

German Historical Institute
Washington, D.C.
Occasional Paper No. 1

**Forty Years of the
Grundgesetz**
(Basic Law)

The Basic Law —
Response to the Past
or
Design for the Future?

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and
SHadows of the Past

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Preface

Nineteen eighty-nine is a year of many anniversaries. The city of Bonn celebrates its two-thousandth birthday, and the city of Hamburg invites us to celebrate the eight hundredth birthday of Hamburg harbor. Nineteen eighty-nine also marks the two-hundredth anniversary of the French Revolution, and it was 200 years ago that George Washington began his first presidency.

Considering these historic dates, one may wonder why the German Historical Institute arranged two lectures marking the fortieth anniversary of the day on which the Basic Law of the Federal Republic of Germany was signed. In my view, this made sense. When the Federal Republic of Germany was founded forty years ago, memories of the Nazi terror were fresh in the minds of those who drew up the constitution for a new and better Germany. They believed that the Basic Law should safeguard individual rights and liberties, establish a truly democratic form of government, and help to preserve those precious goals which had been disregarded and lost under the Nazis and could be regained only with the help of the Western powers.

Of course, in 1949 no one knew whether this experiment in democracy would succeed or fail. Today, forty years later, we are witnesses to its success. A new generation of German politicians who were not present when the Constitution of 1949 was signed today lives and works with the Basic Law. Furthermore, and of equal importance, surveys taken by political analysts tell us that the German population has accepted those rules laid down in 1949, and that, characteristically enough, even the vast majority of those who criticize the government's policies do so with specific reference to the Basic Law. Thus even in the United States, with its history of constitutional government of more than two hundred years, we may say in all humility that Germany has made a promising start.

I am very grateful to Professor Gordon Craig from Stanford University and to Professor Peter Graf Kielmansegg from Mannheim for accepting our invitation to speak and for using the occasion to present a penetrating analysis of the Federal Republic's history. I would also like to thank Dr. Kenneth Ledford for helping me to put into print this first issue of the Institute's occasional papers.

Hartmut Lehmann
Washington, D.C.

**The Basic Law —
Response to the Past or Design for the Future?**

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I.

On May 8, 1949, exactly four years after the unconditional surrender of the German army, a small assembly of sixty-one men and four women gathered in the less-than-splendid main lecture hall of a teachers' college in the provincial city of Bonn, less well known to the world then than it is now. The Parliamentary Council, as the Constitutional Convention of the future Federal Republic of Germany was called, convened for its last working session. After nine months of plenary debate and committee work, of controversies and compromises, the members of the convention were finally asked to say "yes" or "no" to the draft of a constitution for a West German republic. Fifty-three of them voted "yes", twelve "no", the majority encompassing all of the deputies from the CDU, the SPD, and the FDP, i.e., the three parties which were to become the dominant political forces in the new republic. The minority was a strange coalition of smaller parties, Communists, Catholics, and defenders of the autonomy of the states.

Fifteen days later, on May 23—after ten of the eleven state parliaments had ratified the Basic Law—the constitution was signed by the members of the Parliamentary Council in a dignified, but for obvious reasons unenthusiastic, ceremony. This is the event we celebrate today. The historical process of the birth of a West German republic, comprising two-thirds of what the war had left of Germany, set in motion by the United States and Great Britain against French resistance, reluctantly supported by the Germans themselves, had reached its first stage.

Most of the founding fathers and mothers were already grown-ups thirty years earlier when another constituent assembly, the Weimar National Assembly, had met to deliberate another

constitution for another republic. They could not help but wonder whether their work would prove more successful than that of their predecessors. Today, I think, it is justified to say that history has given a definite answer to this question: Yes, the second democratic experiment in German history has been successful. The Federal Republic of Germany has definitely joined the not-too-numerous family of constitutional democracies, a group which comprises only roughly one-fifth of the present membership of the United Nations.

What is less clear, however, is to what extent the West German constitution, the Basic Law, which we commemorate today, contributed to this success. Historians who try to explain the failure of the Weimar Republic do not regard the deficiencies of its constitution as a decisive factor. But most of them think that these deficiencies played a negative role in the crisis of its last three years. There is also a general feeling that the "anti-Weimar-constitution" of the Bonn republic, as the Basic Law is sometimes called, has been and is a solid framework for democratic politics. But how precisely did it influence the development of the Federal Republic? Would the fate of the Federal Republic have been different under the Weimar Constitution? And could the Weimar Republic, to ask an even bolder, more speculative question, have survived with the Basic Law? This kind of thought experiment (which most historians abhor, whereas I am inclined to find it useful and stimulating) leads us to the general problem of how important constitutions are in comparison with social and economic factors—the United States of course being one of the great examples that would have to be considered. It is with these questions in mind that I shall try to evaluate the impact that the Basic Law had on the development of constitutional democracy in West Germany since 1949.

