

Monuments for Deserters!?! The Changing Image of Wehrmacht Deserters in Germany and Their Gradual Entry into Germany's Memory Culture

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2.1 THE NAZI PARTY AND THE WEHRMACHT MILITARY JUSTICE SYSTEM

The Nazis located the cause of Germany's defeat in the First World War in a lack of vigour in the military justice system, which in their view did not address subversion and army desertion forcefully enough. When they reinforced the military jurisdiction in May 1933—it had been abolished

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by the Treaty of Versailles—they made the relevant paragraphs of the military penal code more rigorous and added new, ideological definitions of criminal offences and procedures. Adolf Hitler asserted as early as in *Mein Kampf* that deserters must die. As a justification for this draconian punishment, he cited the “deterrent effect not only for the individual but also for the totality”. This would encourage “weak, wavering or even cowardly lads [to do] their duty” (Hitler 1927: 170) because of the equal danger of dying due to a court martial decision in the case of desertion compared with dying at the front. After all, “every German man” was liable for military service, as military service was considered “a service of honour to the German people”. No one had the right to refuse military duty or to complete an alternative service; instead, refusing active duty for the “People’s Community” (*Volksgemeinschaft*) was punished as “subversion of the war effort” (*Wehrkraftzersetzung*).

Approximately 3000 military jurists implemented Hitler’s dictate during the Second World War and imposed draconian punishments on deserters, so-called “war effort subverters” and “war traitors”. At a low estimate, 25,000 death sentences were handed down from then until the end of the Second World War. Of these, between 18,000 and 22,000 were carried out, 15,000 alone on deserters (Messerschmidt 2008: 452–453; Paul 2003: 168–170). Those not carried out were turned into a “probationary period on the front”, which usually amounted to a death sentence.

2.2 “THIRD REICH” INTERMENT REGULATIONS

Soldiers sentenced during the “Third Reich” were to be consciously erased from memory after their violent death. The official interment regulations give evidence of this politics of a *damnatio memoriae*. The following rules applied to the interment: outside the territory of the German Reich, the officer responsible for the execution was also responsible for the burial, which he was to carry out “in an appropriate manner without military honour and without participation of a delegation or individual soldiers”. The burial was to take place at a distance from the graves of German soldiers who had died “normally”, at a locations that was “not very noticeable”, meaning along the edge of a local (community) cemetery. In cases where the local town had a crematorium, the body was to be cremated, and the same rules applied to the burial of urns.

Within the Reich territory, the corpse, unless military reasons ruled it out, could, under strict conditions, be given to relatives. However, relatives usually did not take advantage of this option. This was not only out of shame over the cause of their relative's death (for an example see Dräger 2015); there was also a financial reason as they had to commit to paying for the burial at the location of the execution. Further, any celebrations or ecclesiastical practices (laying-out, sermons, bell-ringing, and altar service) as well as obituaries or death notices were strictly forbidden. If the relatives decided against receiving the body, it was offered to the anatomical institute of the nearest university or to an academy of military medicine for teaching and research purposes (Waltenbacher 2008: 211–229). If these institutions also declined to take the body, it was given to the local police who were then responsible for carrying out the burial. In that case the dead person was to be buried in an inconspicuous place at the edge of the local community cemetery, as per the above-mentioned regulations. As a marker, each of these graves received a simple cross, and unlike regular soldier graves, only the name and dates of birth and death were indicated; level of service and unit were not named and therefore a connection to the armed forces was no longer apparent. The sepulchral exclusion was deliberate (Dräger 2017a).

2.3 THE PERCEPTION OF WEHRMACHT DESERTERS IN THE EARLY FEDERAL REPUBLIC OF GERMANY

Beginning in the mid 1950s, the deed performed by high-ranking military officers on the twentieth of July 1944 was celebrated as an act of military resistance in the Federal Republic, with an hour of commemoration held every year to shine light on the event. At the same time, the deeds of the little man in uniform remained long unnoticed, and the judgments against him retained their validity. There was no rehabilitation, no compensation, and certainly no recognition for his refusal, which is to say resistance. Social stigmatization and legal/societal discrimination persisted; deserters continued to be considered weaklings, shirkers, backstabbers, and traitors to the fatherland. Paradigmatic for this perspective is the public response to Alfred Andersch's autobiographical report, published in 1952, entitled *Die Kirschen der Freiheit* (The Cherries of Freedom). For the most part, contemporary criticism

tore it apart. Only a few spoke up with positive reviews (reference: Andersch 1952; Hirzel 1953; Brase 2001; Stephan 2002; Nehring 2008).

