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Russian Crimes in Ukraine: Between Guilt and Responsibility

1. States and nations are responsible for peace and international security, but the results are not always satisfactory. Russia's aggression against Ukraine is a historic and geostrategic moment and the reaction of the democratic world must be characterized by courage and political imagination.

Western policy towards Russia was often accompanied by fallacies such as *Wandel durch Annäherung* (change through rapprochement), *Wandel durch Handel* (change through trade), *Frieden schaffen ohne Waffen* (make peace without guns), *reden statt rüsten* (talk instead of arming). Today the extreme positions are expressed in the view that Putin cannot lose this war and Ukraine cannot win it (in other words, the possession of nuclear weapons is a guarantee of impunity).

After 1990, the appeasement policy (e.g. Minsk agreements 2014/2015) was regarded somewhat perversely as an investment in European peace and was accompanied by tolerance of Russia's sphere of influence.¹ From this perspective, it is easy to conclude that Ukraine's armed resistance threatens peace, but such a view is tantamount to humiliating the victims of Russian imperialism.

It is difficult to understand the cultural disorientation of the West, which for more than 20 years stubbornly ignored the growth and maturation of the new version of totalitarianism in Russia, as if deliberately repeating all the patterns of behavior from the 1930s that "bred" Hitler.² The reflection of *drôle de paix* or *drôle de responsabilité* comes to mind.

An important aspect of this conflict is not only an unequivocal assessment of Russian aggression, but also hesitation regarding the manner and scope of response to obvious and massive international crimes (is it worth dying for Kiev?).³

According to some contemporary politicians (e.g., President Macron), Russia is looking for its own identity and surviving the period after 1991, when communism collapsed, was hard for her. That is why the future European security order must take Russia's security needs into account. It should however be recalled that whoever demands security for Russia must first spell out the security guarantees for Ukraine. Who is to ensure security for whom: Russia to Ukraine or vice versa – the question seems rhetorical.

In the context of the crimes of the Russian hordes, the German *Fingerspitzengefühl* triumphed recently in the form of demonstrations and appeals against military aid for Ukraine. Pope Francis distinguished himself not only by his (un)diplomatic lack of precision in identifying the perpetrator of the aggression, but also noted: May the Lord have mercy on us, on each of us. We are all to blame!

Only a few steps separate us from the so-called *Rußlandversteher*. The "*tu quoque...*"⁴ argument is also used with pleasure by both Putin and some peace-loving people (Russia follows US violations of international law).

In conclusion, let's quote an aphorism of Stanisław Jerzy Lec's: Reflect before you think! [*Pomyśl zanim pomyślisz; Bedenke bevor du denkst*]

In first part of this text, we focus on outlining the essence of Russia's aggression and policy towards Ukraine, and in the second part, we present considerations about the extralegal responsibility

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¹ See M. Kundera Milan, « Un occident kidnappé » ou la tragédie de l'Europe centrale, *Le Débat*, 1983/5, n°27, pp. 3-23 (English translation: The Tragedy of Central Europe, in *New York Review of Books*, Vol. 31/7, 26 April 1984).

² See Oksana Zabuzhko, No guilty people in the world? Reading Russian literature after the Bucha massacre, *Times Literary Supplement*, April 22, 2022 – <https://www.the-tls.co.uk/articles/russian-literature-bucha-massacre-essay-oksana-zabuzhko/>

³ See J. Kranz, Russian aggression in Ukraine: Demons in the War for "Peace" or Crime without Punishment?, *Archiv des Völkerrechts*, Vol. 60 (2022), Issue 3, pp. 243-267.

⁴ Tu quoque - a fallacy consisting in repelling criticism by pointing out that the other side is not without fault.

of the nation. The annex cites selected examples of moral, political, and historical responsibility in Polish-German relations after 1945.

2. In the context of the armed conflict in Ukraine, we are confronted with the issue of international crimes (war crimes, crimes against humanity, genocide, aggression). Imposing punishment for the crimes committed by Russia in Ukraine and collecting evidence for them is a civilizational challenge for the democratic world – not punishing or tolerating such crimes encourages their repetition.

The Pre-Trial Chamber II of the International Criminal Court (ICC) issued (17 March 2023) warrants of arrest for two individuals: Mr Vladimir Vladimirovich Putin and Ms Maria Alekseyevna Lvova-Belova, allegedly responsible for the war crime of unlawful deportation or transfer of population (children) from occupied areas of Ukraine to the Russian Federation (under articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute). *Il faut que la peur change de camp...*

The arrest warrant for the leader of one of the permanent members of the UN Security Council seems to be wise and of significant importance – regardless of the still unknown outcome of the war in Ukraine and Putin's actual appearance before the ICC. This decision counters reports that Russian war crimes are the excesses of individual soldiers. It also proves that this Court is prosecuting not only the leaders of some African countries.

The international legal responsibility of states is usually regulated in treaties (e.g. reparation and compensation), while before national courts it is limited by the jurisdictional immunity of the state (few exceptions in US law). The criminal guilt of individuals is in turn subject to the jurisdiction of international courts (if they exist) and national law is governed by the principle of universal jurisdiction.

We omit these aspects which already have a wider bibliography, and related new ideas are discussed and developed in connection with Russian aggression in Ukraine.⁵ Instead, we intend to focus on the issue of the extralegal responsibility of the nation for the crimes committed by its state, i.e., the responsibility in the political, moral, and historical perspective. In this case, the criterion of guilt is not of primary importance.

3. At the beginning one should ask whether the confrontation in Ukraine is a war of Putin, or also of the Russian nation, whether it is waged against the Nazi leadership of Ukraine or against the Ukrainian nation (whose existence is questioned)? Are the crimes committed only by ordinary Russians or also by Putin, Lavrov and Shoigu? Should all Russian citizens be subject to international sanctions? Should Russian citizens have unrestricted entry rights to third countries? Should Russian citizens be allowed to participate in international sports competitions? Should we promote Russian repertoire and Russian artists under any circumstances? Can the crimes of the Russian state be hidden in the shadow of Tolstoy or Tchaikovsky?⁶

The answers to these questions are varied, but their basis is undoubtedly the political and moral responsibility of the nation.

Let us quote, for example, the opinion of two Polish intellectuals who remind us that the whole nation cannot be blamed for the crimes⁷:

Let us help Ukraine and Ukrainians but let us not turn our backs on the Russians. Let us especially remember those brave democrats imprisoned, exiled, and gagged today. (...) It is a drama of two nations. (...) The Russian government (...) decided to attack Ukraine militarily. This decision resulted in the cruel death of many thousands of people, not only Ukrainians, but also Russians. (...) The world's media repeat (...) that the vast majority of Russians support the shameful invasion of Ukraine. This is a sophisticated lie. The victim of the crimes of the

⁵ See <https://www.justsecurity.org/tag/crime-of-aggression/> ; <https://www.justsecurity.org/82513/just-securitys-russia-ukraine-war-archive/>

⁶ See O. Zabuzhko (fn. 2).

⁷ Adam Michnik and Ludwik Wiśniewski, *Gazeta Wyborcza*, 1 and 19 March 2023.