There is general agreement that the Basic Law first and foremost is a reactive constitution. The past that had shaped the political outlook of the founding fathers and mothers had two faces: an ill-functioning, weak, and helpless democracy on the one hand and a cruel despotism on the other. Four fundamental conclusions were drawn from these memories: a constitution which effectively protected individual rights was to be the new sovereign; parliamentary democracy was to be institutionalized in such a way that strong and effective government was possible; democracy had to be enabled to defend itself against its enemies; and last but certainly not least, the future Germany had to be definitely tied to the idea of peaceful cooperation among nations.

Let me briefly describe how these four conclusions shaped the constitution. To begin with, there is the bill of rights, the first nineteen articles of the constitution. There is also the Constitutional Court, entrusted with the ultimate responsibility for enforcing the constitution (above all the bill of rights) against all three branches of government, the executive, the judicial, and, most importantly, the legislative. The Constitutional Court is really the embodiment of the idea of the sovereignty of the constitution. Perhaps the clearest expression of the Parliamentary Council's determination to subordinate all state power to constitutional restrictions is the clause that rules out amendments to the constitution, as far as the fundamentals are concerned. In other words, the Basic Law gives the rule of law—which is the general principle lying behind the idea of the sovereignty of the constitution—priority over the democratic idea of popular sovereignty. The Basic Law is not a majoritarian constitution. In this respect, it is much closer to the constitution of the United States than to most west European constitutions. It could hardly be otherwise in a country in which 44.9% of the electorate had voted National Socialist in the last relatively free elections in March 1933. Let me add that the Basic Law also contains a more rigid general version of the rule of law than any other constitution that I know. Article 19 states that *whatever* public authorities do is subject to judicial control if individual rights might be affected.

The ingenious constructive vote of no-confidence is usually regarded as the core of the Parliamentary Council's scheme of strong and effective parliamentary government. But it is only one element in this scheme, and in my view people tend to make too much of it. To characterize the constructive vote of no-confidence a little bit more fully: on the one hand it is the supreme responsibility of the Bundestag to elect the Chancellor and to support him so as to enable him to govern effectively; there is no president to step in if parliament fails to live up to this responsibility. On the other hand, parliament is denied the right to overthrow the government at will. It has to elect a new chancellor if it wants to get rid of the incumbent. This, as you all know, happened only once in the history of the Federal Republic, in 1982, when Chancellor Schmidt was replaced by Chancellor Kohl. At the same time, the Parliamentary Council balanced its effort to strengthen government by limiting rigidly the possibilities of dissolving parliament. The conditions under which the Bundestag can be dissolved are defined in extremely narrow terms.

Finally, I must mention in this context the five percent clause of our electoral law, which modifies the basic rule of proportional representation by denying parliamentary representation to parties that do not gain at least five percent of the total vote. The five percent clause is, of course, not part of the Basic Law, but it is an integral element of the Parliamentary Council's scheme of responsibility and effective parliamentary government. Its purpose is to prevent an extreme fragmentation of the party system and thereby to support the formation of stable majority coalitions in parliament.

Part of the constitutional picture is also the strictly representative character of our democracy. The Basic Law—like the constitution of the United States—is one of the few democratic constitutions that exclude definitively all elements of direct democracy. Parliament has to bear full responsibility—this was the firm conviction of the founders. Once more, of course, the final years of Weimar are the background for this decision, the misuse then of the initiative by extremist parties. The Parliamentary Council hoped that a purely representative republic would be less susceptible to demogogy.

All this reflects most clearly the Parliamentary Council's judgment about the main weaknesses of the parliamentary system of Weimar: the fragmentation of the party system; the refusal of the parties to assume the responsibility of reliably supporting a chancellor and his cabinet if this meant to accept compromises; and the manipulative interference of the president, misusing his power to appoint and dismiss the chancellor, to dissolve parliament, and to issue emergency decrees.

The third group of constitutional regulations that are clearly a response to the past are those giving effect to the idea that a democracy ought and should be able to defend itself against its enemies. Again the Constitutional Court plays a key role in this conception of legitimate self-defense. It is the Constitutional Court that has the right to ban parties actively trying to subvert or overthrow the constitution, although the initiative has to be taken by government or parliament. And it is the Constitutional Court that can declare certain basic individual political rights forfeit if they are misused for the purpose of fighting against democracy.