Desertion from the Wehrmacht remained a taboo subject in the first three decades of the Federal Republic until the so-called Filbinger affair in 1978 (Von dem Knesebeck 1980; Wette 2006). As a rule, even surviving deserters did not dare to address the subject publicly or assert their legal right to compensation out of shame or fear of losing their family and friends. The few who did attempt this failed at federal courts, doing a disservice to themselves and to the issue. This was because the judges—many of whom had been active in the courts before 1945, some even in the military justice system—upheld National Socialist legal positions and interpretations, and accused deserters of having self-serving motives. Further, they evaluated their individual action as having been without prospect, and to reproach them they cited the example of the twentieth of July and its promise of success. And so the military members involved in the assassination attempt, either in spite or because of their failure, and regardless of their ideas for political reorganization that were far from democratic, became symbolic of “heroic” military resistance, while those who for various reasons had not wanted to take part in murder and were subsequently found guilty of desertion or “subversion of the war effort” remained at a disadvantage, unnoticed.

The reason for this cold shoulder on the part of the legal system lay in the interpretation that the Wehrmacht justice system had been governed by the rule of law. That such an interpretation could endure is explained by the continuity of jurists after 1945. The great proportion of incriminated judges who were kept on meant that former Wehrmacht jurists played a part in many proceedings, judging, as it were, their own affairs (Rottleuthner 2010: 95 has therefore spoken of “crow’s justice” (*Krähenjustiz*)). The legal power of definition was in their hands, and they determined what was just and unjust. This was true of both criminal justice proceedings against former colleagues and in civil law proceedings in the fight for recognition of entitlement to a pension or different forms of compensation. The crux of retaining military jurists—many of them in high-ranking positions—was above all that, according to their own statements, their activity in the military jurisdiction had been “apolitical”, and thus they gave the appearance of being particularly suited to new beginnings in law. In this way they were able to prevent or delay by decades the legal examination of the military justice system. It was left

to a younger generation of jurists in the 1990s to break with the legend of a “clean” Wehrmacht justice system (Perels 1996, 1999, 2004; Von der Ohe 2008). It was however a long, hard road from the break in legal practice to academic study. It was not until 2012 that an academic commission was formed (the Rosenberg-Kommission) to research how the Federal Justice Ministry dealt with the Nazi justice system in the 1950s and 1960s (Görtemaker and Safferling 2016).

Along with this embarrassing legal situation, something else that contributed to the decades-long silence of the deserters was the adamant apologia of former military jurists. Beginning in the early 1950s, they formed a robust network and organized regular gatherings. These meetings served not only to advance the careers of the few colleagues who had not yet gained a foothold in the Federal Republic’s justice system, but above all, to create the image of “clean” Wehrmacht courts. This worked in two ways: first of all they acted as experts and composed statements to be used in the few cases where military judges were at risk of being prosecuted due to their previous activity. These expert reports given as favours showed the Wehrmacht courts to have worked under the rule of law and to have sentenced delinquents accordingly, so that there were no penalties for colleagues.

The jurists’ second important field of activity was historiography—writing their own history, that is. The high point of apologetic writing is seen in the monograph *Die deutsche Militärjustiz in der Zeit des Nationalsozialismus* (The German Military Justice System in the Time of National Socialism) written by Otto Peter Schweling and published posthumously in 1977 (second edition 1978) by Erich Schwinge. The book was the product of decades-long work, based on material collected by former military jurists. Working smoothly as a collective body, the Wehrmacht judges either denied outright the violence they had practiced or emphasized its legality (Bade 2011; Garbe 2011).

The Filbinger affair in 1978 represents a turning point, however. The minister-president of Baden-Württemberg, Hans Filbinger (1913–2007, in office 1966–1978), in his function of navy judge during the Second World War, had had a say in several death sentences. Initially he denied having participated but later had to admit it. It was not, however, this fact that cost him his position, but rather his inability more than three decades later to express a word of regret to the relatives of those he had prosecuted. The public was outraged over Filbinger’s obstinacy much more than over his collaboration in death sentences. The first step in debunking the myth of the Wehrmacht legal system had been taken.

2.4 THE CHANGING PERCEPTION OF WEHRMACHT DESERTERS IN THE 1980s

With the peace movement of the 1980s, opinions continued to move in this direction. As a reaction to the NATO Double-Track Decision, the protagonists from the anti-militaristic spectrum (Leif 1990: 32–52) of the peace movement—often reservists who refused to do military service, groups associated with the German peace association *Deutsche Friedensgesellschaft–Verband der Kriegsdienstverweigerer* (DFG-VK) or green/alternative initiatives—sought out new, memorable ideals that matched their pacifist orientation, ideals that were a thing apart from notions of soldiers dying heroically in the anticipated nuclear war. They struck upon these ideals when they discovered the Second World War deserters. The soldiers' historical refusal seemed to set an example for the present time. Under the prevailing social conditions, especially amid fear of a nuclear World War Three (Schregel 2009, 2011), they reinterpreted the deserters of the Second World War in a positive light, idealizing them as peace symbols as it were, and made them into historical role models. They demanded monuments for deserters as a counterpoint to the classical war monuments, being very consciously provocative in regard to this traditional form of commemoration. At the same time, such demands represented a powerful breaking of taboos. The legitimacy of the soldierly principle of command and obedience was as much called into question as the soldierly idea of “honouring heroes”; this military tradition was to be broken with. The validity of national interest as such—including that of the Federal Republic of Germany—had been struck at a neuralgic point, which explains the vehemence of the defensive reactions. When desertion became recognized in moral terms, the war generation was additionally confronted with questions about their own behaviour, their own responsibility, indeed their own entanglement in Nazi crimes (Haase 1990: 131–132).