Russian government is not only the Ukrainian people, but also the Russian people. Young Russian citizens are treated like cannon fodder and protesters like criminals. (...) The crimes of Hitler and his gang were to be blamed on Hitler, his collaborators, and zealous executors of their orders, not Germans like the Scholl siblings or Dietrich Bonhoeffer, murdered by the Nazis (...), or great exiles like Thomas Mann or Bertolt Brecht. Declaring that all of Russia is behind Putin is an act of faith in Putin's imperial religion or some bizarre anti-Russian racism. (...) True peace and international brotherhood will not be built on tanks. We believe that the key to real peace is in the hands of the Russian people. That key is not spectacular assassinations of those in power, not a military putsch, no actions with the use of weapons - but peaceful struggle "without violence."

However, this view is not widely shared.

According to the Belarusian Nobel laureate:

Every Russian bears share of responsibility. (...) The fictional idea of a nation oppressed and disgraced by its elites is too easy, it explains nothing. (...) We left the camp fence, but we had no idea what freedom was. Neither does Putin".⁸

In the opinion of the Ukrainian intellectual, the suffering of the victim and the aggressor cannot be equated⁹:

Would you say – even today, and not in the face of the burning ghetto and dying people – words of sympathy for the “poor” young Germans who shoot the ghetto because they are treated like cannon fodder? For the German (and Austrian) society, whose support for Hitler is just an appearance, because in fact they are against the war he unleashed? (...) Astonishment is also caused by the path of change that you indicate – the path of peaceful opposition. Even embarrassment – pointing out Mahatma Gandhi and Martin Luther King as models for imitation.

Contemporary Russian writer, Viktor Yerofeyev, believes that the war in Ukraine is

supported by the majority of the Russian people, who see Putin as their boyfriend, their concept of life. (...) We must spare the ‘beautiful Russia of the future’, a fiction of our brave liberals.¹⁰

Suggesting the guilt of the entire nation is based on a misunderstanding (is false from the beginning), because it does not distinguish between the nation's guilt and its extralegal responsibility (not regulated by law). The moral, political, and historical responsibility of the whole nation remains to be considered (more on this below).

Unlike the difficult emigration from fascist Germany, the thousands of Russians who left their country after February 24, 2022, are mostly not victims of political persecution and do not distance themselves from Great Russian nationalism. Broad public support for Putin and the war in Ukraine does not show a downward trend and not only enlightened and liberal Europeans are fleeing Putin's Russia (the Russian secret services are already taking care of this).

Democrats have always been a tiny minority in Russia, and Russian democracy constantly requires a qualifying adjective (socialist, sovereign etc.). The change of power in Russia does not guarantee a change in the falsified consciousness of this nation. Theoretically, such a change is possible in the next generations, but until then Russia will still (like autocratic China) remain one of the great threats to international peace and security. In short, it is impossible to expect that the Russian democrats will put an end to Russia's aggressive and imperial policy.

⁸ Svetlana Alexievich (Belarusian Nobel laureate, 2015), *Gazeta Wyborcza*, 28-29 May 2022.

⁹ Ola Hnatiuk, *Gazeta Wyborcza*, 19 March 2023.

¹⁰ *Gazeta Wyborcza*, 25 March 2023.

At this point, however, it is advisable putting a stop, because we are entering the realm of political predictions.

4. Karl Jaspers proposed in 1946 four categories of guilt:¹¹

- criminal guilt on the grounds of breaking obligatory legal norms by an individual,
- political guilt coming from the acts of leaders and state organs,
- moral guilt based on the framework of carrying out the tasks of state institutions, including obeying orders,
- metaphysical guilt coming from co-responsibility for all evil, especially for crimes committed in the presence of an individual or with his knowledge.

The instance of evaluation and judgment in the first case is the court, in the second, political authorities or organs (for example the victors in the case of war), in the third, one's own conscience, and in the fourth, God.

In Jaspers' categorization, in one or other case, we should replace the term of guilt with the notion of responsibility because guilt, in the legal or moral sense, must be individualized, and the responsibility of a nation is not based on guilt.

In this context, we distinguish between the guilt or responsibility of individuals (criminal, political, moral), the international legal responsibility of states, and finally the political, moral and historical responsibility of nations. The lack of guilt does not imply the lack of responsibility (for the past and the future) and responsibility does not imply guilt.

Essential for our reflections is the collective moral and political responsibility.

5. Crimes are committed by individuals, who undergo punishment.¹² Here it is necessary to determine the extent of their guilt and distinguish, for instance, different levels of intention (*mens rea*), conspiracy, complicity or incitement. This type of individual attribution is not always easy, especially in the case of mass crimes.

If it is an individual who commits crimes, his actions do not always come only from his personal intention or choice, but also from a structure of criminal behaviour organized by the state. In other words, apart from individual criminals, there also exists a state-based system of organized crime (national-socialist, fascist, communist). Thus, the legal responsibility is incumbent on the state, on the direct perpetrators and on those who organize the system.

In the case of the international legal responsibility of the state, it is essential to attribute to it the concrete actions that violate international law.¹³ This attribution may result from the (effective or overall) control, from the lack of due diligence, or from strict liability.

The international legal responsibility of states differs from individual criminal responsibility because of the specific character of the perpetrator, which is the state and not an individual (which does not exclude the criminal responsibility of the latter). According to the principle of state continuity, a change in its political system or its government does not exempt the state from its international responsibility. This responsibility takes the form of reparations, restitution, or satisfaction. It is essentially restitutive, disciplinary and preventive in nature.

¹¹ K. Jaspers, *Die Schuldfrage*, Heidelberg-Zürich 1946.

¹² See C. Kreß, *International Criminal Law*, Encyclopedia of Public International Law, 2009.

¹³ ILC. *Articles on Responsibility of States for Internationally Wrongful Acts* (2001): "Article 1. Every internationally wrongful act of a State entails the international responsibility of that State. Article 2. There is an internationally wrongful act of a State when conduct consisting of an action or omission: (a) Is attributable to the State under international law; and (b) Constitutes a breach of an international obligation of the State. Article 3. The characterization of an act of a State as internationally wrongful is governed by international law. Such characterization is not affected by the characterization of the same act as lawful by internal law. Article 4.1. The conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central government or of a territorial unit of the State."

The consequences of the international legal responsibility of states inevitably affect their population, which shares the fate of the state both in times of peace and in war. Thus, after losing a war, the people suffer because of the destruction of the national infrastructure and they carry the burden of war reparations¹⁴, to which both the innocent and the guilty must contribute. State borders are often changed, which is not without its effect on citizens. International sanctions by states or international organizations also have consequences for private parties. However, this should not be equated with collective guilt (the guilt of individuals remains irrelevant).

6. In turn, the extralegal (political-moral-historical) responsibility affects the whole nation or concrete individuals and concerns responsibility both for the past (sometimes distant one) and for the future, for the time of war and of peace, for failures and successes. An individual may be held morally or politically responsible for his actions, but also for omissions, e.g. for his own public statements or, as in the case of the resignation of a minister, for the reprehensible actions of subordinates.

In this context the nation is a community which cannot be freely chosen and which is bound by the shared history of many generations. Belonging to a particular nation, however, does not allow moral and political responsibility to be treated selectively, according to a subjective choice. It is also irrelevant in this case that only a (small) part of the nation supported the unworthy or illegal actions of the government or was aware of its criminal intentions. Individual guilt here does not matter, and the collective aspect comes from the fact that the state authority determines the fate of the nation.