Finally, we must consider the new approach to international relations. There are several constitutional clauses which bear witness to the founders' determination to make it impossible for Germany ever again to disturb the international peace. The constitution explicitly forbids the use of military force except to

resist aggression. This is not unique; the Japanese have gone even beyond that, but it is remarkable nevertheless. There are few states around the world that have accepted this kind of constitutional self-restriction. The constitution also incorporates generally acknowledged rules of international law into *national* law, directly binding upon all authorities and citizens of the Federal Republic. It authorizes parliament to transfer rights of sovereignty to supranational institutions, and it encourages the Federal Republic to join a system of collective security as the best way to promote peace.

The extent to which these constitutional declarations of intent have anticipated the real course of West German foreign policy is extraordinary. By "anticipated," I mean that West German foreign policy must not be misunderstood as just the constitution being executed. West German foreign policy has been guided by what the political elites conceived as the *raison d'etat* of the Federal Republic. But there is a remarkable conformity between the dominant views of the *raison d'etat* of the Federal Republic in the last forty years and the objectives laid down in the constitution.

This is not altogether surprising. Since World War II, most European democracies have pursued a policy of joining integrated communities or alliances. But the case of the Federal Republic is different. For her to become a member of the European Community and the Atlantic Alliance was not just one out of several foreign policy options. It was the logical conclusion of the founding of a West German state. In this sense, the treaties integrating West Germany into the Western community are part of the constitution of the Federal Republic, not legally of course but in substance.

I hope that I have made it clear what it means to call the Basic Law a response to the past, a reactive constitution. As to the future, nothing was more important to the founding fathers and mothers than to make it perfectly clear that the Federal Republic was meant to be a transitory state. All Germans who had made up their minds to collaborate with the occupation powers in setting up a West German state were troubled by the question of whether they were actively contributing to the permanent division of their country. They did not know the answer. All they could do was to state as clearly as possible that they did not want to.

This is the message of the preamble and the last article of the constitution. The founding of a West German state was in no way meant as a renunciation of the nineteenth century idea of a unified national German state. The constitution of the Federal Republic is rather a confirmation of that idea.

II.

Let me now consider the effect that this constitution, so thoroughly shaped by the memories of a generation that had lived through failure and catastrophe, had upon the development of the second German republic—the role it played in what is generally regarded as a success story. It is obvious that it would take more space than I am allotted to treat this subject adequately. I shall therefore confine myself to those features of the Basic Law which constitute its peculiarly "reactive" character.

Let me begin with a warning. In talking about a success story, we must be careful not to overrate the importance and the impact of the constitution. One must always remember that the Basic Law did not have to bear the most crippling burdens under which the Weimar Constitution collapsed. There was the marvellous and speedy economic recovery after World War II, for which American aid was so essential. Instead of a humiliating peace treaty, there was early readmission to the community of free nations. And even the shock of total defeat was helpful. Unlike their parents one generation before, most Germans could not help but realize what had happened, and they were wise or just realistic enough not to gamble away the opportunities history, especially the break-up of the coalition of victors, offered them. On the other hand, there was the division of the country, something the Weimar Republic did *not* have to live with. But surprisingly, even the division of the country did not really destabilize democracy in West Germany, as it might well have done to the Weimar Republic. Confrontation with a communist dictatorship in the guise of a German republic and exposure to the threat of thirty Russian divisions on German soil taught most Germans a very impressive lesson on the value of constitutional democracy and the rule of law and of being firmly tied to the West.

All this, let me repeat, gave the Basic Law a much better chance of success than the Weimar Constitution ever had. But it does not mean that constitutions do not matter. I am convinced that they do matter. The idea that the Federal Republic should be a constitutional democracy in the sense that the constitution is the sovereign has been extraordinarily successful, perhaps even too successful—I shall return to this ambivalence. The Basic Law has really become a basic law, the supreme law of the land, controlling political power, providing fundamental orientation for the political process. Its impact extends far beyond the limits of the political system

proper. Describing the impact of the constitution, we are of course talking about the Constitutional Court. It is the jurisdiction of the Constitutional Court that has made the constitution the supreme law of the land. To an American audience this sounds very familiar—although one must not forget that the Constitutional Court and the Supreme Court are quite different institutions. But in German, and one can probably even say in European, constitutional history it is an absolutely new phenomenon. Never before has a constitution had such a deep and all-pervading influence, because never before has such a powerful enforcement agency been established. The decision to set up a very powerful Constitutional Court is perhaps the single most important decision of the Parliamentary Council.