In numerous cities ‘deserter initiatives’ were formed. With the demand to commemorate deserters, the initiators wanted to spark a discussion about conscientious objection and desertion. Their political peace strategy consisted in showing self-determined action as a more valuable alternative to the principle—obsolete, in their view—of command and obedience. Desertion appeared to them as “self-defence”, as an emancipated act against external military constraints and ostensive necessities. The initiators hoped that through the process of reflecting

on historical desertion the question as to the legitimacy of state goals and (violent) actions would be pursued. Moreover, they were thereby explicitly asking which tradition the country stood in and what kind of weight was to be given to the military (cf. Müller 2007: 268). In this way, the young generation entered a conflict with the older generations, who emphasized that peace is maintained through a readiness to defend one's country and who were more ready to treat military escalation as a necessary evil than the younger generation. This generation, in opposition, demanded disarmament as well as a general forgoing of military power. Values such as military loyalty, obedience, and willingness to sacrifice were, in their eyes, obsolete. In the tension of memory and history viewed through the lens of culture and politics, generational and heterogeneous conceptions of history and peace fought with one another in the public space to gain recognition and sovereignty of interpretation (Dräger 2014, 2017b, c).

The initiatives from the peace movement in the 1980s aimed to honour deserters with monuments or to commemorate them in this way. Although they stood no chance of attaining a consensus or a majority in society, they spurred historical research, which took on the subject that same decade and worked to make it socially acceptable to study deserters. Early examples of such research include Norbert Haase's *Deutsche Deserteure* (German Deserters) as well as Manfred Messerschmidt and Fritz Wüllner's publication *Die Wehrmachtjustiz im Dienste des Nationalsozialismus. Zerstörung einer Legende* (The Military Justice System in the Service of National Socialism. Destruction of a Legend; Messerschmidt and Wüllner 1987). The latter was a deliberate challenge to the apologia of Schweling and Schwinge.

The discussion that attempted to make deserters into resistance fighters (Abendroth 1989; Venhaus and Venhaus 1989; Ausländer 1990), which started out very passionate in nature, became more objective as time went on and eventually concentrated on the essence of the historical phenomenon of desertion (cf. Wette 2004: 517). The motives for desertion have by now been more or less well researched, meaning that the image of Wehrmacht deserters has become clearer and more differentiated than it was during the peace movement and at the outset of the studies. At that time, the alliance of local Bonn peace groups (Bonner Friedensplenum), to use one example, stylized deserters as "life-affirming, reasonable people who act on their own authority" for whom it was impossible "to participate in killing and dying and to

become guilty”, who, with their action, had expressed “disgust at blind obedience, military drills and uniformity” and had demonstrated just how much a human life meant to them (Friedensplenum 1989: 3). An image of deserters that shows equal existential transfiguration can also be found in Herta Kypke’s report about the founding meeting of the Federal Committee of Deserter Initiatives (Bundesarbeitsgemeinschaft der Deserteur-Initiativen) of May 1990:

It was their attitude toward life that gave soldiers who refused to engage in military service the power to desert and to have their own independent self-consciousness. They rejected the great ideologies and gave themselves over to individualism and sceptical humanism, as expressed in a radical critique of the reign of war and violence. Forty years later, today’s young generation, as members of the peace movement and followers of pacifism, is connecting to these elementary ideas. (Kypke 1990: 7)

Kypke’s understanding of the deserters’ motives must be seen as a projection of her own ideas onto the past rather than historical analysis. In this sense, some monument initiatives expressed more about the world of ideas of their protagonists than they did about that on which they were basing their commemorative activities. At times the three time levels—past, present, and future—became quite commingled in the work of the initiatives; deserters were removed from their historical context and became elevated as “antimilitaristic leaders” (Kammler 1990: 150).