The above distinction helps us to avoid confusion resulting from equating guilt with responsibility. The nation is not entirely to blame, because the concept of guilt does not apply to the nation. Nevertheless, the nation (guilty and innocent persons) is entirely morally and politically responsible – in various forms and scope – for the actions of the state or of some national groups. In this case, however, it is not about attributing guilt to the whole nation, but about the collective sense of responsibility or a collective recovery of the sense of humanity.

This responsibility may apply to acts of a criminal nature under international law, but also to acts that are merely politically or morally reprehensible, such as refusing financial or military assistance or concluding treaties harmful to third countries (e.g. Minsk Agreements 2104/2015).

Of course, the scope and degree of this responsibility vary depending on the circumstances, but the dictatorial nature of state power, ignorance or helplessness, or permanent indoctrination (intoxication) with a specific ideology do not release the nation from collective, moral and political responsibility. Moreover, the protests or resistance of a handful of opponents of the regime do not absolve the remaining majority from responsibility. Also the so-called late birth privilege (*Gnade der späten Geburt*, a concept developed in post-war Germany) does not play an important role here. Thus, the concept of the collective responsibility of the nation does not presuppose arbitrary and subjective exceptions, and especially does not authorize self-justification.

7. Every nation must account for its past. There are times in which passivity and especially “loud” silence, lead to historical and political responsibility for evil.¹⁵ Bertold Brecht asked: *„Was sind das für Zeiten, wo / Ein Gespräch über Bäume fast ein Verbrechen ist / Weil es ein Schweigen über so viele Untaten einschließt!“*¹⁶

Dictators and criminals gladly take advantage of the passivity of the public and also of the so-called *Realpolitik* of democratic countries. It happens that false historical memory is the basis of the

¹⁴ J. Kranz, *Kriegsbedingte Reparationen und individuelle Entschädigungsansprüche im Kontext der deutsch-polnischen Beziehungen*, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, 2020 (Vol. 80), p. 325-377; P. d'Argent, *Reparations after World War II*, EPIL 2009.

¹⁵ See K. Jaspers, *Wohin treibt die Bundesrepublik? Tatsachen, Gefahren, Chancen*, München 1966; R. Giordano, *Die zweite Schuld oder von der Last Deutscher zu sein*, München 1990.

¹⁶ What are these times when / Talking about trees is almost a crime / Because it involves silence about so many misdeeds! – Bertolt Brecht, *An die Nachgeborenen*.

nation's existence. Sometimes there is a situation referred to as the inability to regret.¹⁷ That is why historians are a "threat" to national unity, because their task is to tell the truth, and not only what people say they want to remember. Gesine Schwan is right in recognizing that psychological and moral consequences of silence harm future generations.¹⁸

Not all Germans supported National Socialism, not all Poles were supporters of the communist dictatorship. Nevertheless, both nations bear the responsibility of the unworthy or illegal actions of these regimes as organizational and planning structures (the individual guilt is irrelevant here).

A nation that is proud to host over a million Ukrainian war refugees on its territory cannot pretend that it is not aware of and is not morally and politically responsible for the deliberately brutal pushbacks carried out by its state on the border with Belarus.¹⁹

Finally, not all Russians are guilty of crimes, but they all bear the moral and political responsibility for not seeing these crimes. In other words, the passivity of the social environment favors the perpetrators of the crime but does not release the other members of the nation from moral and political responsibility, and in particular from the obligation to distinguish good from evil, especially in its extreme forms.

The extralegal collective responsibility of the nation understood in this way, however, has nothing to do with the collective responsibility imposed on citizens by totalitarian regimes. In other words, the collective responsibility of the nation is conceivable only in the democratic conditions, and unrealistic in autocratic or totalitarian systems. For this reason, the situation in Russia is not optimistic.

8. Moral and political responsibility of the nation does not take a legal (judicial) form by definition. Other forms and instruments are applicable here, which, however, do not exclude individual legal responsibility.

In this context appear such terms as regrets, forgiveness, shame, apologies, or reconciliation.²⁰ These moral feelings can have an individual dimension (between the perpetrator and the victim) or a collective one (between states/nations/social groups).²¹ They are expressed by figures representing the nation in a more or less formal manner but these feelings does not have to be shared by everyone. Practice shows that such actions are rarely the work of official state authorities, but rather autonomous circles or even individuals.

Collective forgiveness applies to wrongs done by one group (nation) to another group, usually assuming that the first group publicly admits wrongdoing and expresses remorse. Reconciliation, in turn, results from a social need and concern for the future. These actions have a moral and political dimension, not financial or material (as in the case of reparations, compensation or restitution).

According to Anna Wolff-Powęska:

Forgiveness must be preceded by mature reflection (...) and understanding that without forgiveness there is no chance for change. (...) Forgiving is directed toward the past. It means working on memory, which does not mean forgetting but a kind of therapy – freeing oneself from obsessions, hostility, and the desire for revenge. Forgiveness, as Paul Ricoeur says, has a healing value – 'it takes away one's debt.' Reconciliation, meanwhile, is directed towards

¹⁷ A. Mitscherlich, M. Mitscherlich, *Die Unfähigkeit zu trauern. Grundlagen kollektiven Verhaltens*, München 1967.

¹⁸ G. Schwan, *Politik und Schuld. Die zerstörerische Macht des Schweigens*, Frankfurt am Main 1997.

¹⁹ Situation on the Polish-Belarusian border July - October 2022. The Humanitarian Aid Border Group (Grupa Granica) brief – https://nomada.info.pl/wp-content/uploads/2022/10/EN_Border_Group_brief_July_October_2022.pdf

²⁰ See Ch. Daase, S. Engert, M.-A. Horelt, J. Renner, R. Strassner (eds), *Apology and Reconciliation in International Relations: The Importance of Being Sorry*, New York 2016; V. Jankélévitch, *Pardonnez?*, Paris 1971; P. Ricoeur, *La mémoire, l'histoire, l'oubli*, Paris 2000; H. Arendt, J. Kohn, *Responsibility and Judgment*, New York 2003; A. Schaap, *Guilty Subjects and Political Responsibility: Arendt, Jaspers and the Resonance of the 'German Question' in Politics of Reconciliation*, *Political Studies*, Vol. 49/4 (2001), pp. 749-766.

²¹ See K. Bachmann, J. Kranz (eds), *Verlorene Heimat. Die Vertreibungsdebatte in Polen*, Bonn 1998.

the future. It is an expression of responsibility for the peaceful coexistence of future generations. It is a departure from focusing on yourself and turning oneself toward the general good.²²

Nevertheless, answers to some difficult questions remain open. For instance: are there unforgivable crimes?²³ Does asking for forgiveness (and only on the condition of first expressing regret and remorse) have to be a premise for reconciliation? Is reconciliation possible without forgiveness? Does forgiveness always lead to reconciliation? Can forgiveness exclude punishment? Can you forgive on behalf of someone else?

It is necessary to take into consideration that forgiveness and reconciliation will bear fruit only when they have a foundation with a relatively wide social consensus, a dialogue in truth, and when they are accepted by both sides. Otherwise, they will remain only empty slogans.²⁴

Finally let us also note that regardless of shame, disgrace or apology, the collective emotions of an entire nation are often associated with positive facts. They are expressed in collective pride, glory, a sense of sports victories, the pace of economic development or cultural achievements.