There is room for only a few examples of issues upon which the impact of the jurisdiction of the Constitutional Court has been great: the relation between federal authorities and the states; the rules under which parties compete, including the financing of parties; the deployment of Pershing II missiles on German soil; the limits of public debt; the rules regulating the admission of students to the universities; codetermination of students in universities and workers in industrial enterprises; the implications of Art. 5—freedom of speech and information—for public and private television; and so on. All these issues have been subject to judicial review. The authoritative interpretation of the constitution by a judicial body has become a crucial element of the political process under the Basic Law.

It is not surprising that this experience has led to the critical question of whether the sovereignty of the constitution as intended by the Parliamentary Council means that one has to accept a constitutional court as one's sovereign. The answer is probably "yes," although a court is a very special sovereign. It cannot act by itself. It has to be brought into action by others. And it can only define the legal framework within which the other constitutional authorities have to wield their powers; it cannot absorb those powers in substance. Accordingly there has never been any serious attack on the institution of the Constitutional Court as such. There have been disputes about certain decisions. There was some concern in the progressive sector of public opinion in the seventies about the balance between Parliament and the Court, after the Court had declared a few reform projects of the social-liberal coalition unconstitutional. But in spite of occasional irritations, the Court enjoys a surprisingly widespread and stable support, more than any other institution the Basic Law has created.

Let us now turn to the attempt of the founding fathers and mothers to ensure effective and responsible parliamentary government by constitutional means. I think one cannot deny that on the whole the parliamentary system in the Federal Republic worked as the founders wanted it to work. But it is doubtful whether the constitution played more than a marginal role in bringing about this result. The truth is that one cannot ensure stable and effective parliamentary government by constitutional means. In other words, the decisive factors were not the rules of the game but the players—the parties, the electorate, and what grew out of the interaction between parties and electorate, the party system of the Federal Republic. The parties accepted the responsibility of governing the country, and they understood the necessity of compromise. And the electorate shaped a party system that made stable and effective majority coalitions possible—throughout her forty year history the Federal Republic was governed by majority coalitions, and only two out of ten of these coalitions failed to serve their full term.

It is indeed something like maturity of the political elites and of the voters—non-existent in the Weimar Republic—to which the second German republic owes the stability and effectiveness of its political system. This maturity is nothing to be particularly proud of. Whereas the defeat of 1918 bred irrationality, the total collapse of 1945 gave rationality a chance. And the extremely favorable circumstances under which the Federal Republic grew up in the fifties made it easy to make use of this opportunity. But it remains an important fact that the collective rationality of the actors is not simply a natural consequence of the constitutional rules of the game.

If one of those rules had a measurable effect, it is certainly not the famous constructive vote of no-confidence; the conditions under which it could have been relevant did not arise for a long time. It is rather the five percent clause of the electoral law. The development of the German party system from 1949, when seven parties won seats in the first Bundestag, to 1961, when only three of them were left, and the stability of this three-party system during the sixties and seventies cannot be explained without taking this clause into account. But neither can it be explained by the five percent clause alone. In the eighties, we are in the process of learning that the five percent clause and a fragmented party system are perfectly compatible.

And what about the effect of the third group of constitutional rules I have brought to your attention, the rules of legitimate democratic self-defense? It is well known that the Federal Republic,

unlike the Weimar Republic, has never been seriously threatened by militant extremist forces misusing the freedom granted by a democratic system in order to destroy democracy. To be sure, political groups that fall under this description existed and still exist, but they have always remained marginal, which is of course not an effect of the constitution but a consequence of the general political, social, and economic development of the country. This does not mean that the constitutional scheme of democratic self-defense became quickly obsolete. Two parties were banned by the Constitutional Court in the fifties, and the ban was rather rigidly enforced by the government and the legislature. These early verdicts had a lasting effect. The fringe parties of the left and the right have ever since been careful to make it clear that they are in agreement with the fundamentals of the Basic Law. They have at least avoided any open denunciation of the principles of constitutional democracy and the rule of law. The Communist Party, banned in 1956, refounded in 1968, now shielded by the tacit agreement that it should be tolerated as the price demanded by the policy of detente, is a good example of the Damocles effect of Art. 21 of the constitution. Incidentally, the awkward problem of what the difference is, in terms of constitutionality, between the old and the new Communist Party has never been brought to the attention of the Constitutional Court; the Court, as you will recall, cannot act by itself.

