debates in the Sejm in the 1930s were increasingly characterised by rising aggression against minorities.

Not only inquiries by representatives of the minorities in the Sejm, but also regular parliamentary inquiries documented that even the small welfare allowance for veterans was hardly ever paid if they were "non-Polish". Complaints increased from the second half of the 1920s onwards, especially from ethnically mixed residential areas: from the Jewish community around Cracow, complaints regarding discrimination against German invalid veterans from Silesia and complaints about unfair handling and unpaid allowances concerning Ukrainians from East Galicia. Investigations at the local level proved these claims right. For example, the situation of war invalids in Lwów was financially as well as medically far below the national average.[37]

The Polish national narrative of regaining independence dominated the commemorative culture and had its impact on social welfare. As a consequence, all veterans tried to declare their war service as part of the struggle for Poland's independence in order to stress their devotion to the Polish nation.

The economic situation did not help to ease the tensions. Already before the collapse of the world economy, Poland went through serious economic crises during the 1920s. The Polish currency was stabilised only in 1927, after repeated attempts. Political and economic instability seemed to run parallel to each other. This would explain why the stabilisation of the currency was only achieved after the undemocratic coup in May 1926, when the League of Nations granted a high credit to the new government.[38] But inflation and depression remained and due to the effects of the global economic crisis were intensified. The economic conditions improved only slowly again towards the end of the 1930s.[39] At this time, however, the debate on veterans care was already charged with stereotypes and hierarchies, so that the relief did not improve the material situation for veterans of the partition powers and those belonging to minorities groups.

The confrontation between the state and veterans associations influenced each other mutually. The newly established state had to prove responsibility towards the demands of the veterans. At the same time, the group of veterans (including First World War) were defined only through their confrontation with the state and their demands on it. The process thus has clear characteristics of the formation of a nation state by social responsibilities. Rather than 'formed by war', the group of veterans was predominantly a post-

36 Beyrau, Antisemitismus und Judentum in Polen, p. 224 ff.

37 Mick, Kriegserfahrung, p. 276-277.

38 The international loan of 72 Millionen $ by the League of Nations allowed a stabilisation of the złoty. Patricia Clavin, The Great Depression in Europe, 1929–1939. London 2000, p. 56.

39 Ibid., p. 182.

war construction, shaped by their affiliation to and engagement in organisations.[40] First World War veterans had to fight hard to have their war service acknowledged in Poland. Social condemnation of Poles who served the occupying powers was expressed in debates in parliament and public (press) throughout the interwar period. The memory of a war during which Poles had served in all kinds of uniforms seemed complicated. The merits of the new national Polish army and their battles in the border wars were more appropriate to remember. Polish veterans of the World War promoted their own interpretation thereof in an attempt to strengthen their social status symbolically and materially.
Even though the group of veterans was manifold, they all turned to the new Polish state with needs and demands with the conviction of being a Polish veteran. The construction of an identity by their relation to the state was all the more important, as Polish veterans did not share a common war experience. It was only after the war that they could become Polish Veterans. The interplay between the veterans and the state consisted mainly of the formation of responsibilities between the state as the administrative representative of the nation and those who demanded support. The debate on welfare for war veterans thereby reflected the discussion on inclusion and exclusion into the national community. The decision was linked to the question of who rendered outstanding services to the fatherland and who did not. These categories were influential by definitions of national affiliation, which in turn condensed in the legislation on who was going to be supported.[41] Noiriel suggested that the construction of a corporate feeling and social administration are closely linked together by manifesting inclusion and exclusion on the route to a national community.[42] This is also true for veterans, who were legally defined by the state by receiving social benefit payments, and were classified accordingly.

Nationalisation and Economic Challenges

In May 1926, Piłsudski performed a *coup d'etat* with the support of ex-servicemen, mainly of the Polish legions. During the following years of his *Sanacja*-Regime, a cult of Piłsudski and his Polish legions was established and cultivated as part of the political founding myth.[43] This also entailed a new interest in the First World War, yet this new memory remained restricted to Piłsudski, his legions and "national achievements". The revival of a First World War commemoration therefore did not help the situation of the neglected ex-servicemen of the partition powers. Rather, the new national atmosphere raised by the Piłsudski cult rather turned against them. Public opinion and Sejm debates were once again taking sides with the "Polish soldiers". Social prestige of military service

40 Benjamin Ziemann, Die Konstruktion des Kriegsveteranen und die Symbolik seiner Erinnerung 1918–1933, in: Jost Dülffer / Gerd Krumeich (Hg.), Der Verlorene Frieden. Politik und Kriegskultur nach 1918. Essen 2002, p. 101-118. Prost, Antoine, Les anciens combattants et la société française, 1914–1939, 3 vol., Paris 1977.
41 Geyer, Vorbote des Wohlfahrtsstaates, p. 236.
42 Gérard Noiriel, État, nation et immigration. Paris 2001.
43 Heidi Hein, Der Piłsudski-Kult und seine Bedeutung für den polnischen Staat 1926–1939. Marburg 2002.

before 1918 was now even more openly limited to those whose service could more clearly be categorised as a sacrifice for the Polish nation and its independence. Accordingly, this was exactly the line of argument the First World War veterans followed themselves. Poland, they argued, owed its resurrection to them and their sacrifice.[44]

The debate on care for Polish World War One veterans during the interwar period showed central problems of the Second Polish Republic as through a looking glass. The question of how to deal with the heritage of the partition powers was personified by those who voluntarily or by conscription, served in the occupiers' armies. The Polish problem of handling its new ethnic and religious minorities was likewise portrayed in the social and monetary hierarchisation of veterans. To claim welfare payments and acknowledgement, the Polish veterans had to promote their military service as a service to the Polish nation and its independence. To avoid the suspicion of having been mercenaries, they promoted their image as independence fighters. The debate on Polish World War veterans showed in how far the apparently objective memory of war participation was in fact socially constructed. The recruit in the Russian army, the officer in the Habsburg army, the soldier fighting in German ranks – forced by the need for financial support, reinvented their past. They all argued that they had served the partition powers neither out of a sense of duty, nor for career reasons, but only to support the Polish war of independence, to infiltrate these armies or to receive military training that they could then use in the struggle for independence.

On the whole, the debate on war commemoration and on state support for ex-servicemen dealt with the topic of inclusion and exclusion into and out of the national community. These topics proved to be at the same time constitutive for and critical of a newly founded nation state. Since both parties were still in a phase of formation and transformation, both influenced the other side to a large extent. Therefore, the process clearly showed characteristics of the formation of a national state by social responsibilities and by the definition of who was included and who was excluded from the national community.[45] This again had repercussions on the construction and consolidation of the Polish state and society. The newly founded state had to prove responsibility by responding to the veterans' needs. At the same time, the group of (World War) veterans had been defined in defending their interests against the state. Veterans acted as a pressure group to promote their interests. A correlation between the veteran and the nation state existed in all countries, but in Poland it proved to be particularly dominant, since the state was not yet settled. According to the thesis of the nation state construction by linkage of responsibilities, the Polish state grew with its responsibilities - and partly failed them.

44 Inwalida 1936, Nr. 2, p. 7.

45 Noiriel, État, nation et immigration, p. 192-205; Dieter Gosewinkel, Einbürgern und Ausschließen. Die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland. Göttingen 2001, p. 15 ff.

Conclusions and Outlook: Veterans and Welfare in Poland

The Second World War completely changed the parameters, but at the same time the questions of the veterans saw a number of similarities and continuities. Again, Poles had fought the World War in different armies. Even though official statistics vary, about 330,000 Polish soldiers fought with the Red Army, while the Polish Armed Forces in the West came up to 230,000 men in 1945. As not all returned to Poland straight after the war – some voluntarily stayed abroad, some were detained in camps – the number of demobilised soldiers in 1946 was smaller than it would have otherwise been, but has been estimated to be far more than 300,000. The number of war victims was even bigger. As a huge difference to the post-1918 period, this group not only included families of the deceased, widows and orphans, but also referred to a vast group of victims, including forced labourers, victims of Soviet repression, former prisoners and camp inmates.[46] Historians of the period have criticised the legislation of the interwar years as completely outdated and insufficient – and indeed it was. Never properly implemented in first place, the interwar legislation was by no means prepared to handle the necessities of post-1945.[47] However, it must be kept in mind that the laws issued in the interwar period provided the foundation in welfare legislation and were partly responsible in forming the Polish state as a welfare state (even if limited). Any kind of social benefits and allowances granted to veterans and war victims in Poland after 1945 therefore drew from the debates and struggles over veterans' welfare in the interwar period. Very distinctively, Poland had opted for the "conservative" welfare model with a strong state, similar to that in Germany and Austria.[48]

A further continuity can be found in the organisations of the veterans' movement. After the Second World War, the Polish veterans quickly tried to re-activate the veterans' movement from before the war. The Polish War Invalids Association, ZIWRP, was re-founded while the war was still ongoing (as ZIW, dropping the RP that had referred to the Polish Republic). Other, new, veterans associations were to follow. The first years saw a broad range of different interest groups represented by their own associations, according to regional, religious or political cleavages. Just as the *Sanacja*-camp had tried to politically dominate the veterans' movement in the interwar period, the movement was once again monopolised. This time, implied political centralisation led to the monopolistic stand of the Union of Fighters for Freedom and Democracy (*Związek Bojowników o Wolność i Demokrację* ZBoWiD) in 1949. The ZBoWiD was highly influenced by the Cold War and socialism. It relied on the myth of victory against fascism. The only veterans association that could evade being forcefully integrated into the ZBoWiD was the Polish

46 Joanna Wawryzniak, On the Making of Second World War Myths. War Veterans, Victims and the Communist State in Poland, 1945–1969, in: Stegmann, Weltkriege, p. 189-208, p. 193-194.

47 Ebd., 195.

48 According to: Gøsta Esping-Andersen, The Three Worlds of Welfare Capitalism. Cambridge 1990.

War Invalids Association ZIW, probably due to its tradition dating back to the interwar period.[49] Already then, only the invalids had managed to by-pass monopolisation.
As another parallel to post-1918, the interpretation and commemoration of the Second World War became highly influential to the establishment of welfare politics and social categories. Again, the struggle for independence became the defining moment to be accepted and honoured as a Polish veteran.
In sum, there was no guarantee the Polish state, after 1918, would develop the social legislation covering veterans and invalids as it did. The state widely failed in the application of those policies. However, the active lobbyism of the veterans' movement had, if only in theory, ensured the consolidation of a welfare state. In this regard, veterans' welfare was the "herald of the welfare state" just as Michael Geyer stated in his article. Poland picked up on social legislation from its partition powers, Germany and Austria, for the concepts of how to handle a vast number of invalids returning from the war. With respect to the specific Polish national narrative, the war service in wartime was represented as "service for independence" rather than "for the state". This link between national narrative and long-term structural continuities was repeated after 1945. Even though the challenge and the political situation after 1945 were completely different, the legislation and the veterans' movement could build up on the experience of the interwar years.

49 Wawrzyniak, Second World War Myths, p. 199.

Veteran Status and War Victims' Policy in Czechoslovakia from the End of the First World War until the Nineteen-Fifties[1]

Natali Stegmann

RESÜMEE[1]

Die Tschechoslowakei wurde am Ende des Ersten Weltkriegs gegründet. Zuvor hatten Tschechen und Slowaken in den Verbänden der Habsburgermonarchie und zu einem kleineren Teil an der Seite der russischen Armee gekämpft. Wie im polnischen Falle hatten sich also die Angehörigen der neu oder wieder gegründeten Nation auf zwei Seiten der Front gegenüber gestanden. Dies bestimmte wesentlich die Politik sowohl den Veteranen als auch den Kriegsgeschädigten gegenüber. Daneben waren aber auch andere Bestimmungsfaktoren maßgeblich. Hierzu zählte in der Sozialpolitik die Tradition der Habsburgermonarchie, die in einer spezifischen Weise mit der demokratisch-humanistischen Rhetorik der Republik verknüpfte wurde. Nach dem Zweiten Weltkrieg erfuhren diese Prämissen wesentliche Modifikationen. Die entsprechenden Prozesse skizziert der Artikel vom Ende des Ersten Weltkriegs bis in die 1950er Jahre hinein.

Veterans and war victims after the First and Second World War: Main features and data

As stated by the Proclamation of Independence, on October 28th 1918 the independent state of Czechoslovakia came into being.[2] On the same day the National Assembly in Prague declared itself as government. The event itself was seen as a revolutionary

1 This contribution is essentially based on my book: N. Stegmann, Kriegsdeutungen – Staatsgründungen – Sozialpolitik. Der Helden- und Opferdiskurs in der Tschechoslowakei, 1918–1948, München 2010.

2 Cited after: Právník. Teoretický časopis pro otázky státu a práva 68, 1929, 355 (in following: Právník).

deed.[3] The process of state-founding came along with certain ambivalences. The most important parameter was that the First World War was ex post declared a war for independence. At once the state was established as democratic, whereby on morally higher standing and more advanced as the fallen Habsburg monarchy, out of which territory Czechoslovakia detached itself. Furthermore the process of state creation took place as a 'foreign revolution', i.e. the process was primarily promoted from outside the future state territory. The pioneers of these developments were the founding fathers of the Republic and later presidents Tomás G. Masaryk (1850–1937) and Edvard Beneš (1884–1948) as well as the Slovak Milan Štefánik (born 1880), who yet died in 1919, and also the legionaries. These were the 'Czechoslovakian' units that mostly recruited themselves from the renegades and that fought in the ranks of the Allies. These units were already recognised as the Czechoslovakian army by the Allies before the formal foundation of the state.[4] This constellation led to a rhetorical and institutional interlinking of the democratic foundation of the state and the legionaries struggle for liberation. Therewith the latter in many aspects came to play a similar role as the soldiers of national armies in other countries.[5] Their example can thus be taken as prototypical for the process of the state foundation. This produced numerous problems in relation to majority of the Czechoslovakian ex-servicemen, who until the end of the war fought in association with the Habsburg monarchy. Estimates assume the following ratio: Over 400 000 soldiers of the Austro-Hungarian army are believed to be either of Czech or of Slovak nationality. Several hundred thousand members of this army were Germans from Bohemia.[6] In contrast, the number of legionaries – excluding those who first after the state foundation were recruited in Italy, the *domobrana* (Home Guard) – can be estimated at approx. 100 000.[7] According to this, only just over seven percent of the former soldiers were legionaries. As for the number of war victims, the ministry of social welfare assumed in January 1921 that the young Czechoslovakian Republic inhabited 175 000 war invalids and 400 000 relatives of invalids and surviving dependants of soldiers killed in action.[8] Of a total population of just over 13 million (value of 1930),[9] this would thus put over four percent of the population into the category of 'war victims'. Against the sketched

3 Právník 61, 1922, 173.

4 G. Thunig-Nittner, Die tschechoslowakische Legion in Rußland. Ihre Geschichte und Bedeutung bei der Entstehung der 1. Tschechoslowakischen Republik, Wiesbaden 1970, 72; K. Bosl (ed.), Handbuch der Geschichte der böhmischen Länder, Vol. 3, Stuttgart 1968, 355.

5 T. Kühne, Der Soldat, in: U. Frevert / H.-G.Haupt (ed.), Der Mensch des 20. Jahrhunderts. Frankfurt a.M. / New York 1999, 344–383; for Austria: C. Hämmerle, Von den Geschlechtern der Kriege und des Militärs. Forschungseinblicke und Bemerkungen zu einer neuen Debatte, in: Kühne / Ziemann (ed.), Was ist Militärgeschichte? 229-262.

6 M. Zückert, Memory of War and National State Integration: Czech and German Veterans in Czechoslovakia after 1918, in: Central Europe 4, 2006, H. 4, 111–121 111.

7 M. Zückert, Zwischen Nationsidee und staatlicher Realität, Die tschechoslowakische Armee und ihre Nationalitätenpolitik, 1918–1938. München 2006 84f..

8 Státní ústřední archiv v Praze: Ministerstvo sociální péče (in following MSP), K. 487, Nr. 773, 1920.

9 W. Kessler, Die gescheiterte Integration. Die Minderheitenfrage in Ostmitteleuropa, 1919–1939, in: H. Lemberg (ed.), Ostmitteleuropa zwischen den beiden Weltkriegen (1918–1939). Stärke und Schwäche der neuen Staaten, nationale Minderheiten, Marburg 1997, 161-188, hier 170 f.

backdrop, the veteran and war victims' policy was oriented towards the example of the legionaries. At the same time a second ideal was crucial, namely that of male workers and breadwinners. In this aspect the war victims' legislation corresponded to other socio-political measures, especially the establishment of disability insurance and a pension scheme in 1924.[10] Whereas only a small portion of men fought on the right side during the First World War, the state's social policy though also recognised the social need of those citizens, who brought a war victim onto the wrong side. The common construction was to display the Czech and the Slovak recruits as those, who were innocently involved in the war, as the Habsburg army had established general conscription in 1868. On the contrary, the legionaries voluntarily signed up for service to the 'Czechoslovakian army'. This willingness characterised the deserter army in a special way. Hereafter, the first were passive sacrifices; the second active soldiers. In order to be recognised for courage, suffering and social entitlements, numerous mediation processes were unfolded by those who participated in legionary associations as well in war victims unions.

The situation differed after the Second World War. From the Czechoslovakian point of view, the Second World War was a repetition of the First World War in the sense that the nation fought for the reconstruction of their state and therein used the same means, and at times the same people, as in the First World War. However, fundamental differences have to be pointed out: First of all, the Czechoslovakians were neither called to arms in September 1938 (Munich Agreement) nor in March 1939 (establishment of the Protectorate of Bohemia and Moravia). The character of the national socialist occupying regime and the London (and Moscow) politics of government in exile, as well as the resistance led to numerous new figures being introduced into the discourse over the Second World War. Besides the legionaries, who formally fought on the side of the Allies being subordinated to the London exile government, this was above all the resistance fighter. According to information from the 'Alliance of Freedom Fighters' (*Svaz bojovníků za svobodu*) founded in 1948 about 80 000 invalids and 113 000 surviving dependants received a positive reply to their application for war victims' pension in the same year. For the continuation of the old pensions, 28 000 invalids and 76 000 surviving dependants were successful in their requests.[11] As a result, in the period after the Second World War there were, in total 297 000 pensioners from the so called first and the second resistance. The portion of First World War victims was relatively low. The anti-Fascist paradigm also led to fact that the veterans and war victims' policy clearly differentiated one guilty group, who did not receive any kind of social services. Those who were identified as an accomplice to the Germans or the Magyars were excluded from the community. This very drastic redistribution policy directly corresponded to the expatriation of the German and the Hungarian population. Society clearly identified a common enemy and an exclusion mechanism toward 'Fascists'. Furthermore, society was defined as a collective of workers. The compulsory work duty was the pillar of social policy. In

10 Deset let Československé republiky, Vol. 3, Praha 1928, 88–90.

11 Hlas revoluce. Orgán svazu protifašistických bojovníků 1, 1948, Nr. 26, 4 (in following: Hlas revoluce).

addition, the legionaries' role as national prototype diminished in favour of the freedom fighters. Since the February coup of 1948, they were furthermore seen as politically suspect, as the majority of the legionaries did not take over the side of the 'Reds' after the Russian October Revolution.

War victims' policy from the First World War until the nineteen-thirties

The newly founded Czechoslovakia adapted the social security organisation of Austro-Hungary. Despite the revolutionary rhetoric the continuity of the institutions was obvious, both in the logic of the state and in the perception of the citizen. Austria (alongside Germany) belonged to the precursors of the introduction of mandatory insurances. At the end of the 19th century, these 'authoritative' states already possessed an effective bureaucracy that could develop and implement such projects. The introduction of the mandatory insurances replaced the communal, familial and ecclesiastic safety net by a public one. With the adoption of the social political institutions, the newly founded Czechoslovakia took over more than just the framework. Due to the legitimising function of the social policy, the new authorities could not take back the state paternal claim of the old monarchy. Also the war victims' policy of Czechoslovakia was built on an already prepaired ground. On this path, the young state essentially was drafted on two basic elements, namely pension payments and measures of employment promotion. Although the latter was seen as more important, it did not come to a compulsory employment law for invalids, as was pushed through in other European countries. One reason for this could have been the preference of the legionaries, who were extensively given positions in public service sector, particularly in the military and in schools.[12] In practice this meant that the legionaries were in frequent competition with the war victims, who were also given that preference. One special feature of the Czechoslovakian policy was the distribution of kiosks and cinema licences to war victims. Also this instrument of social policy was a tradition of the Habsburg monarchy, in a slightly expanded form. One of new components was that also legionaries were to profit from these measures.[13]
A law from April 1919 defined who got the status of a war victim. This was similar to the definitions given elsewhere: invalids of Czechoslovakian nationality whose ability to work was intermittently or permanently influenced or entirely lost as a result of injury or disease, incurred or worsened in military service, other military arranged assignments or in imprisonment, their relatives to whom they were liable for support, as well as

12 Compare with: I. Šedivý, Legionářská republika? K systému legionářského zákonodárství a sociální péče v meziválečné ČSR, in: Historie a vojenství 51, 2002, 1, 158–164.

13 Cited after the protocols of the National Assembly. These are accessable online under: www.psp.cz/cgi-bin/win/eknih; last visit 16.9.2005; in following cited as: Národní shromáždění československé, here 84. schůze, část 1 u. 2/9, 16.9.2005.

surviving dependants of persons who died or went missing under the above mentioned circumstances, if they were liable for their support.[14]

Since the middle of 1919, the preferential distribution of kiosks (*trafiky*) and cinema licences to war victims was confirmed with a Czechoslovakian decree. The state tobacco monopoly already existed in the Habsburg monarchy since 1773. Josef II had then announced that the war victim soldiers would be allotted kiosks and the war victim officers would be allotted tobacco wholesales. [15] An initiative of Allegiance of Czechoslovakian War Victims (*Družina československých válečných poškozenců*) had insisted upon maintenance of this regulation. The in 1919 adopted law became extended in 1920. From now on, also the distribution of positions in tobacco stuffs and spirits as well as leasing station restaurants and canteens would be organised in the favour of war victims and legionaries.[16]

A new regulation on pensions for the war victims came in February 1920. In the meantime the victims of the war were limited to a meagre pension, which they received in accordance with the Austrian and (for the Slovakian region) with the Hungarian regulation. The law from February 1920 stipulated, that if the invalids' disability (*ztráta výdělečné schopnosti*) accounted for 85 percent, then they would receive a yearly benefit of 1 800 Crowns. In the case of a lesser disability, the benefits would incrementally decrease until 20 percent of the maximum sum (that is 360 Crowns) with a disability of 20 to 24 percent. The widows' benefit amounted to 600 Crowns a year, slightly more than what invalids received with a disability of 25 to 34 percent; children received considerably less. The regulations only applied provided that the family received less than 4 000 Crowns per year from other means.[17] From the start, the heights of the pensions were faced with hefty arguments, as they by far did not reach expectations. As before, an actual livelihood was questionable. Apparently there were also grave delays in the payment of pensions.[18] However, as insistently the misery and as clear the duty towards the war victims was, the state never managed to come to a basic provision of pension payments. A great number of initiatives led to marginal modifications.[19] The bitter protests from invalids' unions could not change much. This resulted that the financial situation of the invalids, their relatives and the surviving dependants of soldiers killed in action became dependent on private as well as public welfare such as union subventions from the state. Even though the social political institutions were aware of their responsibility, it did not come to comprehensive financial support for the victim. Rather the war victims' policy rested on

14 Sociální revue. Orgán Ministerstva práce a sociální péče 1, 1919/20, Nr. 1-2, 44 (in following; Sociální revue)
15 T. Blimberger, Das österreichische Tabakmonopol, Diplomarbeit Wien 1986, 13, 101.
16 Národní shromáždění československé 1920-1925, 84. schůze, část 1 u. 2/9.
17 Sociální revue 1, 1919/20, 415–419.
18 Národní shromáždění československé 1920–25, 178. schůze, část 3/6, 2.
19 Sociální revue 1, 1919/20, 505–517, Sociální revue 2, 1921, 42; Sociální revue 3, 1922, 150 –155; Sociální revue 4, 1923, 86–111.

the concept of self-help, but given that the war invalids frequently suffered from severe physical disabilities, this hardly could be managed.[20]

Nevertheless, the legislation established comprehensive regulations and entitlements to benefits, that focussed less on charitable aims and more so on the role of legionaries and workers. The core of the war victims' policies would not be the maintenance of invalids, but their rehabilitation into society as a productive citizen. As a further measure, the invalids were to go through schooling to be enabled for productive employment, despite physical disabilities. Part of the policy was also a therapeutic measure and for the preparation of prostheses and other aid appliances. The majority of the socialisation measures aimed at making it possible for the invalids and their families to lead a normal life of husbands and fathers.[21]

The main idea of integrating the war invalids into the employment market could only take hold as long as there was enough labour demand. Especially, directly after the war there was however a high unemployment rate, so that particularly in that period the support of pension payments was so crucial. In fact the labour demand did increase soon after that, although not to such an extent that every invalid could enter into regular full employment. Without a doubt those war invalids who succeeded early in entering regular employment were financially the best off. The rest generally belonged to the socially deprived citizens of the young state. This development dramatically worsened in the 1930s as a result of an economic crisis that led to a steep increase in the unemployment rate. Thereof mainly the German populated areas of Czechoslovakia were affected. While the Czechoslovakian economy as a whole recovered from the mid 1930s, the level of unemployment in the peripheral region remained high.[22] It has been estimated that in the winter of 1932 / 33 two thirds of the job-seeker in Czechoslovakia were German (although they accounted for one quarter of the population).[23] In a time where the 'strong and physically fit' were unable to find work and the chances were a lot worse for the 'physically weak and disabled' war invalids, the minister of social affairs acknowledged and underlined the special obligation of the state towards the war victims.[24] The social institutions could however hardly contain the misery of the unemployed.[25] Even a programme of public aid for war invalids, established in 1930, did not change the miserable situation much.[26]

20 Examples of terrible injuries and impairments are given in: O. Kypr, Světová válka a její oběti, Prag 1929, 16–30.

21 Ibid., 55.

22 Z. Kárník, České země v éře První republiky (1918–1938), Vol. 2: Československo a české země v krizi a v ohrožení (1929–1935), Prag 2003, 50; Vol. 3: O přežití a o život (1936–1938), Praha 2003, 59f.

23 V. Zimmermann, Die Sudetendeutschen im NS-Staat. Politik und Stimmung im Reichsgau Sudetenland (1938–1945), Essen 1999, 38.

24 Dvacet let práce Družiny válečných poškozenců československých, 1917–1937. Praha 1937.

25 Also the unemployed and unfit to work legionaries as well as the dependants of fallen legionaries had to accept a 'deterioration' of their economic situation. As a result they criticised various legionaries' organisations and requested for remedies, cf. MSP, K. 216.

26 J. Nečas, 20 let sociální péče v Československé republice. Praha 1938, 94.

In the background, foreign politics also change changed course. The establishment of authoritarian regimes in numerous neighbouring countries touched also in the fundaments of Czechoslovak social policies.[27] Abstract democratic societal ideals lost, however precisely in analogy to the seemingly flourishing dictatorships. This especially applied to the German minority, who were particularly harshly affected by the mass misery. Their organisations compared the social situation in the Reich with their own and came to the conclusion that they were particularly bad off. Referring to the 'winter aid' in national socialist Germany, the Czechoslovakian powers underlined in 1935 the close ties between the democratic postulate of equality and social policy. Even though Czechoslovakia would not be able to invest to the same extent, they would still then distribute to same proportions, so that all those suffering at least receive something in equal measure.[28] This maxim was explicitly formulated for the minority, who thereafter would be convinced, that the social provisions exposed to democratic freedom could not be ideal. In the background, from the mid 1930s the next war was coming threateningly close.[29] Though it came to a common peace statement from the Czech and German war victims in 1936, [30] however the German war victims in the Czechoslovakian Republic, organised by in the Union of War Injured, Widows and Orphans (Bund der Kriegsverletzten, Witwen und Waisen), in 1938 (relatively late and more or less forced) started drifting into the fairway of the Sudeten German Party. [31]

The social and war victims' policy from the Second World War until the nineteen fifties

The establishment of the Protectorate of Bohemia and Moravia and the Slovakian puppet state in March 1939, meant the end of an independent Czechoslovakia. In the context of re-fighting the state the Czech freedom fighters and the Slovak partisans were perceived as bearers of the independence movement. Furthermore the Slovak uprising of August 1944 and the Prague uprising of May 1945 were interpreted as the symbol of the fight against the occupation. With this backdrop, the end of the Second World War presented a deep turning point that also affected the bases of social political trade. Different as in other countries that were under the Soviet hegemony, was the comparatively large consent of Communism in Czechoslovakia in the first post war years. The carrying pillars of the 1945 Czechoslovakian economic and social policy were the nationalisation of key industries, banks and insurances and the land reform. The on May 26th 1946 elected leg-

27 Cf. e.g.: Naše doba. Revue pro vědu, umění a život sociální 44, 1936/37, 257f.
28 Péče o mládež. Měsíčník Ministerstva sociální péče (im Folgenden: Péče o mládež) 14, 1935, 255.
29 Cf. among others: Nový život. Ústřední orgán Družiny československých válečných poškozenců 19, 1935, Nr. 12, 1; Nr. 13, 1 (in following: Nový život).
30 Der Kriegsverletzte. Organ des Bundes der Kriegsverletzten für Böhmen, Mähren und Schlesien (Sitz Reichenberg) 18, 1936, Nr. 3, 1f.; 19, 1937, Nr. 7, 10 (in following: Der Kriegsverletzte).
31 Der Kriegsverletzte 18, 1936, Nr. 3, 1f.; 19, 1937, Nr. 7, 10 .

islative national assembly issued a two year reconstruction programme in October 1946. From January 1947 the economic productivity was to be ten percent higher as that of the pre-war level, within 24 months. [32] A core element of the plan was to mobilise the work forces on the bases of the right to work and the duty to work, including more or less people with limited work abilities and the so far unemployed women. These measures were considered as popular democratic and revolutionary. The increased efforts for economic mobilisation of the people were directly connected to the forced migration of the German population, whose manpower was considered replaceable. This line of argumentation was used as a motivation for the population. [33] Nationalisation, land reform and mobilisation (as well as the forced migration policy) were generally greeted as necessary drastic changes in the interest of national consolidation.[34] The national post war politics, addressed to the 'people', was not only to be seen as a repetition but as a completion of the state's founding in 1918 / 19.[35] Economic policy and public steering were means for a governmental redistribution, which was aimed at the establishment of social justice and an equalisation of living conditions.[36] Despite the great consent of the Czechoslovakian population for Communism and therefore the outline of the post war politics; after the coup d'état of the Communists and the abdication of Beneš in February 1948, a great number of Czechoslovakian Communists came under the Stalinist general suspicion of treason and espionage. Before I conclusively come back to that, first the most important changes of the war victims' legislation will be looked at.

The war victims' legislation was changed during the war once and twice directly after it, namely by the 'governmental decree of September 8th 1943 on the care for war victims' (Regierungsverordnung vom 8. September 1943 über die Versorgung der Kriegsgeschädigten)[37] and by the 'law of July 18th 1946 on the care for the military and war injured and victims of the war and fascists persecution' (*Zákon ze dne 18. července 1946 o péči o vojenské a válečné poškozence a oběti války a fašistické persekuce*). [38] The protectorate's decree did stipulate the claim respectively the necessity of payments increase, however in the scope of the occupying order. Jewish war victims would not be granted the raise (§ 83). The pensions rested fully if a war victim was in camps or prisons or was confirmed a 'state enemy' (§ 69). In the following revision and on the basis of the practice of the

32 J. M. Michal, Die wirtschaftliche Entwicklung der Nachkriegszeit, in: V. R. Mamatey / R. Luža (ed.), Geschichte der Tschechoslowakischen Republik, 1918–1948. Wien / Köln / Graz 1980, 456–491, citation 473 f.

33 Svobodné slovo. Ústřední orgán Československé strany národnésocialistické 2, 1946–3, 30.10.1946.

34 K. Kaplan, Der kurze Marsch. Kommunistische Machtübernahme in der Tschechoslowakei 1945–1948, München / Wien 1981, 41.

35 C. Brenner, Perspektivy roku 1945, in: St. Kokoška / Z. Kokošková / J. Kocian (ed.), Československo na rozhraní dvou epoch nesvobody. Sborník z konference k 60. výročí konce druhé světové války, Praha 2005, 257–263, citation 258.

36 Sociální revue 22, 1947, 267; Péče o mládež 27, 1948, 33.

37 Sbírka zákonů a nařízení Protektorátu Čechy a Morava 1943, 1225-1252.

38 Sbírka zákonů a nařízení Republiky československé 1946, 1099–1122.

investigation commission, all pension claims were reviewed. In many cases this led to a decrease in percentage or denial of the pension entitlement.[39]

In the post war period there were again fundamental changes, but this time under reversed auspices. The law from 1946 significantly increases the group of 'victim'. Besides the injured from the First World War, there was now a whole line of victims from the occupying power as well as from the anti-Fascist struggle, namely people who under the following circumstances suffered a physical injury or a deteriorating of a physical disability:

- in military service, namely since the mobilisation of 1938 Czechoslovakian army or an allied army, in partisan units, in the participation of the Prague or the Slovakian uprising or in other anti-Fascist military actions or in the support thereof or in the sanitary services of such units,
- in imprisonment, in abduction, in concentration camps or on the grounds of participation of *odboj* (resistence) in detained prison, as well
- in the exercise of forced labour.

Also the surviving dependants and relatives were included in the group (§ 2). These people could also receive various aid services according a provisional decree from July 1945. At the centre of a corresponding ministry announcement was the gratitude, which the people owed to the victims of resistance.[40] The reversal of the expansion of the term victim to participants of the resistance, as well as victims of political and racial persecution, stood in sharp demarcation to the estimation of those who were not to be seen as victims of the Second World War. Thereto, according to the presidential decrees from June 19th 1945 and January 24th 1946, the following were accounted: legally convicted fascist traitors, volunteers who fought against the Czechoslovakian Republic's Allied armies, as well as people who were detected being as subversive, those who withdrew from service to the Czechoslovakian army, those who from the time of the Munich Pact coming into effect up to the day of liberation, had voluntarily pursued work in an enemy state of the republic, and their surviving dependents (§ 11). This regulation did not in express terms, but practically was directed against the German and Magyar accomplices. The new war victims' legislation was thereby much clearer directed against those, who during the war either actually or probably acted with enemies, and only gave state support to those who fought on the right side. This newly implemented regulation also expressed the right to occupation for war invalids with a work ability of less than 45 percent. Those who were injured during the resistance were thereby explicitly preferred vis-à-vis other severely handicapped (§ 96). What was also new was that pensions were now no longer dependent on other incomes the victims received.[41] This complied with an old demand

39 This follows from the documents *Státní úřad pro válečné poškozence v Praze* (Public Central Archive Prague). These documents were not systematically evaluated, a superficial average does however show, that the practical reclassification was harshly applied during the Protectorate. As the documents were alphabetically sorted, certain individual cases could more or less be followed over a longer period of time.