Out of their contemporary situation, deserter initiatives transferred the aspect of resistance to the historical perspective, usually in a largely unreflected manner as something self-evident. This found its expression in the use of a quote from Andersch’s *Kirschen der Freiheit* (The Cherries of Freedom): “*Mein ganz kleiner privater 20. Juli [1944, MD] fand bereits am 6. Juni statt.*” (“My own very small twentieth of July had already taken place on the 6th of June” [1944, MD].) Andersch’s book, the response to which had until then been either practically non-existent or negative, experienced a revival, becoming a cult book of the deserter initiatives. After all, certain elements from Andersch’s account, namely isolation of the individual, rejection of military or militant violence as well as individual freedom of choice lent themselves well to being linked to the young peace movement more than forty years later:

Here young pacifists and members of today's peace movement recognized motives to which they had an affinity. And they found the outline of a provocative, politically emotionally charismatic antitype who had both elements: the radical rejection of a criminal regime of the past and at the same time a rejection of the machinery of war and defence of today. What becomes linked in the orientation toward this antitype are historical sensitization and the sense of an existential threat in the present. (Kammler 1990: 158; cf. also Haase 1990)

At the same time, however, warnings were sounded about a misinterpretation or a "mythologizing" of Wehrmacht deserters as symbols of peace. This would have entailed a loss of credibility for the deserter initiatives because, it was said, too much emphasis on the "current political context" could prevent a serious study of the Wehrmacht deserters and they might be overlaid, in ignorance of the historical situation, with antimilitaristic or pacifist ideas (Fahle 1990: 22).

In light of the in-depth studies that have been conducted since the 1990s on the Wehrmacht deserters and their motives, the ideas ascribed by the peace movement to deserters, namely that they were pacifists and/or resistance fighters, have proven to be only partially correct; only 20–25 per cent deserted for political or religious reasons (on the motives and their quantitative distribution see Haase 1987: 24–27; Seidler 1993: 311–318; Knippschild 1998: 229–237; Ziemann 1999: 601–603; Koch 2008: 33, 374–378; Koch 2010: 152–154). Nevertheless all motives have come to be recognized, and the uneasiness about "private" motives has faded or rather has given way to two insights: one, that during the time of the National Socialist regime, "private" decisions were always highly political—in the eyes of the penalizing Nazi system of criminal prosecution in any case; and two, that deserters were—regardless of their subjective motives—in an objective sense removing themselves from a criminal war of aggression and extermination. Historical studies on the Nazi military justice system have ascribed to it a "terrorist character" when it came to the persecution of deserters, and have described its sentencing practice as a "typical act of National Socialist violence" (Paul 2003: 173).

A positive side effect of the dignity resulting from this research and of the social re-evaluation was that, for the first time, surviving deserters spoke up—be it as contemporary witnesses engaging in interviews or in the form of autobiographies—thus enriching the discussion with

their perspective. They gained a voice, expressing themselves for the first time in the 1980s, and got organized to act as one entity by founding, in 1990, the Federal Association of the Victims of the National Socialist Military Judiciary (Bundesvereinigung Opfer der NS-Militärjustiz e.V.), which played a central role in their political rehabilitation during the 1990s (Baumann 1993, 2010, 2011). Aleida Assmann holds that it is beneficial to social recognition as well as to establishing this historical topic in the collective memory when victims end their silence and come together in solidarity, forming a community or an association of victims and for themselves develop “intergenerational forms of commemoration” (Assmann 2007: 75).

The primary aim of the deserters was to gain recognition and an appreciation of their actions in the past, not to obtain financial compensation for the injustices they had suffered. They were neither interested in the material aspects nor did they pursue a prosecution of the few surviving Wehrmacht judges who were responsible for their fate. Nearing the end of their lives, which they had spent as outsiders on the margins of society, they wanted to see their dignity and reputation restored. They focused on achieving their rehabilitation, so as not to die with a previous conviction on their record. Ludwig Baumann, the chairman of the Federal Association of the Victims of the National Socialist Military Judiciary (Bundesvereinigung Opfer der Militärjustiz) put it this way:

We were called “traitors” and “cowards”..., we were financially discriminated against, convicted, socially excluded and had to experience, how in Germany and Austria the legend of a so-called “clean” Wehrmacht was disseminated until everybody thought it was true... But the struggle of the Wehrmacht deserters for late recognition can be regarded as a parable of so-called civil society to change for the better. (Baumann 2007: 10–11)

It can be argued then that the reevaluation of desertion or of the Wehrmacht deserters has its roots in the peace movement of the 1980s. It also marked a generational conflict, as the younger activists of the peace movement, with a firm grasp of their own role models, moral concepts, and ideas of how to preserve peace, confronted the ideas of the older war-and-Hitler-Youth generation. They no longer believed that peace could be guaranteed by entering military service and serving the fatherland with bravery and loyalty, as the monuments to past wars proclaimed and demanded for future generations. Instead, they

believed in steadfast objection to military service, if necessary in the form of desertion. As early as the 1980s, they therefore demanded the erection of deserter monuments to act as “countermonuments” to the existing war monuments (on the history and function of countermonuments see Springer 1989; Young 1992; Tomberger 2007; Sringer 2009a, b; Wijsenbeek 2010). These early monuments signalled the beginning of a societal shift in opinion. Toward the end of the decade, the many local discussions shifted or rather actively spread to the federal level and became a regular item on the political agenda.