9. Mikhail Shishkin, Russian journalist and writer, who lives since 1995 in Switzerland, recently wrote (2023) a letter to an anonymous Ukrainian friend.

Here are the relevant passages for our consideration²⁵:

Our conversations and correspondence have so far been conducted in the language of great Russian literature. Today, for the whole world, Russian is the language of people bombing Ukrainian cities, the language of child killers, war criminals and murderers. They will be judged for crimes against humanity. (...)

Does a dictatorship breed a slave society, or does a slave society breed a dictatorship? Ukraine managed to get out of the circle of hell that is our common experience – the monstrous and bloody past of our nations. And that was the reason why the Russian pretender hated her. After all, the tired Russian people might wish to take an example from a free, democratic Ukraine. And that is why it must be destroyed.

In Russia, we had neither de-Stalinization nor the Nuremberg trials. (...) We can all see the result – a new dictatorship. A dictatorship which, by its very nature, cannot exist without enemies, and therefore without war. (...)

A year ago, when Russian tanks moved towards Kiev, the whole world asked in astonishment – why are there no mass anti-war protests in Russia, why are only single people taking to the streets? At the time, I explained it with fear. Silence is a Russian survival strategy. Those who protested are now in prison. It was through silence that entire generations of Russians ensured their survival. (...) The people remained silent when the aggression against Ukraine began. But in the fall, when mass mobilization was announced and hundreds of thousands of Russians obediently went to kill Ukrainians and die at their hands, this can no longer be explained by fear. It's something deeper and scarier.

I can see only one explanation – my country fell out of time. In the 21st century, an individual has a personal responsibility to distinguish good from evil, and if he sees that his country and people have started a vile, shameful war, then he must act against his country and people.

²² A. Wolff-Powęska, Wielki dar przebaczenia, Gazeta Wyborcza, 12-13 November 2005.

²³ See S. Wiesenthal, Die Sonnenblume, Gerlingen 1982; see also the film Coach to Vienna (Czech: Kočár do Vídně, in USA released as Carriage to Vienna) directed by Karel Kachyňa (1966).

²⁴ See Bischöfe, haben Sie endlich den Mut zur Wahrheit! Brief von Prof. em. Dr. Heinrich Missalla an die deutschen katholischen Bischöfe zum 80. Jahrestag des Kriegsbeginns - https://www.bistum-essen.de/fileadmin/relaunch/Meldungen/PDF_fuer_Meldung/Heinrich_Missalla_Brief_an_DBK_80_Jahre_Kriegsbeginn_BE.pdf

²⁵ Text in: <https://monitorkonstytucyjny.eu/archiwa/25067> – 23 March 2023.

Most Russians still have an archaic mentality. Their identity is closely related to belonging to a tribe. Our tribe is always right, and the other tribes are enemies who want to destroy us. We are not responsible, we do not decide anything – the chief/khan/tsar makes the choices for us. (...)

The rebirth of my country is possible only after the complete destruction of the Putin regime. The Russian should have his empire amputated like a malignant tumor. “Zero Hour” is needed by Russia like oxygen. My homeland has a future only when it experiences a total defeat.

Contemporary Russian writer, Viktor Yerofeyev, asks:²⁶

Where does this hatred come from? Well, perhaps from (...) the primitive communal system, the division of the world into natives and strangers, from the love of victories in the family yard, in the gym, and then in KGB jobs. (...)

During the period of mobilization, Moscow became sad, but when 200,000 mobilized were sent to the war zone and pardoned convicts were added to them, she became cheerful again. (...)

In order to stop (...) the war, supported by the majority of the Russian people, (...) the new little Khrushchev is a way out of the metaphysical impasse, but it will still require the consent of the Russian elites to a moderate policy; perhaps there will be such an agreement, the world will catch its breath, metaphysics will end. But one way or another, the wounds will last for many generations.

10. Let us recall that during Hitler’s National Socialist dictatorship, the passivity of the population and obedience to the state, as well as the weak resistance of intellectuals, were striking. Did a wave of protests arise when the German officials were defining who is an Aryan, asks Anna Wolff-Powęska.²⁷

During the war, Ludwik Hirszfeld, a Polish scholar and a survivor of the Holocaust, wrote:

Maybe those scholars did not want to murder us and loot our culture. Maybe their sin was only being superficial, vane, and self-aggrandizing. But, for God’s sake, why did they not disavow the crimes while the voice of their conscience could shout like a cry of protest. Why did they allow this climate of contempt and hatred, this self-exaltation of their own nation? After losing the war it will be too late to offer one’s regrets.²⁸

If in the time of National Socialism the expression of patriotism was supposed to be fulfilling duties and obeying orders, what should we think about the actions of the Scholl siblings, who, at the risk of their lives, condemned the behaviour of so many of their countrymen?

Why are the German people so apathetic in the face of all these most horrid, inhumane crimes? Hardly anyone thinks about it. The fact is accepted as such and put aside *ad acta*. (...) And not only does he [the German] have to feel pity, no, much more: complicity. Because through his apathetic behavior he gives these dark people the opportunity to act in this way, he suffers this government, which has burdened itself with such infinite guilt, yes, it is his own guilt that it was able to come into being in the first place! Everyone wants to absolve themselves of such complicity, everyone does it and then goes back to sleep with a clear, best conscience. But he cannot acquit himself.²⁹

²⁶ Gazeta Wyborcza, 25 March 2023.

²⁷ A. Wolff-Powęska, Niemiecki kłopot z niepamięcią, Gazeta Wyborcza, 22 August 2009.

²⁸ L. Hirszfeld, Historia jednego życia, Warszawa 2000, p. 523 /First Polish edition 1946; English translation: The Story of One Life, Rochester 2010/.

²⁹ „Warum verhält sich das deutsche Volk angesichts all dieser scheußlichsten menschenunwürdigsten Verbrechen so apathisch? Kaum irgendjemand macht sich Gedanken darüber. Die Tatsache wird als solche hingegenommen und ad acta gelegt. (...) Und nicht nur Mitleid muss er [der Deutsche] empfinden, nein, noch viel mehr: Mitschuld. Denn er gibt durch

„Just punishment draws nearer and nearer! But what is the German people doing? It doesn't see and it doesn't hear. (...) Germans! Do you and your children want to suffer the same fate that befell the Jews? Do you want to be measured with the same standard as your seducers? Shall we forever be the people hated and rejected by the whole world? (...) Decide before it's too late!³⁰

Thomas Mann claimed in 1945:³¹

How different everything would have looked if the Germans on their own had been able to free themselves?

11. The above examples show how it is not always easy to face the past, not only for states, but also for nations and individuals.

Violence was and is the foundation of Russia's existence as a state. Disregarding the moment of the end of the war in Ukraine and the forms of legal responsibility and ignoring the uncertain evolution of Russia's politics and mentality of its society, it seems that Russia and Russians are faced with a difficult future.

Let us recall: the entire Russian nation is not guilty of aggression and not to blame for crimes committed in Ukraine, but it cannot shirk its moral and political responsibility for the actions of its state. This collective responsibility of the nation takes various extralegal forms, but it is not based on the criterion of guilt. In the long term, such responsibility is a prerequisite for peace.