40 Sociální revue 20, 1945, H. 1-2, 23f.

41 Nový život 30, 1946, Nr. 7, 1.

of war victims, who in this regard in the interwar period had, unsuccessfully, pushed to be treated equal to the legionaries. The new legislation expressed, in the indicated regulations, a clear valuation of personal conduct. The provided recognition as a victim by exercising in combat activity was no longer possible. Uncertainties, as was the result of the interwar period legislation, were not permitted by the new regulations. In the time after the Second World War, the battle of the Czechoslovakians against the national socialist occupation was unquestionably portrayed as a battle of two strictly opposing and entirely separated camps. Those who were defined as belonging to the enemy camp were given no recognition of their suffering and needs and had no right to social services. Furthermore, in the distribution of labour possibilities, sacrifices of the second resistance counted more than those of the First World War.

The essence of the post war legislation was the expansion of the term victim and the exclusion of those, who were found guilty of the war and the occupation. In the amalgamation of the categories heroes and victims, also the land reform was oriented in favour of the victims of the national socialist rule and the resistance fighters. Herewith the hierarchy of war victims among each other as well as their positions was redefined in society. The revaluation of the victim after the Second World War led to the abolition of income limits but also to the increase of pensions, especially after the introduction of the obligation to be employed. These measures point out the special status of the victim, which was based on evidence of their participation in the anti-Fascist camp. Exactly in this context, the veterans of the resistance received their privilege. Hereby, the fundamental hierarchisation feature of the victims is addressed analogously. Thus the victims of the First World War played an observable incidental role in the new victims' discourse. Legally they represented the output group of the war victims, who were merely supplemented by the victims from the Second World War. However the definition of this second victims group was to be portrayed as a heroic, morally superior prototype, which did not apply to the victims of the First World War. Last but not least, a generation change was also expressed.

Already immediately after the Second World War, the right to work and the obligation to work were fundamental instruments of the Czechoslovakian social policy. The orientation of this maxim can therefore not be seen as a result of sovietisation. This new 'people's community' (*Volksgemeinschaft*) was paradoxically to a large extent a continuation of the protectorate's working duty. [42] After its demise, the recruitment obligation founded closer ties for the poor and needy invalids to the state, above all as the state now regulated the labour market more than before 1945 and in most cases also acted as employer.[43] The organised war victims would insist on the compliance of the recruitment obligation.[44]

42 On compulsory work duty in the Protectorate: J. Gebhart / J. Kuklík, Dramatické i všední dny protekorátu, Prag 1996, 48–53.

43 After the nationalisation, 60 percent of workers were employed in state enterprises, cf.: K. Kaplan, Der kurze Marsch, 41 (see footnote 34).

44 Nový život 30, 1946, Nr. 7, 1.

The lack of workforce after 'the final evacuation of the Germans'[45] served as an argument in favour of the invalids. They did not only sue for a right, but also wanted to fulfil their 'civic duty' and participate in the reconstruction of society.[46] The war invalids thereby demanded to be included at the core of in the general work duty. The new reason for the willingness to work was acclaimed as: work is 'a means of satisfaction of life vocation, of family livelihood and of the collective pursuit of the very best economic advance of the people'.[47] Only in this sequence of personal and collective needs, could particular social needs be served. Besides this it was hinted on those war invalids, who by age and physical state were actually hindered from participating in a working life. [48] The First World War victims detracted themselves from the new paradigm and could thereby effectively retreat into their retirement. The young victims of the second resistance per definition corresponded to the collective hero figure of the people.

The victim's policy of the time after the Second World War was thus far more aimed at a paradigmatic model, in which recognition as victim was only still possible then, if the victim fought on the side of ' heroic people' or lost someone who fought at that side. Even though work was the outline of the second consolidation programme, the victims' policy was nevertheless not as strongly fixated on the figure of workers and breadwinners as it was during the interwar period. More so, it was addressed to the new ideal of a national collective, that was defined as a working association to which all members unquestionably belonged, that is those who still belonged to the Czechoslovakian people after punishment and the expulsion of 'foreign traitors'. The economic interests of individuals seemed to be cancelled out in this collective. This diminished the importance of family, as a place of all-embracing care of individuals. At the same time, women were to step into the line of work. The concept of work was thereby detached from the living conditions of individual people. 'Work' was as ubiquitously as vague. With this, the meaning of work disability for social interactions of invalids was also pushed to the background.

Since the February uprising until the beginning of the 1960s, one could speak of a Stalinist phase, in which the all powerful Communist Party of Czechoslovakia copied the Soviet system in many aspects. The characteristic trademark of the Czechoslovakian Stalinism were the purges and show trials. The Soviet instruments of dictatorship and terror, which are generally attributed to the 1930s, were deployed again in the 1950s in the western satellite states, on a far greater scale than, for example, in Hungary or Poland. According to Kaplan, between 1948 and 1952, in the small country 40 000 to 45 000 citizens were prosecuted in political trials with an average imprisonment of ten years, 232 were condemned to death by hanging, of which 178 were consummated, and numerous others were prosecuted by district, regional and military courts for shorter

45 Nový život 31, 1947, Nr. 1, 1.
46 Ibid.
47 Nový život 32, 1948, Nr. 4, 1.
48 Nový život 31, 1947, Nr. 1, 1.

prison sentences.[49] Often it was exactly those soldiers from the 'second resistance', who after 1948 became the victims of terror, who came to be seen as potential enemies. Those, who participated in the 'national liberation camp', namely questioned the picture of Soviet troops as the sole liberator of Eastern Europe and therefore became suspected by the regime.[50]

In the sequence of the first and second resistance, now both movements counted as steps on the road to the 'February Revolution' (that is the 1948 coup) and, in the sense of historical materialism, as a necessary preliminary stage to Socialism. At the height of the show trials, an article in the magazine of the Association of Freedom Fighters, explained the principle of 'revolutionary vigilance'. It attested to concern everything for which men fought. Implicitly it announced the purges of the association. This for example is illustrated by the remark, that in our own way we are all freedom fighters in the end – also the 'bourgeois'. In this context, the agents of Capitalism, spies and other elementary dangers were mentioned.[51] A few months later the association's members were summoned to acquire new membership cards.[52] It can be assumed, that they were not handed out to everyone. Probably this request was not fulfilled by a certain number of members. In the following years the call for self criticism multiplied. One problem was evidently illustrated by the inactivity of a great number of members, who no longer followed the demonstrations and assembly calls. The chair of the association described how to avoid the 'mistake' of the future: 'Certainly it is not enough to love the Soviet Union. People need to learn from her and to accentuate the gained experiences into our daily work and activities, for our people and for our republic.'[53] Faced by threat scenarios and purges, a passive attitude was no longer possible. However, activities could only be carried out according to the Soviet model. There was no way back. The past was just a preliminary stage of the present, which was forced to move forward. The new interpretation frame had also little space for those belonging to the 'civilian' resistance, legionaries of the First World War and the Jewish victims of National Socialism. [54]

49 K. Kaplan, „Massenungesetzlichkeit" und politische Prozesse in der Tschechoslowakei 1948 bis 1953, in: W. Maderthaner / H. Schafranek / B. Unfried (ed.),„Ich habe den Tod verdient". Schauprozesse und politische Verfolgung in Mittel- und Osteuropa, Wien 1991, 37–56, hier 50 f.

50 J. Pelikán, Einleitung, in: Idem. (ed.), Pervertierte Justiz. Bericht der Kommission des ZK der KPTsch über die politischen Morde und Verbrechen in der Tschechoslowakei 1949–1963. Wien 1972 16; K. Kaplan, Die politischen Prozesse in der Tschechoslowakei, 1948–1954; München 1986, 115.

51 Hlas revoluce 3, 1950, Nr. 13, 6f.

52 Hlas revoluce 3, 1950, Nr. 22, 1.

53 Hlas revoluce 5, 1952, Nr. 2, 1, 3, citation 3.

54 Cf. e.g. article on a peace demonstration in Auschwitz and on the 'small stronghold' in Theresienstadt: Hlas revoluce 5, 1952, Nr. 6, 1; Nr. 10, 5; 4, 1951, Nr. 15, 11.

Transnational Knowledge into Yugoslav Practices? The Legacy of the Second World War on Social Welfare Policy in Yugoslavia

Heike Karge

RESÜMEE

Das Sozialfürsorgesystem im sozialistischen Jugoslawien war eng an die herrschende Staatsideologie geknüpft. Ein aus dem Zweiten Weltkrieg in Jugoslawien abgeleitetes Anrecht auf staatliche Fürsorge und Unterstützung wurde nur denjenigen bzw. deren Hinterbliebenen gewährt, die auf der „richtigen Seite" versehrt oder getötet worden waren, jenen also, die den jugoslawischen Volksbefreiungskrieg unterstützt oder ihm wenigstens nicht feindlich gegenübergestanden hatten. Der Beitrag diskutiert die Rolle des jugoslawischen Veteranenbundes (*Savez Boraca u Narodnooslobodilačkom ratu*, SBNOR) in der Konturierung dieses Sozialfürsorgediskurses, dies insbesondere in Bezug auf seine aus ehemaligen Partisanen und Unterstützern der Volksbefreiungsbewegung bestehenden Verbandsmitglieder. Vor allem ein schwieriger Balanceakt steht dabei im Vordergrund – die Frage der Anerkennung überlebender ehemaliger Deportierter und Internierter als „Teilnehmer des Volksbefreiungskrieges", denn die betreffenden Diskussionen zeigen, das der jugoslawische Veteranenbund nicht isoliert von internationalen Diskursen agierte. Vielmehr soll im Beitrag akzentuiert werden, auf welchen Wegen im jugoslawischen Veteranenbund versucht wurde, transnational kommuniziertes Wissen in jugoslawische Praktiken zu überführen.

With respect to the "People's Liberation War", as the Second World War was called in socialist Yugoslavia, the word "veteran" was not part of official terminology. However, there were organizational as well as socio-judicial mechanisms aimed at the collection and identification of people who, in a wider sense, would belong to this category. In the following I will discuss who was considered a "fighter", a "disabled ex-serviceman" and a "victim of fascist terror" in post-war Yugoslavia. These three major categories constituted

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a basic state-addressed claim for social and financial support as a consequence of the war. While former soldiers and disabled ex-servicemen could also rely on an organizational association, the surviving "victims of fascist terror" and their bereaved formed a non-organizational group, which consisted of civil victims of the war who did not partake in any military actions. All three groups were tightly interwoven with each other – on the one hand through the national and republican legislation and on the other hand through activities of the Yugoslav Combatants' Union. Therefore, the activities of this Yugoslavian union for the first one and a half post-war decades are the focal point of this article. This was a period in which social tasks with respect to all survivors of the war, namely the reintegration of former fighters, care for the families of fallen soldiers, for war invalids and the victims of fascist terror were of highest priority. In particular, the existing inclusion and exclusion strategies in Yugoslavia will be discussed, which decided who had a right to claim social and financial recognition for the efforts respectively sacrifices made during the war, and who was not entitled to do so. Furthermore, the connection to simultaneous discourses of transnationally acting organizations such as the Fédération Internationale des Résistants (FIR) will be pointed out. This is of importance because both the fighters' legislation (*boračko zakonodavstvo*) as well as the judicial agreements relating to surviving civil victims of war were in sync with specifics of Yugoslav politics of memory (and forgetting). However, they did not act in a field which was self-sufficient or isolated from international influences. Especially the difficult balancing act of acknowledging the surviving former deportees and internees as "participants of the People's Liberation War", which started in Yugoslavia at the end of the 1950s, shows this problem from a perspective which is characterized by attempts – even if subtle ones – to transfer transnationally communicated knowledge into Yugoslav practices.

Legal Regulations

As early as the end of the war, the Yugoslav government passed a series of laws which aimed at facilitating the return to a peaceful environment; at least for some parts of the population. Two different types of laws were enacted: on the one hand those addressing former soldiers and their relatives, and on the other hand those addressing the civil victims of the war and their relatives – in other words, the so-called "victims of fascism". The first exclusively referred to the rights of soldiers, war invalids and the families of fallen soldiers. Consequently, this fighters' legislation constituted the actual legal regulation for the war veterans, – a summary label which, however, was not used in Yugoslavia to subsume these sub-categories – their families and the bereaved. Also the "victims of fascism" had – though as a civil category – a legal entitlement to social security and support.

The entire system of entitlement to state care, as derived from the war, was based on the principle criteria of ideological priority over the actual social distress of each Yugoslav citizen. This was the case since the state only granted social welfare to those who fought,

survived, had been disabled or were killed on the "right side" – either as a fighter in the Yugoslav partisan movement or as a victim killed by the "fascist occupying forces and their supporters." All the others were a priori excluded from these state-funded benefits. The first laws were established in 1945: the demobilization law as well as the law regarding agricultural reform and colonization. It was only the demobilized fighters of the communist-led partisan units and of the "People's Liberation Army of Yugoslavia" who profited from the demobilization law.[1] As a law enforcement activity, the state made 16 billion Dinars available in the first five years following the war. With the help of these funds, demobilized soldiers were supported in building new homes and in searching for jobs by local Peoples' Liberation Committees (*narodnooslobodilački odbori*).[2] The law with regard to agricultural reform and colonization helped not only the former soldiers, but also the surviving victims of fascist terror with the allocation of land and farm.[3]
The law on war invalids already followed in May 1946 and it solidified the foundation of protection and care for the invalids and their families. This law did not only apply to invalids of the People's Liberation War and their bereaved but also to those of "the Balkan Wars, World War One, the war from April 1941, the National Liberation War and to Yugoslav citizens who became disabled in allied armies during the last World War, the Spanish War or the October Revolution and the Ilinden Uprising in Macedonia, as well as to those foreigners who fought in the People's Liberation War and became disabled."[4] The National Ministry of Defence was responsible for the execution of the law until 1948, afterwards civil welfare institutions were in charge of it. According to the law, beneficiaries were on the one hand, "active combatants who either directly participated in military units or outside of them in organizations of the hinterland aimed at the organization of combat or who participated in combat and returned being crippled, sick or suffering [sic!]." On the other hand, "the families of those who fell or died at the front whilst performing their military duties or who were reported missing and the families of deceased disabled ex-service men who were disabled to at least 50 percent" belonged to this group as well.[5]

1 Narodnooslobodilačka Vojska Jugoslavije, in 1951 the name was changed to Jugoslovenska Narodna Armija.
2 These funds were made available from the federal budget. O narednim zadacima boračkih organizacija. Referat na četvrtom kongresu SUBNORJ, A. Ranković, 28.6.1961, Croatian State Archive (HR-HDA), 1241/2, SUBNORH, RO, 1961, kut. 287, b.b.: 24.
3 Zakon o agrarnoj reformi i kolonozaciji, Službeni List DFJ 64/1945, 28.8.1945, paragraph 16/1: "A preferential right on the allocation of land is given to agricultural workers without land or to ones with insufficient land, who were fighters of the partisan units, the National Liberation Army and the Yugoslav partisan units and the Yugoslav army, to invalids of the War of Liberation as well as to invalids of former wars (1912–1918 and April 1941), to the families and orphans of fallen soldiers of the War of Liberation and to the victims and families of victims of fascist terror. Among the fighters, especially old fighters and volunteers are to be considered."
4 Gesetzgebung in Jugoslawien, Internationale Studientage über die Gesetzgebung und die Rechte der Widerstandskämpfer, Brüssel 22.-23.10.1955, Documentation Centre of Austrian Resistance (DÖW), FIR Library, no. 5048, 52-56, here: 53.
5 I only have a few figures. In 1953 (due date 31.12.) 321.244 persons drew after the war invaldid's law a pension (war invalids and the bereaved). See ibid., 52. In 1961, 63.248 war invalids were counted in the whole of Yugoslavia. O narednim zadacima, A. Ranković, 24 (fn. 2).

The basic rights of the war invalids and of their bereaved consisted of the allocation of pension payments and various forms of subsidies, free medical treatment, free occupational retraining and reintegration into the working environment, discounts for the use of public transportation, priority with respect to employment opportunities and various kinds of further benefits."[6] In addition to military hospitals which were founded after 1930, invalid homes were established in all parts of the country for medical care and vocational reintegration of the invalids. In 1955, 18 such homes existed in which 21,000 invalids were housed up to that point.

These early laws were successively completed nationwide and additionally specified through republican regulations. In the mid-1950s, seven federal acts finally regulated the legal claims of soldiers, disabled ex-servicemen and the bereaved of fallen soldiers. These acts regulated the war invalids' and the invalids' law, the law regarding pension funds, the medals' law, the law regarding the rights of the bearers of the "partisan badge 1941", the law regarding public service employees and the law on employment relations. Later on, republican laws were enacted which regulated the rights of victims of fascist terror, for example in 1958 and 1959 in the Republics of Serbia, Croatia and Bosnia and Herzegovina. Through these laws, singular or permanent financial aid was made available by communities and executive councils of the republics to the persons concerned.[7]

Thus, all the early social measures originated on behalf of the state's initiative and were partially given over to republican administration as part of state decentralization. Similarly, the foundation of the war invalids' and the combatants' unions were also initiated by the state, which intended these organizations to provide administrative support in the execution and realization of its enacted regulations.

Organizational Structures

The Yugoslav "Combatants' Union of the People's Liberation War" was founded in 1947 as a voluntary union of all participants of the People's Liberation War.[8] The founding congress of the "Association of war invalids of Yugoslavia" had already taken place two years earlier, in October 1945.[9] Together with the "Union of reserve officers and non-commissioned officers of Yugoslavia", these organizations constituted the three operating

6 These various kinds of benefits were, for example, favorable loans for house building for certain invalid's- and fighter's categories or certain bonus distributions, such as the selling of cars – brand Mosković 407 and 423 – in 1962 to invalids at special conditions. See the corresponding regulations in: Službeni list FNRJ 36 (1962), 5.7.1962. In the following see: Gesetzgebung in Jugoslawien, Internationale Studientage, 53 (fn. 4).

7 Društveni položaj u sistemu socijalne zaštite, HR-HDA, 1241/2, SUBNORH, RO, 1960, kut. 285, b.b.

8 Savez Boraca u Narodnooslobodilačkom ratu. In 1961 the name of the union is changed into Savez Udruženja Boraca u Norodnooslobodilačkom ratu ("Union of the associations of fighters of the People's Liberation War"). In the following just shortly: combatants union. In 1949 the union had about 1,1 million members, in 1960 the number dropped to about 900.000 which might be due to administrative restructuring of the communities in course of the decentralization. O narednim zadacima, A. Ranković, 20 (fn. 2).

9 Udruženje ratnih vojnih invalida Jugoslavije, after 1948 called Savez ratnih vojnih invalida Jugoslavije ("Union of war invalids of Yugoslavia").

combatants' unions in Yugoslavia. In 1961 all three organizations were unified into one combatants' union.[10] The combatants' union as well as the union of war invalids were first and foremost patriotic associations to serve the new communist state. Just as other socio-political organizations in Yugoslavia after 1945, both these associations acted under constant supervision of the Communist Party of Yugoslavia (as of November 1952 the League of Communists of Yugoslavia). The principle tasks of the combatants' union are stated in the founding statute of 1947: working on the protection and consolidation concerning the legacy of the People's Liberation War, on the consolidation of world peace, on the upholding and development of the traditions of the People's Liberation War, keeping alive the memories of "heroic fights and heroes of the People's Liberation War"; and finally social tasks, cultural and educational work, the development of patriotism within the population, and the representation abroad of the People's Liberation War as part of the European anti-fascist resistance movement.[11]

Although the financial and social situation in Yugoslavia was extraordinarily tense during the immediate post-war period, the field of social tasks which were managed in the combatants' union by sections and commissions, solely established for that purpose, was at least in the statute less important.[12] This was by no means caused – as one could assume – by the fact that the majority of social tasks was not managed here, but by the union of war invalids.

Quite the contrary, social activities were of utmost importance within the combatants' union during the 1950s.[13] But from a governmental point of view, both organizations had in common, that they were not supposed to campaign for the rights of their members but solely to ensure the administrative execution of these rights.[14] This position assumes that the state itself had already taken care of the fighters, invalids and victims. This was

10 However, just a short time afterwards, in 1969, the Union of reserve officers and non-commissioned officers was again outsourced and formed an independent organization, which I will not further discuss in this paper. The successor organization of the Yugoslav War Invalid's Union, the "Association of war invalids of Serbia – participants of the People's Liberation War" (Udruženje Ratnih vojnih invalida Srbije-učesnika NOR) announces on its internet platform that reasons behind the outsourcing were "differences in interests, competences and working methods". The Serbian association of invalids which was renewed in 1993 changed its name in 1995 into "Association of war and peacetime military invalids of Serbia" (Udruženje ratnih i mirnodopskih vojnih invalida Srbije). See the official internet platform of the association, http://www.udruzenjermvisrbije.rs/.

11 The order of the tasks assigned corresponds to statute. Statut, § 2, Osnivački kongres SBNOR, Arhiv Srbije i Crne Gore (ASCG) 297-1-b.b.1947, 43.

12 The term for the corresponding commissions varied from republic to republic. For Croatia the following commissions were especially relevant: "Welfare commission for the children of fallen fighters and the victims of fascist terror" (in 1960 renamed "Commission for the education and employment of the fighters, war invalids, children of the fallen fighters and the victims of fascist terror"), the socio-economic sections and commissions for financial, health and social questions of the fighters and war invalids, the commission for housing issues etc. The Croatian combatants union founded a commission of war invalids after the merger of the combatants union and the Union of Invalids which was united with the above-mentioned commission for financial, health and social questions in 1986.

13 See in detail: Heike Karge, Steinerne Erinnerung – versteinerte Erinnerung? Kriegsgedenken in Jugoslawien (1974–1970), Wiesbaden 2010, 41–54.

14 "In our country there is no need that former fighters of the People's Liberation War fight for a fair legislation and for satisfactory state regulations." I. Gošnjak, Osnivački kongres SBNOR, 20 (fn. 11)

to fundamentally mark off the combatants' union from comparable former organizations of war veterans which were – in the socialist jargon – in the hands of "reactionary elements".[15] Beyond this socialist rhetoric, the foundation of the combatants' union as well as the early initiated veterans' legislation undoubtedly marked a first considerable step towards the development of profound governmental care in Yugoslavia. This separated the early communist Yugoslavia not only from interwar Yugoslavia, but also already from the "big brother" USSR, with whom it came to a breach just a year after the foundation of the combatants' union.[16]

But for all that, the Yugoslav legislation was far away from welfare principles based on equal rights for its citizens. The veterans' legislation supported the creation of a socio-political two-tier society, in which the entitlement to state care only derived from the point of surviving or dying on the "right side". However, the veterans' legislation was only one part of the state-provided social security system which was developed in Yugoslavia after 1945. A further and much larger element of this system was the social security and pension insurance, which becomes more interesting at this point, since both these provision schemes, which were directly linked to employment, were also provided with a further disqualifying criterion.[17]

Whereas in the frame of the veterans' legislation, a supposed shared attitude (Gesinnungsgemeinschaft) *at* war decided on later claims for care; the entitlement to social security and pension insurance linked to employment required a supposed shared attitude *after* the war. Because the "Law for Social Security of the workers, employees and civil servants", which came into force in 1947, excluded over 20 years all those who were not employed in the state-run and socialist (as of 1950 the self-governing) sector. This, therefore, affected primarily the independent small businessmen as well as single farmers.[18] The fact that Yugoslavia had an agricultural population structure, as well as the drastic increase of single farmers after the breaking off of the collectivization at the beginning of the 1950s, implied that a large part of the Yugoslav population was not covered by this system of social security and pension insurance. Thus, the acquisition of pension entitlements in the frame of the veterans' legislation – that is pension rights linked to certain wartime activities – might have become much more important. At this point, decisive possibilities, parallel to the legal pension insurance, opened up for members of the invalids' and combatants' union.

15 Ranković mentions here the former„ Union of volunteers", ibid., A. Ranković, 12 (fn. 11). The "Union of volunteers of the Kingdom of Serbia" (Savez dobrovoljaca Kraljevine Srbije) was founded in 1903. After 1945 the union, now called "Union of war volunteers 1912–1918" (Saveza ratnih dobrovoljaca 1912–1918) continued its work and was finally forbidden in 1947, the founding year of the combatants union. The war invalids also had a forerunner organization. It was the "Association of war invalids of Yugoslavia" (Udruženje ratnih invalida Jugoslavije) which was founded in 1919 in Slavonski Brod.

16 About the USSR see the article by Edele in this volume.

17 For the pension scheme in Yugoslavia see: Vlado Puljiz, Mirovinski sustav, V. Puljiz, Gojko Bežovan et al., Socijalna politika Hrvatske, Zagreb 2008, 73–98.

18 Ibid., 82.

Those who returned from the war disabled could claim a disability pension through the medically established invalidity, as long as there was a physical handicap of at least 20 percent. As mentioned above, the bereaved of fallen or missing soldiers were given the same entitlements. However, according to which criteria were the claims for care and pension decided for the non-disabled, or at least not physically disabled, surviving soldiers? Solely the membership in the combatants' union did not entitle to file any claims – this entitlement was based on additional criteria – but the title of a "combatant" or "member of the People's Liberation War" provided the basis for such a claim. However, this is where the difficulties began, as the title of the combatants' union was misleading in itself as it was not a pure union of people who were militarily active during the war. Stated differently, it was not a union of war veterans in the traditional sense. As the founding charter from 1947 pointed out, all those who actively participated in the People's Liberation Movement – with a weapon in their hands – or actively supported it through other means had the right to become a member of the combatants' union.[19] Consequently, the membership in this organization was primarily not based on military criteria but rather on ideological ones.[20] The legal requirements to obtain a pension claim based on the veterans' legislation were arranged according to these criteria, too. Here, all those, who had served in the military during the People's Liberation War, and to whom their active and organized work for the People's Liberation Movement was recognized as an "exceptional period of service of twice the length" by the pension service, were entitled to receive a pension. To gain this recognition, it was for a long time decisive for former fighters to prove their entering into battle prior to September 9, 1943.[21] Meanwhile, the decisive and oftentimes controversial criterion for recognition with respect to former deportees, internees and prisoners of war was their "active and organized work", their visible contribution to the ideas of the People's Liberation Movement made in the camps and prisons in wartime Yugoslavia and abroad.

Approaches to former deportees and internees in Yugoslavia and abroad

In December 1951, four years after the foundation of the combatants' union, the section of deportees and internees, as well as the section of former prisoners of war were founded

19 The founding charter defined that everybody could become a member who either "fought with a weapon in his hand among the glorious Partisan Units, the People's Liberation and the Yugoslav army," who "actively supported the People's Liberation Movement," who "ended up in prison, in internment or forced labor because of his active support of the People's Liberation Movement and showed adequate behavior of a people's fighter" (narodni borac), who "whilst he was imprisoned always stayed true to the People's Liberation Movement and actively worked on the diffusion of its ideas," and, finally, each Yugoslav citizen who "fought with a weapon in his hand against fascism outside of the country." Statut, Osnivački kongres SBNOR, 43 (fn. 11).

20 Accordingly, the passage stating "the weapon in the hand" which was used in the founding statute was deleted in 1955. Instead, it was stated that everybody who "had participated in the People's Liberation War" could become a member. See: Zaključci, in: Glavni Odbor SB NORH, ed., Treći kongres SBNORH. Zagreb 1957, 112–117, here: 112.

21 Društveni položaj (fn. 7).

as part of the combatants' union.[22] Unsurprisingly, the Yugoslav section of deportees and internees was not a reservoir for the surviving victims of the camps, but instead it was exclusively a section for those deportees and internees who were given the attribute "political" by being able to prove active and organized work for the People's Liberation Movement in the camps. Only those who succeeded in this had the right to membership in the combatants' union and could accordingly file a claim for benefits under the veterans' legislation. Consequently, many of the former camp inmates were excluded. Even as late as 1960, the following statement was made at the first Yugoslav federal conference of former political prisoners, deportees and internees:

> *A further question which needs to be addressed is the definition of political work in the camp because we very often argue when we debate the acceptance of* [social] *rights of the fighters for our comrades.* […] *It is about time, comrades, that we clarify what is being considered as organized work. According to the regulations, it needs to be confirmed that somebody has done organized work. Not everywhere was it this easy to do organized work, especially not in* [the former Concentration Camp] *Jasenovac, where the situation changed on a daily or even hourly basis.*[23]

Despite this narrow containment of a potential pension entitlement for deportees, the foundation of this section would have decisive consequences later on: While the section worked very weakly in the first years and was barely present in the Yugoslav public, the subject matter of deportees and internees perceptibly intensified in the combatants' union in the second half of the 1950s. Here, a close relationship to the foundation of transnationally active organizations – such as the International Camp Committees (ICC) or the FIR – can be assumed.[24] Though, until 1956 Yugoslavia avoided the cooperation with the ICCs because of their alleged close ties to the FIR (which, in turn, was under strong influence of Eastern European states); in May 1956 the executive committee of the combatants' unions' central committee suddenly decided "to allow the section of former internees, in the future, to communicate with these international committees, to participate in their work and possibly become a member."[25] Shortly afterwards, in September 1957, even Bertolini, the then secretary of the FIR, was welcomed by the combatants' union for an informal conversation to discuss the participation of Yugoslavian

22 Sednica Izvršnog odbora Centralnog Odbora SUBNOR-a, Zaključci, 26.12.1951, ASCG-297-17-b.b.

23 F. Ajanović, Stenografske beleške, Savezna konferencija bivših političkih zatvorenika, interniraca i deportiraca, 8.5.1960, ASCG-297-19-b.b.

24 FIR stands for the "International Federation of Resistance Fighters, Victims and Prisoners of Fascism" founded in 1951. The foundation members were national associations of veterans and of those (politically) persecuted from Albania, Bulgaria, the CSSR and the USSR, as well as West Germany, Austria, Belgium, Denmark, France (and Triest). Additionally, associate members with observer status were Spain, Greece and Yugoslavia. The Italian Resistenza federations joined shortly after. The name of the federation was changed into "International Federation of Resistance Fighters" in accordance with the resolution of the second congress of the FIR on November 28, 1954. Statuten der FIR, DÖW, FIR Library, no. 1220 A, 3.

25 Prošireni plenum, Centralni odbor SUBNORJ, Izveštaj o radu Organizacije SBNOR-a od trećeg kongresa, 23.1.1958, ASCG-297-2-b.b.

representatives at selected activities of the FIR, such as the medical congress aimed at the investigation of the effects of war among internees.[26] In February 1960, the central committee of the combatants' union ultimately welcomed for the first time a representative of the International Auschwitz Committee, namely its long standing secretary general Hermann Langbein.[27]

So what was the reason for the sudden increase in interest concerning the needs of the deportees and internees? Was it because of the dissolution of the Cominform in 1956, an organization which was supposed to have a strong influence on the FIR and the ICCs, which in turn kept Yugoslavia from cooperation with the latter?[28] This might have been the decisive reason but hardly the motive. Rather one could assume that the Yugoslav decision for paying more attention to deportees and internees in the international arena was due to the fact that the problems of those groups became apparent in Yugoslavia itself. For, the Yugoslav public was confronted with specific and foremost mental health problems of these deportees and internees since the mid-1950s.

Already in 1957, at a session of the main committee of the combatants' union dealing with the sections of deportees and internees it was mentioned that "the state of health amongst internees was very bad."[29] In May 1960, at the first federal conference of the deportees and internees one participant from Bosnia and Herzegovina insisted that the "social question" of internees became increasingly urgent as more and more of them had become "mentally sick". Yet, nothing had been done so far to discuss this problem:[30]

> *But if nothing will be done here these people will become – and part of them already did – a social problem for our society – they will become alcoholics, act unmorally etc.*[31]

Eventually the topic of mentally sick deportees and internees was discussed at the department for international cooperation of the combatants' union. Neda Božinović, a member of the international department said in November 1962:

> […] *and secondly, we are suddenly facing the problem of investigations concerning the long-term consequences of war (medical research). We have seen on several sessions that these are coming to light and we need to get more seriously and intensely engaged. The statements demonstrate that the consequences of war are increasingly surfacing and this*

26 Ibid.

27 Stenografske beleške, Sednica Centralnog odbora SUBNOR-a s Hermann Langbajnom, Generalni sekretar Medjunarodnog logorskog komiteta, 23.2.1960, ASCG-297-4.b.b.

28 At the request of the Soviet communists the Yugoslav communists were excluded in 1948 from the Cominform (Communist Information bureau).

29 V. Gligorić, Stenografske beleške, Sednica Izvršnog odbora Centralnog odbora SBNOR-a, 14.3.1957, ASCG-297-17-b.b.

30 „[…] That is why we have a lot of mentally sick people and often we meet people on the street who suffer from this. For a long time these people did not get any attention." B. Karabegović, Stenografske beleške, Savezna konferencija (fn. 23).

31 Ibid.

> *has to be taken into consideration and especially because of the fact that this problem is also on the international agenda.*[32]

Of course not only those deportees and internees, who were potentially eligible for pension – the so-called "political" ones – were affected by the long-term consequences of war. Naturally, also those dismissed as "a-political" deportees and internees could suffer the same fate – who, if they did not work in the "socialist sector", could not claim any pension at all.[33] And by this, the demand for medical-therapeutic care and social security for the persons and families affected really became a very urgent social matter. Therefore, it probably is no coincidence that in 1959, sections of deportees and internees were finally founded in all republics and provinces of Yugoslavia. Up to this point it was only the federal section, located in Belgrade at the main committee of the combatants' union, which took care of this work with five members.[34]

Here it is striking that internationally, the topic of psychological consequences of the war was too more and more emphasized. While comparing the resolutions of, for example the third (1959) and forth (1962) congress of the FIR, it becomes evident that "damages to health" were increasingly more at the centre of attention.[35] The statute of the forth congress even discussed a "special pathology of resistance fighters, deportees and political detainees".[36]

Yugoslavia – even if one assumes that Yugoslavia probably did not actively shape this discourse of the FIR – at least must have perceived the discourse actively by all means.[37] And by doing so, three findings must have been striking from the point of view of the Yugoslav combatants' union: Firstly, that the long-term effects of war were a global phenomenon; secondly, that this phenomenon was loudly raised by international organiza-

32 N.Božinović, Stenografske beleške, Sastanak u Centralnom odboru SUBNORJ, 22.11.1962, ASCG-297-15-b.b.

33 And of course also the fighters suffered from these delayed effects of the war: "A special problem are the people who wander around in Belgrade with a badge and a certificate, and a problem are also the people who are in a neuropathic clinic – who, if you release them do not have a place they can go to […]. Slovenia has carried out a survey and it came out that the relative majority of inmates in the clinics for mental patients and the neuropathic clinics is made up of former fighters." Bozinović mentions that a commission has been founded in Slovenia which takes care of former fighters; whereas in Bosnia, where the problem was of utmost importance, there did not exist a commission, there were even no neuropathic clinics. N. Bozinović, Stenografske beleške sastanka Sekretarijata, 29.5.1957, ASCG-297-15-b.b.

