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pour l'histoire du temps présent

Sixty Years of the Federal Republic of Germany

by Bernhard Blumenau*

Recently, the party leader of the Social Democratic Party (SPD) in Germany, Franz Müntefering, caused a stir when he suggested that a new German constitution should be elaborated, a provision which had been included in the current German constitution before reunification in 1990. While this may have only been a half-hearted political manoeuvre to appeal to some few East German voters - federal elections are coming up in the autumn - it is also symptomatic of a broader and specifically German phenomenon: a sense of uncertainty. The Federal Republic of Germany will be 60 years old on 23 May 2009. This is an age when most people start to consider retirement. Germany, however, still appears to be struggling with finding its place in life, and by extension in the international community.

Why is this still the case, 20 years after reunification and 60 years after the proclamation of the Basic Law, Germany's constitution? In order to answer this question, we will have to go back in time to the beginning of the West German state after 1945. We shall therefore look at the history of the West German state over the past sixty years by focusing on the domestic but also to a large extent on the international context. Without paying attention to the latter, it would be impossible to understand the story of West Germany and the current challenges for the reunified Germany.

CREATION

After six years of a horrifying world war started by Germany, and after the Third Reich had brought tremendous suffering over most of Europe, the term "Germany" only referred to some - rather unspecific - geographic space, but not anymore to a state. In the Declaration of Postdam of August 1945, the victorious allied powers placed the former German Reich under the tutelage and occupation of five countries: Most of the eastern territories from Tilsit to the river Oder - with the exception of the area around Kaliningrad - were put under Polish administration, Poland having to move further westwards in order to satisfy Stalin's hunger for new Soviet territories. The rest of the former Reich was then divided between the Soviet Union, Great Britain, France and the United States. Berlin was a peculiar case as it lay within the Soviet zone of occupation, but was divided among the four powers. This was to become a blessing and a burden for the West later on in the cold war. On the one hand, Berlin was a symbol of liberty, democracy and, most importantly - a demonstration of the many fabulous achievements of capitalism. On the other hand, Berlin was also held hostage by the Soviets. The West knew very well - and the West Germans were reminding their allies at every possible occasion - that West Berlin would be the first target of Soviet aggression.



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But in 1945, the cold war was still in its preliminary stages and the Soviet-American split had not yet become apparent. As a matter of fact, the French were a much more difficult party in the negotiations about Germany's future than any other of the Four.

And yet, as was predicted by Winston Churchill in March 1946, an "Iron Curtain" was to descend across Europe from Stettin to Trieste. It divided this continent, and it divided Germany. This German Question, pertaining to the issue of reunification, was then to be intimately connected to the cold war until its very ending in 1989, with the fall of the Berlin Wall.

In this evolving confrontation, each side quickly realised that they needed the Germans. Not only for their strategic location at the very frontlines of the conflict but also for their manpower, size and economic potential. The United States and Great Britain merged their two zones of occupation in 1947 into the Bizone, the basis of the future West German state. France soon followed by adding its zone to this construct - while keeping the Saar area which was supposed to be integrated into France. Apparently, the French historical memory at the time was very short as they forgot how dangerous the annexation of territories was for international security (see the example of Alsace Lorraine in 1871 and the troubles this had created). However, after a referendum, the Saar people decided to join West Germany in 1957.

In 1948, this so-called Trizone obtained a new currency, which was a sheer necessity as the former Reichsmark had no real value anymore. Moreover, the Germans had returned to the ancient method of bartering and black-marketing. To re-instate order in Germany - and to reduce the tremendous burdens that feeding the former enemy posed especially on the French and British, the Deutschmark was introduced in June 1948. It was not only introduced in the Trizone, but also in West Berlin, resulting in the Soviets seizing this opportunity to seal off the city and trying thus to force the Allies out of Berlin. They responded by organising an airlift that lasted for eleven months until the Soviets finally lifted the blockade in May 1949.