Contemporary Russia grotesquely claims to be the victim of an attack by Ukraine and NATO and is far from recognizing its political and moral responsibility. Moreover, in March 2023, Russia concluded an agreement with Belarus on the deployment of tactical nuclear weapons on its territory. Putin's threats related to the possible use of nuclear weapons often lead to appeals to refrain from actions that could provoke him to commit an obvious crime. Thus, paradoxically and untrue, the West would only have a choice between nuclear Armageddon and accepting Russian aggression.

In order not to fall into Putin's trap it is now time to learn how not to be scared...

* * *

The opinions of Vladimir Vladimirovich and his acolytes (*lux ex oriente*) on the annihilation of Ukraine as a state and nation³² show a civilizational and cultural gap and the responsibility of the Russian nation seems to wander in a desert. Faith in the effective awakening of this nation is very limited and belongs to the realm of wishful thinking.

sein apathisches Verhalten diesen dunklen Menschen erst die Möglichkeit, so zu handeln, er leidet diese Regierung, die eine so unendliche Schuld auf sich geladen hat, ja, er ist doch selbst schuld daran, dass sie überhaupt entstehen konnte! Ein jeder will sich von einer solchen Mitschuld freisprechen, ein jeder tut es und schläft dann wieder mit ruhigstem, bestem Gewissen. Aber er kann sich nicht freisprechen“ – Zweites Flugblatt der Weißen Rose. Nach einem Entwurf von Hans Scholl und Alexander Schmorell, Juni 1942 – <http://www.dhm.de/lemo/html/dokumente/weisserose2/index.html>

³⁰ „Die gerechte Strafe rückt näher und näher! Was aber tut das deutsche Volk? Es sieht nicht und es hört nicht. (...) Deutsche! Wollt Ihr und Eure Kinder dasselbe Schicksal erleiden, das den Juden widerfahren ist? Wollt Ihr mit dem gleichen Maße gemessen werden wie Eure Verführer? Sollen wir auf ewig das von aller Welt gehasste und ausgestoßene Volk sein? (...) Entscheidet Euch, ehe es zu spät ist!“ – Fünftes Flugblatt der Weißen Rose. Nach einem Entwurf von Hans Scholl und Alexander Schmorell mit Korrekturen von Kurt Huber, Januar 1943 – <http://www.dhm.de/lemo/html/dokumente/weisserose5/index.html>

³¹ T. Mann, Deutsche Hörer! Radiosendungen nach Deutschland aus den Jahres 1940-1945, Frankfurt am Main 2004 (4. Auflage), p. 154 (Sendung vom 8. November 1945): „Wie anders hätte alles sich dargestellt, wäre es Deutschland gegeben gewesen, sich selbst zu befreien.“

³² V. Putin, On the Historical Unity of Russians and Ukrainians, 12 July 2021 – <http://en.kremlin.ru/events/president/news/66181>; T. Sergejew, Что Россия должна сделать с Украиной, RIA Nowosti, 3 April 2022 – <https://ria.ru/20220403/ukraina-1781469605.html>; R. Vesper, Die Ukraine soll entukrainisiert werden, 4 April 2022; Clara Apt, Russia's Eliminationist Rhetoric Against Ukraine: A Collection, November 1, 2022 – <https://www.justsecurity.org/81789/russias-eliminationist-rhetoric-against-ukraine-a-collection/>

In conclusion, it is worth recalling a fragment of the memorandum of German Catholic intellectuals from 1968:

Those who consciously and light-heartedly violate the international legal order, as Germany (did) in times of Hitler, break not only concrete norms, but also threaten the very existence of such order and thus put themselves in danger of being deprived of the protection of the norms of this order. After such a violation of the peace, peace and mutual respect for law must be restored. This, however, cannot be presumed, taken for granted, and especially used to justify one's own demands. In such a situation peace is possible only under the conditions through which it can be reached.³³

³³ Ein Memorandum deutscher Katholiken zu den polnisch-deutschen Fragen (Das Bensberger Memorandum) vom 2. März 1968, Mainz 1968, pp. 13-14: „Wer bewusst und mutwillig aus ihr [Völkerrechtsordnung] ausbricht, wie es Deutschland unter Hitler getan hat, verletzt nicht nur einzelne Rechte, sondern stellt auch die Völkerrechtsordnung überhaupt in Frage und setzt damit bislang anerkannte und ihn selbst schützende Rechte aufs Spiel. Nach einem solchen Friedensbruch müssen die Friedensordnungen und die wechselseitige Achtung des Rechts erst neu hergestellt werden; sie können nicht einfach vorausgesetzt, postuliert oder gar zur Rechtfertigung der eigenen Forderungen verwendet werden. Der Friede muss dann unter den Bedingungen erst wieder gewonnen werden, unter denen er erreichbar ist“.

Annex

In modern times, there are examples of the difficult implementation of the moral, political, and historical responsibility. Limiting itself only to Poland, various forms of dialogue have been conducted in recent years, usually with good but time-consuming results in relation to difficult parts of Polish-Ukrainian, Polish-Jewish, and Polish-German relations.

By way of illustration, it is worth briefly recalling some aspects of overcoming the past in Polish-German relations after 1945³⁴. Let us add that the road to this goal was not always easy. However, it is proof that the moral and political responsibility of the nation is not just theoretical.

In the quoted passages the word “guilt” is often used instead of (moral and political) “responsibility”. It is obvious, however, that this responsibility extends to the nation without distinguishing between the guilt or innocence of its individual members. Its forms and consequences are also different than in the case of legal responsibility.

Germany started the Second World War in an intentional and conscious manner, although it was not threatened by any other country (the reasons for Russian aggression against Ukraine are equally absurd). Every action can have unpredictable and unwanted consequences. The world was set on fire in 1939 by National Socialist Germany, and the fire spread gradually and unrelentingly. The commencement of World War II was the beginning of the end of an historic epoch in central Europe, which brought irreversible effects (also for Germany and Germans).

One of the first expressions of moral responsibility is the statement of the German Evangelical Church of 1945:

We are (...) with our people not only in a great community of suffering (...), but also in a solidarity of guilt. It causes us great anguish to state that we have brought unending suffering upon many peoples and many countries. What we have often testified to in our communities, we now declare in the name of the whole church: it is true that we fought for many long years against the spirit that found its terrible expression in the violent National Socialist regime; however, we also accuse ourselves of not having professed our faith more courageously, of not having prayed more faithfully, of not having believed more joyfully, and of not having loved more fervently.³⁵

Professor Heinrich August Winkler recalled in 2009:

When the Council of the Evangelical Church in Germany spoke of a ‘solidarity of guilt’ between church and people in the ‘Stuttgart Confession of Guilt’ in October 1945, this also met with widespread opposition within the church. The sentence: ‘We have brought unending suffering upon many peoples and many countries’ was considered as an inappropriate confirmation of the Allied thesis of German ‘collective guilt’. The most terrible of all crimes

³⁴ See on this subject J. Kranz, *Wollt ihr den totalen Krieg? Political, Moral and Legal Aspects of the Resettlement of German Population After World War II*, Polish Review of International And European Law, 2018, Vol. 7, Issue 2 https://www.academia.edu/42224936/Wollt_ihr_den_totalen_Krieg_Political_Moral_and_Legal_Aspects_of_the_Resettlement_of_German_Population_After_World_War_II)