34 N. Božinović, Stenografske beleške, Sednica Izvršnog odbora (fn. 29).

35 Both resolutions contain the paragraph „Defence of rights of resistance fighters and victims of Fascism and Nazism". In 1959 it says: "Hundreds of thousands of women and men died in concentration camps and prisons. Others came back from fights and Nazi imprisonment as invalids sick and weak." In 1962 it states: "The survivors came all back with severe damages and many of them are sick and invalid." Beschlüsse des dritten Kongresses der FIR, 20.-22.3.1959, Statuten, Leitende Körperschaften, Aktions- und Orientierungsprogramm der FIR, DÖW, FIR Library, no. 1778 A, 18, and Statuten, Leitende Körperschaften, Aktions- und Orientierungsprogramm der FIR, Vierter Kongress, 13.-16.12.1962, DÖW, FIR Library, no. 2162 A, 18.

36 Statuten, Vierter Kongress, 19 (fn. 35).

37 „Here I think especially of […] the International Federation of Resistance Movements with which we make contacts and develop a cooperation, particularly after 1 958, after the obstacles were mainly gone that stood in the way of mutual cooperation. Although we are not members formally, the relationship to this international organization is very good. The combatants union operates actively in almost every of its institutions and international actions." O narednim zadacima, A. Ranković (fn. 2).

tions that represented resistance fighters and victims of the camps while the same matter was concealed in Yugoslavia; and finally, that, under these conditions, the deportees and internees in these international organizations were given much more room and recognition than they had been given in Yugoslavia up to this point.

Now Yugoslavia was to follow this move – however in its own way. Until today, we know only very little about psychiatric and medical care for mentally damaged fighters and deportees before the end of the 1950s and afterwards.[38] Put differently, we have little knowledge about the development from 1945, when the "partisan neurosis" was diagnosed as a specifically Yugoslav phenomenon, up to the modern medical-psychiatric diagnosis of post-traumatic stress disorder, which can nowadays be found in diagnoses for both perpetrators and victims of the Yugoslav wars of secession of the 1990s.[39] However, a development which can be traced already today is the sudden inclusion into the combatants' union, of large parts of those who had been excluded before – as a result of the perception of the occurring deportees' problems. Thus, Ranković argues already in 1957 with respect to the yet-to-be-created republican sections of deportees and internees:

> *I think that all those can become a member in these organizations who have not shown a hostile attitude in the camp in one way or another. Those who acted in a neutral way, who were active neither on one side nor the other, should also belong to this organization in my opinion because it is a fact that they were nevertheless also a victim, made these sacrifices and did not soil themselves* […].[40]

Similarly, a further leadership member of the combatants' union, Velimir Stojnić, confirmed three years later, in 1960, on the first federal conference of deportees and internees, that:

> *We know that those [deportees and internees] who fought actively are at the same time members of the combatants union. [...] In the discussions which were held recently, it was believed that all those who spent their time in the camp or in prison and hereby behaved correctly towards the enemy and did not soil themselves – regardless of whether they were working actively – could become a member in these sections. [...] In my opinion, this*

38 At least it can be noted that the efforts to care for the mentally disabled resulted in the construction of new care centers at the beginning of the 1960s. In Sarajevo, an additional building next to the neuropsychiatric institution was constructed with a capacity of 50 beds around 1960 on the initiative and the support of the main committee of the combatants union of Bosnia and Herzegovina. B. Karabegović, Stenografske beleške, Savzna konferencija (fn. 23). In the work schedule of the Croatian combatants union, the foundation of a center for psychoneurotics is envisioned for 1964 in cooperation with the secretaries of social policy and national health. The reasoning is as follows: "The necessity of this establishment's foundation is due to the diffusion of alcoholism and psychoneuroses in the combatants union which is a result of the long-term effects of war and of the abuse of people in prisons and camps." Plan rada Predsjedništva i komisija SUBNOR Hrvatske za narednih šest meseci, 1.10.1963, HR-HDA, 1241/2, SUBNORH, RO, kut. 291, b.b.

39 The partisan neurosis was diagnosed by psychoanalyst Hugo Klajn in 1945, who treated 150 mentally-ill partisans in the military hospital of Belgrade between 1944 and 1945. Up to 1955 his book on the partisan neurosis was not allowed to be published in Yugoslavia. See now as a new edition with a foreword by Žarko Trebješanin: Hugo Klajn, Ratna Neuroza Jugoslovena, Beograd 1995.

40 A. Ranković, Stenografske beleške, Sednica Izvršnog odbora (fn. 29).

> *view is correct as the section has to be an organization for all these people who were in the camps during the most difficult days of our history because this was a struggle for life and death.*[41]

During a federal conference of former prisoners of war, which also took place in 1960, Ranković was to finally put this guideline into very clear terms: Having been in a camp, in a prison or in war captivity and *not having acted against* the People's Liberation Movement was to be considered from now on as if this person had *participated* in the movement.[42] When in 1965 the fifth congress of the combatants' union met, the passage on "active and organized work" was not featured anymore in the membership regulation of the then adopted statute. So now, in fact, the right to become a member in the combatants' union was negatively defined, since nothing more than the absence of hostile attitudes with respect to the People's Liberation Movement was required. Consequently, the resolution of the congress contently declared that the economic and social situation of the participants of the People's Liberation War had improved due to an extension to "new categories of participants of the war" (*nove kategorije učesnika rata*).[43] These rulings must have been far reaching for the previously so called "non-political" deportees and internees, prisoners of war and others, who, as newly acknowledged participants of the war, could now verify their entitlement to pensions and other social measures. It is still an open question, however, how many people really did profit from these measures.

41 V. Stojnić, Stenografske beleške, Savezna konferencija (fn. 23).

42 „Comrade Ranković has expressed that, so far, there was not enough room in the organization for all those who were in war captivity and did not actively fight in the camp etc. against the People's Liberation Movement. Also, he stated that a more tolerant point of view needed to be adapted with respect to those who did not distinguish themselves in the People's Liberation Movement and who were indecisive but later on returned to the country because these persons too were victims of fascist aggression and terror because they were in war captivity. Consequently, these persons should also be acknowledged as members of the People's Liberation Movement in the camps." Stenografske beleške, Savezna konferencija bivsih ratnih zarobljenika, 24.4.1960, ASCG-297-19-38/60.

43 Materijali Petog Kongresa SUBNOR, Zaključci, 30.9.1965, S. 76, ASCG-297-1-b.b.

Veterans' Politics and Policies towards the Veterans of the Kosovo Liberation Army[1]

Isabel Ströhle

RESÜMEE

Im Zentrum dieses Beitrags stehen die Kontroversen um eine angemessene Versorgung von Veteranen und Kriegsopfern im Nachkriegskosovo. Der institutionalisierte Umgang mit Veteranen in der ehemals serbischen Provinz Kosovo, die von 1999–2008 im Rahmen eines UN-Protektorats verwaltet wurde und am 17. Februar 2008 ihre Unabhängigkeit erklärte, war geprägt von den diametral entgegengesetzten Vorstellungen der internationalen Verwaltung und der albanischen Mehrheitsbevölkerung in Bezug auf den Charakter des entstehenden Staates und damit einhergehend, die gesellschaftliche Rolle der Veteranen. Gegenstand der Untersuchung sind die Ambivalenzen, die sich aus den beiden Staatskonzeptionen für die Veteranen ergeben: dem Aufbau eines national definierten, befreiten Kosovo – in dem ehemaligen Befreiungskämpfern eine privilegierte Rolle zukommt – auf der einen Seite, und der Errichtung einer multi-ethnischen Gesellschaft im Rahmen einer internationalen Friedensmission, auf der anderen.

This article explores the veterans' politics and policies towards the veterans of the Kosovo Liberation Army (KLA), a guerrilla army which fought against regular and irregular Serbian / Yugoslav troops for Kosovo's independence from Yugoslavia. The formerly Ser-

1 This research was funded by the Berghof Foundation for Conflict Studies in the framework of a 28-month research project on "The role of non-state actors in the transformation of the conflicts in Macedonia and in Kosovo", which was located at the University of Munich and supervised by Prof. Dr. Marie-Janine Calic. Results of this research have been published in: Isabel Ströhle, The Politics of Reintegration and War Commemoration. The Case of the Kosovo Liberation Army, in: Südosteuropa (in print). Parts of section 2 are very similar to sections in that article, which is, however, more extensive and focuses on the ex-KLA-members' reintegration and demilitarisation of post-war society. I warmly thank Stephanie Schwandner-Sievers for comments on an earlier draft of this paper.

bian province of Kosovo was administered from 1999–2008 by the United Nations Mission in Kosovo (UNMIK). On 17 February 2008 it unilaterally declared independence with partial international backing on the condition that independence is supervised by a reconfigured international mission.[2] Social policy concerning the veterans of the KLA in post-war Kosovo was characterised by the fact that the international administration (UNMIK) and the local Kosovan institutions of self-government featured diametrically opposing views with regard to the nature of the state-in-creation and, by extension, to the role that should be attributed to the veterans in society.[3]

Against this background, this paper will analyse the tensions that have grown out of the different conceptualisations of the nascent state and its regime of social citizenship. The local actors of KLA veterans' circles sought to establish an Albanian nation-state, in which the veterans were to be rewarded with a prominent role as liberators. In contrast, the international administration endeavoured to forge a multi-ethnic society within the framework of the international peacekeeping mission. In this, a collective identity as cultivated by the veterans' representatives was to be weakened, and a civic regime of social citizenship to be created. Described as a situation of 'contingent sovereignty' (cf. Elden 2006), international actors and agencies asserted substantial influence over the drafting of social policy in post-war Kosovo and constructed benefits for war victims as a form of humanitarian relief for those most affected by the war. This model, however, was at odds with the expectations of local actors. Based on the historical experience of Socialist partisan veneration they expected a legally protected status and institutional support rewarding the so-called 'war categories' in the long run.[4] They engaged in collective forms of war commemoration, which were infused with nationalist contents, yet were to create a new social hierachy which rewarded the respective contributions to achieving 'national liberation' and an independent state.

The empirical material for this study resulted from six months of fieldwork between September 2008 and April 2010. A first set of qualitative data derives from a dozen informal interviews and fifteen narrative biographical interviews.[5] A second set includes the results of 25 semi-structured interviews with international and local actors and ex-

2 The UN Special Envoy Marti Ahtisaari, put forward the Comprehensive Status Proposal after the status negotiation between Serbian and Albanian negotiation teams in Vienna had failed. It became a constitutive part of the Constitution of the independent Kosovan state and its implementation is supervised by the International Civilian Office in Kosovo.

3 Since this article puts strong emphasis on the local actors' perspectives, I will use the term ‚war' instead of ‚conflict' throughout the text. Albanians commonly use the term 'war of liberation' ("lufta e lirisë") or 'armed struggle' ("lufta e armatosur") when referring to the KLA's activities and the fighting between February 1998 and June 1999.

4 The 'categories that have emerged from war' ("kategoritë të dalura nga lufta") are similarly conceptualised to the 'three categories' ("tri kategorije") in Bosnia-Herzegovina and the war population ("boračka populacija") in the SFRY, referring to the the 'veterans of the Kosovo Liberation Army' ("veteranë të luftës së UÇK-së"), the 'invalids of the KLA' ("invalidë të luftës") and the surviving dependants referred to as 'martyrs' families' ("familje e dëshmorëve").

5 These were conducted with KLA veterans both on their own and in groups. The interviewees were former members of the KLA from different military ranks, regions and age groups. All my respondents requested the anonymisation of their names and can therefore not be individually identified.

perts in the field of veteran politics.[6] In the respective institutions, I gathered as many legal documents and as much statistical material as possible. Throughout 2008 and up to April 2010 I collected newspaper articles on veterans' issues and war commemoration in dailies with different political leanings ('Koha Ditore', 'Gazeta Express' and 'Epoka e Re'). In addition to these, I included articles on the veterans' legislation prior to 2008 as well as TV debates and documentaries on related issues, heroic biographies of fallen fighters and other local literature on the KLA and the war.

The KLA: background and numbers

The Kosovo Liberation Army (in Albanian, Ushtria Çlirimtare e Kosovës, or UÇK), henceforth: KLA, was a guerrilla army fighting against regular (and irregular) Yugoslav / Serbian troops for an independent Kosovo.[7] In response to the abolishment of Kosovo's autonomy and the reinstatement of Serbian centralist rule in 1989, the province with an Albanian majority developed a broad and non-violent resistance movement and set up a parallel system of institutions. It was led by the Democratic League of Kosovo (Lidhja Demokratike e Kosovës, LDK), of which most members belonged to the former Socialist and urban elites. Only when the international community neglected to address the situation of Kosovo's Albanians in the 1995 Dayton peace treaty for Bosnia and Herzegovina, passive forms of resistance increasingly lost their spell among the Albanians. While their President, Ibrahim Rugova, refused to consider more active forms of resistance, the Prime-Minister-in Exile, Bujar Bukoshi, pushed for a more pro-active orientation.
Until 1997 only marginal, radical groups like the KLA actively advocated armed resistance. Some proponents of this orientation would later scorn Rugova's non-violent resistance as "morbid pacifism".[8] The KLA first came to public attention in 1996 when issuing communiqués and carrying out attacks on Serbian police stations and officials as well as on so-called Albanian collaborators. Violence in the Kosovan countryside increasingly escalated when Serbian troops encroached upon the civilian population in responding to KLA guerrilla attacks against Serbian police officers and stations. At the time, however,

6 Among the interviewed were members the staff of the Prime Minister's Office, the Veterans' Office in the Prime Minister's Office, the Department for Invalids and Martyrs' Families Affairs (DFDIL) in the Ministry of Labour and Social Welfare (MPMS), the leadership of the three 'War Associations' on the federal and municipal levels, the Council for the Defence of Veterans' Rights, journalists, members of parliament, but also veterans in difficult material conditions.

7 The KLA's ideological long term objective was the "liberation and unification of all Albanian inhabited territories, as is reflected in the official oath that was sworn to the Albanian flag with the double headed eagle by most, but not all of the fighters: "I, soldier of the Kosovo Liberation Army, swear that I will fight for the liberation and unification of Albanian inhabited territories. I will always be a faithful soldier, a fighter of dignity and freedom, attentive, brave and disciplined and ready at all times to fight for the holy interest of the fatherland ('atdhe') without sparing my own life. If I will break this oath, I may be punished with the harshest laws of war and if I should betray it, I may pay with my own blood. I swear, I swear, I swear."

8 James Pettifer, Koncept për Realitetin e Ri. Dialog me Hashim Thaçin [A Concept for a New Reality. Dialogue with…]. Prishtina 2001, p. 35.

the KLA guerrilla troops were only a marginal force, consisting of a mere 150 members up until 1997, after which they catalysed into an armed resistance movement of several thousand.[9] Following this unexpected surge in the number of fighters, the troops needed to be professionalised and organised. Their loose command structure and decentralised operative zones were to be transformed into a formally integrated chain of command during the course of the year 1998. But the KLA, in fact, never became a professional army.

It is relevant to point out that Bukoshi deployed another armed force in Kosovo, the Armed Forces of the Republic of Kosovo (Alb. Forcat e Armatosura e Republikës së Kosovës, FARK). FARK went back to an earlier attempt of the LDK to build up and train a professional defence force made up of former Yugoslav Army officers and policemen as a secret part of their parallel system of governance. When the leaders of the two armed forces, KLA and FARK, however, failed to reach an agreement on cooperation in mid-1998, Bukoshi refused to hand the funds over to the KLA, which had been collected among the Kosovan migrants in Europe;[10] instead he recruited volunteers for his force independently from the KLA.[11] FARK subsequently saw itself confronted with accusations of treason and faced even violent transgressions.[12] While some FARK commanders agreed to integrate themselves into local KLA structures, in other zones, most famously in the West Kosovan Operative Zone of Dukagjin, conflict and fighting broke out between the two rival troops. This conflict was later also to be mirrored in the symbolic politics of war commemoration.

The numbers of KLA fighters are very controversial and vary strongly, depending, among other things, on how KLA-membership is defined:[13] Some sources include those who had been officially recruited and who were clearly integrated into the command structure; others also include those who acted as armed members of a village guard. After the end of the war the International Organisation of Migration (IMO) registered 25,723 fighters, while in 2008 the Veterans' Organisation (OVL) claimed to include 23,000 members.[14] In contradiction to both these figures, a member of the General Staff of the KLA claimed, in one of my interviews, that there were only 17,000 mobilised soldiers in March 1999; however, in subsequent conversation he corrected the number down to

9 Tim Judah, Kosovo. War and Revenge, New Haven / London 2000, p. 118.

10 Ger Duijzings / Stephanie Schwandner-Sievers, War within a War. Historical and Cultural Anthropological Background Report [Expert witness report commissioned by the International Criminal Tribunal for the Former Yugoslavia, ICTY, in the Hague, submitted 31 May 2004], No. P201IT-03-66-T. The Hague: International Criminal Tribunal for the Former Yugoslavia (ICTY) 2004, p. 79.

11 Interview VI; Ibid.

12 One example is the murder of the FARK-commander Ahmet Krasniqi in Tirana, cf. Duijzings / Schwandner-Sievers (2004), p. 113 f.

13 The formation of a governmental commission has been announced that will revisit the registers of the former KLA-fighters.

14 Dmitry Pozhidaev / Ravza Andzhelich, Beating Swords into Plowshares. Reintegration of Former Combatants in Kosovo. Pristina: Center for Political and Social Research 2005. Available at: [http://unddr.org/docs/Beating%20Swords%20Into%20Plowshares.pdf; accessed on 10.09.2010], p. 4; IOM. Socio-Economic and Demographic Profiles of Former KLA Combatants Registered by IOM. IOM: Pristina 2000.

9-10,000.[15] This lower number is supported by the initial estimates of 8-10,000 fighters by KFOR and IOM.[16] The differences in numbers can be explained on several grounds: naturally, the KLA camp profited from the claim that it was a strong fighting force, which provided it in turn with additional leverage in political negotiations. It communicated to the outside that the liberation movement had a broad popular support and therefore legitimised its political demands, but it also conferred legitimacy to the KLA camp in the internal Albanian power struggle between old, urban Socialist elites who had supported the LDK and the new elites who emerged from the war and were rooted in the rural regions. Another factor to be considered is the historical Socialist Yugoslav legacy of including not only those, who participated actively in the war with a weapon in their hand, in the *war population*, but also those who supported it "by other means".[17] It was repeatedly mentioned in the interviews that people who supplied the troops were added to the KLA registry on the grounds that they had risked their safety.
In the aftermath of the war, the elites who had gained legitimacy and localised authority through their active participation in the armed struggle, politically challenged the formerly urban Socialist elites. To account for the constituency of the KLA and its successor organisations, it is necessary to point out that these are rooted in rural society and in the war-affected communities. An estimated 100,000 people were said to have been more or less directly involved in the armed resistance and according to the IOM registration about 225,000 people – about 10% of the overall population – were considered to be financially dependent as family members on the ex-combatants.[18] Hence, the post-war partisanship for former resistance fighters can also be interpreted as an attempt to advance the position of the rural and underdeveloped communities in the national competition for resources.

International state-building and external politics towards KLA veterans

In this section I outline some characteristics of the international state-building and post-war reconstruction efforts in relation to the emerging welfare regime in post-war Kosovo and in relation to the political symbolism of the nascent state. In his famous 1983 essay, Michael Geyer points to the intimate link between an institutional support for war victims and the rise of the welfare states in Europe by identifying the increasing institutionalisation of war relief as the "precursor of the welfare state".[19] The wars in

15 Interview VVX.
16 Alpaslan Özerdem, From a ‚Terrorist' Group to a ‚Civil Defence' Corps. The ‚Transformation' of Kosovo Liberation Army, in: International Peacekeeping 10 (2003) 3: 79-101, here p. 85.
17 Cf. Heike Karge's contribution within this issue.
18 IOM (2000), p. 8. One cannot automatically assume that all family members supported the KLA. But since the village population esp. in KLA strongholds such as Gllogjan, Malisheva and Skenderaj was subject to heavy primary war experiences and the KLA was perceived as the only defence, one can assume a very high level of support.
19 Michael Geyer, Ein Vorbote des Wohlfahrtsstaates. Die Kriegsopferversorgung in Frankreich, Deutschland und

20th century Eastern Europe were generally represented and commemorated as wars of founding or re-founding nation-states. Hence, it is of particular relevance to examine the nature of the subsequently established welfare regimes in the light of the ways in which they reflect the national identity. In the case of Kosovo, there is a stark contrast between the ways in which the local actors' seek to imagine an Albanian nation-state in Kosovo by commemorating the war as the founding war of this nation-state and the international administration's competing efforts in forging a multi-ethnic society. As I will elaborate in more detail below, this contrast informs opposing notions and expectations regarding an appropriate war-related social assistance scheme and even explains local resistance to the international project.

In the aftermath of the war, UNMIK, mandated with administering Kosovo temporarily on the basis of UNSCR 1244, found itself confronted with the challenge of re-building a social welfare regime for the war-destroyed province. With the caesura of the war, the formal eligibility criteria to Serbian welfare benefits and social security provisions, of which the province of Kosovo had been a constitutive part, ultimately terminated.[20] The case of Kosovo, thus, differs somewhat from the other case studies in Eastern Europe. At the turn of the twenty-first century, social policy was no longer the sole concern of the sovereign state but was widely understood that in the context of globalisation, Europeanisation and post-conflict reconstruction, "international organisations compete to influence national social policy through loans, conditional aid, technical assistance, regulatory frameworks etc."[21] Various analyses suggest that the emerging welfare settlements in Eastern and South-Eastern Europe are the products of multi-actored and multi-layered processes within the politics and economics of globalisation that shape social policy. Noting the considerable influence of international agencies over domestic politics in the context of post-war reconstruction efforts, critics have highlighted that "peacebuilding missions are not merely exercises in conflict management, but instances of a much larger phenomenon: the globalisation of a particular model of domestic governance – liberal market democracy – from the core to the periphery of the international system."[22] Yet compared to other case studies in Eastern Europe, Kosovo is further specific in that it constitutes a particularly extreme example of external intervention in policy formation: local actors played a rather insignificant role in the drafting of social policy. According to Cocozzelli's in-depth analysis of the social welfare system in Kosovo, "the policy that emerged did not reflect the preferences of the locals, nor did they express high levels of ownership over the policies or programs in most interviews."[23]

Großbritannien nach dem Ersten Weltkrieg. Geschichte und Gesellschaft 9 (1983): 230-77.

20 In fact, already during the 1990s, parallel health and social welfare networks had been established in Kosovo as a constitutive part of the Albanians' non-violent resistance movement, in: Fred Cocozelli (2009), p. 49 ff.

21 Bob Deacon / Paul Stubbs, Transnationalism and the Making of Social Policy in South-Eastern Europe, in: Ibid. (eds.), Social Policy and International Interventions in South East Europe, Edward Elgar: Northampton Mass. et al. 2007: 1-22, p. 8.

22 Roland Paris, International Peacebuilding and the 'Mission Civilisatrice', in: Review of International Studies 28 (2002) 4: 637-56, p. 638.

23 Fred Cocozzelli, Final Executive Summary. Social Policy and Citizenship in Reconstruction: the Case of Kosovo.

To explicate the limitations in local ownership, it is necessary to point out the distribution of the legislative competencies in post-war Kosovo: The Kosovo Assembly, as part of the Provisional Institutions of Self-Government (PISG), held the legislative competence from 2002-2008, but laws only became operative after the Special Representative of the Secretary General (SRSG), heading UNMIK, would promulgate them as being in accordance with UNSCR 1244. The office of the SRSG served as a supervisory body over the norms of liberal peace- and state-building and the SRSG "used his veto powers regularly to block draft legislation of the Kosovo Assembly and PISG and maintained wide-ranging legislative and executive control by issuing a number of administrative directions and regulations."[24] Since independence in 2007 and with the international presence re-configured, the International Civilian Representative has the power to block legislation, if this would contradict or violate provisions of the Ahtisaari-Plan with its extensive provisions of protecting minority rights.[25] This led to a situation, in which the legal architecture for social assistance for the 'war categories' would be heavily influenced from outside.

Internationally run Demobilisation, Disarmament and Reintegration (DDR) programmes usually stop short of drafting a long-term social assistance framework supporting war veterans, invalids and surviving dependants. Schafer problematises this approach: "While past Euro-American policies with regard to veterans often appealed to a language of rights and citizenship, nationalism and patriotism, the word 'entitlement' is conspiciously absent from recent policy manuals originating from the international institutions centrally involved in 'reintegration' programmes for former combatants."[26] In the case of Kosovo, the international administration's approach towards veterans stood in stark contrast to the politics towards veterans hitherto experienced in Socialist Yugoslavia and the model of institutional support envisaged by local actors. The demobilisation and reintegration efforts undertaken by the International Organisation for Migration mainly focused on the absorption of ex-combatants into the newly created civil institutions (such as the civil protection corps KPC and the police forces) and on providing assistance for their integration into the job market.[27] In contrast to these reintegration efforts, also in the case of Kosovo, scholars and policy-makers have neglected social welfare targeting war victims and veterans. This is particularly striking as both the war associations as well as my interviewees expected integration into society via legal regulation, as can be understood from the following opening words of a veteran in a group discussion: "Before

2007. Available at: [http://www.irex.org/programs/symp/08/Coccozelli_Executive_Summary.pdf].

24 Jens Narten, Dilemmas of Promoting "Local Ownership". The Case of Postwar Kosovo, in: Roland Paris / Timothy Sisk (eds.), The Dilemmas of Statebuilding. Confronting the Contradictions of Postwar Peace Operations. Routledge: London / New York 2009: 252-283, p. 265.

25 Comprehensive Status Settlement. Available at: [http://www.ico-kos.org/d/Ahtisaari%20Comprehensive%20Proposal%20in%20English.pdf; accessed on 10.09.2010]

26 Jessica Schafer, Soldiers at Peace. Veterans and Society after the Civil War in Mozambique. Palgrave Macmillan: N.Y. 2007, p. 11.

27 The provisions for the process were set forth in the "Undertaking of demilitarisation and transformation of the KLA." 20.06.1999. Available at:[http://www.nato.int/kosovo/docu/a990620a.htm; accessed on 10.09.2010].

we start the interview, I have to tell you. We are not integrated at all; there is still no law this many years after [the war]".[28]

The struggle over war victims' benefits

The following section outlines the different articulations of war commemoration and the ways in which the inclusive and exclusive boundaries of the 'war categories' were formed over time. I will take both the opposing views of the international community and the local actors as well as the local "politics of war memory and commemoration" and power struggles into account here.[29] The local actors and the international administration strongly contested the question of whether and how the 'war categories' should receive social assistance from local government structures. Ultimately, this question is intimately linked to contested visions of social citizenship.

As Cocozzelli points out, "disagreements about social policy are often part of […] core political contestations because they are so important for the nature and quality of the governing regime and its interaction with the citizenry."[30] As such, they are deeply entangled with the local conflict history and post-war situation. In Kosovo, *memory entrepreneurs* have developed a script for an independent nation-state based on tropes of military resistance, heroic sacrifice and national unity.[31] The memory entrepreneurs "imagine and concretely locate the nation in the local, traditionalist rural society",[32] that is, in the peripheries of the former Socialist centres of power. Subsequently they ventured to create and defend the boundaries of ethno-nationally defined political and social citizenship, but also to create a new social hierarchy based on anyone's contribution to armed resistance. These entrepreneurs are mainly represented by the war associations and in some cases are members of the parties with a KLA background.[33] The memory entrepreneurs consequently attacked the liberal citizenship regime, constructed by UNMIK to support

28 Interview III.

29 T. G. Ashplant / Graham Dawson / Michael Roper (eds.), The Politics of War Memory and Commemoration, Routledge: N.Y. 2004.

30 Cocozelli (2009), p. 30.

31 Anna Di Lellio / Stephanie Schwandner-Sievers, The Legendary Commander. The Construction of an Albanian Master-Narrative in Post-War Kosovo. Nations & Nationalism, 12 (2006) 3: 513-529, p. 524. Jelin had originally coined the concept of "memory entrepreneurs" for the Argentinian context referring to "those who seek social recognition and political legitimacy of one (their own) interpretation or narrative of the past. We also find [memory entrepreneurs] engaged and concerned with maintaining and promoting active and visible social and political attention on their enterprise" (Elizabeth Jelin, State Repression and the Struggle for Memories. London: Social Science Research Council 2003: 33-34). Schwandner-Sievers and Di Lellio applied the concept on Kosovo with a focus on the nationalisation and territorialisation of memory. In this study I examine how these memory entrepreneurs attempted to translate their war narrative into claims to social benefits.

32 Ibid.

33 The main organs defending the 'war values' ('vlerat e luftës'), lobbying for the recognition and advancement of the status of all war categories by law and for their legal and social protection are: The Organisation of the KLA War Veterans (OVL-UÇK), The Association of the KLA Invalids (SHIL) and the Association of the KLA Martyrs' Families (SHFD).

a 'Kosovan' identity prioritising individual rights and duties over communal identities and obligations,[34] as well as subverted it in order to serve the veterans' own agenda. The institutional support for the war categories by the local governmental structures has steadily increased from the year 2006 onwards. After the declaration of independence in February 2008, the memory entrepreneurs' visions began to prevail on the political level with the introduction of an 'Office for the Veterans of the War of the KLA' in September 2008 and the introduction of new initiatives for a legislation aimed at codifying the 'values of war'.

In the immediate post-war context of emergency response, UNMIK was primarily concerned with providing humanitarian relief for those most affected by the war. However, this social assistance was deliberately not differentiated according to the beneficiaries' contribution to the armed struggle and thereby strengthening internal identity claims in these terms.[35] UNMIK Regulation 2000/66, issued in December 2000, and the subsequent administrative direction only regulated the allocation of financial help to both 'war invalids' and 'next of kin of those who died as a result of the *armed conflict*'.[36] It defined a 'war invalid' to be "any person who has received physical injury as a direct result of the armed conflict in Kosovo,"[37] be it as combatant or civilian. Children under the age of eighteen and spouses of those who died as a result of the armed conflict qualified to receive a pension as surviving dependants, or 'next of kin'. The resulting social assistance, administered by the Joint Interim Administrative Structure's (JIAS) Department of Health and Social Welfare, did clearly not intend it to be an acknowledgement or recognition of contribution to the war. However, this regulation could not strengthen individual over communal identities as envisaged, because it defined the criteria for eligibility very narrowly and did not meet the circumstances at hand: limiting pensions to those with a disability level over 40% would force those with a disability level below 40% to be dependent on their family's support. Also, the fact of restricting benefit payments to one applicant per family only, as well as confining eligibility for the surviving dependants' pension to children and spouses, would be likely to increase family and communal dependency and increase reliance on the veterans' networks.

The "Department for the Families of Martyrs, War Invalids and Families of Civilian Victims" (DFDIL), established as part of the PISG in December 2005 within the newly founded Ministry of Labour and Social Welfare, took the first step to subvert UNMIK's claim to multi-ethnicity and the attempt to weaken the ex-combatants' collective identity. According to its website, the DFDIL is responsible for providing care to all those, who "contributed to the freedom of Kosovo or were victimised over that question." One of its declared responsibilities is "institutional support for all categories in the population

34 Cocozzelli (2009), p. 23.

35 UNMIK Regulation 2000/66 On benefits for war invalids of Kosovo and for the next of kin of those who died as a result of the armed conflict in Kosovo, 21.12.2000; Administrative direction 2001/19 (28.11.2001).

36 Pensions ranged from 70 to 150DM a month. The earliest point in time to receive the benefits was from 01.07.2001.

37 The disability levels had to be determined by a Central Medical Panel.

that contributed to the war of the KLA."[38] This leads us to the question of how the KLA's memory entrepreneurs conceptualise the hierarchy of victims and define who ought to be entitled to receive war-related social welfare benefits.

The assembly of Kosovo passed the law "On the Status and Rights of the Families of Martyrs, Invalids, Veterans and Members of the KLA", on 23 February 2006, which had been processed since 2003 and to which the war associations had contributed significantly in the drafting. Passing this law was declared a "moral obligation", even though the law was envisaged not to be implemented before the year 2008 due to budgetary constraints.[39] It specified the following categories of beneficiaries in order to differentiate entitlements: Families of Martyrs; War Invalids and and the Families of Invalids after the Invalid's Death; Veterans / Members of the KLA; War Hostages and Missing KLA-Soldiers; Civilian War Invalids; Civilian Victims of War; Civilian Hostages of War; Missing Civilian Persons. Not only did this law re-introduce a distinction between civilian and military victims (the military categories were rewarded with higher benefits and more generous provisions than the civilian ones), but it also introduced entitlements to payments from a disability level of 10% upwards for KLA invalids. For civilian invalids the eligibility barrier of 40% was maintained. For the families of martyrs and KLA invalids it foresaw a wide array of benefits, such as a legally protected special status, family pension, tax reductions, reduced electricity tariffs, free health care and physical rehabilitation measures, employment privileges and, for the family members of martyrs, preferential and free access to student dorms and free text books.

In an attempt to defend the civic concept of social citizenship, the SRSGs Søren Jessen Petersen mandated several essential changes to terminology: 'war' was to be replaced by 'armed conflict'; 'martyr' by 'hero'; 'national' by 'Kosovo'; 'enemy' by 'adversary in the conflict'; and phrases as 'liberation war', 'war for freedom' and 'war against the occupation' were to be deleted and replaced throughout the text.[40] After these modifications were announced, the war associations proclaimed that they would not recognise the law with the new terminology and threatened mobilisation for the sake of "defending the values of the war of liberation".[41] Influential politicians with KLA background, such as Fatmir Limaj, former commander of Brigade 121, used their authority among the veterans to assert their calming influence and to gain time in order to avoid the tensions to

38 Available at: [http://www.ks-gov.net/mpms/Departamentet/Departamenti-i-Familjeve-Deshmoreve,-Invalideve-te.aspx; accessed on 09.09.2010]

39 Ligji për vlerat e luftës miratohet, zbatimi pritet me 2008 [Law on the war values passed, implementation expected in 2008], Koha Ditore, 25.02.2006, p. 4.

40 Regulation Nr. 2006/29 on the Promulgation of the Law on the Status and the Rights of the Families of Martyrs, Invalids, Veterans, and Members of the KLA and of the Families of Civilian Victims of the Armed Conflict in Kosovo adopted by the Assembly of Kosovo on 23.02.2006.