So the generational conflict in the 1980s was, unlike 1968, not only how to deal reasonably with the past, but also how to commemorate the past beneficially with regard to the present and the future. The so-called countermonuments are symbols for such an attitude and a shift in Germany’s memory culture. They do not deny memory but present an interpretation of history which has not been articulated so far.

2.5 THE 1990s: FROM THE LOCAL TO THE FEDERAL LEVEL IN THE COMMEMORATION AND REHABILITATION OF WEHRMACHT DESERTERS

Prior to the political and legal rehabilitation of deserters on a federal level in the 1990s, debates took place at a local level and a small number of monuments were installed. The shift in opinion that was occurring was due to a new generation replacing the old, and with this, the generational conflict that had been going on since the 1980s about deserter monuments and the rehabilitation of deserters was coming to an end. Up to that point, heated debates had centred largely around two heavily contested questions:

The first was whether a rehabilitation of deserters would create new injustice and lead to social unrest because it meant vilifying in retrospect the large number of soldiers who had been loyal and had obediently fulfilled their military duty. This was above all a concern of the war generation who furiously rejected the positive evaluation of deserters. The following generation was not phased by this kind of scrutinizing; they answered the question with a resounding No, and they suffered neither an identity nor a legitimization crisis, nor did they shy away from conflict with members of the war-and-Hitler-Youth generation who were beginning to retire from their influential positions in society. Second, it was

anticipated that the treatment of historical deserters would have contemporary relevance. The implicit question was how it would affect, for example, the defence preparedness of the German armed forces. Because neither of these issues could as yet be touched in the 1980s, all parliamentary attempts and many of the local initiatives failed.

Only with the end of the cold war and German unification did the thinking change and attitudes in politics and among the judiciary began to shift. In 1991, the Federal Social Court (Bundessozialgericht) permitted damages to be paid to the widow of an executed deserter for the first time. The ruling said explicitly that the delinquent's individual motives for deserting must not play a role in the assessment of the case under compensation law, but that instead only the legal prosecution by the Wehrmacht military courts, instrumentalized by the Nazis, defined the status of the victim and justified appropriate compensation.

This ruling transformed the image of the deserter yet again. Now, deserters were neither seen as cowards, traitors to their country etc. nor perceived as resistance fighters and heroes, but as victims of Nazi persecution. In 1995, the German Federal Supreme Court of Justice (Bundesgerichtshof) in a leading decision likewise distanced itself from Nazi military justice and suggested a reversal of rulings against deserters by taking orientation from the latest findings in military history research. In 1997, the German Lower House of Parliament (Deutscher Bundestag) formulated a resolution and, in 1998, it passed a law for the rehabilitation of deserters, which designated the examination of each individual case. Two amendments to this act in 2002 and 2009 abolished the practice of examining individual cases and so, in the final cases, deserters were rehabilitated wholesale. They are now recognized as a group of victims and are no longer considered previously convicted.

A number of different groups were involved in the rehabilitation of deserters in the 1990s: the Federal Association of the Victims of the National Socialist Military Judiciary (Bundesvereinigung Opfer der Militärjustiz), historians, journalists, jurists, politicians, and the Evangelical Church in Germany (Evangelische Kirche in Deutschland), whose contribution must certainly not be underestimated. The so-called (first) Wehrmacht exhibition (1995–1999) also contributed to the rehabilitation of deserters, which is to say it acted as a catalyst.

As part of the larger memory culture, the discussions of this decade were fuelled by, on the one hand, a re-examination of the German past—including both the changed perspective on the Nazi period and

the Second World War owing to a generational shift and the more immediate “coming to terms with” East German heritage (Wenzke 1998; Dräger 2017b: 361–366)—and, on the other, by the armed conflicts of the 1990s, above all in the Balkans (cf. Wette 1995: 347–352; Dräger 2017b: 467–471). The debate in Germany also had consequences internationally; it triggered similar debates in other countries and sparked comparable initiatives. In June 2001 a monument at the National Memorial Arboretum in Alrewas, Staffordshire, UK, was erected to commemorate 306 soldiers from Great Britain and the Commonwealth who were executed during the First World War for desertion and cowardice (Peifer 2007). In Austria since the turn of the millennium, the rehabilitation of deserters from the Second World War and, associated with this, the question of monuments for deserters has been under discussion (for more details on the Austrian situation see Chap. 3 in this volume by Peter Pirker and Johannes Kramer).