³⁵ Erklärung des Rates der Evangelischen Kirche in Deutschland gegenüber den Vertretern des Ökumenischen Rates der Kirchen vom 19. Oktober 1945 (Stuttgarter Schuldbekennnis): „Wir sind (...) mit unserem Volk nicht nur in einer großen Gemeinschaft der Leiden (...), sondern auch in einer Solidarität der Schuld. Mit großem Schmerz sagen wir: Durch uns ist unendliches Leid über viele Völker und Länder gebracht worden. Was wir unseren Gemeinden oft bezeugt haben, das sprechen wir jetzt im Namen der ganzen Kirche aus: Wohl haben wir lange Jahre hindurch im Namen Jesu Christi gegen den Geist gekämpft, der im nationalsozialistischen Gewaltregiment seinen furchtbaren Ausdruck gefunden hat; aber wir klagen uns an, dass wir nicht mutiger bekannt, nicht treuer gebetet, nicht fröhlicher geglaubt und nicht brennender geliebt haben“.

against humanity committed by National Socialism, the murder of around six million European Jews, was not expressly mentioned in the Stuttgart Confession of Guilt.³⁶

On October 16, 1960, Cardinal Julius Döpfner, Catholic Bishop of Berlin, preached³⁷:

The German people can only achieve peace with very great sacrifices. It would be a momentous self-deception to assume that a people do not have to pay too much for a policy such as that which that regime has pursued towards other peoples. (...) For the future, the community of peoples and states is more important than border issues [implicitly, the Polish-German border]. A distressed past teaches that in many cases the national borders cannot exactly correspond to the ethnicity.³⁸

The sermon took place only three months after Chancellor Konrad Adenauer's speech, who clearly recalled: "The annexation of the German eastern territories and the expulsion of the German population are serious violations of international law. (...) The decision on the German eastern territories can only be made in a peace treaty concluded with an all-German government. And until this treaty is concluded, nobody is entitled to decide on this part of Germany".³⁹

The Memorandum of the German Evangelical Church (1965) recalls:

The Second World War was triggered in the name of the German people and carried to many foreign countries. In the end, all of his destructive power was turned against the originator himself. The expulsion of the German East population and the fate of the German East areas is part of the serious misfortune [*Unglück*] that the German people culpably brought upon themselves and other peoples. (...) But we must hold on to the fact that all the guilt of others cannot explain or erase German guilt. (...)

³⁶ Ansprache von Professor Dr. Heinrich August Winkler vom 8. Mai 2009 (70. Jahrestag des Endes des Zweiten Weltkrieges in Europa – Gedenkstunde im Plenarsaal des Deutschen Bundestages): „Als der vorläufige Rat der Evangelischen Kirche in Deutschland im Oktober 1945 im ‚Stuttgarter Schuldbekennnis‘ von einer ‚Solidarität der Schuld‘ zwischen Kirche und Volk sprach, stieß das auch innerhalb der Kirche auf verbreiteten Widerspruch. Als unangebrachte Bestätigung der alliierten These von einer deutschen ‚Kollektivschuld‘ galt vor allem der Satz: ‚Durch uns ist unendliches Leid über viele Völker und Länder gebracht worden‘. Vom schrecklichsten aller Menschheitsverbrechen des Nationalsozialismus, der Ermordung von etwa sechs Millionen europäischen Juden, war im Stuttgarter Schuldbekennnis nicht ausdrücklich die Rede“ – <https://www.bundesregierung.de/breg-de/suche/8-mai-70-jahrestag-des-endes-des-zweiten-weltkrieges-in-europa-gedenkstunde-im-plenarsaal-des-deutschen-bundestages-ansprache-von-professor-dr-heinrich-august-winkler--805330>

³⁷ R. Żurek, *Gescheiterter Vorstoß?: die Predigt des Berliner Kardinals Julius Döpfner vom 16. Oktober 1960 und ihre Folgen*, Religion, Staat, Gesellschaft, 2013, Vol. 14/2, pp. 223-245; H. Stehle, *Seit 1960: der mühsame katholische Dialog über die Grenze*, in: W. Plum (Hrsg.), *Ungewöhnliche Normalisierung: Beziehungen der Bundesrepublik Deutschland zu Polen*, Bonn 1984, pp. 155-178.

³⁸ Julius Kardinal Döpfner, Bischof von Berlin, *Predigt am 16. Oktober 1960 in der St. Eduardkirche*: „Das deutsche Volk kann nach allem, was in seinem Namen geschehen ist, den Frieden nur unter sehr großen Opfern erlangen. Es wäre eine folgenschwere Selbsttäuschung, anzunehmen, daß ein Volk eine Politik, wie sie jenes Regime gegenüber anderen Völkern betrieben hat, nicht hoch begleichen muß. (...) Für die Zukunft ist die Gemeinschaft der Völker und Staaten wichtiger als Grenzfragen. Eine notvolle Vergangenheit lehrt, daß in vielen Fällen die Staatsgrenzen dem Volkstum nicht genau entsprechen können. (...) Dem Unrecht, das im Namen des deutschen Volkes geschehen ist, antworte das im Geiste Christi bejahte Opfer unserer Heimatvertriebenen und Flüchtlinge, das sie für uns alle auf sich nehmen und das wir durch unsere brüderliche Liebe und Hilfe mit ihnen tragen wollen“.

³⁹ Bundeskanzler Konrad Adenauer, *Ansprache anlässlich des Bundestreffens der Landsmannschaft Ostpreußen in Düsseldorf am 10. Juli 1960*: „Die Annektion der deutschen Ostgebiete und die Vertreibung der deutschen Bevölkerung sind schwere Verletzungen des Völkerrechts. (...) Die Entscheidung über die deutschen Ostgebiete kann nur in einem mit einer gesamtdeutschen Regierung abgeschlossenen Friedensvertrag getroffen werden. Und bis dieser Vertrag geschlossen ist, ist niemand berechtigt, über diesen Teil Deutschlands zu entscheiden“; Sprecher der Landsmannschaft Ostpreußen Dr. Alfred Gille, *Düsseldorf am 10. Juli 1960*: „Wir sind der Meinung, daß es niemals eine deutsche Bundesregierung geben kann, die in der Lage wäre, auch nur Teile unseres deutschen Heimatbodens im Osten preiszugeben und ihre Unterschrift unter einen Verzicht zu setzen. Eine solche Bundesregierung würde niemals mehr den notwendigen Glauben und das Vertrauen im Volke finden, welches notwendig ist, um ihre Führungsfunktionen wahrzunehmen“.