41 Organizatat e dalura nga Lufta e UÇK-së kundërshtojnë ashpër ndryshimet në ligj [The war associations oppose the change of the law harshly], 06.05.2006; Organizatat në Komuna të gatshme për mbrojtjen e Vlerave të Luftës [The municipal war associations are ready to defend the war values], 15.06.2006, available at: http://www.veterani.net/arkivi4.html [Accessed on: 11.01.2010]

escalate further.[42] Limaj claimed that the legal office of UNMIK accepted the need for revision and returned the law to the legal office of the UN in New York in May 2006. Since then, there has not been any indication of any further process.[43] According to the head of the Office for Veterans' Issues the law was annulled and, indeed, the hyperlink of the regulation, which promulgates the law, has never been activated. That is, the law is neither available on the website of the Kosovo Parliament nor has it been published in the Official Gazette.[44]

In a newspaper interview, Limaj represented the memory entrepreneurs' stance on the international administration's interference in this law:

> *We cannot accept that somebody should play with our past as it suits them and that somebody should play with terminology based on how others interpret our war. This law has been made for the citizens of Kosovo and will be applied to its citizens. For the citizens of Kosovo there has been a war of liberation, for the citizens of Kosovo there were occupiers and enemies and for the citizens of Kosovo there have been and there will be, martyrs and heroes of the people.*

He continues:

> *This is a historical law and we will not allow the administrators to write our national history* […] *In Kosovo, nobody of whatever leaning ever was able to change our history and even less so with administrative instructions.*[45]

In fact, despite its probable annulation, parts of the law effectively have been implemented. The benefits foreseen in the new law for the war invalids and families of martyrs became available from January 2007, as the matter was seen better not to be left in the care of the international administration.[46] In contrast, a subsequently issued administrative direction declared UNMIK regulation 2000/66 to stay the legal basis for the financial support for the civilian war categories.[47] The war invalids and families of martyrs enjoy preferential treatment over the veterans due to "their extraordinary sacrifice and their difficult material and psychological ('shpirtëror') condition."[48] In January 2010 the monthly payment for the war invalids increased considerably and a small but steady

42 Limaj: T'i jepet kohë PSSP-së ta kthejë ‚konfliktin e armatosur' në ‚luftë' [The SRSG should be granted time to return 'armed conflict' into 'war'], Koha Ditore, 17.05.2006, p.4

43 Ibid.

44 The editorial office of the Official Gazette confirmed that a law, which does not appear in the official gazette, is not in force. Available at: [http://www.gazetazyrtare.com; accessed on: 11.01.2010] Jeta në Kosovë debaton për veteranët e luftës së UÇK-së [Life in Kosovo debates the KLA-war veterans], 04.03.2010, available at: [http://www.jetanekosove.com/advCms/#id=1310,9925099].

45 Nuk lejojmë administratorët të na e shkruajnë historinë tonë, thotë Limaj [We don't allow the administrators to write our history, says Limaj] Koha Ditore, 12.05.2006.

46 Interview in MPMS, DFDIL 20.04.2010.

47 Administrative Direction Nr. 02/2007 about the Rules and Procedures for the Implementation of the Law 02/ L-2 (09/02/2007).

48 Ibid.

growth in the number of recipients could be observed (see figures 1 and 2).[49] A comparison of the benefits with other forms of social welfare, such as the social assistance scheme indicates the special status attributed to the 'war categories'.[50] For example, €75 was the highest rate of social assistance that a family could claim under certain conditions in 2005, adjustable in lines with changes of the Consumer Price Index, whereas benefits for the 'war categories' were considerably higher (see figure 2 below). Furthermore, when taking the high unemployment (46%) and poverty rates into consideration (a third of the population suffers from poverty while another 15% live in extreme poverty),[51] the budget allocated to the "war categories" appears substantial.[52] Yet the people of the war categories are among the poorest in society. Therefore the war-related social assistance might have had a positive effect in terms of poverty reduction.

Figure 1: Development of no. of recipients of the war-related assistant schemes

	War Invalids	Families of Martyrs	Families of civilian victims
Jan 2008	2,349	1,916	3,679
Aug 2008	2,519	2,038	4,749
Sept 2009	2,860	2,075	5,084
April 2010	2,952	2,066	5,095

Although the law introduced the category of war veterans, the applicable section was not included in the informal implementation. Neither has the provision that veterans are to receive free medical treatment ever translated into practice. As a consequence, a number of semi-formal and informal regulations and practices have emerged. For example, free medical treatment was realised by way of certain personalities "using their authority"; or specific municipalities with an affinity to the local branches of the war associations negotiating and assuring special rights of treatment in the communal health services for the 'war categories'.[53]

49 DFDIL: Llogaritja e Pensioneve në bazë të ligjit për Familjet e Dëshmorëve, Invalidëve të Luftës dhe Viktimave Civile me 100% të Pagesës [Calculation of the pensions based on the Law on Martyrs' Families, War Invalids and Civilian Victims].

50 Cocozzelli (2009), p. 83.

51 The World Bank Kosovo Poverty Assessment, Vol. I: Accelerating Inclusive Growth to Reduce Widespread Poverty, October 2007, p.8-9.

52 Attempting to calculate the amount spent on the different categories, we are confronted with a statistical problem, since the expenses for particular categories are not specified in the statistics. In 2008, €16,631,833 out of €125,398,584 -- that is 13,6% of the MPMS's budget -- were allocated for the pensions and benefits of all war categories including civilian victims of war. Out of this sum, about €301,850 can be directly identified as special payments allocated to the war invalids and families of martyrs. Also, €96,000 were payed in subsidies for the war associations, which received an additional €374,000 for summer programmes, protheses and further unspecified expenses. See: Working Report of the Government of Kosovo, Prishtina December 2008. Available at: [http://www.kryeministri-ks.net/repository/docs/RAPORTI_VJETOR_I_PUNES_SE_QEVERISE_2008.pdf].

53 That is the case in the municipality of Suhareka: Interview with the head of the local branch of the veterans' organisation in Suhareka on 15.09.2008. In the case of Klina municipality: Veteranët e UÇK-së kontrollojnë falas shëndetin e tyre. [Veterans check their health for free] Koha Ditore, 08.02.2008, S. 8.

Figure 2: Payment schemes for war-related social assistance over time

Category	Payment according to UNMIK Reg. 2000/66+ 2006/29	Payment According to Law 02/L-2	Increased payment from Jan 2010	Foreseen payment from Jan 2011 based on draftlaw (Aug 2010)
Martyrs' Families: 1 martyr >4 martyrs	70 DM- 150 DM (depending on if the 'next of kin' is a spouse or child)	234,00€ 351,00€	234,00€ 351,00€	286€ 719€
Families of civilian victims		130,00€	130,00€	130€ (1 civ. victim) 156€ (2 civ. victims) 169€ (3 civ. victims) 182€(4 civ. victims) 195€ (>5 civ. victims)
War Invalid: 20-30% body damage Over 80%	100 DM (40-69%)	54,60€ 182,00€	120€ 239€	130€ 286€
Civil invalid: 40-60% Over 80%	150 (>70%)	91,00€ 117,00€	91,00€ 117,00€	65€ 130€

In his study of the general social assistance scheme, Cocozzelli demonstrates that, furthermore, in some municipalities, such as Skenderaj, the veterans' associations and parties with a KLA-background co-opted the welfare system in favour of the 'war categories'.[54] This is characterised as a maldevelopment by my interviewees, as can be seen from the following statement: "They treat us for free due to generosity, not because of any legal status. Since when do veterans have to rely on generosity?"[55] Apart from their claim to welfare benefits and health services, in my interviewees' eyes the refusal to institutionally "recognise" their sacrifices for an independent Kosovan state, in particular, is at odds with their self-perception. The Socialist Yugoslavian practice of decorating veterans with honours, according to their time of engagement in the partisan struggle is mirrored by the majority of my interviews. Those who served time as political prisoners, especially, and already from early on been actively involved in illegal movements or the clandestine organisation of the armed struggle, imply that they have contributed particularly much to the cause. A fifty-five year old veteran commented:

54 Cocozzelli (2009), p. 119.
55 Group interview on 20.09.2008.

> *I was arrested three times, served eight years in prison altogether, participated in the armed resistance, was eight years in the KPC. And now? Who am I now? Nothing. Nobody. I don't even have a status.*[56]

My interviews suggest that the war of the KLA is understood as the founding war of a nationally defined state. Moreover, the older interviewees use their participation in the war as symbolic capital (in the sense of Bourdieu) to back up political and socio-economic claims while negotiating social status in the process of restructuring post-war society. One of today's social cleavages divides urban communities, which were well integrated in the Yugoslav state structures, from communities of experience that could less partake in the Yugoslav modernisation process and the social mobility which it instigated. The veterans from rural communities tend to explain their recurrent marginal position through a family history of armed resistance, drawing or constructing an historical continuity from their ancestors' participation in armed groups already in the 1920s and at the end of the Second World War, which, they claim, stigmatised them in the eyes of the Yugoslav state, to their own participation in the KLA. Hence, claiming privileged access to social rights serves also to re-define their own relationship with the state in its new form.

That the memory entrepreneurs aimed to create a sense of distance towards the previous Yugoslav state and to monopolise the war narrative is also mirrored in their attempt to marginalise the FARK troops, of which many members had pursued a career in the Yugoslav army and police. The process of demilitarisation was initiated by UNSCR 1244, which demanded that the "KLA and *other armed Kosovo Albanian groups* end immediately all offensive actions and comply with the requirements for demilitarization."[57] Yet in the subsequent demilitarisation agreement, signed by the KLA chief Hashim Thaçi and KFOR commander Lieutnant-General Mike Jackson on 20 June 1999, all Kosovo Albanian troops were subsumed under the KLA label.[58] Also the subsequent IOM registration did not differentiate between KLA and FARK, but registered all Kosovo Albanian combatants as "KLA".[59] While it should be noted that KLA combatants, indeed, significantly outnumbered those of FARK, the subsumation of FARK under the KLA label both supported and shaped the official definition of who led the Albanian resistance, who brought about liberation, and who should be recognised as such.

Taking into account the power struggles that had occurred, for instance in the Operative Zone of Dukagjin, FARK fighters occasionally found themselves excluded from combatant status after the war due to the rivalry between the two groups, if they had not subordinated themselves to the KLA command. One example of the rejection of the FARK-fighters' contribution was the protest of the KLA veterans' association against the decoration of Ahmet Krasniqi with the official title "Hero of Kosovo". Krasniqi had been the former minister of defence of the Bukoshi government and commander of FARK

56 Interview V.
57 UNSCR 1244, available at: [http://www.nato.int/kosovo/docu/u990610a.htm].
58 "Undertaking of demilitarisation and transformation by the UCK", see fn. 25.
59 Pozhidaev / Andzhelich (2005), p. 21.

before he was murdered in Tirana in 1998. The Dukagjin branch of the KLA protested against this award and asked for a reversal of the decision, accusing Krasniqi of hostile agitation against the KLA and of attempting to corrupt individuals with the aim of weakening the KLA.[60] The restriction of any military categories to members of the KLA only in all legal acts that are issued by the local institutions as well as the fact that access to benefits is conditioned on previous KLA membership, has paved the way for a social mechanism of exclusion. Occasionally this has had consequences for war invalids and families of fallen soldiers of the FARK-troops, both in terms of eligibility for social assistance and of support from the veterans' organisations. These had become dependent on former KLA structures, when these had to confirm the applicant having been a former fighter.[61] To make matters worse, the OVL Statute provides even a vague formulation for withholding membership, which may be used to exclude FARK- members: „Somebody who has acted in contradiction to the principles and the ideal of the liberation war or who has collaborated in some way with the enemy, can in no one way be considered a member of the organisation".[62] Considering that the war associations play a significant role as welfare provider and social security networks for the military 'war categories', namely "providing special welfare services aimed at family support" and channelling additional project-bound assistance from the government and private donations, the exclusion from membership can also imply a general exclusion from social support.

The memory entrepreneurs of the KLA veterans' circles were thus successful both in hegemonising the official narrative of the war and in translating their accounts of the war into access to war-related social assistance. A privileged access to social rights was only to be granted to those, who had fought 'the real war of liberation'.

After the veterans had increasingly voiced their dissatisfaction with the institutional neglect through protests and hunger strikes in the years 2008 and 2009, the government ventured to complete the legal architecture of welfare benefits for the 'war categories'. At the time of writing, a law is expected to be passed by the parliament in autumn 2010. The Prime-Minister, himself a former KLA leader, announced that "the aim of this law is the determination of the status and the financial support of the categories that have emerged from the war of the KLA through pensions and special benefits. Because with their sacrifice and contribution they were the decisive factor for the liberation and the

60 Veteranët e Dukagjinit, kundër dekorimit të Ahmet Krasniqit [Veterans from Dukagjin against the decoration of A.K.], Koha Ditore, 16.10.2008. The same harsh reaction followed the decoration of FARK colonel Tahir Zemaj as "Hero of Kosovo" on 10.07.2010 in statements by the war associations from Dukagjin that were published online, calling him a traitor and anti-hero. 'Sejdiu rehabiliton tradhëtinë dhe dezertorin e luftës së UÇK-së' [Sejdiu rehabilitates the betrayal and the desertor of the war of the KLA], available at: [http://pashtriku.beepworld.de/files/kosova_2010/korrik_2010/reagim_shvl_uck_sejdiu_shpall_herro_tradhtarin_zemaj_8.7.10.htm; accessed on 10.09.2010].

61 According to Administrative Direction Nr. 9/2006, Art. 6. a certificate had to be issued by the Kosovo Protection Corps Headquarters that the applicant has been a member of the KLA. In unclear cases, also the war associations might be asked for assistance. In an interview in the MPMS (Ministry of Labour and Social Welfare) it was confirmed that there were cases which could not realise their rights on these grounds.

62 Paragraph 14, Statute of the OVL. Available at: [http://www.veterani.net/dokumente/statuti.pdf].

freedom of the country."[63] Of particular interest in this regard is the introduction of the category of national martyrs ('dëshmorë të kombit') in addition to that of KLA-martyrs. This applies to those who died in resistance to the Yugoslav state after 1945, thereby further stigmatising any active participation in the political system of the SFRY.[64] In the case that the law will be passed and not vetoed by the ICR for contradicting the multi-ethnic state-ideology inscribed in the constitution, it will ultimately affirm both the new social hierarchy, as envisaged by the KLA's memory entrepreneurs, and the war categories' privileged access to social rights. If nothing else, the significance given to this law is indicated by the high impact on the budget which it will have, with yearly costs estimated to range between € 30 and 50 million.[65]

Conclusion

The issue of veterans' politics and policies towards the KLA veterans has turned into an endurance test for the relationship between the local political actors in Kosovo and the international administration. On the one hand, the expectations of the veterans of the KLA and its successor organisations have been shaped by the historical experience of Socialist partisan veneration. On the other hand, the memory entrepreneurs' insistence on gaining recognition for their war narrative was particularly conditioned by the local political power struggles waged through the "politics of war memory and commemoration." The veterans' struggle for recognition in terms of celebrating the heroic nature of the KLA's resistance and sacrifice as the foundation of the newly created Kosovan state can be related to their attempts of constructing a system of benefits and pensions that privileges them. Preferential social rights and access to social benefits was to be granted on the basis of a personal distance towards the formerly Yugoslav system, an early adherence to the ideas of armed resistance and the military contribution to the liberation. In contrast, the FARK-forces were to be excluded from the official war narrative and, by extension, from war-related social benefits for the military categories as defined in new legislation.

However, these demands to institutionally support war veterans of a nationalist liberation army as voiced by local actors, led to irreconcilable contradictions within the multi-ethnic political framework of an international peacekeeping mission, which attempted to promote a civic concept of social (and political) citizenship. In consequence of the international administration's hesitance to approve the locally prepared new legislation of the war veterans' status, local actors, including veteran circles and municipal structures, engaged in a number of informal and semi-official arrangements to meet the demands

63 Sheti përkujdeset për kategoritë e dala nga lufta [The state provides fort the war categories]. Epoka e Re. 03.08.2010.

64 This category will encompass an estimated 1,000 persons. Interview in MPMS 15.08.2010.

65 Ibid.

nevertheless, as they perceived these as legitimate. Yet, instead of weakening the veterans' sense of themselves as a distinct group worth special considerations as intended, a general reliance on the war associations as an alternative social security network was furthered. Furthermore, a lack of legally enforced transparency and accountability regarding selection criteria as well as a lack of engagement with recent local histories cleared the way for internal social mechanisms of exclusion, and veterans continued to be receptive to the idea of political mobilisation. To conclude, UNMIK's attempts at creating a civic citizenship regime in the field of war victims' benefits have effectively been subverted by the KLA's memory entrepreneurs and made to serve their own agendas. My case study is thus an example of possible unintended consequences in post-war peace-building and demilitarisation programmes when local perspectives and agendas are not taken into account.

BERICHT

Religiöse Gewissensfreiheit, egalitäres Religionsrecht und Rechtspluralismus in Europa

Helmut Goerlich

Es tut sich was in Fragen des Religionsrechts. Dies gilt vor allem, wenn man Antworten sucht nicht nur in diesem Gebiet, sondern darüber hinaus Nachbargebiete einbezieht oder aber neuere Ansätze der Rechtstheorie ebenfalls berücksichtigt und schließlich die Erfahrungen der Europäisierung nationalen Rechts, der Konstitutionalisierung von Elementen völkerrechtlicher Herkunft und die Folgen der weltweiten Migration als Frucht des Kolonialismus, des Transfers von Arbeitskräften und der Reorganisation von Gesellschaften nach Kriegen dabei im Blickfeld behält. Teilweise verändert sich die Perspektive des Lichts, das auf ein Rechtsgebiet fällt, aber schon mit einer späten Rezeption älterer Positionen. Sie wirken dann verstärkt auf das gegenwärtige Rechtsverständnis ein und führen zu einem Wandel der Sicht der Dinge. Das ist der Fall, nimmt man die jüngste Studie von Martha C. Nussbaum[1] zur egalitären Wirkung der religiösen Gewissensfreiheit zur Kenntnis und lässt ihre Ergebnisse auf das nationale Religionsrecht in Europa wirken.

I.

Die Autorin lehrt in Chicago Verfassungsrecht, Menschenrechte und politische Philosophie, ist aber aus diesem Zusammenhang heraus auch mit der amerikanischen Verfassungsrechtsprechung und insbesondere ihrer Geschichte vertraut. Sie war bei John Rawls in Harvard, als er noch lehrte. Auch hat sie an anderen, nicht nur der dortigen Law

1 Martha C. Nussbaum, Liberty of Conscience. In Defense of America's Tradition of Religious Equality, New York: Basic Books, 406 S.

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School unterrichtet. Motiv und Anlass des Werkes sind nicht die familiären Wurzeln der Autorin auf der Mayflower noch liegen sie persönlich in ihrem Religionswechsel; es sind dies vielmehr die Tendenzen mancher unter George W. Bush leitenden Persönlichkeit, besonders nach dem 11. September 2001 und seit dem zweiten Irak-Krieg, christliche Religion oder „Jesus" mit dem amerikanischen „Staat" und seinen Politiken zu identifizieren. Die Autorin sieht beste amerikanische Traditionen gefährdet. Daraus speist sich ihr Engagement.

Die Einleitung spricht daher von einer bedrohten Tradition und handelt von der Fairness gleicher Freiheit nach amerikanischer Lesart, die dem Staat die Identifikation mit religiösen Parolen und Denkmustern verbiete. Dann geht es um die Erfahrung exemplarischer Fälle, die den U.S. Supreme Court erreicht haben und von ihm entschieden worden sind, hier die Entscheidungen Sherbert v. Verner und County of Allegheny v. ACLU.[2] Im ersten Fall ging es um die Vermeidung eines Optionszwanges zwischen Religionsausübung und dem Empfang von Sozialleistungen, wobei der Gewissenszwang in der Anpassung dahin liegt, um der Sozialleistungen willen auch an den nach dem eigenen Glauben heiligen Samstagen zu arbeiten. Gleiche Freiheit des Gewissens verbietet derartige Optionen. Im anderen Falle ging es anlässlich des Aufstellens von Weihnachtskrippen und eines Hanukkah-Leuchters, verbunden mit Parolen wie „Gloria in Excelsis Deo" oder „Salute to Liberty", um das Verbot, eine Religion von hoheitlicher Seite zu bevorzugen, sowie den Grundsatz, die Religionen gleich zu behandeln. Darauf folgt gewissermaßen ein Glossar zu Grundbegriffen – dort Konzepte genannt – des amerikanischen Religionsrechts wie „establishment" oder „accommodation" und „neutrality", aber auch „liberty" und „conscience"; dabei führt liberty of conscience zum Respekt vor der Letztverantwortung, die ein Individuum für sein Verhalten beansprucht angesichts des abschließenden Sinnzusammenhanges, den es erkannt oder jedenfalls empfunden und sich zum Maßstab gemacht hat. Aus dieser, der Glaubens- oder Weltanschauungsfreiheit nahen Deutung schon der bloßen Freiheit des Gewissens folgt die strukturierende Wirkung dieser Freiheit für das Gemeinwesen. Diese Konzepte ergeben indes zunächst Prinzipien, welche Regeln für die Entscheidung von Fällen liefern können. Am Ende finden sich hier Passagen über Gefährdungen solcher Grundsätze sowie über Geschichte und Recht in den Vereinigten Staaten.

Darauf folgt als nächster Teil unter der Überschrift „Living together" und „The roots of respect", was wohl über bloße Toleranz hinaus die gegenseitige Anerkennung unterschiedlichster Ausrichtungen des Glaubens und Wissens meint, ein tiefer Griff in die amerikanische Religions- und Kolonialgeschichte, der zu Roger Williams als dem Vater der Gewissens- wie der Religionsfreiheit führt. Seine Gründung von Rhode Island, heute ein kleiner Staat in Neuengland, brachte erstmals die Gleichheit aller Religionen. Williams, der am Vorabend der englischen Revolution in Cambridge studiert hatte, gehörte in London dem Umkreis des Richters und Parlamentariers Sir Edward Coke an; er war

2 374 U.S. 398 (1963); 492 U.S: 573 (1989).

später mit John Locke verbunden, erlebte die Verfolgung von Dissentern in London und ging darauf nach Massachusetts, wo er allerdings mit den Puritanern in Konflikt geriet, die den Dissentern wiederum Freiheit des Gewissens und Gleichheit aller Glaubensrichtungen nicht gewährten. In dieser Gleichheit und Freiheit des Gewissens sieht die Autorin wohl zu recht die Grundlage des amerikanischen Religionsrechts; ein Konzept, dem hier die Paulskirche zwar nahe war[3], das dann aber doch durch den historischen Bestand des Staatskirchenrechts vom Westfälischen Frieden her überlagert wurde; bekanntlich kehrt das Konzept gleicher Freiheit in Ansehung der Religionsausübung jedoch gewissermaßen wieder und feiert Urständ in einer gewissen Radikalisierung der Paritätsanforderungen, die allmählich kaum mehr gestuft zu verstehen sind. Solche Stufungen könnten nach amerikanischem Verständnis einen Gewissenszwang mit religiösem Bezug auslösen, wenn dadurch nämlich Glaubensaussagen mittelbar oktroyiert werden. Die Autorin vertritt, dass die Orientierung an der gleichen Freiheit des Gewissens Grundlage des Religionsrechts nicht nur der mittleren Kolonien wie New Jersey, Maryland und vor allem Pennsylvania wurde, sondern vor allem Dank des Einflusses von James Madison Eingang in die Amendments zur amerikanischen Bundesverfassung gefunden hat. Es geht dabei nicht um Trennung im Sinne der berühmten, Thomas Jefferson zugeschriebenen „Wand der Trennung" zwischen Kirche und Staat, sondern um Gleichbehandlung aller im staatlichen Recht, was erst in der Folge jene Trennung notwendig macht, diese aber wiederum nicht verstanden als ein unverrückbares Dogma, sondern als einen Behelf, die notwendige Distanz zu sichern, um gleichermaßen Raum für alle – auch für die Dissenter – zu gewähren. Die Trennung soll helfen, auch jeden nur äußeren, auf der Ebene einer Verhaltenserwartung bewirkten Gewissenszwang zu vermeiden; es ist aber vor allem die Gleichheit als Gleichbehandlungsgebot, die den Behelf der Trennung von Staat und Religion ergibt. Bekanntlich suchte Williams weit vor der kontinental-europäischen Aufklärung diese Gleichheit auch für die Indianer Neuenglands gelten zu lassen. So respektierte er ihr „Eigentum" trotz ihrer nomadisierenden Lebensweise aufgrund des Jagdrechts, das sie beanspruchten. Frühkoloniale Rechtsdoktrinen sprachen ihnen als Nomaden Eigentum am Land ab, was den Siedlern ermöglichte, es – da herrenlos – zu beanspruchen. Das Common Law erlaubte damals auch, das Recht der Eingeborenen zu missachten, wenn es nicht geschrieben und in diesem Sinne kulturell fassbar war. Williams hielt dennoch Verträge, die er mit den Indianern schloss, kraft universalen Vernunftrechts für verbindlich.

In der Beobachtung der hier anzuzeigenden Schrift, dass Respekt und Gleichheit Distanz und Neutralität vermitteln und deshalb unter Bedingungen der Gleichheit bloße Arrangements einer „accommodation" – die im Übrigen wohl zugleich dem „Latitudinarismus" entspräche, dem Locke in England nahe stand – nicht ausreichen. Es spiegelt sich in ihr – bildet man sie auf ein staatskirchenrechtliches oder eben religionsrecht-

3 Vgl. H. Zwirner, Zur Entstehung der Selbstbestimmungsgarantie der Religionsgesellschaften im Jahre 1848/49, in: ZRG Kan. Abt. LXXIII (1987), S. 210 ff.; u. ders., Rezension der ersten Auflage des Handbuchs des Staatskirchenrechts, in: ZevKR 23 (1978), S. 429 ff.

liches Modell im Verhältnis zum Staat ab – zwar eine Abkehr von einer hierarchischen Struktur der Beziehungen von Religionen und öffentlicher Ordnung. An deren Stelle tritt ein System der gesteigerten Distanz, legt man die Klassifikationsmuster zwischen Hierarchie und Distanz zugrunde, die letztes Jahr Hans Michael Heinig in seiner Göttinger Antrittsvorlesung nutzte[4]. „Accommodation" ist aber nur akzeptabel, wenn sie eine rechtliche Anerkennung, etwa durch die Schaffung eines Ausnahmetatbestands, mit sich bringt, und ist daher heute erst dann gegeben, wenn ein solcher Tatbestand kraft der Verfassung durchsetzbar ist.

Der dritte Abschnitt trägt alsdann den programmatischen Titel „Proclaiming Equality", verbunden mit dem Untertitel „Religion in the new nation". Hier wird der thematisch einschlägige normative Rahmen, den die Verfassung als unmittelbar geltendes und vorrangiges Recht vorgibt, entfaltet. Das geschieht unter Rückgriff auf die Debatten sowie die Korrespondenz der aufgeklärten Staatsmänner der Revolution. Zugleich wird damit die Konsequenz für die Staaten in der amerikanischen Union, auf die Anerkennung einer bevorzugten Religion zu verzichten, nachgezeichnet. Öffentliche Moral und republikanische Tugend sind nicht von einer solchen Bevorzugung abhängig. Ein „establishment" einer Religion ist daher nicht mehr erforderlich. Erledigt ist aber auch die Annahme, das „establishment" sei in den Einzelstaaten nicht beseitigt, obwohl eine entsprechende, zur Aufnahme in die Amendments der Bundesverfassung vorgeschlagene Formulierung von James Madison scheiterte. Zwar hat in Harvard nicht lange zurück noch Professor John H. Mansfield ausdrücklich in seiner Vorlesung „Church and State" anderes vertreten. Diese Annahmen widerlegt aber eine zuordnende Auslegung der free exercise clause und der equal protection clause, wonach die Union gleiche Freiheit in den Einzelstaaten auch gegen eine auf deren Ebene vielleicht nie ganz und vor allem nicht förmlich beseitigte „Staatskirche" – wie wir sagen würden – sichert.

Der vierte Abschnitt entfaltet den Kampf um und gegen das bloße Arrangement der „accommodation", also jener Kultur der Duldung bis an den Rand der Verletzung des Rechts, die den abweichenden Anhängern einer konsequenteren protestantischen Variante zwar die Rücksicht auf das zarte Gewissen – tender conscience –, aber nicht den Respekt der gleichen Freiheit der Religionsausübung gewährt. „Accommodation" hätte zwar auf den ersten Blick dem zarten Gewissen genügt, nicht aber auf Dauer die strukturellen Konsequenzen gezogen, die erst in einer Anerkennung dieses Gewissens als Grundlage des Gemeinwesens liegen. In dieser „accommodation" zeigt sich in Wahrheit ein älteres Modell der öffentlichen Ordnung, das sich allmählich in England durchgesetzt hat, wo schließlich im 19. Jahrhundert zwar nicht die Staatsreligion beseitigt wurde, aber im Zugang zu Staatsämtern allmählich alle Religionen gleichgestellt wurden. Dieses Konzept haben schon die Gründungsväter der amerikanischen Union verworfen, indem sie ein egalitäres Verständnis der Gewissensfreiheit etabliert haben. Jedenfalls ergibt sich eine Traditionslinie in diesem Sinne. Dass sich dieses Konzept in der Rechtskultur des

4 H. M. Heinig, Ordnung der Freiheit – das Staatskirchenrecht vor neuen Herausforderungen, in: ZevKR 53 (2008) S. 235 ff., 241 ff.

neuen Kontinents gegen die historischen Rechtsstrukturen der westlichen, transatlantischen Expansion, welche die Präsenz in etwas mehr als den ersten hundert Jahren auf amerikanischem Boden ergeben hat, durchsetzte, steht auf einem anderen Blatt. Auch diesem Abschnitt geht es also um die Geschichte der Interpretation der amerikanischen Verfassung bis in die Gegenwart. Von „accommodation" kann man mithin heute – wie schon angedeutet – nur sprechen, wenn ein voller Rechtstitel auf verfassungsrechtlicher Grundlage damit einhergeht; und so wird die Gewährleistung der freien Religionsausübung alsdann verstanden.

Der fünfte Abschnitt befasst sich konsequenterweise mit der Furcht vor dem Fremden, dem Anderen. Hat man einen Status egalitärer Freiheit erreicht, so ergibt sich dieses Thema. Diese Furcht wird umso stärker, je weniger die Kultur der Aufklärung die Denkweise prägt. Gleiche Freiheit kann in einen backlash der Fundamentalismen derer umschlagen, um deren Freiheit des Gewissens willen man die Strukturen etabliert hat, die auf Roger Williams zurückgehen. Denn gerade die durch diese Freiheit erst gleichgestellten Gruppen haben gewisse neuere Entwicklungen von Theologie und Religion, beginnend mit der einer angemessenen Übersetzung vorausgehenden Sprach- und Textkritik, nicht selbst vollzogen oder kaum gestreift. Dabei mag sich auch niederschlagen, dass diese Gruppen in ihrer Geschichte oft keinerlei Aufklärung durchlaufen haben, auch nicht diejenige der Renaissance, in der die frühen, aus England stammenden Verfechter der Freiheit des Gewissens nach der Rezeption der Stoa und der Auflösung des Nominalismus in die Freiheit des Einzelnen stehen. Diese Gruppen stellen die Ausgangsposition ihrer Freiheit, nämlich die gleiche Freiheit aller, daher wieder zur Disposition, indem sie ausgrenzen, abweisen und befehden. So identifiziert man sich mit einem Protestantismus, wie er main stream zu sein scheint, und wertet diesen auf zu einer Art öffentlicher Religion, welche auch die zivile Religion der Nation – die nach der These des Buches von der Rücksicht auf die Freiheit des Gewissens des Einzelnen geprägt ist und die Annahme verbietet, die USA seien eine „christliche Nation" – darstellt, indem sie den betreffenden dissent grundsätzlich in Frage stellt.

Der sechste und der siebte Abschnitt befassen sich mit Einzelfragen der Bevorzugung von Religion im öffentlichen Sektor, sei es im Falle eines Schulgebetes oder im Wege der Zurschaustellung religiöser Symbole im öffentlichen Raum, sei es durch die – auch indirekte – Förderung von Schulen, die von Sekten betrieben werden, aus öffentlichen Mitteln. Solche Einzelfragen haben die Rechtsentwicklung in den letzten Dekaden geprägt, als inhaltliche Konflikte zwischen akzeptierter wissenschaftlicher Erkenntnis und religiösen Lehren den öffentlichen Sektor noch nicht erreicht hatten. Diese Fragen lassen sich noch formal lösen, führen also nicht notwendig in eine Konfrontation von Modernität und Religion. Dabei findet man hier die höchstrichterliche Rechtsprechung diskutiert, die zu Fällen, welche diese Fragen aufwerfen können, vorliegt. Sie ist häufig aus der Perspektive des Buches problematisch; etwa deshalb, weil sie die ungleiche Behandlung verschiedener Gewissens- und Glaubenshaltungen nicht hinreichend offen legt und so sich selbst ermöglicht, sie rechtlich hinzunehmen.

Der achte Abschnitt widmet sich aktuellen Auseinandersetzungen, die fundamentalen inhaltlichen Charakter haben: so etwa dem morgendlichen Loyalitäts- oder Flaggenappell in Schulen, der Evolutionstheorie und auf der anderen Seite dem Gegenstück aktueller Fundamentalismen, also der Vorstellung – imagination, d. h. eigentlich dem Entwurf oder der Perspektive – nämlich von dem Respekt her, den eine freie Gesellschaft und ihre Glieder der autonomen Persönlichkeit zollen; einer Persönlichkeit, die den für wahr gehaltenen Überzeugungen jener Gesellschaft und ihrer Glieder entgegentritt und widerspricht, aber dennoch anerkannt wird, ganz im Sinne des Traums von Martin Luther King, Jr. Ein solches Maß der Selbstständigkeit ist in dieser Perspektive hinzunehmen. Daher erstaunt nicht, dass dieser Abschnitt auch von nicht minder grundsätzlichen Gegenständen handelt wie nun – statt der früher meist mit religiösem Bezug versehenen Polygamie – der gänzlich säkularen homosexuellen Lebenspartnerschaften oder der Furcht vor Muslimen. Dabei zeigt sich hier, dass dieses Buch durchaus über die beschränkten Einsichten, die Referenden und Wahlkämpfe sich zu Nutze machen, hinausweist. Es fordert mit einer keineswegs erstaunlichen Konsequenz ein, was das Verständnis der Grundlagen des eigenen Gemeinwesens ergibt, indem es für dieses einsteht. Diese Härte hat ihre Basis in der Leidenschaft für eine Republik, die eine neue, gegenüber der eigenen Gesellschaft und ihrer politischen Klasse sehr anspruchsvolle Ordnung bewirken wollte. Das führt auch erneut zu einer intensiven Auseinandersetzung mit der Rechtsprechung, insbesondere des Supreme Court der Vereinigten Staaten.