Many factors come into play in the undetermined question as to whether the German, British, and Austrian debates will lead to similar discussions in further countries. This would seem possible, for example in the USA, where the treatment of deserters from the Vietnam War would be the subject; in the states of the former Yugoslavia, whose deserters have also contributed to the change of opinion in Germany and in Europe at large; in Syria or in the Ukraine. Ongoing military conflicts continue to put the topic of desertion on the agenda of discussions about the politics of history and memory, and create further need for discussion of this topic in the twenty-first century.

2.6 THE 2000s AND THE 2010s: THE RETURN OF COMMEMORATION TO THE LOCAL LEVEL

When the rehabilitation of deserters was concluded, the subject returned to the local level. This is illustrated, for one thing, by continued installations of monuments, and for another, by the travelling exhibition entitled *Was damals Recht war... —Soldaten und Zivilisten vor Gerichten der Wehrmacht* (What Was Deemed Fully Legal at the Time... —Soldiers and Civilians Tried before the Courts of the Military) (Baumann et al. 2008). The exhibition opened in 2007; it has since visited 39 cities and continues to act as a decentralized place to remember the Wehrmacht judiciary.

Today, signs of commemoration for deserters can be found in more than fifty locations, be it in the form of monuments, plaques, commemorative stones, names of streets and town squares, stolpersteins, or information boards at cemeteries that mark deserters' graves. As sketched out above, historical-cultural controversies about the "monument-worthiness" of this group of victims have often accompanied the installation of these monuments. The existence of these types of monuments—whose progress, while gradual, is also sustained—can be seen as an indicator and clear sign of social change. While, in the 1980s, monuments initially acted as precursors, their erection in the 1990s went hand in hand with parliamentary debates. Even following the political conclusion of the topic in the 2000s, monuments continue to be installed with the intention of anchoring the subject firmly in commemorative culture.

As time goes by, the protagonists in the debate, too, have changed, which is another indicator for the increased social acceptance and broad agreement. As opposed to the 1980s, the installation of monuments is no longer initiated by groups of individuals who seek support and parliamentary representation of their interests from political parties. Now, the parties themselves are beginning to take the initiative. The reason, in part, might be that members of the extraparlimentary groups active in the 1980s have moved through the institutions and are now themselves part of the political system (cf. Becker-Schaum 2012: 65; Richter 2011: 231), representing and accomplishing their demands from within. Further, the newfound acceptance also has to do with the increased political and societal openness toward the subject of deserter monuments, which means that politicians are more at ease with it today than twenty-five or thirty years ago.

In 2009, the German Lower House of Parliament unanimously rehabilitated so-called war traitors and, in 2012, the Hamburg Citizenry likewise unanimously decided to erect a deserter monument in Hamburg (Fig. 2.1), after the city of Cologne had commissioned the installation of such a monument in the public space in 2009. In so doing, these cities revised the until then predominant attitude (with some exceptions) that deserter monuments should not be erected on public ground. The Ulm deserter monument stood on a private property between 1989 and 2005 before it was moved to the public space. Since the late 1980s, the Munich City Council has refused to install such a monument on public ground. Since 1993, the monument has been located in Mannheim, but again on private property because the city fathers refused to have



Fig. 2.1 The deserter monument in Hamburg, inaugurated in November 2015. Photo © Johannes Arlt, published with kind permission

it installed on public ground. The former German capital Bonn also rejected a deserter monument and did not grant permission for a public installation in 1989. The odyssey of the Bonn monument ended, after several intermediate stops and relocations, in Bonn's partner city Potsdam, where it was granted asylum.

2.7 THE PRESENT: ITS PARADOXES AND POTENTIAL COMMEMORATING WEHRMACHT DESERTERS

As we have seen, the present situation is paradoxical. On the one hand, with the exception of some stray voices, the monuments meet with broad social acceptance. The fierce debates of the past have abated and deserter monuments are no longer provocative. Their potential for triggering a broad social debate has subsided, although today's blasé attitude toward this topic must certainly be attributed in part to a lack of information, as well as disinterest and indifference.

On the other hand, the monuments erected so far, like any other monuments, suffer from a lack of attention, despite their gradual entry in memory culture. They are “invisible” and the public response to them is minimal. Even the exotic factor of their supposedly “offensive” subject does nothing for their fame. The lively debates that were part of a practice of communicative memory leading up to their installation have become buried in the process of their cultural framing. Indeed, the topic of deserters has hardly had a widespread impact, in the sense that no greater public awareness of the matter has emerged outside specialized academic circles, and in spite of the research devoted to the subject for about three decades.