During this first Berlin crisis, a group of West Germans - officials of the Länder - met at Herrenchiemsee in Bavaria, to work on a proposition for a future constitution for the Trizone. This proposition of the Constitutional Convent of Herrenchiemsee formed the basis for negotiations of the Parlamentarische Rat - a parliamentary council in lieu of a proper parliament, which the West Germans did not yet have on the level higher than the Länder. This council was presided over by Konrad Adenauer, a Christian Democratic politician from the Rhineland and former Mayor of Bonn until the Nazis had dismissed him. It elaborated a draft constitution, being instructed so by the Allies and drawing on documents already prepared by the United States. This draft was then adopted by the Länder parliaments - with the exception of Bavaria - by 23 May 1949, the day on which the constitution officially came into effect. However, The Basic Law was also binding in Bavaria, as no unanimous vote of all Länder parliaments was required for it to enter into force for all of West Germany. This constitution was a peculiar case. It was not called "constitution" but only Basic Law (Grundgesetz) as it was to create a provisional state, the Federal Republic of Germany, until a proper constitution was agreed on by all Germans, in east and west, upon reunification as the preamble stipulated. As is often the case with provisional arrangements, they tend to last much longer than intended, and the Basic Law is still the German constitution - and will most certainly remain so in spite of Mr Müntefering's call.

The proclamation of the Basic Law was followed by the elections of the first Bundestag in September 1949, which resulted in the election of Konrad Adenauer - at the age of 73 - to become the first federal chancellor and head of a Christian-conservative government. He was to remain in that position for fourteen years. However, the tasks to be accomplished by this first government were huge - Germany possessing almost no sovereignty and being under close tutelage of the Allied Powers - and only little political instruments were at its disposal. Further problems were created by the foundation of the German Democratic Republic on 7 October 1949, a Soviet puppet state that made the German division obvious and thus more difficult to overcome.



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In West Germany, however, the situation was ameliorating. With the introduction of the Deutschmark by Ludwig Erhard, the economy was kick-started again, and shop windows were replenishing overnight. The creation of a West German state also meant psychologically that the Germans were getting closer, little by little, to normality again and were no longer only an object of the Occupying Powers. As for the Nazi past, this was an issue not to be dealt with yet in detail. Vergangenheitsbewältigung, that is the examination of one's own past and involvement in the Third Reich's terror, was only to start in the 1960s. In 1950, the West Germans were preoccupied with rebuilding their lives and - and they were also preoccupied by Korea. The communist North had invaded the capitalist South, setting off alarm bells in Washington, Bonn and other western capitals, as they realized that the same thing could happen in Europe, in Germany. As the Soviet Union had now exposed its aggressive character, it became evident that additional measures needed to be taken to defend Europe against it; the Germans were suddenly required for assistance. This greatly facilitated Adenauer's task. He wanted to regain sovereignty for his state by linking it closely to the West. Reunification, although the basic mission for any government according to the Basic Law, was deemed unrealistic in the short term by Adenauer and only achievable by having a strong and prosperous West German state that could magnetically attract the East. He thus set off to reconcile with France and the western neighbours and by allying himself closely to the United States. He emphasized how necessary West Germany would be in any Western effort to defend against communism. Adenauer's policy soon yielded fruit. In a gradual process, West Germany finally got back most of its sovereignty in 1955. On 5 May 1955, the Germany Treaty (Deutschlandvertrag) came into effect. It stipulated the end of the occupation regime of the three Western powers and established almost full sovereignty for the Federal Republic, with the exception of issues related to German reunification and Berlin. It also provided for certain Allied emergency rights in case of public chaos in Germany, which were only suspended in 1968 when the Bundestag passed the German Emergency Laws (Notstandsgesetze). Because of this treaty, West Germany rearmed again, founded the Bundeswehr and then joined NATO. It hence had almost all attributes of a normal state. And yet, not entirely normal. Germany was still divided and with the new diplomatic freedom, a strategy regarding how to deal with the other part of Germany had to be developed. It was formulated in the Foreign Office and was labelled Hallstein Doctrine. This policy of non-recognition of East Germany shaped - and limited - the Federal Republic's foreign policy until its abandonment in the early 1970s.