Ein gewisser Rechtspluralismus ist letztlich notwendige Konsequenz der Selbstbestimmung über die eigene Lebensweise, wie sie Grundrechte ermöglichen. Will man nämlich den unterschiedlichsten Glaubensrichtungen, die das Gewissen ihrer Anhänger beanspruchen, tatsächlich Raum geben, so müssen auch die rechtlichen Formen und Gestaltungen dafür zur Verfügung stehen. Grenzen liegen dann allenfalls im ordre public der jeweiligen Rechtstradition und in den ihm zuzuordnenden Grundrechten, um deren willen die Vielfalt gerade zugelassen ist. In mancher Hinsicht besteht für eine pluralistische Öffnung in den Vereinigten Staaten zunehmend Bereitschaft; man denke an die Quäker, die Mennoniten, die Zeugen Jehovas, die Amish und die Unitarier oder heute die Buddhisten und Hindus, vor allem auf Hawaii. In anderen Fällen stößt man auf eine leidenschaftliche Verteidigung eines dominanten Modells der Werte und Lebensentwürfe im Rahmen des amerikanischen Traums. Die notwendige Pluralität der Lebensformen findet man in dem Buch immer wieder rückgekoppelt an die Gewissensfreiheit als dem Grundzug verbindlicher Prägung und an die spezifische Verknüpfung von Gewissens- und Religionsfreiheit, wie sie in Neuengland und dann in den Vereinigten Staaten in spezifischer Weise anzutreffen ist. Auch dabei sind historische Bezüge möglich, etwa in der tradierten, bis heute existenten Anerkennung der abweichenden jüdischen Heiratsregeln in Rhode Island. Zugleich stößt man heutzutage auf einen Wandel in den Religionsgemeinschaften und Kirchen selbst und zwar gerade in eher elitären Varianten, etwa der verschiedenen jüdischen Gruppierungen bis hin zu den Orthodoxen, und auch, was den Ämterzugang für Frauen angeht, etwa in der Episcopalian Church, der die Autorin offenbar von Hause aus angehörte. Dieser Wandel müsste auch die Augen dafür öffnen,

dass die Religiosität der indianischen Urbevölkerung missachtet wurde und noch heute ihr Status als Religion zweifelhaft zu sein scheint, wie sich zeigt, wenn der in diesem Sinne religiöse, aber verbotene Konsum bestimmter Stoffe – hier Peyote – zur fristlosen Kündigung und zur Versagung von Sozialleistungen führt, was der Supreme Court in Employment Division v. Al Smith[5], bestätigt hat; eine umstrittene Entscheidung, gegen die das Buch am Rande geradezu zur Streitschrift wird, was leider kein alter, aber ein gelüfteter Hut für Roger Williams ist.

Der letzte Abschnitt des Buches wirft im Gegenzug die Frage auf, ob man zu einem, alle Überzeugungen, Lebensweisen und Wahrheiten übergreifenden Konsens – overlapping consensus im Sinne der Sprache eines John Rawls – kommen kann, der trotz aller Verschiedenheit und Vielfalt der grundlegenden Überzeugungen, Glaubensgrundsätze und gewissensorientierten Verhaltensmuster das Gemeinwesen in seiner historischen Struktur und seinem Anspruch weiterhin nicht nur zusammenhält, sondern auch trägt. Ein solcher Konsens setzt die Fähigkeit und die Praxis voraus, zwischen religiös-persönlichen und verallgemeinerungsfähigen ethisch-politischen Maximen des Handelns zu unterscheiden, wie die Autorin bemerkt. Dass dieser Konsens notwendig ist, zeigt, wie weit die rechtliche Öffnung für abweichendes Verhalten gehen muss, soll sie den Anforderungen einer freien Verfassung genügen. In diesem Sinne hängt die normative Kraft der Verfassung von der Spannweite jenes Konsens' ab, der sie kraft der im eigentlichen Sinne politischen Anstrengung der Bürger erhält, befördert und Konflikte auszuhalten befähigt. Diese Spannweite ist nicht ein Produkt der Verfassungsdoktrin oder ihrer Grundlagen in den Lehren von persönlichen und zugleich gleichen Rechten sowie von deren Wirkung hin auf eine hinreichend bewegliche Ausgestaltung einer Ordnung der Zuständigkeiten und Befugnisse der öffentlichen Gewalt und der differenzierten Legitimationsmechanismen einer Demokratie, eben dank schon lange etablierter egalitärer politischer Rechte des Einzelnen. Sie ergibt sich vielmehr aus der Republik als Identität und Gemeinwohl stiftender Figuration politischer Kultur. Im 18. Jahrhundert war diese Spannweite verankert in einer republikanischen Tugendlehre. In diesem Sinne trägt das Buch vielleicht weniger zur Verfassungstheorie als zur Wiederherstellung der republikanischen réligion civile der Vereinigten Staaten nach den Bush-Jahren bei, die jene in erheblichem Maße beschädigt haben. Dabei hilft insbesondere die mit diesem Buch vorgelegte leidenschaftliche Reprise der Verfassungskultur des 18. Jahrhunderts, ausgehend von einer Rückkehr zu ihren Ausgangspunkten in Gestalten wie Roger Williams und James Madison, wie auch die Extrapolation der Konsequenzen ihrer Prinzipien in der Gegenwart, darunter auch für die Rechtspraxis. In diesem Sinne mag das Buch von größerem Gewicht sein als mancher gelehrte und rechtskundige Beitrag im engeren Fach; ein Fach, das in den Vereinigten Staaten dank der Fallorientierung eines Präjudizienrechts und seiner Rückbindung auch an die Arbeit am Sachverhalt ja ohnehin nicht in dem gleichen Maße der Rechtsdogmatik huldigt, wie wir das tun.

5 494 U.S. 904 (1990).

II.

Die Teilnahme an Kultur in ihrer Vielfalt garantiert Art. 11 Abs. 2 der Sächsischen Verfassung. Was dies insbesondere für das Recht, die Gesellschaft und das Gemeinwesen insgesamt heute bedeuten kann, damit befassen sich die hier angezeigten Sammelbände, die Früchte wissenschaftlicher Tagungen sind. Diese Tagungen waren nicht nur von aktuellen Fragen geprägt, welche die Migration zunächst der Arbeitskräfte, dann der Flüchtlinge und schließlich der Rücksiedler mit sich gebracht haben. Sie befassten sich auch mit dem Umstand, dass Homogenität und Identität nicht mehr auf der Hand liegen, sondern angesichts der Vielfalt auch in den europäischen Gesellschaften neu zu finden sind, und dass dies nicht ohne Rücksicht auf die kulturellen, religiösen, ethnischen und anderweitig motivierten Unterschiede in der gesamten Lebensweise der gebietsansässigen Bevölkerung geschehen kann, will man die demokratische Legitimation des Rechts, seine Leistungskraft und seine friedenssichernde Wirkung nach innen und nach außen nicht gefährden.

Der erstgenannte Band setzt sich insbesondere mit Religion und kultureller Identität auseinander. Aus dem ersten Teil der Tagung zu grundlegenden Orientierungen ist Horst Dreier[6], Würzburg, mit dem Eröffnungsreferat zu „Religion und Verfassungsstaat im ‚Kampf der Kulturen'" zu nennen, wobei diese Formel aus der amerikanischen Debatte stammt und in sich fragwürdig ist und bleibt. Reinhard Zimmermann, Hamburg, trug zu „römischem Recht und europäischer Kultur" vor. Karl Gabriel, Münster, formulierte von katholischer Seite „Religion als Stütze oder Gefährdung einer freien Gesellschaft". Ansgar Hense, Bonn, behandelte „Katholizismus und Rechtsordnung". Friedrich Wilhelm Graf, München, der bekannte Theologe, sprach zu „Protestantismus und Rechtsordnung". Nikitas Aliprantis, Straßburg, führte ein in „Orthodoxer Glaube: Kirche und Rechtsordnung". Eric Hilgendorf[7], Würzburg, schloss diesen Teil mit „Religion, Gewalt und Menschenrechte – eine Problemskizze am Beispiel von Christentum und Islam". Der zweite Teil bot Bereichsanalysen. Hier traten auf: Ulrich Haltern, Hannover, mit „Notwendigkeit und Umrisse einer Kulturtheorie des Rechts", dann Christoph Möllers, Göttingen, mit „Pluralität der Kulturen als Herausforderung an das Verfassungsrecht?" sowie darauf Uwe Volkmann, Mainz, mit „Kulturelles Selbstverständnis als Tabuzone für das Recht?". Anschließend sprach Joachim Rückert, Frankfurt am Main, zu „Christliche Imprägnierung des BGB?", darauf Thomas Gutmann, Münster, zu „Christliche Imprägnierung des Strafgesetzbuches?" und alsdann Tatjana Hörnle, Bochum, zu „Strafrechtliche Verbotsnormen zum Schutz kultureller Identitäten". Die Tagung schloss Christine Schirrmacher, Leuven / Belgien, mit „Rechtsvorstellungen im Islam – Grenzen und Reichweite des Rechtssystems ‚Scharia', dargestellt am Beispiel des Strafrechts sowie des

6 H. Dreier / E. Hilgendorf (Hrsg.), Kulturelle Identität als Grund und Grenze des Rechts. Akten der IVR-Tagung vom 28.-30. September 2006 in Würzburg (= Archiv für Rechts- und Sozialphilosophie, Beiheft 113), Stuttgart: Franz Steiner 2008, 374 S.

7 Ebd.

Ehe- und Familienrechts". Der Band schließt mit Autorenverzeichnis und Sachregister; den Abdruck einer Aussprache oder Diskussion der Referate findet man nicht. Allerdings ergibt das Vorwort, dass der Beitrag zu christlicher Orthodoxie und Recht aus der Diskussion hervorging. Ebenso ist dort zu lesen, dass die Beiträge der Herausgeber erst im Druck hinzukamen, was dem Niveau der Beiträge, die recht unterschiedlich sind, sicher nicht geschadet hat.

Der zweitgenannte Sammelband ist ebenfalls das reguläre Produkt wiederkehrender wissenschaftlicher Tagungen einer gelehrten Gesellschaft, die neben dem Völkerrecht auch das internationale Privatrecht beheimatet. Er bietet: Den nun Berliner Völkerrechtler Georg Nolte zu „Kultureller Vielfalt als Herausforderung für das Völkerrecht" und die Zürcher Kollegin Helen Keller zu „Kulturelle Vielfalt und Staatsvolk: Gilt es, den Begriff des Volkes zu überdenken?" Darauf folgen vom Heidelberger Max-Planck-Institut für ausländisches Öffentliches Recht und Völkerrecht (MPI) Armin von Bogdandy zu „Die Europäische Union und das Völkerrecht kultureller Vielfalt – Aspekte einer wunderbaren Freundschaft" sowie vom IPR in Köln kommend Heinz-Peter Mansel zu „Die kulturelle Identität im Internationalen Privatrecht". Ebenfalls aus Zürich kommend sprach Andrea Büchler zu „Kulturelle Vielfalt und Familienrecht. Die Bedeutung kultureller Identität für die Ausgestaltung europäischer Familienrechtsordnungen – am Beispiel islamischer Rechtsverständnisse" und endlich Christian Walter[8] aus Münster zu „Religionsfreiheit in säkularen im Vergleich zu nichtsäkularen Staaten: Bausteine für ein integratives internationales Religionsrecht". Dieser Band bietet zwar kein Autorenverzeichnis, enthält aber das Verzeichnis der Mitglieder der Gesellschaft, unter denen sich auch die Autoren finden. Außerdem sind zwei Diskussionsrunden abgedruckt, die jeweils nach drei Referaten stattfanden. Zudem sind die Referate neben Thesen in deutscher Sprache mit einer Zusammenfassung in englischer Sprache abgedruckt, sodass auch international eine gewisse Zugänglichkeit gesichert erscheint. Dass die Thematik sich hin zur „kulturellen Vielfalt" verschob, lag sicher auch daran, dass die Vielfaltskonvention der UNESCO kurze Zeit zuvor in Kraft getreten war, die – von Europa gestützt – sich gegen die Dominanz der amerikanischen „Kulturindustrie" insbesondere in den Medien richtet, die mit Instrumenten des Freihandels durchgesetzt auftritt, wobei allerdings Länder wie Indien, die selbst eine dominante Kultur besitzen, diesem Bemühen nicht beigetreten sind.

Der dritte Sammelband ist das Ergebnis eines Forschungsprojekts zum Islam, das in Köln unter der Leitung von Stefan Muckel[9] an seinem Lehrstuhl und Institut für Kirchenrecht durchgeführt wurde. Dieser Band kann hier exemplarisch zur Verdeutlichung dessen dienen, was die Rechtswissenschaft zu leisten hat, will sie sich ihren gegenwärtigen Aufgaben in Zeiten kultureller Vielfalt stellen. Das reicht weit in das Verwaltungsrecht, wie die Kapitel des Buches zeigen. Nach einer Einführung (von Diana Zacharias, MPI

8 G. Nolte / H. Keller / A. v. Bogdandy / H.-P. Mansel / A. Büchler / Ch. Walter, Pluralistische Gesellschaften und Internationales Recht (= Berichte der Deutschen Gesellschaft für Völkerrecht Bd. 43), Heidelberg: C. F. Müller 2008, 365 S.

9 Stefan Muckel (Hrsg.), Der Islam im öffentlichen Recht des säkularen Verfassungsstaates (= Schriften zum öffentlichen Recht Bd. 1096), Berlin: Duncker & Humblot 2008, 640 S.

Heidelberg) sind deren Themen und Autoren: „Islamisches Recht und Rechtsverständnis“ (Diana Zacharias, MPI Heidelberg), „Zum Problem der Trennung von Religion und Politik“ (Ulf Matyssek, Richter am Sozialgericht, früher am Kölner Institut), „Die religionsverfassungsrechtlichen Rahmenbedingungen für den Islam“ (Stefan Muckel, der Herausgeber, und Reiner Tillmanns, früher wiss. Mitarbeiter am Kölner Institut, jetzt als Professor an einer Fachhochschule), „Der Islam im Völker- und Europarecht – unterschieden nach der Religionsfreiheit der Muslime im internationalen und im europäischen Recht“ (Thomas Traub, Wiss. Hilfskraft am Institut und Rechtsreferendar), „Aufenthalts- und Asylrecht“ (Katie Baldschun, Wiss. Hilfskraft am Institut in Köln und Rechtsreferendarin), „Islam und Sozialrecht“ (Peter Janssen, Rechtsanwalt, Bischöfliches Generalvikariat, Essen), „Islam und Schule“ (Nina Coumont, Wiss. Hilfskraft am Kölner Institut und Rechtsreferendarin) und schließlich „Islamische Religionsausübung und Öffentliches Wirtschaftsrecht“ (Thomas Traub). Dabei suchen die Einzelbeiträge wie das Projekt insgesamt einerseits dem Selbstverständnis des Islam und seinen Praktiken und andererseits den allgemeinen Gesetzen gerecht zu werden. Dabei geht es um die Zuordnung in gegenseitiger Rücksichtnahme. Solche Vermittlungen führen in viele Einzelfragen des Fachrechts. Auch verlassen sie eine bloß plakative Perspektive und führen in Einzelanalysen, die sehr viel differenzierter arbeiten können und müssen als diejenigen, die sich auf das Grundsätzliche beschränken und dabei eben an Deutungen festhalten, die zu grob sind und deshalb Möglichkeiten für praktische Lösungen übersehen. In diesem Sinne ist dieses Buch ein wichtiges Gegenstück zu den Tagungsbänden, auf die man, auch über die hier angezeigten hinaus, stößt. Das Buch, dem wohl auch wegen der Überlastung des Herausgebers eine Zusammenfassung fehlt, enthält jedoch auch ein eingehendes Sachverzeichnis ebenso wie ein Literaturverzeichnis, sodass es sich wie ein Handbuch benutzen lässt. Auch in diesem Sinne ist es nachhaltig zu empfehlen.

Der hier anzuzeigende vierte kleine Band[10] scheint demgegenüber eher rückwärts gewandt, indem er den Rahmen der traditionsreichen Essener Gespräche zu Staat und Kirche wahrt. Dennoch ist er ebenfalls hier anzuzeigen, sind doch kulturelle Vielfalt, religiöse Ausdifferenzierung und Kirchen – letzte nicht nur als Verbände – auch rechtlich nahe beieinander. Auf der in diesem Band dokumentierten Tagung sprach Bischof Wolfgang Huber zu „Kirche und Verfassungsordnung“, der jüngere Bonner Ordinarius Christian Waldhoff berief „Die Zukunft des Staatskirchenrechts“ und der Richter des Bundesverfassungsgerichts Udo Di Fabio handelte von „Christentum und Rechtskultur als Grundlage des Staatskirchenrechts“. Ersichtlich ging es hier darum, Landmarken einer gestuften Unterscheidung der verschiedenen Kirchen, Religionsgesellschaften und Religionsgemeinschaften, die eine unterschiedliche Behandlung rechtfertigen können, zu setzen. Damit werden Bollwerke eines auf das Christentum verengten Horizonts unserer Kultur errichtet, die sozusagen „Leitkultur“ zu werden scheint; eine „Kultur“, welche die Grundrechte gerade nicht zulassen. Daher können die Grundrechte auch nicht

10 B. Kämper / H.-W. Thönnes (Hrsg.), Die Verfassungsordnung für Religion und Kirche in Anfechtung und Bewährung (= Essener Gespräche zum Thema Staat und Kirche, Bd. 42), Münster: Aschendorff 2008, 182 S.

zu bloßen Elementen einer solchen Kultur werden, was tendenziell der Fall ist, wenn man ihre „Anerkennung" zur Voraussetzung der Verleihung des Körperschaftsstatus machen wollte, was weder den Bahai angesichts ihrer Verbandsstrukturen noch islamischen Vereinen im Blick auf das Apostasieverbot gelingen könnte, aber auch der katholischen Kirche wenige Jahrzehnte zurück schwer gefallen wäre. Dass damit die heutige soziale Realität Europas, seine Geschichte in der nicht nur mediterranen Verflechtung mit der islamischen Welt und die Offenheit des Verfassungsrechts für eine Zukunft der Gleichbehandlung des ihm angepassten Rechts und damit für eine dauerhafte Pluralität geleugnet wird, steht auf einem anderen Blatt. Auch ist zu erinnern, dass schon 1976 Peter Häberle das Staatskirchenrecht durch ein Religions(verfassungs)recht zu ersetzen suchte[11]; ein Vorschlag, der endlich nicht mehr abzuweisen ist. Auch scheinen die Gerichte allmählich der Aufgabe einer sozialen Integration durch Recht im Wege einer Reinterpretation zentraler Bestimmungen des Staatskirchenrechts im Lichte gleicher Freiheit nachzukommen, allerdings unter Einforderung einer gewissen Mäßigung, wie sie nicht nur traditionell dem öffentlichen Frieden mit Rücksicht auf die Rechte anderer dient, und ohne dass deswegen Rechtsfragen immer ohne ihren staatskirchenrechtlichen Hintergrund auch im Landesverfassungsrecht beantwortet werden könnten – ganz im Gegenteil.

Bleibt insbesondere zu den beiden erstgenannten Tagungen noch anzumerken: Wie sehr die Themen beider Tagungen den westlichen Gesellschaften sozusagen „unter den Nägeln brennen", braucht man angesichts der heute weltweit berichteten Folgen kultureller Ächtung und tätlicher Ausgrenzung nicht mehr zu betonen. Dies zeigen manchmal auch öffentliche Debatten, etwa wenn der Erzbischof von Canterbury anregt, Elemente der Scharia im englischen Familien- und Erbrecht zugunsten englischer muslimischer Untertanen im Lande zu berücksichtigen, worauf ihm der Premier Gordon Brown widerspricht, dann der höchste Richter Englands dem Erzbischof öffentlich zustimmt und schließlich eine Vorlage im Unterhaus auf dem Tisch ist, in deren Zusammenhang darauf hingewiesen wird, dass die Provinz Ontario in Kanada derlei im Rahmen eines ordre public schon praktiziere; einmal abgesehen von maghrebinisch-islamischen Rechtspraktiken in Frankreich und der in Deutschland nur mit einem der common-law-Ehe ähnlichen Schutz für den „schwächeren" Partner hinnehmbaren Zulässigkeit einer bloß kirchlichen oder religiösen Trauung. Nicht anders liegt es, wenn in Asien die Grenzen der Homogenität des Rechts etwa auch mit Rücksicht darauf diskutiert werden, dass die Väter der indischen Verfassung zwar noch ein einheitliches Familien- und Erbrecht für das gesamte Land durch eine Vorschrift postuliert haben, die Verfassungspraxis diesen Auftrag aber nicht erfüllen konnte. Es erstaunt daher nicht, wenn auch dort wissenschaftliche Tagungen zu „Cultural Diversity and Law" stattfinden, wie etwa in Kalkutta im März 2008 unter deutscher Beteiligung[12], zumal wenn immer deutlicher ist, welchen

11 Vgl. P. Häberle, „Staatskirchenrecht" als Religionsrecht der verfassten Gesellschaft, in: Die öffentliche Verwaltung 1976, S.73 ff.

12 Der Sammelband dieser Tagung wird unter ihrem Titel, hrsg. von M. P. Singh u. M. Kotzur, bei Oxford University Press, New Delhi, Indien, erscheinen.

Preis vorausgegangene Diskriminierungen und die Verbrechen, die sie oft nach sich ziehen, haben. Kulturelle Vielfalt stellt mithin über die Kontinente hinweg Aufgaben, die sich nicht mehr mit Identitäts- oder gar Homogenitätspostulaten beantworten lassen. Das schlägt auch auf die Verwaltungs- und Rechtspraxis durch, wie man etwa an der Debatte um ein Minarettverbot in der Schweiz und der zugehörigen Initiative sehen kann; ein Thema, das hierzulande das Bundesverwaltungsgericht früh aus Anlass eines Falles aus Stuttgart vorab erledigt hat, indem es zwischen Kirchen, Synagogen und Moscheen als Stätten religiöser Andacht als solchen nicht mehr unterschied und baurechtliche Vorschriften im Wege der Auslegung anpasste. Länder, die glauben, solche Wege nicht suchen zu müssen, weil sie die Vielfalt noch nicht erreicht hat, gibt es kaum mehr; bei näherem Hinsehen wird sich erweisen, dass ein solcher – in der Regel vermeintlicher – Zustand meist Ergebnis gewaltsamer Veränderungen und nationaler Tabus, die daraus resultieren, ist. Die Verfassung des Freistaats Sachsen hat davon zur Zeit der Wende sozusagen schon etwas Wind bekommen. Offen bleiben wird indes nicht nur dieser Geist einer Verfassung für den weiteren Zusammenhang, der sich auch gerade mit Hilfe dieser beiden hier angezeigten Tagungsbände näher bringen und hier und heute erschließen lässt. Sie sind erhellend, der Verwaltungsrechtler findet dort den erforderlichen Kontext, muss er sein Recht anpassen, sollen er und dieses Recht unter solchen Umständen leistungsfähig zu bleiben. Dafür steht auch der dritte Band.

III.

Dissertationen zu religionsrechtlichen Fragen sind häufig, ebenso Tagungen mit verwandten Themenstellungen. Hinzu kommt ein rechtsvergleichendes Interesse; es steigert die Neugier. Die hier angezeigten Arbeiten sind Teil der daraus hervorgehenden Dissertations- und Tagungsliteratur. Das führt vereinzelt auch zu Habilitationsschriften, gelegentlich auch aus der Politikwissenschaft, wie hier von Tine Stein[13]. Dabei dominieren vergleichende Arbeiten mit einem Bezug auf das Recht der Europäischen Union einerseits und andererseits solche Arbeiten, welche die Europäische Union selbst religionsrechtlich einzufangen suchen, neben dem schlichten Interesse am erreichten rechtlichen Bestand der Union in solchen Fragen. Dass ein gewisser Wandel der Perspektiven rechtlicher Betrachtung eintritt, liegt schon daran, dass eine jüngere Generation am Werke ist. Diese Generation ist aus ganz unterschiedlichen Gründen nicht mehr im traditionellen Sinne staatskirchenrechtlich geprägt. Sie arbeitet religionsrechtlich vor dem Hintergrund einer offeneren Perspektive, auch über Europa hinaus. Daneben stehen allerdings auch Arbeiten, die gewissermaßen die religiöse Rückbindung Europas angesichts der Vielfalt der präsent werdenden Religionen, Kulturen und Traditionen in christlichen Deutungsmustern suchen und dafür auch symbolische Zeichensetzungen einfordern. Will man

13 Tine Stein, Himmlische Quellen und irdisches Recht. Religiöse Voraussetzungen des freiheitlichen Verfassungsstaates, Frankfurt a. M.: Campus 2007, 372 S.

den traditionellen Zugang zum Gegenstand finden, so empfiehlt sich neben den Lehrbüchern zum Staatskirchenrecht ein Griff zu einem guten Kommentar, also etwa dem dritten Band des von Horst Dreier herausgegebenen Standardwerks, worin man unter Art. 140 des Grundgesetzes (GG) eine ausgezeichnete Kommentierung findet, ebenso für Art. 4 GG – dem Ort der Gewissens-, Glaubens- und Bekenntnisfreiheit – im ersten Band dieses Werkes[14].

Teilweise ist in den Monographien der Ansatz verengt auf eine Fragestellung, etwa den Gedanken der Trennung von Staat und Religion neben dem der Kooperation als Vergleichsmaßstab oder demjenigen der Religionsfreiheit als Sonde der Rechtsvergleichung. Andere gehen ersichtlich davon aus, dass eine gewisse Homogenität Bedingung auch politischer Gemeinsamkeit ist, sodass die Vergleichung unter dem Regime eines gemeinsamen Nenners steht, der gewissermaßen vor der Klammer das Gemeinsame eines europäischen religiösen Bewusstseins sieht, das auch Ausdruck in den Rechtstexten der Europäischen Union finden soll. Zugleich spielt der Einstieg eine erhebliche Rolle, etwa von welchem akademischen Lehrer Einflüsse ausgingen, sofern dieser ausdrücklich Position bezogen hat oder aber aus einem bestimmten religionspolitischen Kontext stammt; dabei spielt zudem die Lage im Heimatstaat eine Rolle; bedeutsam ist aber auch, ob eine eher die Homogenität als Konzept in Frage stellende Sicht – etwa aus der Perspektive des Völkerrechts – der Ausgangspunkt ist.

Die Dissertationen von Bloss[15], Ungern-Sternberg[16] und Wick[17], aber im Grunde umfassend auch diejenige von Ottenberg[18] zeichnen sich schon dadurch aus, dass sie einander ergänzen: Bloss behandelt das Thema – wie schon die Wahl des Titels, der an cuius regio, eius religio erinnert, andeutet – aus der Perspektive dessen, der eine objektive Ordnung sucht. Demgegenüber befasst sich Wick eingegrenzt mit dem jüngeren System der Trennung von Staat und Kirche in Frankreich, wie es 1905 etabliert wurde und seither zunehmend auf dem Wege einer Erosion zu einer allerdings oft verdeckten Kooperation führte. Ungern-Sternberg hingegen bemüht sich, den Raum der freien Religionsausübung unter den unterschiedlichen Mustern des Verhältnisses von Staat und Kirchen auszuloten, wobei nicht zufällig die Europäische Menschenrechtskonvention in der Regel die gemeinsame Perspektive zur Verfügung stellt. Ottenberg orientiert sich

14 Vgl. die Kommentierungen zu diesen Artikeln von M. Morlok in: H. Dreier (Hrsg.), Grundgesetz Kommentar, 2. Aufl., Bd. I, Tübingen 2004; Bd. III, Tübingen 2008; für Art. 4 GG auch L. Michael / M. Morlok, Grundrechte, Baden-Baden 2008, S. 116 ff.

15 Lasia Bloss, Cuius religio – EU ius regio? Komparative Betrachtung europäischer staatskirchenrechtlicher Systeme, status quo und Perspektiven eines europäischen Religionsverfassungsrechts (= Jus Ecclesiasticum Bd. 87, Tübingen: Mohr Siebeck 2008, 336 S.

16 Antje v. Ungern-Sternberg, Religionsfreiheit in Europa. Die Freiheit der Religionsausübung in Großbritannien, Frankreich und Deutschland – ein Vergleich (= Jus Ecclesiasticum Bd. 86), Tübingen: Mohr Siebeck 2008, 404 S.

17 Volker Wick, Die Trennung von Staat und Kirche. Jüngere Entwicklungen in Frankreich im Vergleich zum deutschen Kooperationsmodell (= Jus Ecclesiasticum Bd. 81), Tübingen: Mohr Siebeck 2007, 298 S.

18 Daniel Ottenberg, Der Schutz der Religionsfreiheit im internationalen Recht (= Saarbrücker Studien zum Internationalen Recht Bd. 40), Baden-Baden: Nomos 2009, 266 S.

dagegen ganz im internationalen Recht; eine Thematik, die dann weithin ohne die staatliche Ebene auskommt.

Ottenberg behandelt sein Thema nämlich an Hand der Allgemeinen Erklärung der Menschenrechte von 1948 und des weltweiten Paktes der UN über bürgerliche und politische Rechte von 1966 sowie der Regionalpakte, die es gibt, darunter auch die Europäische Menschenrechtskonvention (EMRK). Es fehlt bekanntlich noch an einer asiatischen Rechteerklärung, was aber inzwischen offenbar auch dort nicht mehr als unproblematisch empfunden wird. Abgesehen davon ist anzumerken, dass in der islamischen Welt noch immer gewisse Einschränkungen der Reichweite der Glaubensfreiheit bestehen, die grundsätzliche Fragen aufwerfen.

Religionsfreiheit ist vorzugsweise, jedenfalls nach westlichem Verständnis, auch mit der Freiheit des Religionswechsels, sicher aber derjenigen des Glaubenswechsels im Sinne individueller Glaubensfreiheit verbunden. Dies beruht auf dem Konzept des freien Willens des Individuums als Träger von Rechten und Befugnissen, wie es seit dem Nominalismus von William von Ockham Teil der westlichen Kultur ist, worauf Bloss, die auch sonst historisch-theoretisch gut belegt, hinweist. Diese Basis findet sich auch in der Erklärung von 1948, ist allerdings in Deutschland nicht ausdrücklicher, sondern nur impliziter Bestand der Texte. Auf internationaler Ebene hat der erwähnte Pakt von 1966 wiederum in Art. 18 daran festgehalten. Die ausdrückliche Garantie des freien Religionswechsels ist für den Islam noch nicht hinnehmbar, ist allerdings auch in der katholischen und in der jüdischen Tradition nicht enthalten. Sie ist eine notwendige Konsequenz der jüngeren geschichtlichen Erfahrungen mit Lehren, die Zugehörigkeiten über die Herkunft und die tradierte Religion unabhängig vom erklärten und verwirklichten Willen des Einzelnen ihm aufzwangen.

Die Strukturen des internationalen Schutzes der Menschenrechte werden an Hand des neu geschaffenen Menschenrechtsrats, der Sonderbeauftragten, der Beschwerdeverfahren sowie der Staaten- und der Länderberichte erläutert. Diese Instrumente sind alle nicht unbedingt effektiv, sie gestatten aber doch eine gewisse Kontrolle gegenüber den Staaten. Auch schließen sie heute aus, dass der Bock zum Gärtner gemacht wird, also etwa ein Staat den Vorsitz in einem Gremium erhält, der nach seiner Doktrin und Praxis als notorischer Kandidat für intensive Rügen wegen fortgesetzter Rechtsverletzungen gelten muss, wie dies am Ende der Menschenrechtskommission als Teil des Schutzsystems und als Vorgänger des jetzigen Rats geschehen war. Ottenberg bietet aber auch auf dieser Ebene schon knappe Schilderungen von Sachverhalten, die zu Beschwerden Anlass gegeben haben. Das macht die Verfahren und das materielle Recht, soweit es konkretisiert ist, sehr anschaulich.

Die Anschaulichkeit steigert sich dann im nächsten, sehr viel umfassenderen Kapitel durch eine eingehende Darstellung des regionalen Schutzes der Religionsfreiheit unter der EMRK. Es werden nicht nur ältere Fälle aus der Zeit der Europäischen Menschenrechtskommission, sondern auch die heutigen Fälle aus der Rechtsprechung des Gerichtshofes für Menschenrechte in Straßburg berichtet. Dies geschieht mit knappen, kursiv hervorgehobenen Abschnitten zu den Sachverhalten, über die jeweils zu entscheiden

war. Zudem wird hier entsprechend der Systematik der Freiheitsgewährleistung, ihrer unterschiedlichen Schutzbereiche sowie der zugehörigen Diskriminierungsverbote und Beschränkungsmöglichkeiten aufgebaut. Auch die Dogmatik der Beurteilungsspielräume zugunsten der Konventionsstaaten ist auf diesem Wege erfasst. Das gilt auch für die inzwischen etablierte Anerkennung von Religionsgemeinschaften als rechtlichen Trägern der Religionsfreiheit, für die Verpflichtung des Staates auf Neutralität und zur Friedenssicherung im religiösen Bereich und damit für Fragen, die herkömmlich dem Staatskirchenrecht zugeordnet werden, nun aber Antworten in Schutz- und Verhaltenspflichten finden, die das regionale Konventionsrecht gegenüber den Staaten auslöst. Damit erweist sich die EMRK als eine Art Teilverfassungsrecht einer regionalen Rechtsgemeinschaft, das neben elementare Freiheit sichernde Regelungen des nationalen Verfassungsrechts tritt und diese allmählich determiniert.

Vervollständigt wird die Darstellung durch eine Präsentation der Gewährleistungen in der Europäischen Union (EU), welche zunächst die fundamentalen Freiheiten als ungeschriebene Rechte – und darunter auch die Religionsfreiheit – anerkannt und dann vor allem Diskriminierungsverbote entwickelt hat. Später erfolgte dann ein Bezug auf die fundamentalen Freiheiten und Rechte der EMRK im Vertragstext und inzwischen hat die EU ihre eigene Charta der Grundrechte im Jahre 2001 erklärt, die nunmehr als Rechtserkenntnisquelle dient und mit Inkrafttreten des Vertrags von Lissabon ausdrücklich und alsdann textuell geltendes Recht sein wird. Auf diesen Grundlagen ist ein weiterer Satz von Fallrecht entstanden, den man präsentiert findet. Es ist insofern zusätzlich von Interesse, als die Marktstruktur der europäischen Integration auch weitere institutionelle Aspekte der Religionsfreiheit berührt, etwa im Dienst- und Arbeitsrecht, im Recht des Datenschutzes und auch in Fragen der Finanzierung und Förderung von Religionsgemeinschaften. Im Falle des Unionsrechts verbindet sich mit diesem Rechtsbestand der Anspruch der Supranationalität dieses Rechts, d. h., es ist vorrangig anzuwenden im Verhältnis zum nationalen Recht. In dieser Normativität macht es zugleich das Konventionsrecht der EMRK für die Staaten, die zugleich Unions- und Konventionsstaaten sind, mit erheblicher Durchschlagskraft verbindlich. Dies erreicht das Unionsrecht, indem es das Schutzniveau der EMRK in den Schlussbestimmungen seiner Grundrechte-Charta zum Standard erklärt, der nicht unterschritten werden darf. Auch das kommt in der Arbeit von Ottenberg zum Ausdruck und macht klar, weshalb die Darstellung auch des Unionsrechts in ihrem Zusammenhang unverzichtbar ist.