An added difficulty in terms of the public response to these monuments is that they are unwieldy and “uncomfortable”. They run counter to the familiar formulas and rituals of commemoration as practised with traditional war monuments, because these formulas do not transfer smoothly to deserter monuments. It will have to be seen, then, whether and in what way the deserter monuments that are being built or have recently been inaugurated in Vienna and Hamburg will foster a meaningful public response and thus contribute to both further establishing the memory of Wehrmacht deserters in Europe’s memory culture and to heightening the visibility of this genre of monuments that has existed for three decades.

Can the stories of Wehrmacht deserters and their rehabilitation, as furthered since the 1980s through monuments, be read as a success story despite the problematic situation of the public response? Or does this portrayal perhaps all too smoothly feed into the currently dominant narrative about the Federal Republic of Germany, into the master narrative of the gradual triumph of a critical assessment of history, possibly creating the impression that Germans have examined their past in an exemplary fashion and are world leaders when it comes to critical commemoration? There are two sides to this. It is true that the discourse about deserters feeds into the larger narrative in so far as the special case of the deserters indeed conforms to the general shift from a heroic to a victim-oriented memory culture (Sabrow 2012: 42; Konitzer 2012: 120–124). It is also not true, because the consideration of deserters was an accidental product of the peace movement and by no means the subject of systematic reflection, or even the product of a societal consensus on a deliberately chosen and effected confrontation with the past. It was certainly not born of a sense of moral obligation, as was the case with

other groups of victims. Without the NATO Double-Track Decision, there would have been no deserter monuments. Furthermore, the fact that the rehabilitation process took nearly 30 years—the last act was the reversal of rulings against “war traitors” in 2009 (Wette and Vogel 2007)—speaks against simply subsuming the story of the deserters under the story of Germany’s success in critically assessing its past: 64 years after the end of the Second World War, only a handful of Methuselahs experienced the reversal of their verdicts. Thousands, even tens of thousands did not live to see either reconciliation or rehabilitation, so at most this can be regarded as a case of historical justice that was long overdue.

In addition, the focus of the discussion about deserters has shifted to the past. Aspects that were relevant to the present, and were particularly virulent at the beginning of the debate, slipped increasingly into the background. The topic of the relation between the German armed forces and desertion was a disruptive element, one that was used as an argument against the rehabilitation of Wehrmacht deserters. The crucial question of the legitimacy of state-organized military force was left aside in the course of the debate, fell by the wayside and has remained unanswered. People who nevertheless have asked the question have been considered troublemakers unwilling to compromise. Remnants of this split into an answered past and an unanswered present can still be recognized today in the two variations of deserter monuments: There are the Wehrmacht deserter monuments that refer to concrete historical facts, monuments that tended to be erected in a public consensual process, despite the drawn-out debates. And then there are the monuments for the “unknown deserter”, which were donated by “orthodox hardliners” so to speak, most of which remain “private” monuments to this day. With the latter, the levels of present and future stand out more distinctly. The call to desert in the case of a future war is clearly audible and is often made explicit with additional wording in the dedication inscription that reads “To All Deserters of All Wars”. These monuments do not make exclusive reference to the past.

Another question pertaining to the problematic realm of military discipline—one that had also been discussed back in the 1980s—has been answered: In 2013, a separate military justice system was reintroduced. Before, in the 1980s, fierce public protests ensued when it became known that laws to this effect had been secretly drafted, which would come into effect in the event of war (Vultejus 1984; Garbe 2000: 122–124); in fact, the protests were so strong that these laws were

ultimately dropped (Anon. 1984, 1987). In the more immediate past, however, only few critical voices were heard and there was no public outcry. A dissertation (written at a university of the German armed forces) even affirmed the necessity of a military justice system (Spring 2008). Reports in the media (Demmer 2012) were few and public interest in the subject was minimal, with the result that military jurisdiction was introduced without public participation and went largely unnoticed, entering “through the backdoor” as it were (Kramer 2011). Changes in military strategic planning and the numerous out-of-area (combat) missions involving the German armed forces over the past 20 years may have led to weariness, desensitization, and social indifference on the part of the German public, as well as to an associated historical amnesia of sorts, meaning that political decisions concerning the military were not followed closely and accompanied by critical voices (Knobloch 2005; Kramer 2012). The suspension of compulsory military service beginning in 2011 seems likely to have further contributed to an increasing lack of interest in political decisions concerning the military.

Furthermore, the concern in 2013 was a different one than in the 1980s. In 2013 the worry was that a military jurisdiction removed from the courts of law would undermine the legal protection of foreign civilians if the new military justice system oriented itself on the needs of the military. In the 1980s, by contrast, a military justice system was dreaded and criticized above all as an instrument of discipline that would be used against individual, critical or “unwilling” soldiers who would be at its mercy.