Certainly, it must be said that readiness to bear the consequences of guilt and compensation [*Wiedergutmachung*] for injustices [*Unrecht*] committed must be an important part of German policy towards our eastern neighbors too. Based on historical experience and moral insight, we must realize that injustice of the magnitude under consideration here does not remain without historical and political consequences which cannot simply be reversed.⁴⁰

A memorandum of German Catholic intellectuals stated in 1968:

We Germans have to admit to ourselves that the crimes that were committed in the name of Germany against Poland (...) are of such a nature that any attempt at balancing out the mutual responsibility should not even be attempted. No one can close his eyes to the fact that the nation whose leaders started the war and then lost it has to bear the responsibility not only in point of fact but also out of a sense of justice. If we seriously want peace, we cannot avoid this responsibility, which burdens the entire German nation. As a consequence we must carry not only the burden of reparations and redress, but also accept the political losses. In this context we also cannot exclude territorial losses.⁴¹

It is worth remembering the political and moral context when Chancellor Willy Brandt knelt in front of the monument to the ghetto heroes in Warsaw (December 7, 1970). But at the same time, a question arose in Germany whether he was allowed to kneel down, as well as accusations of voluntary humiliation. This symbolic gesture by the chancellor demonstrated his moral and political farsightedness - an element so often missing from politics.

And then kneels the one who does not have to kneel, on behalf of all those who should but do not kneel, because they do not have the courage, cannot or cannot dare. And then he confesses a guilt that does not burden him and asks for forgiveness that he himself does not need. And so, he is kneeling on behalf of Germany.⁴²

⁴⁰ Die Lage der Vertriebenen und das Verhältnis des deutschen Volkes zu seinen östlichen Nachbarn. Eine evangelische Denkschrift, Hannover, 1. Oktober 1965: „Im Namen des deutschen Volkes wurde der Zweite Weltkrieg ausgelöst und in viele fremde Länder getragen. Seine ganze Zerstörungsgewalt hat sich schließlich gegen den Urheber selbst gekehrt. Die Vertreibung der deutschen Ostbevölkerung und das Schicksal der deutschen Ostgebiete ist ein Teil des schweren Unglücks, das das deutsche Volk schuldhaft über sich selbst und andere Völker gebracht hat. (...) Wir müssen aber daran festhalten, daß alle Schuld der anderen die deutsche Schuld nicht erklären oder auslöschen kann. (...) Man wird sicherlich so viel sagen müssen, daß die Bereitschaft, Folgen der Schuld zu tragen und Wiedergutmachung für begangenes Unrecht zu leisten, ein wichtiger Bestandteil deutscher Politik auch gegenüber unseren östlichen Nachbarn sein muß. Aus geschichtlicher Erfahrung und in sittlicher Einsicht müssen wir uns klarmachen, daß begangenes Unrecht des hier vor Augen stehenden Ausmaßes nicht ohne geschichtliche und politische Folgen bleibt. Solche Folgen lassen sich aber nicht schlechthin wieder rückgängig machen.“

⁴¹ Ein Memorandum deutscher Katholiken zu den polnisch-deutschen Fragen (Das Bensberger Memorandum) vom 2. März 1968, Mainz 1968, pp. 13-14: „So werden wir Deutsche uns zu sagen haben, daß die im Namen Deutschlands gegen Polen unternommenen Verbrechen (...) von solcher Art sind, daß jeder Versuch von Gegenrechnungen verstummen muß. (...) Niemand kann die Augen davor verschließen, dass ein Volk, dessen politische Führung einen Krieg vom Zaun gebrochen und verloren hat, nicht nur tatsächlich, sondern auch unter dem Gesichtspunkt der Gerechtigkeit dafür zu haften hat. Dieser Haftungspflicht, die die deutsche Nation als ganze trifft, können wir uns nicht entziehen, wenn wir den Frieden ernsthaft wollen. In ihr liegt beschlossen, dass wir über Schadenersatz und individuelle Wiedergutmachung hinaus auch politische Nachteile hinzunehmen haben. Dabei können auch Gebietsverluste nicht prinzipiell ausgeschlossen werden. (...) „Wer bewusst und mutwillig aus ihr [Völkerrechtsordnung] ausbricht, wie es Deutschland unter Hitler getan hat, verletzt nicht nur einzelne Rechte, sondern stellt auch die Völkerrechtsordnung überhaupt in Frage und setzt damit bislang anerkannte und ihn selbst schützende Rechte aufs Spiel. Nach einem solchen Friedensbruch müssen die Friedensordnungen und die wechselseitige Achtung des Rechts erst neu hergestellt werden; sie können nicht einfach vorausgesetzt, postuliert oder gar zur Rechtfertigung der eigenen Forderungen verwendet werden. Der Friede muss dann unter den Bedingungen erst wieder gewonnen werden, unter denen er erreichbar ist“.

⁴² „Dann kniet er, der das nicht nötig hat, da für alle, die es nötig haben, aber nicht da knien – weil sie es nicht wagen oder nicht können oder nicht wagen können. Dann bekennt er sich zu einer Schuld, an der er selber nicht zu tragen hat, und bittet um eine Vergebung, derer er selber nicht bedarf. Dann kniet er da für Deutschland“, Hermann Schreiber, Ein Stück Heimkehr, Der Spiegel, Nr. 51, 14. Dezember 1970, p. 29-30.

The President of the Federal Republic of Germany, Richard von Weizsäcker, stated in his speech of 8 May 1985:

All of us – the guilty and the innocent, the old and the young – have to accept the heritage of the past. We are all affected by its consequences, for which we are responsible. (...) It is not about overcoming the past, which is in any case impossible. You can't change it or consider that it didn't happen. Whoever closes his eyes to the past becomes blind to the present. Whoever does not want to remember inhuman behaviour, can be infected by new threats. (...) Therefore, we have to understand that memory is a premise of reconciliation.⁴³

On the Polish side, an important element was the letter from the Polish Catholic Bishops to the Bishops of Germany on November 18, 1965:

The Polish border on the Odra and Nysa is, for the Germans, as we well understand, an exceptionally bitter fruit of the last war and of the mass destruction, and similarly bitter is the suffering of the millions of refugees and of the resettled persons. (...) We ask you, Catholic Shepherds of the German Nation, that you celebrate our Christian Millennium together with us. (...) And we ask you to pass on our regards and expressions of gratitude to our German Evangelical brothers who, together with you and us, are making efforts to find a solution to the difficulties between us. In this most Christian and most human spirit, we stretch out our hands to you, sitting in the seats at the Second Vatican Council, which is about to end, we forgive you and ask for forgiveness. If you, German Bishops and Fathers of the Council, take our brotherly outstretched hands, only then could we celebrate our Millennium with a peaceful conscience and in a way that would be most Christian. We most cordially invite you to Poland for these celebrations.⁴⁴

The response of the German bishops turned out to be distant, and the formula “we forgive and ask for forgiveness” was not fully reciprocated. In fact, the West German episcopate hid behind the legal and political position of the state authorities.

In 1981 Jan Józef Lipski, oppositionist and literature specialist, wrote:

We have taken part in depriving millions of people of their homeland, some of whom were surely guilty of having supported Hitler, others only of passively accepting his crimes, still others were only unable to find the courage for a heroic fight against his monstrous machine of terror – in a situation where their state was at war. The evil that has been done to us, even the greatest evil, is not, however, and cannot be a justification for the evil that we have done ourselves. Removing people from their homes can be at best a lesser evil, never,

⁴³ Ansprache des Bundespräsidenten Richard von Weizsäcker zum 40. Jahrestag der Beendigung des Zweiten Weltkrieges am 8. Mai 1985 im Plenarsaal des Deutschen Bundestages: „Wir alle, ob schuldig oder nicht, ob alt oder jung, müssen die Vergangenheit annehmen. Wir alle sind von ihren Folgen betroffen und für sie in Haftung genommen. (...) Es geht nicht darum, Vergangenheit zu bewältigen. Das kann man gar nicht. Sie lässt sich ja nicht nachträglich ändern oder ungeschehen machen. Wer aber vor der Vergangenheit die Augen verschließt, wird blind für die Gegenwart. Wer sich der Unmenschlichkeit nicht erinnern will, der wird wieder anfällig für neue Ansteckungsgefahren. (...) Gerade deshalb müssen wir verstehen, dass es Versöhnung ohne Erinnerung gar nicht geben kann“.