Demgegenüber fällt darauf in den letzten Teilen der Arbeit die Dichte des Schutzes der Religionsfreiheit in anderen Weltregionen deutlich ab: etwa im interamerikanischen Kontext, weil keine obligatorische Jurisdiktion entstanden ist. Daher ist die Fallanschauung auch sehr viel geringer als in Europa, obwohl die Entwicklung hin zu einer Rechteerklärung schon 1938 einsetzte und 1948 vor der Allgemeinen Erklärung der Menschenrechte zu einem Abschluss kam. Im asiatischen Raum dagegen fehlt es noch am entscheidenden Schritt, weil es – wie schon angedeutet – noch keine Erklärung zum Schutz von Menschenrechten und Grundfreiheiten auf regionaler Ebene gibt. Auf dem Papier steht es etwas besser in Afrika. Aber auch in diesen Regionen entfaltet der

universale Anspruch solcher Gewährleistungen nur allmählich eine gewisse nachhaltige Wirkung. Insgesamt ist der Feststellung Ottenbergs beizutreten, dass der Schutz der Religionsfreiheit auf internationaler Ebene schon sehr deutliche Konturen aufweist, trotz gelegentlich doch erheblicher Inkonsistenzen in der Rechtsprechung, etwa zum Recht der Eltern, auf die religiöse Kindererziehung maßgeblich einzuwirken, wie die Schrift zu recht kritisch notiert. Die in Saarbrücken von Torsten Stein angenommene Arbeit führt nicht nur solche Schwächen, sondern auch die Generallinie der Entwicklung im Detail vor und ist deshalb von erheblichem Wert.

Die bei Stefan Kadelbach entstandene Münsteraner Dissertation von Ungern-Sternberg geht ebenfalls von der internationalen, insbesondere von der für sie allein maßgeblichen europäischen Ebene aus. Sie macht die Religionsausübung zum zentralen Gegenstand. Rechtlich ist dabei das Ziel, zu zeigen, wie die Religionsfreiheit des Art. 9 EMRK eine gewisse Ausstrahlung auf die nationalen Rechtsordnungen der Konventionsstaaten auch dann hat, wenn diese keine entsprechende Garantie im nationalen Verfassungsrecht besitzen, sei es, weil eine Rechteerklärung überhaupt lange fehlte, wie in Großbritannien, das erst mit der Human Rights Act (1998) seit dem Jahre 2000 die EMRK nach innen umgesetzt hat, sei es, wie in Frankreich, dass die Religionsfreiheit mit gewissen negativen Konnotationen aus dem objektiven Prinzip der Laizität der Republik abgeleitet wurde. Das führt zu einem gemeinsamen Standard, der in Deutschland durch die weite Auslegung des Art. 4 GG etwas früher erreicht war, weil das Grundgesetz hier einen eigenen Schub in der Rechtsentwicklung mit sich brachte, der allerdings nicht dazu führte, den Religionswechsel ausdrücklich zu garantieren, wie dies die internationalen Texte oft tun, wohl ein Relikt der Rücksicht auf die territoriale Religionsherrschaft im alten Reich. Das historische Interesse wird in dieser Arbeit allerdings gepflegt, wie auch die Entfaltung der Toleranztradition der Aufklärung. Aber auch dort geht es der Verfasserin nicht um einen gemeinsamen Standard auf europäischer Ebene, sondern darum, wie sich dieser Standard im jeweiligen nationalen Recht ausgewirkt hat. Sie schreibt schließlich kein Europäisches Religionsrecht oder ein solches der Europäischen Union, sondern über Religionsausübung in Europa. Dabei spielt natürlich die europäische Ebene eine Rolle, indem sie in das nationale Recht einwirkt, wie dies eben mit Art. 9 EMRK der Fall ist. Die europäische Ebene ist aber nicht selbst kraft ihrer Supranationalität oder aufgrund der Qualität der EMRK als europäisches Instrument eines im Entstehen befindlichen Verfassungsrechts von Interesse, sondern kraft ihrer heuristischen Funktion für die Rechtsfortbildung im jeweiligen nationalen Recht selbst.

Die Darstellung des Schutzes der Religionsausübung nicht nur gegenüber dem Staat, sondern auch unter Privaten, mithin auch in der Wirtschaft, ist umfassend gehalten. Sie reicht für Frankreich bis in die Verästelungen der Rechtsprechung, welche die Trennungsperspektive der Gesetzeslage in eine religionsfreundliche Praxis des Staates überführt hat, der neuerdings – schon unter Präsident Chirac und nun auch unter Präsident Sarkozy – eine politische Linie der Öffentlichkeitsarbeit entspricht. In Großbritannien ist die Entwicklung durch die Human Rights Act zu einem gewissen Punkt gelangt, der den Anschluss an die inzwischen etablierten Standards des Art. 9 EMRK gestattet und stabi-

lisierend wirkt. Auch die deutsche Rechtslage findet man eingehend dargestellt. Darauf folgt eine Vergleichung der Entwicklungslinien und des erreichten Stands, die eingehend ausgefallen und ebenso systematisch angelegt ist wie die Länderstudien. Dabei wird auch die Rechtsprechung zur EMRK mit den Erträgen aus den drei Ländern verglichen, sodass sich das Bild abrundet. Auffällig ist, dass in der deutschen Tradition der Bezug auf die Menschenwürde die Religionsfreiheit hervorhebt, während die westlichen Rechtsordnungen eher auf die Bedeutung dieser Freiheit für die demokratische Ordnung, ihre Identität stiftende Wirkung und multikulturellen Aspekte der Lebensgestaltung dank dieser Freiheit abheben. Der Unterschied manifestiert sich auch darin, dass nur in der deutschen Tradition die Kriegsdienstverweigerung in den Zusammenhang der Religionsfreiheit gestellt ist, wie auch international die Kriegsdienstverweigerung allenfalls nach den Umständen, nicht aber als eigenes Recht ermöglicht wird, also etwa im Falle von unerlaubtem Zwang, auch dem Zwang zur Teilnahme an rechtswidrigen Aktionen, von an Folter grenzender Behandlung oder anderen untragbaren Sanktionen.

Insgesamt ist diese Untersuchung ein Ausweis für eine vertiefte wissenschaftliche Durchdringung des Gegenstandes. Sie trägt zu einer allmählichen Harmonisierung der Standards bei. Auch bringt sie der deutschen Perspektive nahe, die Funktion der Religionsfreiheit zu sehen für die demokratische Ordnung und für die rechtliche Strukturierung der Verhältnisse nach nicht mehr rückholbaren Veränderungen auf dem Weg zu einer Vielfalt religiöser und weltanschaulicher Kulturen in den früher auf den ersten Blick so homogenen Nationalstaaten. Insofern ist diese grundsolide Arbeit zwar eine durch und durch innereuropäische Leistung, aber als solche führt sie über den bisherigen rechtsdogmatischen Tellerrand der Juristen deutlich hinaus und ist deshalb schon einem weiteren Leserkreis nachhaltig zu empfehlen.[19]

Die Arbeit von Wick, eine vor allem von Stefan Muckel betreute Dissertation, ist demgegenüber eine Untersuchung, die sich den engeren Gegenstand der Trennung von Staat und Kirchen in Frankreich im Vergleich zum deutschen Kooperationsmodell wählt. Er wird auf der Basis der französischen Entwicklung seit der Trennungsgesetzgebung, die zu Beginn des letzten Jahrhunderts einen Abschluss fand, eingegrenzt. Das hat den Nachteil, dass die weiteren Hintergründe seit der französischen Revolution, dem Konsulat und darüber hinaus sozusagen aus dem Sichtfeld dieser Bochumer Dissertation herausfallen. Dafür müsste die eben vorgestellte Untersuchung von Ungern-Sternberg zumindest herangezogen werden, die auch zeigt, dass in Frankreich in Wahrheit eine Vielfalt der Regelungsmuster anzutreffen ist: von einem quasi-staatskirchlichen Muster bis hin zur Trennung über die Besonderheiten in den östlichen Departements, die Anfang des vorigen Jahrhunderts deutsch waren und dann nach Frankreich zurückkehrten.

19 Nach Niederschrift erschien die Rezension von E.-W. Böckenförde, Ein jeder esse nach seiner Speisevorschrift – Antje von Ungern-Sternbergs europäisches Panorama der Religionsfreiheit; in: Frankfurter Allgemeine Zeitung Ne. 72 v. 26. 3. 2009, S. 34; die Rezension teilt das hiesige Urteil über die Schrift, betont allerdings den Würdebezug der Religionsfreiheit, nicht den Demokratiebezug wie hier; auch folgt sie dem in jüngerer Zeit neben dem auf den ersten Blick vor allem etatistischen Grundzug bei Böckenförde hervortretenden Engagement für die freie Religionsausübung, etwa im Interesse von Bekleidungsregeln, also auch dem „Kopftuch".

Auch fehlt der Untersuchung von Wick die transatlantische Perspektive ganz. Auf der Basis historischer klassischer Formulierungen findet man die Metapher von der „wall of separation" zwischen Staat und Kirchen ja immer wieder herangezogen, um volle Religionsfreiheit mit Trennungskonzepten zu verbinden. Inzwischen zeigen allerdings auch jüngere amerikanische Untersuchungen, dass das so nicht richtig ist, vielmehr der Staat, wenn er alle Religionen und Weltanschauungen gleich behandelt, durchaus religionsfreundlich agieren kann. Das heißt, das Problem ist die strikte Gleichbehandlung; es geht also keineswegs um irgendeine schematische Trennung von Religionen, Weltanschauungen und Staat.[20] Das erklärt im Übrigen auch, weshalb die amerikanische Tradition mit dem auf den ersten Blick deistischen Gott, der in der Unabhängigkeitserklärung, im allgemeinen Treueid, auf kleinen Münzen und in feierlichen Reden erscheint, keinerlei Schwierigkeit hat, bis hin zu den Schlachtgesängen des Bürgerkriegs, die das Ziel der Sklavenbefreiung religiös fassen. Heute wird diese Sorglosigkeit von kleinen, intellektuellen, ausdrücklich atheistischen oder agnostischen Segmenten der Gesellschaft allerdings zunehmend in Frage gestellt.

Wick geht es aber im Gegensatz zu diesen Grundsatzfragen um einen pragmatischen Vergleich, um die Entwicklung in Frankreich und in Deutschland aus einer praktischen Sicht. Das führt dazu, dass die Laizität des späten 19. Jahrhunderts heute eingefangen ist von den älteren, menschenrechtlich geprägten Rechtsschichten der französischen Tradition, also gar nicht mehr den tragenden Grundsatz schlechthin abgibt. Das ist vor allem ein Verdienst der Rechtsprechung, wie auch andere gezeigt haben, zunächst des Conseil d'Etat, dem höchsten Verwaltungsgericht in Frankreich, dann aber auch des Conseil constitutionnel, der Funktionen eines Verfassungsgerichts wahrnimmt. Letzterer hat in etwa parallel zur Entfaltung der Rechtsprechung zu Art. 9 EMRK die Maßstäblichkeit der Religionsfreiheit für seine Tätigkeit über die Brücken der Präambeln der Verfassungen von 1958 und 1946 hin zur Erklärung der Menschenrechte von 1789 hergestellt und zwar auch in dem Sinne, dass der Staat religiös neutral zu sein hat. Das mündet in Maximen der Gleichbehandlung. Es erreicht wohl nicht die Rigidität wie im amerikanischen Falle. Aber die Probleme und ihre Abarbeitung ähneln sich nach dieser Entwicklung in erstaunlicher Weise. Zwar sind die Lösungen nicht immer dieselben, aber das normative Gerüst, das angelegt wird, ist vergleichbar. Das macht alsdann auch den europäischen „Ausblick" der Arbeit möglich, der zum gescheiterten europäischen Verfassungsvertrag, im Rahmen dessen aber auch zur Europäischen Grundrechte-Charta führt. Zwar ist der Vertrag von Lissabon, der diese Verfassung abgelöst hat, noch immer nicht in trockenen Tüchern, seine Aussichten bessern sich aber. Er enthält alles, was hier unter Aspekten der Religionsfreiheit von Interesse ist; und auf jeden Fall wird die Grundrechte-Charta der Europäischen Union weiter als Rechtserkenntnisquelle dienen. Sie enthält in Verbin-

20 Dies ist das zentrale Anliegen der oben zuerst besprochenen Publikation von M. C. Nussbaum, in Deutschland hat sie inzwischen Vorträge gehalten und publiziert, vgl. dies., Gleiche Achtung. Über echte Gewissensfreiheit, in: Süddeutsche Zeitung, 12.1.2009, S. 12; auch M. Pally, Die hintergründige Religion, Berlin 2009, S. 30, 52 f. u. passim, mit zahlreichen sehr interessanten Belegen.

dung mit der älteren, religionsrechtlich bedeutsamen Protokollerklärung zum Amsterdamer Vertrag wiederum alle bedeutsamen Gewährleistungen, auch diejenigen, die für eine Fortentwicklung des Kooperationsverhältnisses zwischen öffentlicher Gewalt und Religions- wie Weltanschauungsgemeinschaften erforderlich sind. Selbst wenn die Respektierungs-, Kooperations- und Dialogklauseln nun im Vertrag über die Arbeitsweisen der Union, der im Vertrag von Lissabon enthalten ist, mit diesem Vertragswerk noch einmal scheitern sollten, gibt es keinen Weg zurück, zumal die Rechtsprechung zur EMRK auch korporative und kollektive Formen der Religionsausübung unter Art. 9 EMRK verbracht hat, eine Zurücksetzung insoweit also auch von dieser Seite her nicht mehr möglich ist, da die Europäische Union den Stand dieser Rechtsprechung anerkennt.

Das Verdienst der Arbeit von Wick liegt mithin darin, die französische Entwicklung und die dortige Debatte wirklich in aktueller Weise wieder präsent zu machen, wie das lange zurück prominente Autoren, etwa A. v. Campenhausen, in einem Erstlingswerk getan haben. Dabei zeigt sich auch ein wenig, wie provinziell unsere Aufregung manchmal ist, vor allem, wenn es einerseits um das Kopftuch oder andererseits um staatliche Aufwendungen für religiöse Zwecke geht. Die wirklichen Fragen liegen in der Tat auf der Ebene einer Neutralität und Säkularität des Staates wahrenden Gleichbehandlung auch derer, die erst nach dem zweiten Weltkrieg hinzugekommen sind und nun dazugehören, also vor allem des Islam, asiatischer Religionen, atheistischer Weltanschauungen und herkömmlich als sektiererisch diskriminierter Gruppen. Kooperationsstrukturen erhalten zugleich allerdings auch Elemente des Staatskirchenrechts, das bisher historische Kirchen bevorzugte, heute aber in diesen Rahmen einer egalitär gesehenen Religionsfreiheit gefügt ist. Damit wird der Staat jedoch nicht entlassen in eine kirchenpolitische Beliebigkeit, sondern eben in Strukturen der Gleichbehandlung und der Rücksicht. Dass das der richtige Weg ist, das zeigen gerade auch die französischen Entwicklungen, die diese Schrift zudem auch durch einen ausgezeichneten Anhang belegt, der viele Rechtstexte enthält, die in der Regel nicht leicht zugänglich sind.

Die Dissertation von Bloss ist eine hervorgehobene europäisch-internationale Arbeit, die als gemeinsame Promotion der Universität Trier und der Hebrew University, Jerusalem, angenommen wurde.[21] Sie weist mit ihrem Titel auf den Zusammenhang zwischen Recht und Religion hin, ohne eine bestimmte Verbindung zwischen beiden oder zwischen einer bestimmten Religion und der europäischen Rechtsregion zu behaupten. Dennoch: die Beziehung scheint zu bestehen und hier scheint vielleicht der Einfluss auf, den Joseph H. H. Weiler während ihrer Zeit in Cambridge, Mass., auf die Autorin gehabt haben mag. Weiler sieht Europa auch sozusagen nahezu immer zugleich als Religions-, nicht nur als Rechtsgemeinschaft, wobei sie nur letzteres wirklich auch ist. Das hat ganz unabhängig von der Betreuung durch Gerhard Robbers in Trier, dem Erstgutachter in Deutschland, erhebliche Bedeutung für die Arbeit. Verstärkt mag diese Orientierung

21 Ein analoger Fall war vor kurzem die Promotion Leipzig / Strasbourg von P. Wiater zum Thema Kulturpluralismus als Herausforderung an Rechtstheorie und Rechtspraxis. Eine völkerrechtsdogmatische und ethnologische Untersuchung zur Rechtsprechung des Europäischen Gerichtshofs für Menschenrechte, 2008.

worden sein durch den Zweitgutachter des Verfahrens, Izhak Englard in Jerusalem, dem die Autorin im Vorwort ebenfalls überschwänglich dankt. Im Gang der Untersuchung befasst sich auch diese Arbeit mit mehreren nationalen religionsrechtlichen Ordnungen, nämlich Großbritannien, Frankreich, Spanien und Deutschland und dies unter dem Dach vor allem des Rechts der Europäischen Union und des Europarats, denen der vierte und letzte Teil der Untersuchung gewidmet ist. Das zielt auf ein europäisches Religionsverfassungsrecht ab, sofern es das geben kann. Zweifel daran können bestehen, sofern eine Verfassung eines Gemeinwesens sich schwerlich in eine Fülle von Subverfassungen auflösen kann, wenn allgemeine und vor allem gleiche Rechte von dieser Verfassung durchgesetzt werden sollen. Der Zugang der Arbeit ist jedenfalls eher ein objektiv-rechtlicher, von Ordnungen als solchen her, nicht von der Religionsfreiheit oder der freien Religionsausübung ausgehend. Ob sich ein solches Verfassungsrecht wirklich ausbilden soll und kann, ob es sich nicht nur um Elemente religionsrechtlicher Strukturen handeln darf angesichts der geringen Befugnisse der europäischen Ebene im Bereich des Rechtstitels „Kultur", bleibt dabei offen. Die Untersuchung führt in ihr Thema durch eine breite historisch-systematische Einleitung ein. Diese mündet in einen Überblick über den gegenwärtigen Stand des Staatskirchenrechts in Europa. Es setzt kennzeichnenderweise ein mit der Verfassung Maltas, führt dann zu der Griechenlands und anderer Staaten, die sämtlich dieses Rechtsgebiet nicht vom Freiheitsrecht, sondern von einer institutionellen Zuordnung einer dominanten Kirche als Staatskirche aus strukturieren. Dass dies in den großen Staaten gerade anders, nämlich allmählich umgekehrt verläuft, verliert sich dabei. Das führt sodann vor dem Hintergrund des „christlichen Europas", das J. H. H. Weiler vor einigen Jahren im Rahmen einer Spurensuche entdeckt hat[22], zu dem Versuch, auch der Europäischen Union einen solchen Rahmen überzustülpen. Das kann indes aus den schon angedeuteten Gründen nicht gelingen: nämlich mangels Kompetenz, ganz abgesehen von dem Umstand, dass jede theokratische Tendenz mit einer demokratischen Ordnung, der die Union sich zu nähern sucht, unvereinbar ist – jedenfalls wenn man der Rechtsprechung des Europäischen Gerichtshofs für Menschenrechte zu Art. 9 EMRK folgt. Daher bestehen ganz erhebliche Zweifel, ob die wissenschaftliche Perspektive, in der die Arbeit entstanden ist, in Europa tragfähig ist. Sie ist es sicher nicht jenseits des Atlantiks, wo man – wie schon erwähnt – in der dort maßgeblichen Tradition von der Religionsfreiheit und insbesondere von der Variante des religiösen Gewissens und seiner Freiheit her denkt, und das Verfassungsrecht von da her seine prägende Gestalt gefunden hat. Sie ist es aber auch nicht, wo die Balance zwischen Freiheit und Institution mehr und mehr zugunsten gleicher Freiheit ausschlägt, wie gegenwärtig in Europa im Bereich von Kultur und Religion, zunächst in den großen Mitgliedstaaten der Union, aber zugleich im Europarat, dem auch die kleinen Staaten sämtlich angehören, die mit einem gewissen Traditionsbewusstsein, vielleicht auch in Abgrenzung zur früheren osmanischen und heute vor allem islamischen Nachbarschaft an ihrem Staatskirchenrecht festzuhal-

22 Vgl. J. H. H. Weiler, Ein Christliches Europa. Erkundungsgänge, Salzburg / München 2004.

ten suchen. Neben diesen skeptischen Anmerkungen ist allerdings darauf hinzuweisen, dass vielleicht nicht zufällig diese Arbeit durch eine enorme historisch-philosophische Bildung hervortritt, was sich in vielen Einzelheiten zeigen ließe; indes fehlt dafür hier der Raum.

In einem stärker eurozentrischen Licht, das vom Staat her strahlt, stehen auch weitere Arbeiten, die es hier anzuzeigen gilt. Sie teilen in der Regel den Ansatz einer politischen Theologie, wie sie gegenwärtig vor allem von E.-W. Böckenförde vertreten wird, wonach das Verhältnis zwischen Staat und Kirche noch immer vom Investiturstreit geprägt scheint, also von dem Rangverhältnis zwischen weltlicher und geistlicher Ordnung.[23] Dabei ist von vorneherein anzumerken, dass in dieser Sicht die amerikanische Erfahrung des Wegs nach Westen, die ohne Staat auskommen musste und als kulturelles Gut vor allem eine freikirchlich-sektiererische Grundausstattung sozusagen mit sich führte, gänzlich ausgeklammert bleibt. Die amerikanische Erfahrung sieht Kirche nicht in der europäischen Weise als Institution, sondern als ein selbsttragendes Heilsgeschehen in der jeweiligen Gemeinde. Einen Staat, der religiös orientiert wäre, benötigt sie nicht; im Gegenteil: sie sucht einen solchen Staat um der gleichen Freiheit für alle Denominationen, Lehren, Sekten, Weltanschauungen und was immer willen auszuschließen. Nicht anders verhält es sich übrigens auf der europäischen Ebene: Die Union und der Europarat haben um der Freiheit und der letztlich vor allem durch sie ermöglichten Vielfalt willen keine Zuständigkeiten in Religionsangelegenheiten, zu schweigen von einer Identifikation mit einer Religion, einem Bekenntnis oder einer Weltanschauung. Anders mag das historisch bedingt in den Mitgliedstaaten der Union und des Europarats liegen. Sie haben historisch an jener Verknüpfung von Staat und Religion Anteil, welche die Thesen von der bloß scheinbaren religionspolitischen Neutralität des Staates, von seiner letztlich religiösen Fundierung und jenen Voraussetzungen, die er selbst nicht schaffen kann, sinnfällig zu machen scheinen.[24] Da Europarat und Europäische Union Staaten weder werden können noch sollen, sind Versuche, diese Denkmuster europäischer Staatlichkeit auf sie zu übertragen, nicht von Erfolg gekrönt.

Tine Stein[25] hat mit ihrer Darstellung zu den himmlischen Quellen und irdischem Recht diese Erörterungen aus politikwissenschaftlicher Perspektive aufgegriffen. Ihr Untertitel bekräftigt die religiösen Voraussetzungen des freiheitlichen Verfassungsstaates, verdeckt aber zugleich manches mit jener europäischen Brille, derer sich die Entmythologisierung des neuzeitlichen Staates zu bedienen pflegt. Das Buch, eine bei Ulrich K. Preuß betreute politikwissenschaftliche Habilitationsschrift, ist ein gut komponiertes und lesenswertes Kompendium zu den Traditionslinien, die nicht eine pragmatische Legitimation eines demokratischen Gemeinwesens als notwendigen Behelf menschlichen Lebens im Auge

23 Siehe zuletzt E.-W. Böckenförde, Der säkularisierte Staat, Carl Friedrich von Siemens Stiftung (Hrsg.), München 2007.

24 Unter Aspekten der Neutralität jüngst I. Augsberg, Die Entstehung des neutralen Staates als Vorgang der Säkularisation, in: ZevKR 53 (2008), S. 445 ff.; für die internationale Debatte J. Llompart, Anfang und Ende der Säkularisierung des Rechtsdenkens, in: Rechtstheorie 38 (2007), S. 99 ff.

25 Siehe Anm. 13.

hat, sondern dessen überhöhte Begründung in religiösen Traditionslinien, Werten und Prinzipien, die der Gerechtigkeit dienen sollen. Dabei steht notwendig weniger das Verfahren demokratischer Willensbildung als vielmehr jeweils die materielle Zielorientierung im Vordergrund, was die Setzungen religiöser Traditionen einzubeziehen wesentlich erleichtert. Daher auch spielen Kategorien wie Würde, Gerechtigkeit, Recht – im höheren, nicht bloß instrumentellen Sinne –, Herrschaft, Heil und Verantwortung eine zentrale Rolle. Auch werden ideengeschichtliche Stationen herangezogen, die sozusagen in die Gegenwart ausgezogen auch die heutige Staatlichkeit in den für Europa typischen christlich-jüdischen Kontext stellen. Ob dieser Kontext immer maßgeblich bleiben kann, steht dabei dennoch auf einem anderen Blatt. Das gilt vor allem, wenn etablierte demokratische Verfahren und eine multikulturelle Gesellschaft zusammen ermöglichen, allen Lebenswelten einer solchen Gesellschaft gleichen Rang zu gewähren, und dies gerade nicht des bloßen Minoritätenschutzes, sondern der vollen Menschenrechte – nicht zuletzt der Glaubens- und Gewissensfreiheit – wegen auch zwingend gebieten. Dann ist heute eine Rekonstruktion der Staatlichkeit angesagt, welche auf die himmlischen Legitimationen, die in Teilen der Gesellschaft durchaus unverändert eine tragende Stütze darstellen, verzichtet. Eine dergestalt pragmatische Staatlichkeit setzt im Übrigen religiöse Potentiale frei in die Gesellschaft hinein und entspricht der dort heute präsenten Vielfalt, die sich nach den Weltkriegen, in Folge der Globalisierung und der damit einhergehenden Wanderbewegungen herausgebildet hat. Insofern kann man den Ansatz von Stein von Grund auf in Frage stellen. Das ändert aber nichts daran, dass das Buch in seiner Gattung ein Glanzstück darstellt. Wenn man nach Belegen für die religiös-moralisch-historischen Fundamente europäischer Staatlichkeit sucht, dann ist es mehr als eine ausgezeichnete Quelle, sondern zugleich ein Führer durch die geschichtlichen und doktrinären Lehren, die man dazu zur Kenntnis nehmen sollte. Auch fügt sich dann nahtlos an, ein Religionsverfassungsrecht zu postulieren, obwohl dies mehr ist als ein bloßes Religionsrecht und die schon erwähnte Gefahr in sich birgt, die Freiheiten der allgemeinen Verfassung, die diese unverrückbar einrichtet, zu Lasten derer zur Seite zu schieben, welche die Konfrontation mit religiösen Elementen im staatlich-öffentlichen Raum kraft dieser Freiheiten zu meiden suchen, d. h., diesen Freiheiten kann dadurch der Tendenz nach eine gewisse Zurückhaltung in ihrer Beanspruchung, ein abschreckender Effekt – in amerikanischen Rechtstexten findet man hierzu die Formel vom „chilling effect" – beigegeben werden[26], der ihre Ausübung behindert. Das aber ist sicher nicht die Absicht dieses Buches und seiner Autorin.

26 Zuletzt hat das Bundesverfassungsgericht die Einschüchterungseffekte im Umkreis eines Grundrechts herangezogen, um Regelungen einstweilen außer Anwendung zu setzen, vgl. die Eilentscheidung BVerfG, Beschluss v. 17.2.2009 – 1 BvR 2492/08 – abgedr. in EuGRZ 2009, S. 167ff. (175f. Rn. 131ff.) Solche Effekte mögen in Religionssachen schwinden, wenn in der Tat alle Religionen und Weltanschauungen gleich behandelt werden. Einen ähnlichen Aspekt grundrechtlicher Freiheit macht es sichtbar, wenn man – wie in der republikanischen Tradition – mit Grundrechten nicht nur die Freiheit von Eingriffen und Hindernissen, sie auszuüben, verbindet, sondern auch die Vorstellung, dass solche Freiheit in der Nachbarschaft von Willkür nicht sein kann, was in der Konsequenz zu säkularer Rechtsgewissheit, frei von Beliebigkeit eines Souveräns führt, vgl. dazu Q. Skinner, Hobbes and Republican Liberty, Cambridge 2008, S. XI f., 64 ff., 211 ff. u. passim.

In einem ähnlichen Zusammenhang, dann aber wiederum auf europäischer Ebene, stößt man auf die Arbeiten von Kolja Naumann[27] und Michael H. Weninger[28]. Erstere ist eine Kölner Dissertation zum Verfassungsvertrag, die bei Bernhard Kempen entstanden ist; letztere lässt den Zusammenhang nicht erkennen, in dem sie geschrieben wurde, vermittelt aber den Eindruck eines Erfahrungsberichts des Kampfes um einen Gottesbezug in einem künftigen Verfassungsvertrag der Europäischen Union. Was die durch die Titel angezeigte Thematik angeht, so ist der Rezensent nicht ganz unbefangen, da er – trotz aller historischen Bezüge europäischer Staatlichkeit und europäischer öffentlicher Gewalt zu Religion, Kirche und Glaubenshaltungen – engagiert davon abgeraten hat, die Aufnahme eines Gottesbezuges in europäische Vertragstexte oder Verfassungen zu verfolgen.[29] Dieser Rat erfolgte auch gerade im Interesse einer richtig verstandenen Wirkung der Traditionen. Die Historie vermittelt die Erfahrung, dass es richtig ist, darauf zu verzichten, wie dort dargelegt wurde. Viel wichtiger ist es, dass der öffentliche Dialog, den der Europäische Verfassungsvertrag absichern sollte, fortgeführt wird. Dies ist gegenwärtig textgleich im Vertrag über die Arbeitsweisen der Europäischen Union vorgesehen, wie oben schon angedeutet. Das genügt ebenso wie die verwirklichten Fassungen der Erwägungsgründe in den Präambeln, die von der Grundrechte-Charta über den Verfassungsvertrag bis nunmehr zum Lissabonner Vertragswerk wiederkehren.

Dennoch ist das Engagement für eine religiöse Referenz an und für sich ein Zeichen dafür, dass hier um ein öffentliches Signal gekämpft wird. Es fragt sich nur, wofür dieses Signal stehen kann. Dazu sind ganz unterschiedliche Deutungen möglich. Sie alle gehen das Risiko ein, Glauben, Religion und letztlich Gott zur Münze in ideologischen Auseinandersetzungen darüber werden zu lassen, was „Europa“ oder „europäisch“ ist. Damit geht die Gefahr des Missbrauchs in tagespolitischen Auseinandersetzungen einher. Sofern daraus rechtlich normative Konsequenzen gezogen werden, nehmen sie Europa nach außen und nach innen die Offenheit, die es als Teil einer weltweiten menschlichen Gesellschaft haben muss, will es Menschenrechte, den Schutz von Minderheiten und das Individuum als Teil einer demokratischen Ordnung auf seine Fahnen schreiben. Wie an anderer Stelle schon ausgeführt, sind es gerade die Gewissens- und die Glaubensfreiheit in ihrer Bedeutung für die demokratische Ordnung Europas, die eine Inanspruchnahme des Religiösen für das politische Tagesgeschäft und für die rechtlichen Grenzziehungen gegenüber dem Dissenter, dem Außenseiter und dem Abweichler verbieten sollten. Diese Auffassung gewinnt in den letzten Jahren mehr Überzeugungskraft als je zuvor.

Unabhängig davon haben beide eben genannten Autoren aufgrund ihrer Arbeiten großen Verdienst. Naumann hat die Bedeutung von Präambeln im europäischen Recht, die

27 K. Naumann, Eine religiöse Referenz in einem Europäischen Verfassungsvertrag (= Jus Internationale et Europaeum, Bd. 22), Tübingen: Mohr Siebeck 2008, 281 S.

28 Michael H. Weninger, Europa ohne Gott? Die Europäische Union und der Dialog mit den Religionen, Kirchen und Weltanschauungsgemeinschaften, Baden-Baden: Nomos 2007, 395 S.

29 Vgl. H. Goerlich, Der Gottesbezug in Verfassungen, in: I. Dalferth (Hrsg.), Verfassungen ohne Gottesbezug? Zu einer aktuellen europäischen Kontroverse, 2004, S. 9 ff.

verschiedenen Zusammenhänge, in denen Religionsbezüge anzutreffen sind[30], und auch die Rolle des öffentlichen Dialogs mit Religionen und Weltanschauungen noch einmal und in allen Einzelheiten erschlossen. Weninger, nach dem Sprachduktus österreichischer Herkunft, konzentriert sich auf diesen Dialog; ihn hat vor allem in seinen ersten Ansätzen der engagierte sozialistische Vertreter der katholischen Soziallehre, der frühere Präsident der Kommission, Jacques Delors, begonnen. Das Buch vermittelt den Eindruck praktischer Erfahrungen im Tagesgeschäft vor allem der Arbeit am Verfassungsvertrag der Europäischen Union. Sie bietet dazu sehr gute Anschauung und viel Einblick. Das lässt die Arbeit nicht nur als einen Beitrag zur Willensbildung in Europa erscheinen, sondern auch als eine Schrift zum Einfluss von Verbänden auf der europäischen Ebene, unter denen unvermeidlich auch solche sind, die weltanschaulich mit den Kirchen nicht harmonieren. Auch das ist geboten und dringlich, schon weil die europäische Öffentlichkeit erst im Werden begriffen ist, aber dennoch ein notwendiges, ja konstituierendes Element demokratischer Ordnung darstellt.[31] Und gerade weil religiöse Verbände für die Stabilisierung einer solchen Öffentlichkeit und der öffentlichen Ordnung überhaupt von nicht zu unterschätzender Bedeutung sind, ist eine ausreichende Transparenz ihrer Rolle geboten. Zudem ist das Tagesgeschäft von den Verfahren eines solchen Dialogs geprägt; und in diesen Verfahren kann man sich angemessen nur verhalten, wenn man sie kennt und in der Sache über den Horizont der eigenen Gemeinschaft, des eigenen Landes und der Region, aus der man kommt, hinausschaut.