Domestically, this new-found sovereignty also came with strings attached. Rearmament led to heated political discussions in the parliament and beyond. Many Germans did not want to have an army again, remembering all the misery that the Wehrmacht had brought over Europe - and themselves. Adenauer, however, managed to win sufficient political support for his project and therefore the Bundeswehr was established. Accordingly, the Basic Law was changed, and the military contribution to the defence of the West secured. The government was less successful in a different military issue. In the late 1950s, Adenauer and his Minister of Defence Strauß wanted to develop a German force de frappe. This, however, was strongly opposed by the majority of the public, and also caused anxieties with some allies. West Germany hence did not become a nuclear power, and finally bid farewell to any such intention in 1968 when it ratified the Non-proliferation Treaty. Economically, things were improving in Germany and the economic miracle (Wirtschaftswunder) enabled Germany to once again become a leading economic power. New self-confidence was also drawn from a different field: soccer. In 1954 West Germany won the world cup and the Germans were persuading themselves that they finally mattered again.

When Adenauer left the chancellor's office in 1963, he had accomplished a lot: he had successfully integrated West Germany into the West through NATO. By joining forces with France, the Benelux states and Italy, Adenauer also contributed to the creation of the European Communities, the forerunner of the EU. These European



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Communities were to become one of the basic pillars of German foreign policy and allowed for an unprecedented period of peace, stability and prosperity in Europe. Moreover, he had initiated the steps to overcome the hereditary enmity between Germany and France with the Elysée Treaty of 1963. Finally, he had gained back most of Germany's lost sovereignty. Despite these, he had not succeeded on one front: Germany was still divided.

CONSOLIDATION

At the same time, a man in Berlin was thinking about how to overcome that division. Egon Bahr, the "man behind" the Berlin Mayor Willy Brandt, developed the concept of "change through rapprochement" ("Wandel durch Annäherung") which his boss was to implement in the not too distant future. In the meantime, Adenauer was succeeded by Ludwig Erhard, a Christian Democrat who would prove to be a rather unsuccessful chancellor until 1966. Then a grand coalition of Christian Democrats and Social Democrats formed the government under Chancellor Kiesinger and Foreign Minister Brandt. Almost twenty years after the creation of the West German state, the Social Democrats were finally part of the government. They had reformed with the programme of Bad Godesberg in 1959 bidding farewell to socialism and embracing market economy. They thereby became more interesting for broader parts of the German electorate. Finally, in 1969 - twenty years after the foundation of the Federal Republic - the first Social Democrat, Willy Brandt, became chancellor. The tasks before him were difficult ones again: the prospects for reunification were constantly decreasing with every year, as the division reached a new low in 1961 with the erection of the Berlin Wall. Moreover, the economic engine was faltering and West Germany was going through its first big post-war crisis. The international monetary system was also under heavy pressure because of increasing U.S. failure to maintain it. Thus, the West German government was under urgent demand from Washington to do more in order to support it. Domestically, the student protests of the mid-1960s led to social tensions. They found their climax in the protests of 1968 and in some radicals going underground afterwards. However, by promising to "risk more democracy" ("Wir wollen mehr Demokratie wagen"), Brandt managed to reconcile societal tensions and his new political initiative to approach the east, Ostpolitik, increased West German room of manoeuvre externally. He abolished the Hallstein Doctrine and established links with the eastern Europeans, including the East Germans. For that reason, contacts between both German states were becoming more frequent, and the Basic Treaty (Grundlagenvertrag) of 1972 marked the end of the policy of non-recognition although the federal government continued to stress that there were two states in Germany but only one nation. The relaxation of relations also allowed for the membership of both German states in the United Nations in 1973.