2.8 CONCLUSION: DESERTERS AND THEIR PLACE IN THE GERMAN COLLECTIVE MEMORY

More than 15 years after the change in both the historical and the political and legal judgment of deserters, it remains vital to initiate a social process of reconciliation and understanding and thereby to complete the social dimension of rehabilitation; to do so encourages tolerance and acceptance within the collective memory for victims of the Wehrmacht justice system. It can be said that this change in judgment has not been embraced by all of society, and if one compares the approximately fifty deserter monuments to the several tens of thousands of war monuments, it becomes clear that in fact the social aspect in all of this has remained quite lacking (Welch 2012: 398–401).

Commemorative symbols placed in military and war cemeteries could become precursors, act as catalysts and advance the so far only half-hearted recognition of deserters in society: In this way, sepulchral facilities such as these, where numerous victims lie buried, would become a manifest symbol of official acceptance. It remains a question as to whether it will be possible to overcome the ‘historically contingent dichotomies’ (Haase 2009: 87) between, on the one hand, soldiers who were recently killed in battle and relatives who continue to mourn fallen soldiers and, on the other, surviving deserters or the relatives of killed deserters. Yet it seems possible to ease the tensions between these conflicting parties through dialogue, thus harmonizing their relationship as much as possible. Diverging interpretations, opposing memories and instances of meaning-making could come to the surface along with the insight that the collective memory is large enough to accommodate historical complexity. It is able to withstand tensions and has room for the particular memorabilia of different societal groups, which may be antagonistic and incongruous, yet are on equal footing in the collective memory. These matters may differ depending of the size of the groups that they are connected to, but not in terms of their quality, which would be the criterion for entry in the collective memory. This noble goal may be achieved in military cemeteries, those places of “reconciliation over the graves”; they would be the best places to show, alongside individual grief, the public dimension of mourning for this group of victims (on the notion of historical mourning see Rüsen 1996: 74–77; Schulz-Hageleit 2014: 151–156).

The question of the actual tradition that will be practised or rather of the future response to deserter monuments in society has to remain open for the time being. This was, is, and will remain dependent on the historical context and social frame of reference (Halbwachs 1985; Erll 2003: 159; Assmann 2007: 157–167; Moller 2010: 85–88). A given present always determines people’s view of the past, and with that their interpretation and legitimization of monuments. Every period decides anew whether or not particular historical matters are worthy of being remembered and whether the related monuments will remain in the active cultural memory or will sink back into the passive memory (Assmann 1995). Apart from this basic historical contingency of perspective, evaluations of “treason,” and the socio-cultural discourse about it, are of course also subject to ideological and historical-political instrumentalization. This conclusion applies to civilizations in all eras (cf. e.g. Scheurig

1985 or Bröckling and Sikora 1998). The perception of desertion (for a profound theoretical framework of this “formula of betrayal” see the Introduction—Chap. 1—in this volume) is imbued with double moral standards: Desertion of own soldiers is bad, deserters from enemy troops are good. To stick to the German military history, the Nazis for instance cooperated with the so-called Vlasov army (see Tromly’s Chap. 4 in this volume; for its history see Hoffmann 1984); the Federal Republic of Germany was not bothered by deserters from the National People’s Army of the German Democratic Republic and vice versa.

In light of current armed conflicts and future military challenges, deserter monuments, one might say, directly demand to be updated and transferred to other contexts. They were characterized in the 1980s above all by the aim of coping with the past as much as with the present and the future. Today as well, they can act as initiators, and their historical recollective function is not limited to the European (and transatlantic) peace movement of the 1980s. Examining the Nazi justice system within a history of law—an undertaking that has been sparked by the creation of these monuments—is still a new area that has only recently gained momentum in the sciences. An example of this is the above-mentioned Rosenberg-Kommission, which was established only in 2012. A reappraisal is not only, however, taking place in the academic context; the examination of this subject is also happening in pop culture and memory culture at the level of public history. The latest example of this is the film *Im Labyrinth des Schweigens* (literally “In the Labyrinth of Silence”), whose English title, *Labyrinth of Lies*, is not less apt (director: Giulio Ricciarelli, Germany 2014; for examples of the cinematic treatment of Wehrmacht justice during the early days of the Federal Republic of Germany, see Pohl 2010).

Deserters from the Wehrmacht were suspended between the two extremes: between the powerful lies of former military judges and their own powerless silence until the 1980s. One former Wehrmacht deserter framed the shift that was occurring at that point in time as an oxymoron: “The silence is getting louder.” (Schluckner 2000: 126). Ultimately, deserters broke the silence. Over the course of the past thirty years, their story of suffering has been reappraised in large part (an indication of the current state of research on the justice system of the Wehrmacht, along with notes about desiderata, can be found in Bade 2015). It now has a presence in the form of monuments. Whether they will continue to have a presence, whether further deserter monuments will be built, or

whether a future retrospective evaluation will show these monuments to have been an ephemeral and singular phenomenon remains to be determined.

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