Kritischere Töne zu einem Gottesbezug findet man u. a. – in dem von S. Kadelbach und P. Parhisi[32] herausgegebenen Band – etwa von Michael Stolleis, unbeschadet der engagierten Positionen dagegen, die dort auch zu finden sind. Dieser Band, der auch eine Zusammenfassung der Dissertation von Ungern-Sternberg aus ihrer Feder enthält, in der sie noch deutlicher die Vereinbarkeit von Staatskirche und Religionsfreiheit am Beispiel Großbritanniens hervorhebt, versucht überhaupt knapp, aber umfassend die aktuellen Kontroversen darzustellen. Man findet in ihm deshalb Stellungnahmen auch zu Fragen von Religion und Frauenemanzipation, zu Islam und Toleranz, zum Karikaturenstreit und zur Religion als „vorpolitischer" Quelle der Menschenrechte. Daneben stößt man aber auch auf Übersichtsartikel, etwa zur Vereinbarkeit der Rechtsprechung zur EMRK mit deutschem Religionsrecht und zur aktuellen Problemlage der Freiheit des Glaubens und der ungestörten Religionsausübung in Deutschland. Zudem bietet der Band auch Beiträge aus engagierter katholischer und protestantischer Sicht zur europäischen Rechtsentwicklung, die aber doch in die Erkenntnis münden, dass die Europäische Union mit ihrer heute bestehenden Bereitschaft zum steten Dialog mit Religionen, Kirchen und Weltanschauungen, die nun auch im Vertrag über die Arbeitsweisen der Union als Teil des Vertrags von Lissabon festgehalten und verbindlich gemacht ist, sozusagen

30 Dazu auch M. Kotzur, Theorieelemente des internationalen Menschenrechtsschutzes, Berlin 2001, S. 39 ff.

31 Siehe hierzu P. Häberle, Europäische Verfassungslehre, 5. Aufl. 2008, S. 163 ff.

32 S. Kadelbach / P. Parhisi (Hrsg.), Die Freiheit der Religion im europäischen Verfassungsrecht (= Schriften zur Europäischen Integration und Internationalen Wirtschaftsordnung, Bd. 9), Baden-Baden: Nomos 2007, 194 S.

religionspolitisch à jour und nicht mehr zu beklagen ist, dass sie – scheinbar religionspolitisch blind – tatsächlich an einigen Stellen mit Religion in Konflikt gerät, ohne das wirklich zur Kenntnis zu nehmen. Beklagt wird von einzelnen Autoren in dem Band allerdings immer noch, dass sich die Union des Menschenbilds nicht bewusst sei, das sie zugrunde lege oder ihr zugrunde zu legen sei. Dem findet man aber entgegengehalten, dass die Union so geschlossen nicht sein kann, ja dass selbst nationale Verfassungen sich solchen Deutungsversuchen mit Rücksicht auf Freiheit und Pluralität entziehen müssen. Insofern ist dieser Sammelband nicht einäugig und deswegen recht informativ. Besonders hervorzuheben ist dabei auch, was Ernst G. Mahrenholz zur Toleranz ausführt. Sie ist zwar, wie Frank Rottmann in der Festschrift der Juristenfakultät der Universität Leipzig zum 600jährigen Bestehen der dortigen Universität zeigt, heute nicht mehr nur ein religionspolitisches oder moralisches Konzept, sondern eingegangen in die rechtliche Sicherung von Freiheit durch Rechte und Pflichten. Aber dennoch ist der diese Rechte tragende Respekt Voraussetzung für die Normativität von Recht und Gesetz in Ansehung von Religion, Weltanschauung, Gewissen und Bekenntnis. Im Übrigen findet man in dem Band auch einen umfassenden Bericht des zweiten Herausgebers zur Stellung der Frau im Iran sowie eine gute Übersicht über die Auslegung von Art. 9 EMRK.

Für diese Sicht sind auch Berichte und Sammelbände von großem Nutzen, die den zwischenstaatlichen oder den innereuropäisch grenzüberschreitenden Dialog verschiedener Gesellschaften widerspiegeln. Das ist in dem deutsch-französischen Sammelband der Fall, den M. Koenig und J.-P. Willaime herausgegeben haben. Neben vor allem religionssoziologischen Arbeiten enthält das Buch zahlreiche Klärungen und Fallstudien, die zeigen, wie unterschiedlich die Auseinandersetzungen verlaufen, die Argumente platziert und die Lösungen ausfallen können. Es geht um Begriffe wie „Säkularisierung" und „Laizität", um Nation, Religion und den postmodernen Staat, um Kulturkämpfe als Ausgangspunkte einer Religionssoziologie, um Durkheim und die Laizität, um weitere klassische Religionssoziologen wie Simmel und Max Weber, um religiösen Wandel, Kreuz und Kopftuch, um die Beheimatung einer Moschee in einer Kleinstadt, um Religionsunterricht und kollektives Gedächtnis, um die Berliner Auseinandersetzungen um einen Werteunterricht und um Religionssemantiken in europäischen Institutionen. Die Autoren sind im Wesentlichen deutsche oder französische Soziologen; in den Band ist eine ausführliche, für Juristen ebenso wie für Theologen gewiss sehr interessante Bibliographie aufgenommen. E.-W. Böckenförde hat diesen Band besprochen.[33] Er hat auch darin – schon im Titel – seine Perspektive zugrunde gelegt, die immer den Staat voraussetzt und seine Rolle hoheitlich und nicht vom Menschenrecht her sieht. Dabei ließe sich aus einer dritten, vor allem auch aus der angelsächsisch-amerikanischen Perspektive manches anmerken: etwa, dass dem Staat in dieser Tradition eine nachrangige, dienende und nur pragmatische Funktion zukommt, aber auch, dass weder laizistische noch koo-

33 Siehe E.-W. Böckenförde, Weil der Bürger Erlösung sucht – Wozu ist Religion im säkularen Rechtsstaat gut? Ein Forschungsprojekt zeigt, wie erhellend für die Kontroversen zu diesem Thema der Vergleich zwischen Deutschland und Frankreich sein kann, in: Frankfurter Allgemeine Zeitung, 10.11.2008, S. 37.

perative, gegenüber tradierten Kirchen „religionsfreundliche“ Modelle alles bieten, was möglich und vielleicht künftighin erforderlich ist. In einer Gesellschaft nämlich, welche die Religionen und Weltanschauungen diskriminierungsfrei gleich behandeln muss, sind all diesen europäischen Modellen neue Elemente hinzuzufügen. Sie müssen der jeweils eigenen Religion oder Weltanschauung eine Selbstbescheidung abverlangen, die noch sehr ungewohnt sein mag, aber sicherstellt, dass Diskriminierungen vermieden werden. Gerade dazu findet sich auch in dem letztgenannten Band ein wichtiger europarechtlich ausgerichteter Beitrag. Die Rigidität der Diskriminierungsverbote im weltanschaulich-religiösen Zusammenhang hat die Europäische Union ebenso wie der Europarat auf seine Fahne geschrieben. Die rechtliche Strenge dieser Anforderungen wird auf vielen Gebieten auch des Rechts Veränderungen nach sich ziehen. Die öffentliche Gewalt allein kann das weder auf europäischer noch auf mitgliedstaatlicher Ebene bewirken. Es ist auch Sache der Gesellschaft und ihrer Protagonisten, also insbesondere der religiösen Verbände, Meinungsführer und Gruppen gleichermaßen.

BUCHBESPRECHUNGEN

Michael Geyer / Sheila Fitzpatrick (Hrsg.): Beyond Totalitarianism. Stalinism and Nazism Compared, New York: Cambridge University Press 2009, 536 S.

Rezensiert von
Claus Bech Hanen, Florenz

Beyond Totalitarianism is a landmark in the comparative study of Nazism and Stalinism. Michael Geyer and Sheila Fitzpatrick have successfully brought together experts on both German and Soviet history in an endeavour to unshackle the limitations of previous work on totalitarianism by widening the analytical perspective and firmly placing the comparison within the context of history. The essays are jointly authored by one expert from each field respectively and ordered thematically. As a result each essay constitutes a thorough comparative treatment of one or more aspects of the two regimes. In turn the essays are organized by four overriding themes, outlining the areas of comparability: Governance, violence, socialization and entanglements.

In an inspiring introduction, Michael Geyer leads the reader on a tour-de-force through the complex history of the comparative study of Nazism and Stalinism. Analytically perspicuous and exceptionally well-written, Geyer lays bare the pitfalls and strengths of the totalitarian debate in order to display the overall intention of the volume "to work toward a comprehensive assessment of the two regimes and their comparability." (p. 18)

The volume is best read with this clarification in mind. As such, the authors are not following one main explanatory or analytical framework. Rather they test the ground for comparison of different aspects, revealing differences and similarities between the two regimes. As a consequence, the comparative studies all historicize the regimes, offering possible explanations for their specific governing practices. Broader terms such as ideology and inclusion/exclusion are the recurrent themes against which the regimes are compared.

Under the rubric of 'governance', Hans Mommsen and Yoram Gorlizki focus on high-politics and the evolution of the state. The essay provides a good overview of the evolutionary process that resulted in the accumulation of power by Hitler and Stalin, although it does not reach beyond the state of the art. Turning away from the configuration of the state apparatus, Annette Timm and David Hoffmann scrutinize different reproductive policies in a

highly readable essay. Embedding reproduction strategies within the larger European context of social engineering, Timm and Hoffmann show the crucial impact ideology had on practices aimed at creating the desired social body. Inclusion and exclusion become clear markers of the difference here: In the policy area of reproduction, the racial ideals of Nazi Germany resulted in eugenics and euthanasia with regard to undesirable groups of the population, while the Soviet Union was characterised much more by inclusion at large.

The determination of the different regimes to include and exclude, become particularly clear when their practices to fulfil these goal are analysed. The authors of the essays on violence do well in delineating the murderous potential inherent in both regimes. While Christian Gerlach and Nicholas Werth compare the treatment of three victim groups in each society, Jörg Baberwoski and Anselm Doering-Manteuffel view the murdering campaigns against the background of a modern vision of homogeneity. Gerlach and Werth concentrate their essay on three victim groups ('asocials'/'socially harmful elements', Ethnicity-based Resettlements, and prisoners of war), despite their emphasis in both introduction and conclusion on the need to focus on perpetrators to gain a more nuanced picture of the states they define as "extremely violent" (p. 137). As a consequence, the characterisations of Soviet violence as "developmental" and internally directed, and Nazi violence as expansionary and "imperialist" are surely comprehensible, but only partly deepen our understanding in regard to the basic similarity of the regimes' violent nature. Baberowski and Doering-Manteuffel choose a different approach and focus on similarities, which they detect in the regimes' efforts to overcome heterogeneity. The authors hold that both Nazi and Soviet ideology were characterised by purification fantasies, which sought to eradicate multiethnicity in order to realise "a permanent order of social, national, and racial homogeneity." (p. 181). Following this argument, mass terror must be understood in relation to the multiethnic nature of both empires – the Soviet Union inheriting its nature from the Tsarist state, Nazi Germany becoming one through expansionist war.

One of the most puzzling questions of history of Nazi Germany and the Stalinist Soviet Union is how the leadership managed to create a popular foundation for their rule. The essays on socialization focus on the regimes' identification strategies. The authors make clear the consequence of identification, namely that it was largely based upon exclusion. Christoph Browning and Lewis Siegelbaum scrutinise the schemata for ascribing identities and the practices with which identities were imposed onto the social body. In the Soviet Union, 'enemies' changed over time depending on the central leadership. In some cases this even led to the reintegration of formerly stigmatized populations such as the kulaks, for example, when the enemy categories shifted largely to nationality. By contrast, the rigid racial ascription of the Nazis resulted in an exponential rise of exclusion with the annexation of non-German territories during the WWII.

Identification did, however, not only take place through negative ascription and the contributions of Sheila Fitzpatrick / Alf Lüdtke and Peter Fritzche / Jochen Hellbeck examine offers of identification de-

veloped by the regimes. Fitzpatrick and Lüdtke dismiss Hannah Arendt's emphasis on the atomisation of totalitarian society, and find that despite policy efforts to destroy old bonds of identification, ties within families, for example, were sustained, if not strengthened (p. 299). Furthermore, new bonds were generated, partly through the production of new social regimes (workplace, youth-groups) and partly in resistance to the suppression of old ones (religion). In regard to the question of new social bonds, ideological underpinnings become vital and Fritzsche and Hellbeck delineate the origins of the 'New Man', on the basis of which visions of future societies were depicted. The New Man, they argue, did, however, take on a different shape in the two regimes: "The adherents of Nazi racial suprematism mobilised in lieu of history, while the Stalinist citizen believed himself to be the embodiment of historical progression." (p. 339)

In many ways, World War II constituted the inevitable collision of the two regimes, which defined themselves against one another. In the section on 'entanglements', two essays analyse the role mutual encounters played in relation to practice and self-definition. Mark Edele and Michael Geyer attempt to grasp the 'barbarisation' of the Eastern Front through the framework of 'states of exception'. According to the authors, this exceptional condition under which the Nazi Germany and the Soviet Union led their war, is best characterised by unrestraint. 'Barbarisation' was therefore not least a consequence of a learning process that lay at the heart of the Nazi-Soviet war. Cruelty was learned and adapted. Bringing the state of exception even further, however, was the fundamental circumstance that National Socialism never contemplated peace with its perceived enemies on the Eastern Front – it was an all-out onslaught, a life-and-death struggle, led by the alternative of extermination or self-destruction. (p. 395) Mutual perception, however, was not solely a consequence of WWII, but had deep roots in German-Russian history. It is this entangled history that Karl Schlögel and Kathrina Clark set out to untangle in their essay on mutual image-making of the respective 'Other'. With the intensification of an inimical relationship, formerly diverse pictures of one another were highly influenced by context and ideology, based upon racial ideology of Soviet inferiority in Nazi Germany and a universalistic notion of historical progress in Stalin's Soviet Union (p. 440). Interestingly both portray themselves as the defenders of European civilisation: Nazi Germany against Soviet Bolshevism, the Soviet Union against Nazi barbarism.

Beyond doubt the volume is an important addition to research on the comparison of Nazi Germany and the Stalinist Soviet Union. The authors do not adhere to one consistent analytical framework, but instead offer different perspectives from which comparative work can be done, hence preparing the way for future research. The intensified 'historisation' of the regimes provides a deeper understanding of totalitarianism and we are left with a nuanced picture of two regimes that over time evolved in relations to one another, displaying both similarities and dissimilarities in regard to policies, goals and practices. The essays cover a broad variety of topics that offer insights into the multifaceted reality of the regimes and indeed

do overcome the traditional totalitarian model.

Lastly, Cambridge University Press must be complimented for including both a bibliography and an index, which detail the abundance of materials used by the authors. One can only wish the edition a large readership.

William Beinart / Lotte Hughes: Environment and Empire, Oxford: Oxford University Press 2007, 395 S.

Rezensiert von
John R. McNeill, Washington D.C.

Beinart and Hughes have written the first general survey of the environmental history of the British Empire. The book is a companion to the five recently published volumes in the Oxford History of the British Empire, which, despite their formidable bulk, have almost nothing to say about soils, forests, irrigation, disease, wildlife conservation or any other environmental theme. The books stands as a useful addition to the Oxford series, and as an implicit, gentle rebuke to it.

Beinart and Hughes are both Africanists, and the book shows it. Beinart is well-known as the author of several works, not all environmental histories, on South Africa. Hughes, less well-known as yet, has written on the Maasai under colonial rule. The parts of the book that deal with Southern and East Africa generally show a greater contextual awareness and rely more on sources from the time periods under consideration than do the other parts, which generally rely heavily on the most recent and prominent scholarship. This is an observation not a criticism; every broad survey is written this way.

The authors clearly state that their aim is not to cover the whole environmental history of the British Empire, but instead to explore certain themes within that subject. In their words, the book is a "synthesis, exploring commodity frontiers, environmental change, diseases, conservation ideas, urban environments, visual images of nature, and political ecology over the long run." (vii). They present stories of environmental change, of nature conservation, and of the politics of access to resources in several parts of the British Empire. Some of the smaller corners come in for little treatment, and some of the important ones are deliberately left out (such as Ireland) or mentioned only in passing (Nigeria). By and large, India, South Africa, East Africa, Australia and Canada provide the bulk of the examples and cases.

The authors must rely on published sources for a book of this scope. By and large they have seized the low-hanging fruit. The literature on the Canadian fur trade, for example, easily accessible and of high quality, serves as the basis for a crisp summary of that episode. Some newer work, done after this book was drafted, shows some additional interesting aspects, such as the reliance of Canadian First Nations on beaver ponds as insurance against drought. The depletion of the beaver meant greater vulnerability to periodic drought on the prairies. The chapters on India focus on forestry and irrigation, the best developed subjects in Indian environmental his-

tory; the sole chapter on the West Indies deals with sugar plantations. Beinart and Hughes have chosen efficiency in this synthesis, which has the virtue of introducing students to the most important themes in existing literature, but it at times seems a bit unadventuresome. There is very little in the way of comparison to other European empires of the same centuries. Some sections read a bit like a student survey-of-the-literature essay: Giblin said, this, Iliffe said that, and so forth. Mind you, some much admired scholars routinely write in this fashion.

Perhaps the two books this one most resembles are John Richards' The Unending Frontier (2003) and Alfred Crosby's Ecological Imperialism (1986). Like Richards, Beinart and Hughes organize their book mainly as case studies involving one theme in one colony. They have a few exceptions, such as chapters on postcolonial urban environments or on the 1890s plague pandemic. And, like Richards, they present many rather short chapters – 19 to be precise. Unlike Richards, they leave climate change out of the story and do not roam outside the British Empire and the English-language historiography. Crosby's book has for twenty years cast a tall shadow in the small field of imperial environmental history. Beinart and Hughes regard its influential arguments sympathetically, but are keenly aware of its limits. They include a few themes that neither Richards nor Crosby bothered with, such as conservation ideas, imperial science, and cultural representations of nature. But in its scope, scale and approach, their book deserves to be compared with these two illustrious predecessors.

It also deserves more and better maps than it has (which I imagine was the publisher's decision). There is but one map, of the British Empire as it stood in the 1920s. It is a Mercator projection, showing Greenland larger than South America or Africa. There are no maps to help the reader understand where the rubber plantations in Malaya were, or the sheep pastures in Australia. There are too few illustrations as well. A section on photography and painting of nature in the British Empire has no illustrations. To the publisher's credit, however, the book has very few typos, and the handful of illustrations are reproduced well.

The book is mainly about the final century of the British Empire. Early chapters on Caribbean sugar and Canadian fur just about exhaust the treatment of subjects before 1800. Most of the other chapters focus in on the years 1850-1970 or so. This is perhaps justified, in that the age of industrial imperialism was the most environmentally turbulent, and some of their preferred themes, such as imperial science, clearly climaxed in the 20th century.

For a book that seems directed at students and others coming to the subject without a deep background in the literature, it is curious that the book has no conclusion. Its Introduction admirably lays out the themes to be explored, and defends the decisions of inclusion and exclusion, but there should have been a summary of the lessons of the book and the arguments that wind through it.

All this carping aside, this book serves its stated purpose as a synthesis of the environmental history of the British Empire very well. Its judgments seem to me reli-

able and sober, which is not universally the case in environmental history.

Siegfried Ulbrecht / Helena Ulbrechtová (Hrsg.): Die Ost-West-Problematik in den europäischen Kulturen und Literaturen. Ausgewählte Aspekte / Problematika Východ – Západ v evropských kulturách a literaturách. Vybrané aspekty (Arbeiten des Slavischen Instituts. Neue Reihe, Bd. 25), Prag / Dresden: Slovanský ústav AV ČR / Neisse Verlag 2009, 794 S.

Rezensiert
von Markéta Křížová, Prag

The publiction focuses on the mutual relationships of European cultures and literatures (with accent laid on the binary opposition of "Slavic" and "non-Slavic" cultural phenomena). The voluminous collection (798 pp.) of articles written by authors of diverse nationalities and institutional affiliations represents one of the first results of work of the new Department of the history of Slavic studies and Slavic literatures, established in 2003 within the Slavic Institute of the Czech Academy of Sciences. As is stated in the introduction of the editors, Siegfried Ulbrecht and Hana Ulbrechtova, the project arose out of the need, perceived acutely by the members of the Department, "to follow up with the heritage of the Czech comparative literary studies and at the same time to respond actively to the present-day development of literary and cultural studies in Europe". Thus the traditional accent on the problems of history of various Slavic languages and literatures (with special attenion devoted to the problem of Russian literature) is being enriched by confrontation of the Slavic cultural systems with cultural manifestations form other European regions. "This method, so common in European Slavic studies, is only marginally realized in the Czech millieu, due to the strong fixation of researchers to Czech-Slavic context," stated the editors. (p. 13) Thus, the dichotomy East-West in great majority of articles overlaps with the dichotomy Slavic-German, with attention dedicated also to the specific posing of Central Europe between these two great cultural complexes.

This binar oposition of Slavic vs. German, born out of the nineteenth-century struggle for national independization of Czech face to face the German "threat", represents one of the conservative traits of the volume. Equally traditional view embodies the fact that "culture" in the preponderant majority of articles means strictly "high culture", and above all, literature. In fact, the two words are used almost synonymously, even though Hana Ulbrechtova in her opening article (mentioned in greater detail below) repeatedly stated that "the "East-West" concept cannot in any case be reduced to the subject of research of a comparative examination of literatures." (p. 39) However, the truth is that most of the contributers tried to embed the literature in the broader context of culture and politics.

Last but not least, national state and national culture (literature) are considered as basic reference points of historical as well as cultural studies of the volume.

However, if we accept this – rather "old-fashioned" delineation of the scope and focus of research, many articles as well as the book as a whole are greatly inspiring. The dichotomy based on language (Slavic vs. German) offers a provocative alternative to the the strongly politicized historical analyses of the divisions between Eastern and Western Europe, and enables to locate it much further back into the past. The more so, because of the accentuation of the position of Russia and Russian culture on the threshold of wider "East" and "West", namely, the European vs. Asian cultural complexes. "We might go as far as to say that Russian culture and literature are themselves an example of the East-West dialogue at various levels," reminds us Ulbrechtová (p. 41).

Even though the volume consists of 30 studies, it is not heterogeneous, but rather compact, thanks to the unequivocal and well-argued theoretical chapter that opens it. Hana Ulbrechtová delineated clearly several basic methodological approaches and concepts (cultural transfer; historical comparatistics, imagology, Eurasianism etc.) To these concepts, the authors of case studies refer and develop them along the line of their proper research.

After the introduction follow still more general studies focused on Europe as a space of cultural communication. Moritz Csáky dedicated his attention to the transitional space of Central Europe and its "unintentional unity" (quoting M. Kundera), overarching the ethnic, linguistic, and cultural heterogeneity; a "laboratory", in which there could be "detected, already in the past, processes that have grown to be universally relevant in the century of globalisation". (p. 75) An extremely interesting text by Ulrike Goldwascher, written from the perspective of history and cultural history, rather than from the narrow perspective of literary and cultural science, analyses in detail the problems of „space" (Raum) and „Frontier" (Grenze), as well as various approaches to Central Europe in history „Mitteleuropa als Argument der Grossmachtspolitik"; "Mitteleuropa asl Integrationsbegriff"; "Mitteleuropa aus östlicher Perspektive". Especially the last one (that is, Central Europe viewed from Russia as a outpost of Western Europe) offers a valuable contribution to the discussion on the topico of the ambiguous character of the concepts central to the book as a whole: the "East" and "West".

To this discussion contributed also Anna Zelenková by her article summarizing the opinions of the prominent representative of the Czech comparative studies F. Wollman. The text again perceives Central Europe as a "bridge", "mediator" or "crossroad", but on a more narrow scale – as mediator between Germany and Russia, between Slavic and non-Slavic milieu, instead of the "West" and "East" in a general sense.

The rest of the authors present case studies from various time periods and regions, but the majority of texts represent comparative literary studies, focused mainly on Russian-German, but also Russian-French relations. Completely omitted was the problem of English culture, "Europe" is in the whole volume reduced to its continental past.

The concluding block of articles again returns to the more general approach and presents the various representations of East-West problem in philosophy and philosophical texts. The introductory

study by Miroslav Mikulášek outlines the common roots of the Classical heritage in Russian and Western-European philosophy and identifies their importance for literary studies. The concluding study by Alexander Höllwerth, on the other hand, presents the pseudo-philosophical theories of Alexander Dugin, representative of the „Neo-Euroasiansm", and their relation to the values of Western civilization.

Only few readers would be able to read the book as a whole given the linguistic heterogeneity, which is a pity considering its relative compactness. This "confusion of tongues" probably reflects the uncertainty of editors considering the target group of readers. The Czech and Slovak texts probably aim to introduce the basic concepts and theses to the Czech public, students and fellow-researchers; the Russian texts and summaries aspire to draw in the numerous group of Russian students of Slavic and comparative literature studies; the English and German, on the other hand, present the state-of-the-art in this area to those Western European scholars unfamiliar with Slavic languages. Ambitious as these varied goals are, it can be stated that the editors and authors at least partly fulfilled each of them.

Siegfried Mattl / Gerhard Botz / Stefan Karner / Helmut Konrad (Hrsg.): Krieg. Erinnerung. Geschichtswissenschaft (= Veröffentlichungen des Clusters Geschichte der Ludwig Boltzmann Gesellschaft, Bd. 1). Wien: Böhlau Verlag 2009, 380 S.

Rezensiert von
Christian Koller, Bangor

Der anzuzeigende Band ist aus einer Tagung im Jahre 2007 entstanden, die von dem Cluster Geschichte der Ludwig Boltzmann Gesellschaft organisiert wurde, welches 2005 von den LBIs für Geschichte und Gesellschaft, für Gesellschafts- und Kulturgeschichte, für Historische Sozialwissenschaft und für Kriegsfolgenforschung gebildet wurde. Er gibt einen Einblick in die Aktivitäten und Pläne dieses Forschungsverbundes und zugleich, zumindest zwischen den Zeilen, in die Fährnisse, mit denen sich die zeithistorische Forschung auch in Österreich im Zeichen der Mittelknappheit konfrontiert sieht.

Der erste Teil befasst sich mit Erwartung, Erfahrung und Erinnerung des Ersten Weltkrieges. Zunächst breitet Helmut Konrad die wesentlichen Hypothesen und Fragestellungen eines zwischen der dem Band zugrunde liegenden Tagung und der Drucklegung bedauerlicherweise abgelehnten Projektantrags für einen transdisziplinären Spezialforschungsbereich zu Österreich im Ersten Weltkrieg aus, der sich um die Themenfelder „Religion und Weltanschauung", „Kunst, Bildung und

Wissenschaft", „Gesellschaft, Politik und Lebensverhältnisse" sowie „Kulturelle Schnittstellen im Zeichen des Ersten Weltkriegs" gruppiert hätte. Auch der folgende Beitrag von Irmtraud Fischer und Livia Neureiter über die kriegsaffirmierende Verwendung alttestamentlicher Passagen zum Krieg stammt aus dem Umfeld dieses Projektantrags. Dasselbe gilt für Petra Ernsts Beitrag zum Ersten Weltkrieg in der deutschsprachig-jüdischen Literatur und Publizistik in Österreich, der die These formuliert, dass mit dem Ende des Ersten Weltkriegs für das österreichische Judentum auch die seit über hundert Jahren dominierende „große Erzählung" von der Assimilation zu Ende ging und durch ein „altes", biblisch motiviertes Narrativ vom Exil, der Diaspora und der Zionssehnsucht abgelöst wurde. Wolfram Dornik schildert sodann anschaulich die wirtschaftlichen und sozialen Konsequenzen von Grenzverschiebungen nach 1918 im Mikrokosmos des Dreiländerecks Österreich-Jugoslawien-Ungarn und zeigt dabei auf, wie im Kontext von Mangel und Mangelbehebung traditionelle regionale Wirtschaftsstrukturen makropolitische und -ökonomische Neuformierungen überdauern und konterkarieren konnten.

Der zweite Hauptteil des Bandes ist mit dem Titel „Krieg, Medien, Gedächtnis" überschrieben und befasst sich hauptsächlich mit (nun auch außerösterreichischen) Fallstudien im Umkreis des Zweiten Weltkriegs. Gustavo Corni handelt über die öffentliche Erinnerung Italiens an den Zweiten Weltkrieg in den ersten beiden Jahrzehnten nach 1945. Es zeigt sich dabei in Spielfilmen wie auch in der memorialen Kriegsliteratur ein Ungleichgewicht zwischen der „monarchisch-faschistischen" Phase des Kriegs (1940–1943) und der Zeit der Resistenza nach Mussolinis Sturz, indem letztere im Rahmen des antifaschistischen Grundkonsenses der Nachkriegszeit („arco costituzionale") eine weit größere Beachtung fand, während erstere entpolitisiert und auf einzelne Ereignisse wie die Schlachten von El Alamein und am Don fokussiert wurde, in denen Italiener angeblich als unschuldige Opfer des Krieges litten. Der folgende Beitrag von Andrea Strutz befasst sich mit Erinnerungen jüdischer Vertriebener in den USA an NS-Verfolgung, Zweiten Weltkrieg und Österreich und lotet dabei die Möglichkeiten von „video history" als Erweiterung der „oral history" aus. Drehli Robnik befasst sich unter dem Titel „Wann und wo ist Stalingrad?" mit der Umschichtung und Neubespielung von Vergangenheit im Medium des Blockbuster-Kinos anhand des Kriegsfilms „Enemy at the Gates". Der Beitrag von Béla Rásky schildert die Wandlungen in der Erinnerungskultur und –politik Ungarns, die sich vom Erinnerungsgebot von 1945 bis 1948 über das Erinnerungsverbot unter dem Kommunismus, besonders nach 1956, zu einer Erinnerungsverweigerung und Selbstviktimisierung nach 1989 wandelte. Malte Hageners Beitrag befasst sich mit der medialisierten Darstellung von Krieg im „Dritten Reich", plädiert für eine verstärkte Interpretation Nazi-Deutschlands als medialisiertes System und weist die geläufige Unterscheidung zwischen Propaganda und Unterhaltung im NS-Filmschaffen zurück.

Der dritte Abschnitt befasst sich mit Kriegsfolgen und präsentiert Arbeiten aus dem 1993 gegründeten Ludwig Boltzmann-Institut für Kriegsfolgen-Forschung. Barbara

Stelz-Marx handelt über den Wandel der politischen Schulung von Rotarmisten zwischen 1941 und dem Kriegsende. Walter M. Iber und Philipp Lesiak ziehen eine Zwischenbilanz des Forschungsprojekts „Die Flucht von österreichischen Juden nach Lettland und ihre weitere Emigration". Peter Ruggenthaler befasst sich unter dem Titel „Der lange Arm Moskaus" mit den Zwangsrepatriierungen ehemaliger sowjetischer Zwangsarbeiter und Kriegsgefangener und ihrer Diskriminierung als „Verräter" in der Sowjetunion. Peter Fritz schließlich behandelt das außerhalb Schwedens kaum bekannte Thema der Auslieferung internierter Wehrmacht-Soldaten von Schweden an die Sowjetunion 1945/46 und fokussiert dabei besonders auch auf die 161 betroffenen Österreicher.

Der vierte Hauptteil befasst sich mit Gewalterfahrung und Erinnerung nach dem Zweiten Weltkrieg. Gerhard Botz diskutiert in einem einleitenden Abschnitt die Bedeutung von gesellschaftlicher Anerkennung als „Wiedergutmachung" nach Genozid und extremer Gewalt. Alexander von Plato gibt einen breiten Überblick zu den fragmentierten Erinnerungskulturen in Europa in Bezug auf den Holocaust und den Zweiten Weltkrieg. Alexander Prenninger untersucht, besonders am Beispiel der Gedenkfeiern zum 60. Jahrestag der Befreiung der Konzentrationslager, KZ-Gedenkstätten als Orte ritualisierten Gedenkens, das aus verschiedenen Gründen einem Wandel unterworfen bleibt. Regina Fritz analysiert Berichte von Budapester Juden über die Massaker der Pfeilkreuzler am Ende des Zweiten Weltkrieges. Wolfgang Benz befasst sich mit der Erinnerung an und Leugnung des Genozids an den Armeniern im Ersten Weltkrieg und geht dabei insbesondere auf Debatten des letzten Jahrzehnts ein. Selma Leydesdorff schließlich rekonstruiert anhand von Interviews Traumata überlebender Frauen von Srebrenica.

Insgesamt kann den versammelten Beiträgen ausnahmslos eine hohe Qualität attestiert werden. Allerdings hätte man sich angesichts der thematischen und methodischen Vielfalt in den einleitenden Abschnitten seitens der Herausgeber eine stärkere Synthetisierung und Fokussierung auf die übergreifende Thematik gewünscht und ist auch die Zuordnung einzelner Beiträge zu den vier Hauptteilen nicht immer unmittelbar einsichtig. Im Sinne einer Auslegeordnung der vielfältigen Forschungsaktivitäten am Cluster Geschichte der Ludwig Boltzmann Gesellschaft und ihrer politischen und gesellschaftlichen Relevanz kann der Band, der zugleich eine neue Schriftenreihe begründet, aber zweifellos als gelungen bezeichnet werden.

Mark Juergensmeyer: Die Globalisierung religiöser Gewalt. Von christlichen Milizen bis al-Qaida, Hamburg: Hamburger Edition 2009, 485 S.

Rezensiert von
Dominic Akyel, Köln

Das 20. Jahrhundert hat in vielen Regionen der Welt gewalttätige, religiöse Konflikte hervorgebracht. In den letzten Jahrzehnten machte sich außerdem eine zunehmende Verdichtung grenzüberschreitender Interaktionen im wirtschaftlichen, politischen und kulturellen Bereich bemerkbar. Angesichts dieser Entwicklungen rückten sowohl die Frage nach den Ursachen religiöser Gewalt als auch die vielfältigen Implikationen von Globalisierungsdynamiken in den Fokus der sozialwissenschaftlichen Forschung. Aufbauend auf sein Buch „The New Cold War? Religious Nationalism Confronts the Secular State" (1992) verbindet Juergensmeyer in der vorliegenden Schrift die beiden genannten Forschungsfelder, indem er religiöse Rebellionen als globale Phänomene des 21. Jahrhunderts in den Blick nimmt.
Im Vordergrund steht die Frage, warum gerade die gewaltsamen Konflikte der jüngeren Vergangenheit mit einer Renaissance ethnischer und religiöser Identitätsbildung einhergingen. Dabei legt der Autor besonderen Wert darauf, die Perspektive der Protagonisten zu verstehen und diese selbst zu Wort kommen zu lassen. Das Buch stützt sich deshalb auf mehr als 140 Interviews mit religiösen Aktivisten verschiedener Gruppierungen. Den Hauptteil des Werkes bilden Fallstudien religiöser Rebellionen aus dem Nahen Osten, Südasien, Europa, den Vereinigten Staaten und weiteren Regionen. Ein eigenes Kapitel widmet Juergensmeyer der transnationalen Bewegung des globalen Dschihad.
Der Autor bringt die gegenwärtigen Ausprägungen des religiösen Aktivismus mit dem Widerstreit zweier konkurrierender sozialer Ordnungsmodelle in Verbindung. Ihm zufolge bildet nicht nur die Religion, sondern auch das Konzept des säkularen Nationalismus einen übergreifenden, moralischen Ordnungsrahmen, der mit Identität und Loyalität gegenüber einer größeren Gemeinschaft verbunden sowie mit moralischer Legitimität ausgestattet ist. Aufgrund dieser strukturellen Ähnlichkeit besitzen beide Modelle die Fähigkeit zur Sanktionierung von Gewalt. Die funktionale Äquivalenz derselben führt aber auch dazu, dass die friedliche Koexistenz der beiden Paradigmen nur schwer möglich ist. Dort wo sich der säkulare Nationalismus als dominantes gesellschaftliches Konzept durchgesetzt hat, ist die Religion folglich an den Rand gedrängt worden.
Juergensmeyer sieht im säkularen Nationalismus jedoch nicht nur ein Ordnungsmodell sondern gleichzeitig auch ein kulturelles Konstrukt mit einer spezifisch westlichen Prägung. Deshalb kann der Transfer dieses Modells in andere Regionen nur dann erfolgreich sein, wenn es gelingt dieses an die konkreten Bedingungen derselben anzupassen. Wichtig ist auch, dass es von der Bevölkerung als legitim empfunden wird. In vielen Gegenden erfolgte die Übernahme der säkularen Doktrin jedoch nicht als Resultat einer Identifikation mit

der kulturellen Dimension des Konzepts, sondern geschah mit der Absicht, die innen- und außenpolitische Legitimität des Staates zu stärken. In diesen Regionen wurde der säkulare Nationalismus daher nur oberflächlich akzeptiert.