⁴⁴ „Polska granica na Odrze i Nysie jest, jak to dobrze rozumiemy, dla Niemców nad wyraz gorzkim owocem ostatniej wojny, masowego zniszczenia, podobnie jak jest nim cierpienie milionów uchodźców i przesiedleńców niemieckich. (...) Prosimy Was, katolicycy Pasterze Narodu niemieckiego, abyście na własny sposób obchodzili z nami nasze chrześcijańskie *Milenium*. (...) I prosimy Was też, abyście przekazali nasze pozdrowienia i wyrazy wdzięczności niemieckim Braciom Ewangelikom, którzy wraz z wami i z nami trują się nad znalezieniem rozwiązania naszych trudności. W tym jak najbardziej chrześcijańskim, ale i bardzo ludzkim duchu, wyciągamy do Was, siedzących tu na ławach kończącego się Soboru, nasze ręce oraz udzielamy wybaczenia i prosimy o nie. A jeśli Wy, niemieccy biskupi i Ojcowie Soboru, po bratersku wyciągnięte ręce ujmiecie, to wtedy dopiero będziemy mogli ze spokojnym sumieniem obchodzić nasze *Milenium* w sposób jak najbardziej chrześcijański. Zapraszamy Was na te uroczystości jak najserdeczniej do Polski”.

however, an act of good. It is true without any doubt that it would not be just if a nation attacked by two rogues had to pay all the costs of the attack by itself. The choice of a solution – which as it seems – is less unjust, the choice of a lesser evil, cannot, however, make us insensitive to moral considerations. Evil is evil, and never good, even if it is a lesser and unavoidable evil.⁴⁵

The attitude of Poles to the Holocaust perpetrated by the Germans on Polish lands during World War II was studied by Jan Błóński (1987):

Our fatherland is not a hotel in which it is enough to clean up after a visit by unexpected guests. It is built, above all, out of memories; in other words, we are who we are only thanks to the memories of the past. We are not free to use it in any way we wish, although – as individuals – we are not directly responsible for it. We have to carry it within ourselves, even though it may be sad or painful. (...) In total sincerity and honesty we have to face the question concerning our co-responsibility. We can't hide this: this is one of the most painful questions that we can face. (...) Participation and responsibility are not the same thing. One can share the responsibility for the crime without taking part in it. Our responsibility is for holding back, for insufficient effort to resist. Which of us could claim that there was sufficient resistance in Poland? It is precisely because resistance was so weak that we now honour and pay homage to all those who did have the courage to take this historic risk [during the war]. Although it may sound strange, I do believe that this responsibility through failure to act is less relevant for our question. More significant is the fact that if only we had behaved more humanely in the past, had acted in a wiser, nobler, more Christian way, then genocide would have perhaps been 'less imaginable.' It would probably have been considerably more difficult, and almost certainly would have met with greater resistance. In other words, it would not have infected the society that witnessed it with indifference and moral turpitude.⁴⁶

⁴⁵ „Wzięliśmy udział w pozbawieniu ojczyzny milionów ludzi, z których jedni zawinili na pewno poparciem Hitlera, inni biernym przyzwoleniem na jego zbrodnie, jeszcze inni tylko tym, że nie zdobyli się na heroizm walki ze straszliwą machiną terroru – w sytuacji, gdy ich państwo toczyło wojnę. Zło nam wyrządzone, nawet największe, nie jest jednak i nie może być usprawiedliwieniem zła, które sami wyrządziliśmy. Wysiedlanie ludzi z ich domów może być w najlepszym razie mniejszym złem, nigdy – czynem dobrym. To prawda, że z pewnością nie byłoby sprawiedliwe, by naród napadnięty przez dwóch zbirów miał płacić na dodatek sam wszystkie tego koszty. Wybór wyjścia, które – jak się zdaje – jest mniejszą niesprawiedliwością, wybór mniejszego zła, nie może jednak znieczulać na zagadnienia moralne. Zło jest złem, a nie dobrem, nawet gdy jest złem mniejszym i niemożliwym do uniknięcia” – Essay by Jan Józef Lipski *Dwie ojczyzny, dwa patriotyzmy*, appeared in „Nowa” (No 144, June 1981) and in „Kultura” (Paris, No 409, 10/1981). German text was published in Germany in a special issue of the magazine „Kontinent” (No 22/1982). Later also in bilingual edition – J.J. Lipski, *Powiedzieć sobie wszystko. Eseje o sąsiedztwie polsko-niemieckim* (ed. Georg Ziegler), Gliwice-Warszawa 1996, pp. 192-193.

⁴⁶ „Kraj ojczysty nie jest hotelem, w którym dość sprzątnąć brudy po przypadkowych gościach. Zbudowany jest przede wszystkim z pamięci, inaczej mówiąc, jesteśmy sobą tylko dzięki pamięci o przeszłości. Tą przeszłością nie możemy dowolnie rozporządzać, chociaż – jako jednostki – nie jesteśmy za tę przeszłość bezpośrednio odpowiedzialni. Musimy nosić ją w sobie, chociaż bywa to przykre czy bolesne. (...) Musimy całkiem szczerze, całkiem uczciwie stanąć wobec pytania o współodpowiedzialność. Nie ma co ukrywać: to jest jedno z najboleśniejszych pytań, przed którym możemy stanąć. (...) Współ-udział i współ-wina to nie jest to samo. Można być współ-winnym, nie biorąc udziału w zbrodni. Najpierw przez zaniechanie czy przeciwdziałanie niedostateczne. A kto może powiedzieć, że było ono w Polsce dostateczne? Właśnie dlatego, że dostateczne nie było, składamy hołd i otaczamy czią tych wszystkich, którzy to heroiczne ryzyko podjęli. Chociaż dziwnie to zabrzmie, nie wykluczone, że ta współwina przez zaniechanie jest mniej istotna dla naszego pytania. Gdybyśmy bowiem – w przeszłości – postępowali mądrzej, szlachetniej, bardziej po chrześcijańsku, ludobójstwo byłoby zapewne 'mniej do pomyślenia', byłoby prawdopodobnie utrudnione a już niewątpliwie spotkałoby się ze znaczniejszym oporem. Inaczej mówiąc, nie zaraziłoby obojętnością i zdziwieniem społeczeństwa (społeczeństw), w przytomności których miało miejsce” – J. Błóński, *Biedni Polacy patrzą na getto*, Tygodnik Powszechny, No. 2/1987 (11 January 1987). See also A.K. Kunert (ed.), *Polacy – Żydzi. Polen – Juden. Poles – Jews. Wybór źródeł. Quellenauswahl. Selection of documents*, Warszawa 2001.