Twenty years after its foundation, West Germany had become a more self-confident state. The Olympic Games in 1972 were expected to be a superb opportunity to do so. And yet, they marked another moment of tragedy. In the course of the Olympics, Palestinian terrorists took eleven Israeli athletes hostage and the attempts to free them by the German authorities ended in a bloodbath. Germany had its first encounter with terrorism. The 1970s were to become a decade of brutal terrorist violence - mostly by German terrorist groups such as the Rote Armee Fraktion - against state institutions and representatives as well as representatives of economic and social life and ordinary citizens. It found its climaxes in the siege of the German embassy in Stockholm in 1975, and the German Autumn of 1977.

The chancellor to be most intimately associated with the successful fight against terrorism is Helmut Schmidt. He entered office in 1974 after Brandt had resigned. It had transpired that an East German spy had been working with Brandt for years, Günther Guillaume, and Brandt had to take the political responsibility for that. His resignation was



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probably also linked to the fact that he had been experiencing a continued political fatigue. His legacy was the successful introduction of Ostpolitik, a policy that was continued by his successors and for which he was awarded the Nobel Peace Prize in 1971. After succeeding Brandt, Helmut Schmidt pursued a policy aiming at the attainment of stability and security. While he was in favour of continued détente, he also urged the allies to respond to the deployment of new Russian medium-ranged SS20 missiles in Eastern Europe by modernising the western missiles, however only in the event that negotiations failed. This double-track solution was then implemented in the early 1980s, when he had already left office. Schmidt also took a strong interest in economic matters and suggested the Group of 7 (G7) as a forum to deal with international monetary and economic problems.

However, his double-track approach resulted in harsh criticism within his own party and in the German public in general. The peace movement was gaining momentum in political parties and beyond. As Schmidt had lost most of the support in his Social Democratic party, the coalition partner, the liberals, shifted sides. They formed a coalition with the Christian Democrats and elected Helmut Kohl to become new chancellor in 1982. He was to remain chancellor for sixteen years, the longest term in office of a German head of government since Bismarck.

Kohl continued to support the double-track solution and resisted public pressure. But his finest hour was to come in the course of the enormous changes that took place in 1989 and 1990. When the Berlin Wall fell, it was Kohl who took the initiative to re-introduce the issue of German reunification on the international agenda. He wanted to use this window of opportunity that had opened. In spite of initial reservations on the part of the French, and the Soviets, and continued scepticism from the British, Kohl and U.S. president Bush sr. pushed through German unification. It became effective on 3 October 1990. Forty years after the foundation of two German states, the Germans found themselves in one nation, and one fully sovereign state.

THE UNIFIED GERMANY

However, this brought back anxieties about German ambitions among the neighbours. Therefore, Kohl tied the enlarged Germany closely to the new European Union and agreed to exchange the Deutschmark for the Euro. Moreover, there was no abrupt break with the former foreign policy lines. Germany kept a low profile externally and was focused on reconstructing the east and to change it into "flourishing landscapes" ("Blühende Landschaften") - a project that still awaits completion. Therefore, it lasted until 1998, and a new government led by the Social Democrat Gerhard Schröder, ensured that Germany assumed more responsibility in the international community and contributed German soldiers to the NATO operation against Serbia. For the first time since the end of the Second World War, German soldiers were fighting abroad again. It is one of the paradoxes of history that this policy was supported by a coalition partner that derived from the peace movement of the 1980s, the Green Party.

Gerhard Schröder pushed for a more independent and more self-confident role of Germany in the international community. It was also a result of the increase in self-confidence that the Germans had gained from the fact that they were now reunited and fully sovereign. This was most openly manifested in the German refusal to support U.S. President Bush jr.'s efforts to invade Iraq in 2003 and Schröder's claim for a permanent German seat in the United Nation's Security Council. On the other hand, he closed ranks with the U.S. and the allies in the immediate aftermath of 9/11 and the attack against the Taliban in Afghanistan. Ever since 1998, Germany has become one of the most significant contributors of troops for multilateral missions worldwide. However, externally, it has earned criticism for not doing enough. But also domestically, this new German international commitment has been heavily debated. In the early 1990s, the Federal Constitutional Court had to rule that sending German soldiers abroad,