Juergensmeyer zieht diese Erkenntnis bei der Erklärung jener neuen Form der globalen, religiösen Rebellion heran. Ihm zufolge beinhaltet der säkulare Nationalismus ein diesseitiges Heilsversprechen gesellschaftlicher Teilhabe. So weckte die Ausbreitung desselben vielerorts Hoffnungen auf politische Freiheit, wirtschaftlichen Wohlstand und soziale Gerechtigkeit. In den meisten Teilen der Welt haben sich diese Verheißungen jedoch nicht erfüllt. Das Scheitern der säkularen Institutionen und die damit verbundene „Entzauberung des Säkularismus" (S. 67) führten zu einem Vertrauensverlust in die moralischen Grundlagen des säkularen Staates. Eine Ursache für den neuen, religiösen Aktivismus sieht Juergensmeyer demnach in der Erosion säkularer nationaler Identitäten als Folge nicht eingelöster Modernisierungsversprechen. Verstärkt wurde diese Entwicklung außerdem durch das Voranschreiten des globalen sozialen Wandels und die Ausbreitung einer neuen Religionspolitik. Dabei wurde die säkulare Doktrin in vielen Gegenden von einem religiösen Nationalismus abgelöst, welcher die Errichtung einer staatlichen Ordnung auf Grundlage religiöser Gesetze anstrebt.

In den letzten beiden Kapiteln seines Buches führt Juergensmeyer die Erkenntnisse aus den Fallstudien zusammen, und fragt nach der Bedeutung der Religion für die gewaltsamen Konflikte des 21. Jahrhunderts. Dabei geht er sowohl auf das allgemeine Verhältnis von Religion und Gewalt ein als auch auf die Rolle von Macht und Menschenrechten. So zeigt er beispielsweise auf, dass religiöser Nationalismus und Demokratie nicht zwangsläufig unvereinbar sind. Er kommt zu dem Schluss, dass die Religion als solche nicht grundsätzlich gewalttätig ist. Schwierigkeiten entstehen vielmehr wenn Antimodernismus und Antiamerikanismus als religiöser Kampf dramatisiert werden. In solch einem Fall kann die Religion einem bestehenden Konflikt eine existentielle Dimension hinzufügen und dadurch die Anwendung von Gewalt rechtfertigen. Juergensmeyer betont außerdem, dass das zukünftige Ausmaß religiöser Konflikte auch davon abhängt wie die westlichen Gesellschaften auf die Handlungen religiöser Rebellen reagieren. So führt er die Popularisierung der dschihadistischen Ideologie unter anderem auch darauf zurück, dass die USA nach den Anschlägen auf das World Trade Center den globalen Islamismus zu ihrem Hauptfeind erklärt haben.

Zu den Stärken des Buches gehört zweifellos die detaillierte Darstellung der Geschichte und Entwicklung wichtiger zeitgenössischer religiöser Konflikte. Dem Autor gelingt es sowohl die Protagonisten zu Wort kommen zu lassen als auch das Gesagte durch sinnreiche Interpretationen in einen theoretischen Bezugsrahmen zu stellen. Das Buch ist dabei vom Aufbau sowie Schreibstil einfach gehalten, gut verständlich und an ein breiteres Publikum gerichtet.

Aus den Vorzügen seines Werkes ergeben sich jedoch auch inhaltliche und methodische Schwächen. So ist der theoretische Erkenntniswert des Buches, besonders für Leser mit Vorerfahrungen, eher als gering einzuschätzen. Bei der Erklärung

seiner Befunde greift er überwiegend auf bekannte Erklärungsmodelle religiöser Gewalt zurück, verzichtet jedoch auf eine ausführliche Diskussion derselben. Alternative Ansätze, die stärker auf gruppenimmanente Faktoren, wie Organisations- und Machtstrukturen oder ideologische Besonderheiten ausgerichtet sind, werden nicht erwähnt. Gleichfalls ungeklärt bleibt auch die Beziehung zwischen den empirischen Daten und den daraus gefolgerten Aussagen. So entsteht gelegentlich der Eindruck es handele sich bei den Zitaten um Aussagen Einzelner. Auf die methodischen Probleme, die entstehen, wenn komplexe Interaktionsprozesse mit Hilfe von Interviews einzelner, am Geschehen beteiligter Protagonisten beleuchtet werden, geht Juergensmeyer nicht ein.

Trotz dieser Mängel handelt es sich bei dem Werk um eine in ihrer Gesamtheit gut recherchierte, informative und logisch stringente Schrift, die besonders aufgrund ihrer Detailfülle durchaus zur Lektüre empfohlen werden kann. Zwar stellt das Buch eher ein überblicksartiges Kompendium der gewaltsamen, religiösen Konflikte der letzten Jahrzehnte dar, als einen neuen Beitrag zur theoretischen Debatte. Weil Juergensmeyer die religiöse Gewalt jedoch in ihrer globalen Dimension erfasst und diskutiert, kommt seiner Schrift dennoch eine wichtige Rolle bezüglich der Erklärung der gegenwärtigen, religiösen Rebellionen zu.

Thomas Adam: Stipendienstiftungen und der Zugang zu höherer Bildung in Deutschland von 1800 bis 1960 (=Pallas Athene. Beiträge zur Universitäts- und Wissenschaftsgeschichte 28), Stuttgart: Franz Steiner Verlag 2008, 263 S.

Rezensiert von
Stefanie Baumert, Leipzig

In der fortwährenden öffentlichen Debatte um Hochschulpolitik und die Einführung von Studiengebühren an deutschen Hochschulen ist der Vergleich mit dem Hochschulsystem in den USA geradezu omnipräsent und wird insbesondere von Gebührenbefürwortern kontinuierlich herangezogen. Im Gegensatz zu den USA verfügt Deutschland jedoch nicht über ein umfangreiches und sozial ausgleichendes Stipendiensystem – ein Argument, das in der deutschen Debatte häufig vernachlässigt wird. Dass es ein ausgeprägtes Stipendiensystem in Deutschland nie gegeben hat und es an einer Tradition des Stiftens für Bildung und Wissenschaft gänzlich fehlt, ist jedoch ein fataler Trugschluss, wie Thomas Adam mit seiner ausführlichen von der Fritz Thyssen Stiftung geförderten Archivrecherche „Stipendienstiftungen und der Zugang zu höherer Bildung in Deutschland von 1800 bis 1960“ eindrücklich beweist.

Adam, Associate Professor für Geschichte an der University of Texas, Arlington, präsentiert mit dieser Monographie ein weiteres Puzzlestück im Bestreben, die

historische Forschung über das Stipendienstiftungswesen in Deutschland und damit die „Geschichte des deutschen Stipendienwesens“ um umfassendes statistisches Datenmaterial zu bereichern und peu à peu zu vervollständigen (S. 11). Die Stipendienstiftungen werden als Fallstudie dazu genutzt, „zentrale Aspekte und Fragestellungen zur Entwicklung des deutschen Stiftungswesens in den letzten zwei Jahrhunderten exemplarisch zu diskutieren“ (S. 12). Das Innovationspotential des Vorhabens leitet sich dabei aus dem Forschungsstand und der fehlenden systematischen und vollständigen Erfassung von Stiftungen für diesen Zeitraum ab (vgl. Kapitel eins: „Das Wissen um Stipendienstiftungen“, S. 9-65). Adams Ausführungen schließen damit unmittelbar an die vor 1800 in Deutschland errichteten Stipendienstiftungen an, die sich vorrangig als Familienstiftungen zur Förderung der eigenen Nachkommen oder in Gestalt von allgemeinen Stiftungen mit religiösem Hintergrund formiert hatten. Im 19. Jahrhundert treten in offenen Stipendienstiftungen anstelle von Verwandtschaft als Vergabekriterium von Stipendien zunehmend Staatsangehörigkeit sowie regionale und soziale Zugehörigkeiten.

Exemplarisch für die Entwicklung des deutschen Stipendienwesens im 19. und frühen 20. Jahrhundert werden jene privaten unselbständigen Stiftungen zur Analyse herangezogen, die im Zeitraum von 1800 bis 1960 in der Verwaltung der Universitäten Berlin, Bonn, Breslau, Erlangen, Freiburg, Göttingen, Greifswald, Halle-Wittenberg, Heidelberg, Jena, Kiel, Königsberg, Leipzig, Marburg, München, Münster, Rostock, Straßburg, Tübingen und Würzburg lagen.1

Nach einem einführenden ersten Kapitel befasst sich das Buch in fünf weiteren Hauptkapiteln mit unterschiedlichen Dimensionen des privaten Stipendienstiftungswesens in Deutschland. Universitätsübergreifende Informationen über Stifterpersönlichkeiten und -eigenschaften sowie Stiftungsanlässe im 19. Jahrhundert und während des Ersten Weltkrieges werden in Kapitel zwei „Stifter und Stipendienstiftungen“ (S. 28–65) vermittelt. Daran schließt sich mit „Die Verwaltung der Stipendienstiftungen“ (S. 66–119) ein Kapitel, das zunächst in die rechtlichen Rahmenbedingungen für Stipendienstiftungen einführt und mit dem „Prinzip der Mündelsicherheit“ Formen der Kapitalanlage für gestiftete Gelder vorstellt, die außerordentliche Sicherheit und Langlebigkeit der Stiftung durch den Staat gewähren und vor Kursschwankungen und Wertverfall schützen sollten. Dieses Kapitel widmet sich darüber hinaus der historischen Entwicklung des Stipendienstiftungswesens und dessen Verfall im 20. Jahrhundert: Über das System der Mündelsicherheit sicherte sich der Staat eine zusätzliche Kapitalreserve, die unter anderem im Ersten Weltkrieg zur teilweisen Anlage von Stipendienmitteln in Kriegsanleihen führte. Ein Verfall des Kapitalstocks und die Entwertung eines Großteils des Geldes durch die deutsche Niederlage und die sich anschließende Inflation waren die Folge. Bemühungen zur Wiederherstellung von Stiftungsvermögen resultierten nicht selten in der Aussetzung von Stipendienzahlungen sowie der verwaltungstechnischen Zusammenlegung von Stipendien in so genannten Sammelstiftungen. Das nunmehr schwache System der Stipendienstiftungen überlebte die NS-Diktatur und

die folgende Währungsreform, in einigen Universitäten sogar mit einem nicht unbeachtlichen Kapitalstock. Ein langsames Sterben individueller Stipendienstiftungen setzte im Zuge von Enteignung, Auflösungen sowie neuerlichen Zusammenlegungen und Überführungen dennoch ein – allerdings infolge politischer Anweisungen. So zeigt Adam überzeugend, dass das Ende der Stipendienstiftungen – entgegen der weit verbreiteten Annahme – nicht durch Inflation und Krieg verursacht worden war, sondern durch „politische Richtungsentscheidungen über die Zukunft der universitären Bildung sowie Veränderungen in der gesamtgesellschaftlichen Wahrnehmung der Universitäten und etablierter Traditionen und Mechanismen der Studienfinanzierung" (S. 119). Im Zentrum des vierten Kapitels „Studieren und Stipendium" (S. 120–168) stehen die praktischen Aspekte der Stipendien, etwa die Frage, wer berechtigt war, ein Stipendium zu bekommen oder ob die Gelder rückgezahlt werden mussten, bevor in Kapitel fünf (S. 169–208) unter dem Titel „Stipendienstiftungen als Wille und Macht der Gesellschaftsgestaltung" Wege der politischen und gesellschaftlichen systemkonformen sowie konfrontativen Einflussnahme durch die Stifter aufgezeigt werden. Hierbei handelt es sich um in Stiftungsurkunden formulierte Bedingungen an die Auszahlung von Stipendien aus Privatstiftungen, in deren Folge bspw. nur Frauen gefördert werden sollten oder die an eine Änderung des Hochschulcurriculums geknüpft waren. Dass mit Kapitel sechs zu „Frauenstudium und Stipendien für Studentinnen" (S. 209–228) ein in der Geschichte des Stipendienwesens bekanntermaßen eine Sonderrolle einnehmendes Thema als letzter Abschnitt des Buchprojektes an den Rand gedrängt wird, ist höchst bedauerlich. Es wäre zu überlegen gewesen, die Kapitel fünf und sechs einfach zu tauschen, zumal die zum Frauenstudium aufgeführten Belege inhaltlich durchaus an Kapitel vier hätten anknüpfen können. Nicht zuletzt hätte das analytische und sich von allen anderen Kapiteln programmatisch unterscheidende fünfte Kapitel durchaus den Auftakt für zusammenfassende Schlussbetrachtungen markieren können. Die tatsächlichen Schlussbetrachtungen sind hingegen kurz gehalten (S. 229–231). Anstelle einer Zusammenfassung der Erkenntnisse und Ergebnisse der Archivarbeit wird die gesellschaftspolitische Funktion von Stipendien in den Vordergrund gestellt und der Vergleich mit den USA erneut aufgemacht.

Umfangreiches Archivmaterial, bisher kaum beachtet und nicht systematisch aufgearbeitet, ist in dieses Projekt eingeflossen, das sich nicht ohne Stolz als die erste übergreifende Untersuchung zu Stipendienstiftungen in Deutschland im 19. und 20. Jahrhundert präsentieren kann und über die üblichen lokalen und regionalgeschichtlichen Abhandlungen weit hinausgeht. Anhand von archivalisch überlieferten Einzelgeschichten wird der Leser bildhaft und exemplarisch in die verschiedenen Dimensionen des Stipendienstiftungswesen dieser Zeit eingeführt. Mit diesem empfehlenswerten Buch erinnert Adam außerdem, dass ein ausgeprägtes System privater Studienfinanzierung ein nicht unbedeutender Teil deutscher Geschichte und Tradition darstellt, dass dieses Stipendienwesen zur Zeit des deutschen Kaiserreichs in seiner Blütezeit stand und auch im internationalen Vergleich eine he-

rausragende Position innehatte. Gleichfalls warnt er jedoch vor dem ständigen Bezug auf das Referenzmodell USA zur Initiierung von Veränderungen. So fasst Adam zusammen „Wenn man etwas von den USA lernen möchte, dann ist es wohl dies, dass ein Hochschulsystem, das auf Studiengebühren basiert ist, nur dann funktionieren kann, wenn es durch ein System der privaten und stattlichen Stipendien komplettiert wird“ (S. 231).

Anmerkung:

1 Hierfür wurden die Archivbestände der Universitäten Berlin, Freiburg, Göttingen, Greifswald, Heidelberg, Jena, München, Münster, Leipzig, Rostock, Tübingen, Würzburg, das Geheime Staatsarchiv in München, das Thüringische Hauptstaatsarchiv in Weimar und das Bundesarchiv in Berlin-Lichterfelde konsultiert.

Martin Nissen: Populäre Geschichtsschreibung. Historiker, Verleger und die deutsche Öffentlichkeit, 1848–1900 (= Beiträge zur Geschichtskultur, Bd. 34), Köln: Böhlau 2009, 375 S.

Rezensiert von
Hartmut Bergenthum,
Frankfurt am Main

Martin Nissens Studie zur populären Geschichtsschreibung beruht auf seiner Berliner Dissertation von 2008, die von Wolfgang Hardtwig betreut und von Sylvia Paletschek angeregt wurde. Mit beiden sind das länger etablierte Konzept der „Geschichtskultur“ und die immer stärker in den Blick geratene populäre Geschichtsschreibung eng verbunden. Sie haben mehrere einschlägige Sammelbände herausgeben1 und samt der von Jörn Rüsen herausgegebenen Reihe „Beiträge zur Geschichtskultur“ tritt die Breite des Themas und die Vielfalt der Darstellungsformen immer deutlicher hervor. Während der Schwerpunkt der Forschung bisher eher auf dem 20. Jahrhundert lag, widmet sich Nissen nun der zweiten Hälfte des 19. Jahrhunderts. Einer Phase, in der die zunehmende Spezialisierung der historischen Forschung neue Räume für populäre Formen der Geschichtsschreibung eröffnete bzw. eine neue Nachfrage schuf, in der aber auch neue Medien wie etwa die Illustration wichtiger wurden und an deren Ende ein Massenpublikum entstand.

Besonders innovativ ist dabei die Verbindung der Untersuchung der tatsächlichen Geschichtsschreibung im Sinne einer eher klassischen Historiographiegeschichte mit dem Entstehungskontext, mit der Rolle der Verlage – insbesondere der Verlegerpersönlichkeiten –, des Buchhandels, der Rezensionen und der Ausleih- und Lesemöglichkeiten in Bibliotheken sowie mit dem Lesepublikum und der Lesekultur (Bildungsniveau, Einkommen, Zeit). Nach einem einleitenden, begriffsklärenden ersten Teil werden die Produktion und Rezeption etwa anhand der Programmpolitik ausgewählter Verlage untersucht. Im dritten Hauptteil wird die populäre Geschichtsschreibung chronologisch sowie die populären Darstellungsformen systematisch skizziert. Eingebettet ist hier eine Fallstudie zur „Bibliothek deutscher Geschichte“ (Stuttgart 1887–1912). Der vierte und letzte Hauptteil dient einer Fallstudie zu Gustav Freytags „Bilder aus der

deutschen Vergangenheit“ (Leipzig 1859-1866).

Erstmals bekommt man einen breiten Überblick darüber, welche Werke den größten Erfolg auf dem Buchmarkt erzielten und welche in den Bibliotheken am häufigsten vertreten waren. Nissen wählt hier 250 Titel aus, die sich durch hohe Auflagenzahlen, häufige Rezensionen und Erwähnung in der deutschen Historiographiegeschichte auszeichnen und damit als populär und erfolgreich gelten können (S. 106-110). Man erfährt, welche die wichtigsten Verlage waren und auf welch verschiedenen Wegen die Bücher ihre Leser erreichen konnten: Kolportage, Reisebuchhandel, Lese- und Bildungsvereine, Bibliotheken. Die Leihbibliothekskataloge vergleicht Nissen sogar mit heutigen Bestsellerlisten (S. 137). Allerdings betrug der Anteil der Programmsparte „Geschichte“ an der Gesamtproduktion der Verlage im Untersuchungszeitraum zwischen fünf und acht Prozent (S. 92), und in den Leihbibliotheken machten sie nur drei bis fünf Prozent des Bestands aus (S. 145). Die populärsten und in den Leihbibliothekskatalogen am häufigsten vertretenen Historiker waren Louis Adolphe Thiers, Thomas Babington Macauly, Wilhelm Heinrich Riehl, Gustav Freytag und Johannes Scherr; mit den Erfolgen der Romanautoren konnten sie allerdings nicht konkurrieren (S. 142). Gleichwohl wird die auffallend hohe Präsenz von Werken und Übersetzungen zur außerdeutschen Geschichtsschreibung sowie der innerhalb der Fachhistorie eher am Rande stehenden Kulturgeschichte deutlich (S. 159, 183f.). Ebenfalls auffällig ist die hohe Konstanz der teils altliberal-aufklärerischen Weltgeschichtsschreibung. Was die Präsenz in den Leihbibliotheken und die Auflagenhöhe anbelangt, beeindrucken vor allem Karl Friedrich Beckers „Die Weltgeschichte für Kinder und Kinderlehrer“ (8 Bde., Berlin 1801–1804), die 1900 immer noch unter dem Titel „K. F. Beckers Weltgeschichte“ (12 Bde., 4. Aufl., Stuttgart 1900–1903) von K. H. Grotz und J. Miller neu bearbeitet und fortgeführt wurde, und Friedrich Christoph Schlossers „Weltgeschichte für das deutsche Volk“ (20 Bde., Frankfurt/M. 1843–1857), die 1909 als „Fr. Chr. Schlosser’s Weltgeschichte für das deutsche Volk, von neuem durchgesehen und ergänzt von Oskar Jäger und Franz Wolff“ in 27. Auflage (20 Bde., Berlin 1909) 130.000 mal aufgelegt wurde. Beckers Werk nahm in den Leihbibliotheken Rang drei bzw. sieben ein, Schlossers Rang 15 bzw. 34 (S. 37, 117, 158, 196-202, 241f.).2

Nissens Fallstudien machen die Rolle der Verleger und deren Berater bei Planung und Durchführung sehr deutlich. Die Verlegerpersönlichkeiten schätzten den Markt und den Geschmack des avisierten Publikums ein und versuchten die Autoren entsprechend zu lenken (S. 35, Anm. 64). Das Großprojekt des J. G. Cotta Verlags, die 24 Bände der „Bibliothek deutscher Geschichte“, wurde zu einem verlegerischen und finanziellen Fehlschlag. Ein Hauptgrund dafür lag an der problematischen Kommunikation zwischen Verleger, Reihen-Herausgeber und den Einzelautoren (S. 222–234). Dagegen erreichten Gustav Freytags „Bilder aus der deutschen Vergangenheit“ bis 1909 32 Auflagen und wurden sogar zuletzt 1998 im Bertelsmann Verlag von Heinrich Pleticha erneut herausgegeben. Freytag erhielt damals von Salomon Hirzel das beträchtliche Honorar

von 6.500 Talern. Sein anschaulich geschriebener kulturgeschichtlicher „Longseller“ profitierte allerdings stark von Freytags Bekanntheit als Schriftsteller (S. 269-315, 320).

Spannend ist auch der Abschnitt zur Erinnerungsliteratur bei Geburtstagen und Jubiläen (S. 215–222). Das sind vor allem Biographien, etwa erschien das „Kaiserbüchlein oder Kaiser Wilhelms Lehr- und Meisterjahre“ des evangelischen Theologen Julius Disselhoff erstmals 1887, wurde 1897 zum fünften Mal aufgelegt und erreichte damit eine beeindruckende Gesamtauflage von 320.000 Exemplaren (S. 218).

Die innovative Vermittlung der verlegerischen, produktionstechnischen Voraussetzungen, der Buchhandels-, Medien-, Bibliotheksgeschichte und der Bildwissenschaften mit der geschichtskulturellen und historiographiegeschichtlichen Forschung ist das größte Verdienst der Arbeit. Die Zugänglichmachung der jeweiligen spezielleren Forschungsliteratur ist ein wichtiger Schritt3; einzelne Lücken sind verständlich.4 Nissen ist sich der Komplexität seines Unterfangens durchaus bewusst, er bemerkt etwa bei den „Formen populärer Darstellung“ (S. 236 und vgl. S. 202): „Die Fragestellungen sind komplex […]. Auch die folgenden Ausführungen können für die zweite Hälfte des 19. Jahrhunderts nur erste Ergebnisse aufzeigen.“ Die Kombination von breitem (bibliographischem und bibliothekarischem) Überblick über einen großem Quellenkorpus mit mehreren eingebetteten Fallstudien – zusätzlich etwa zur Historischen Zeitschrift (S. 53-57) oder zu den Grenzboten (S. 174-178) – und der häufige Wechsel zwischen Beidem erschwert dabei ein wenig die Übersicht und könnte der sehr wünschenswerten Rezeption der ansonsten wichtigen und weit mehr als „ersten“ Ergebnisse im Wege stehen.

Anmerkungen:

1 W. Hardtwig / E. Schütz (Hrsg.): Geschichte für Leser. Populäre Geschichtsschreibung in Deutschland im 20. Jahrhundert, Stuttgart 2005; B. Korte / S. Paletschek (Hrsg.): History Goes Pop. Zur Repräsentation von Geschichte in populären Medien und Genres, Bielefeld 2009; S. Paletschek (Hrsg.): Popular Historiographies in the 19th and 20th Century, Oxford 2009.

2 Becker und Schlosser wurden ausführlich vom Rezensenten behandelt in H. Bergenthum: Weltgeschichten im Zeitalter der Weltpolitik. Zur populären Geschichtsschreibung im wilhelminischen Deutschland, München 2004, S. 66-75 u. ö. Dort findet man Details zu den Auflagenzahlen und Preisen. Schlossers 3. Ausgabe von 1870–1884 erreichte etwa 60.000 Exemplare. Während Nissen zwar die nationalere Fortführung durch Oskar Jäger erwähnt (S. 192), fehlt doch ein Hinweis auf den Erfolg von Oskar Jägers eigener Weltgeschichte in vier Bänden (Bielefeld 1887–1889, 1902 schon in sechster Auflage) mit immerhin 24.000 Exemplaren 1890–1894 bzw. 61.000 Exemplaren bis 1912.

3 Die Nachnutzung wird dadurch erschwert, dass wichtige Quellen und Literatur nur in den Fußnoten, aber nicht im Literaturverzeichnis enthalten sind (S. 12, Anm. 7). Dieses etwas unübliche Verfahren mag zwar der begrenzten Länge einer Verlagspublikation geschuldet sein, verwundert aber gerade bei dem bibliographischen Grundansatz der Arbeit.

4 Zu Leipzig und Karl Lamprecht (S. 48, Anm. 30, S. 50, Anm. 37, S. 185, S. 198, Anm. 109) vermisst man die Habilitationsschrift von M. Middell: Weltgeschichtsschreibung im Zeitalter der Verfachlichung und Professionalisierung. Das Leipziger Institut für Kultur- und Universalgeschichte 1890–1990“, Leipzig 2005; zu Felix Dahn (S. 62, S. 139, Anm. 222, S. 194, Anm. 97) und den Historischen Romanen etwa die Arbeit von Rainer Kipper: Der Germanenmythos im Deutschen Kaiserreich. Formen und Funktionen historischer Selbstthematisierung, Göttingen 2002, S. 76-199. Middell bewertet beispielsweise Lamprechts Außenseiterdasein anders als Bergenthum und Nissen (S. 198).

Schließlich ist es eine durchaus spannende Frage, was Nissens Ergebnisse für Folgen für die Arbeit mit den Konzepten „Geschichtskultur" und „Erinnerungskultur" haben, die mehr vorausgesetzt denn erörtert werden (S. 32).

Jennifer Ngaire Heuer: The Family and the Nation. Gender and Citizenship in Revolutionary France, 1789–1830, Ithaka: Cornell University Press, 2005, 256 S.

Rezensiert von
Martine Lapied, Aix-en-Provence

Jennifer Ngaire Heuer s'interroge sur ce que veut dire pour les femmes appartenir à une Nation. L'ouvrage montre que famille et droit de Cité sont étroitement enchevêtrés mais souligne la contradiction entre le statut de citoyenneté et la dépendance des femmes dans le privé. En voulant comprendre les liens entre mariage et politique, elle prend aussi part au débat sur la Révolution comme émancipation ou exclusion pour les femmes, avançant qu'il y a des arguments forts pour chaque interprétation.

L'auteur, professeur d'histoire à l'Université du Massachusetts, Amherst, a déjà publié d'intéressants travaux dans le domaine du Gender. L'institution familiale étant à la fois la base et le reflet de la société, le problème des liens entre Etat et famille est évidemment crucial, en particulier pour qui s'intéresse à la question du Genre.[1] Le présent travail, issu d'une thèse, est fondé sur une importante recherche aux archives nationales et dans les centres des départements du nord-est de la France. Le seul regret que l'on puisse avoir, à ce niveau, est la traduction en anglais des documents d'archives cités.

Les femmes doivent-elles faire passer les liens familiaux avant la Patrie alors qu'elles ne sont pas citoyennes à part entière? La question des femmes obligées par leurs liens familiaux à émigrer pendant la Révolution est posée d'emblée dans l'introduction à partir de la lettre adressée en 1794 à la Convention par une jeune femme qui plaide sa loyauté: son père et son mari l'auraient obligée à partir contre son gré et l'empêcheraient de revenir.

L'autre interrogation porte sur les possibilités d'acquisition de la citoyenneté par le mariage, en particulier pour des étrangers de devenir français par leur mariage avec des Françaises qui leur conféreraient ainsi la nationalité.

Le livre se présente en trois parties chronologiques, ce qui est indispensable pour une analyse fine des évolutions telle qu'elle est menée par Jennifer Ngaire Heuer car les réponses à ces questions varient selon les périodes.

« The Family of the Nation » étudie la période fondamentale qui mène de l'Ancien Régime à la fin du gouvernement révolutionnaire.

Sous l'Ancien Régime, le roi est le père de la Patrie et la famille est organisée pour préserver le patrimoine. Hommes et femmes peuvent devenir français ou perdre leur nationalité par des mécanismes similaires. Considérant la famille comme la seule association naturelle, les révolutionnaires ont voulu la régénérer. Avec la Révolution, le mariage devient un contrat civil par la Constitution de 1791, mais au-

dessus de la famille se constitue la grande famille de la Nation après disparition des groupes entre l'individu et l'Etat, d'où les contradictions entre les devoirs dus aux deux familles représentant toutes deux, pour les femmes, une autorité supérieure. Après des hésitations dans les débuts de la Révolution, sous la Terreur la Nation doit primer sur la famille.

Le problème de l'émigration est contradictoire à plus d'un titre : le devoir familial des femmes n'est-il pas d'accompagner leurs pères ou leurs maris ? Les femmes ne pouvant exercer de droits politiques peuvent-elles perdre leurs droits de femmes françaises pour des crimes que seuls des citoyens peuvent commettre ? Les révolutionnaires ont réaffirmé la conception d'un rôle « naturel » de la femme au sein de son foyer. Mais, finalement, le gouvernement révolutionnaire décide que le devoir envers la Nation surpasse les autres. Avec le divorce, la femme est libre de quitter un mari qui veut émigrer. En affirmant la responsabilité de la citoyenne qui doit rester en France, les révolutionnaires montrent qu'elle n'est pas considérée comme politiquement inexistante. La république jacobine représente l'apogée du modèle de la supériorité de la grande famille de la Nation.

« Toward a Nation of Families : Transitions of the Late 1790s » porte sur les évolutions après Thermidor et pendant le Directoire.

Dans une volonté de renforcer une vision traditionnelle de la famille, un retour progressif aux règles du droit familial de l'Ancien Régime se dessine et les contrats familiaux se distinguent désormais d'autres types de contrats. La femme mariée retombe sous la puissance de son mari. La Nation est davantage conçue comme un rassemblement de familles représentées par leur chef que comme une grande famille rassemblant des individus. Dans une vision rousseauiste, le bon citoyen doit être bon mari et bon père.

Si les femmes sont exclues de toutes les assemblées politiques, elles restent citoyennes françaises, mais bien que la résidence en France soit requise pour les deux sexes, les femmes n'ont plus l'obligation de faire passer la famille avant la Patrie et elles sont facilement excusées du crime d'émigration.

« The Napoleonic Solution and Its Limits » : Un des points clefs de cette partie est, évidemment, l'étude du Code Civil qui, en plus de son emprise sur la société française, servit de modèle dans plus de vingt nations dans le monde. La question qui est posée est de savoir dans quelle mesure il nie les droits des femmes.

Selon Jennifer Ngaire Heuer, le Code renforce le pouvoir des maris et des pères, mais s'il les limite de façon substantielle, il n'abolit pas complètement les innovations révolutionnaires dans le droit de la famille. Il préserve le divorce pour les hommes en cas d'adultère ainsi que pour les femmes mais seulement s'il a lieu au domicile conjugal.

La naturalisation est liée au service militaire et à la citoyenneté politique. Les étrangères qui épousent des Français obtiennent le statut de leur mari.

L'accent est mis sur l'unité de la famille pour tenter de résoudre la contradiction entre citoyenneté nationale et liens familiaux. Le mari a le droit d'obliger sa femme à le suivre partout où il juge à propos de résider pourvu que ce ne soit pas hors du pays, mais la loi de 1811 qui punit les citoyens quittant l'Empire sans autorisation en exclut explicitement les femmes.

Pour finir l'auteur s'interroge sur un retour à l'Ancien Régime dans le domaine des structures de la famille et de la Nation sous la Restauration avec la réaffirmation du lien entre l'autorité du père de famille et du roi père de la Nation, ainsi que l'abolition du divorce en 1816. Bien que les femmes redeviennent soumises au niveau familial, et invisibles en politique, Jennifer Ngaire Heuer conclut à une restauration limitée.

Comme les travaux de Lynn Hunt, de Suzanne Desan, cet ouvrage relève du courant actuel de la recherche qui s'intéresse à la famille et aux dimensions civiles de la citoyenneté. Il rejoint certaines analyses d'Anne Verjus dans une analyse familiariste de la politique.[2] D'ailleurs, Jennifer Ngaire Heuer a co-signé un article avec elle sur L'invention de la sphère domestique au sortir de la Révolution.[3] Les recherches menées par Jennifer Ngaire Heuer montrent tout l'intérêt d'un travail de terrain en archives pour répondre à une problématique précise dans le domaine du Gender. Beaucoup reste encore à dépouiller, de nombreuses sources doivent être revisitées avec des grilles de lecture propres à faire avancer nos réflexions sur Femmes, Genre et Révolution.[4]

Notes:

1 Cf J.-J. Clere, « La Révolution française et la famille », dans La Révolution française. Une histoire toujours vivante, sous la direction de Michel Biard, Tallandier, 2009.

2 A. Verjus, Le cens de la famille. Les femmes et le vote, 1789-1848, Belin, collection Socio-histoire, 2002 ; « Le bon mari », une histoire politique des hommes et des femmes à l'époque de la Révolution, Fayard, 2010.

3 J. N. Heuer, A. Verjus, « L'invention de la sphère domestique au sortir de la Révolution », AHRF, n°327, 2002.

4 Cf. D. Godineau, L. Hunt, J.-C. Martin, A. Verjus, M. Lapied, « Femmes, Genre, Révolution », Regards croisés, AHRF, n°358, 2009.

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