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beyond the boundaries of NATO, was possible under the constitution. It created the phenomenon of a German parliamentary army. This signified that whenever German soldiers are engaged abroad, the parliament has to approve of it in advance and remains closely involved in every decision related to that mission. This makes ad hoc responses of Germany to threats to international security immensely difficult and causes a lot of irritation and annoyance with its allies. The most recent example for that is Afghanistan. Although the Germans are the second biggest contributor of troops, they are confined to the rather peaceful north of the country. The government rejected any pressure stemming from the allies to move south. This is due to the fact that this would have to be approved by the parliament again in a lengthy process of negotiations with the potential to burden the grand coalition government of Angela Merkel even more. Moreover, public opinion - already at a low in terms of support for German missions abroad - will become more opposed if the number of body bags coming back to Germany increases. The federal government has the difficult task of serving two masters with very different interests: the allies' demands for a stronger international commitment and burden sharing, as well as a very reluctant public and parliament at home. Under the current constitutional practice, a solution to this is unlikely to happen and both allies and public will continue to be disappointed in the future. A reform of this process is urgently needed. This could be done, for instance, by reverting the principal of the parliamentary prerequisite (Parlamentsvorbehalt). Instead of negotiating parliamentary agreement to all missions in advance, the executive could get the right to send German soldiers abroad - at least within a limited and set quantity - for missions agreed upon within the NATO and UN framework. In case the majority of the parliament is opposed to that, they would then have the right to demand an immediate change or stop of these German contributions. That would have the advantage of allowing for quicker German reactions to such demands from its allies and would strengthen the seriousness of the German commitment towards international security and stability. This is not to say that the role of the parliament is to be downgraded. On the contrary, by removing the discussion from immediate daily politics, more justice can be done to the real and less populist problems and also to the soldiers who risk their lives and have a right to reasonable parliamentary discussions. There is no doubt that Germany has a strong interest in being an active international actor. As one of the biggest exporting nations, there is already a vital German economic interest in the stability of international trading routes (read: the coast off Somalia) and international security. Germany cannot be a big Switzerland. Nor is it a world power. It has to find its place in between that. It is a medium-seized power with a leading role to play in Europe, already due to its location, size and economic power. It has to play its part within the multilateral frameworks established. In order to do so, reforms are necessary and the population will have to acknowledge that everything comes with strings attached. To have an - albeit limited - influence in world affairs and to continue to prosper economically cannot be achieved for free. A stronger and enhanced commitment to maintaining the international order established is needed. In that sense, Germany is still struggling to find its place

But do we need a new constitution to do so? Certainly not. The Basic Law has proved to be one of the most successful stories of German post-war history. It has managed to live up to all challenges that it was confronted with: gradual regaining of sovereignty, rearmament, societal protests and the challenges of terrorism, reunification and its aftermath. After the fall of the Wall, it has been copied by many states in Eastern Europe and beyond. Why abandon something that has worked so efficiently? Certainly, changes are needed. But they can be accommodated within the existing legal order. The confidence and reputation Germany enjoys today is largely due to its strong, living and admired constitutional order. In 1990, the East Germans were not only striving to benefit from the economic prosperity of West Germany but also from the political rights and freedoms enjoyed under the



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Basic Law. And the vast majority of them still fully embrace the Basic Law today. Müntefering's suggestion is a small aspect of a bigger issue: Germany has not yet entirely found its place both internally, but even less so externally. At an age when most people retire, Germany still seems to be at the transition from adolescence to adulthood. As any adult though, it has to live up to its responsibilities. It cannot shy away from them. Germany has to find its self-confidence - internally and externally - that matches its tasks. That is certainly no call for new nationalism. On the contrary! Knowing one's place and the limits to one's power is probably the most important feature of a responsible grown-up. Now, wisdom and patience will come with age. Maybe Germany will need yet a little longer to get there.

Pour en savoir plus

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