But as time went by, it became more and more apparent that the Federal Republic had to face different challenges than the Weimar Republic, i.e., not the frontal attack of openly antidemocratic forces against which the founders had designed their scheme of democratic self-defense. With the students' revolt of the late sixties, a radical new left began to prosper in West Germany as in other western democracies. Its impact on the universities and on certain segments of public opinion was considerable. This radical new left confessed allegiance, if not to the constitution, at least to the basic principles underlying the constitution. And most of the rebels probably meant it. But at the same time, they attacked the Federal Republic fiercely as the very negation of their vision of democracy. For them, allegiance to this vision and disloyalty to the Federal Republic were two sides of one coin. What was an adequate response to this challenge?

That is the question behind the controversy about the "*Berufsverbot*," to use the misleading catchword that caused so much damage to the reputation of the Federal Republic abroad, a contro-

versy in which both sides fought with extraordinary passion and bitterness. I do not wish to go into the details of what is a very complicated story, both from the political and from the legal point of view. It is enough to say that the difficult question of how to define and how to ensure loyalty of the public service to the constitution, if "constitution" means more than just a few lofty principles, literally divided the country. And no answer has been found upon which both sides could agree. It is, I think, no exaggeration to say that the controversy about the "*Berufsverbot*" marks a turning-point in the history of the Federal Republic. A consensus on what kind of democratic self-defense is legitimate and against whom it is necessary, so fundamental for the founders, no longer exists. No scheme of democratic self-defense, however, can work unless all democrats are in agreement on when and how to use it.

The lesson we had to learn in the seventies was that the balance between self-assertiveness and tolerance in a democracy is a very delicate one. The founders, determined to learn *their* lesson, had paid little attention to this balance. And I think it is only fair to say that—considering their experience with the suicidal tolerance of the Weimar Republic—it could have hardly been otherwise. But this experience is no longer ours. The seventies have taught us that we have to find our own answer.

The problems of the eighties are in many ways different from those of the seventies. But there is also continuity between the decades: a process of polarization that has its roots in the late sixties is making steady progress. It is this process of polarization among those who regard themselves as believers and supporters of democracy, not the strength of antidemocratic forces, that challenges our republic. It is this process of polarization that has weakened the idea that democratic politics have to be under all circumstances politics under the law. And it is this process of polarization that has encouraged the fringe to break the taboo against violence upon which democratic politics are based.

III.

With these last observations, I have reached the threshold between the past and the future. I have tried to show that there is no plain answer to our question: how did the Basic Law contribute to the success of the second democratic experiment in Germany? In

framework for the future that in many respects has stood the test of time. Above all, the idea of the sovereignty of the constitution, enforced by a Constitutional Court, has been really put into practice. In the thirty-eight years of the jurisdiction of the Constitutional Court, the Basic Law has won a pervading influence in all spheres of public life. As to the constitutional provisions designed to ensure effective and responsible parliamentary government, I have argued that they were helpful, certainly not dysfunctional, but not decisive. The constitution is not the key factor in explaining the stability and the effectiveness of the parliamentary system in the second German republic, but it is not negligible. The elaborate scheme of democratic self-defense, on the other hand, the third important element in the founders' response to the traumatic experience of the failure of the Weimar Republic, has been presented as an example of the truism that by responding to the past one cannot be sure to give adequate answers to the problems of the future.

This is of course not a complete assessment. But even a much more detailed investigation into the role the constitution played in the history of the Federal Republic would, I think, not produce very different results. Let me therefore in my conclusion turn from the past to the future. What are the challenges the constitution has to face in the next years?

To begin with, there has never been, and there is not now, any serious demand for fundamental constitutional reform. The numerous amendments that we have had in the last forty years were in most cases of a technical nature. In the seventies, the long report of what in the United Kingdom would have been a "Royal Commission on Constitutional Reform" ended with the conclusion that the Basic Law had done well, and that there was no need for large-scale constitutional reform. This is still the predominant view. As far as I can see, there are only two constitutional issues that are likely to be on the political agenda in the next few years.

The Basic Law is unique among the constitutions of the world in that it grants asylum to political refugees as an individual right protected by the courts without any qualification. Parliament has no power to curtail this right by law. Many raise the question: how long we can afford this generosity in view of the unquestionable fact that in most cases it is not political persecution but economic misery that drives people from the Third World and from eastern Europe to West Germany. Public opinion is split. The groups which feel that Germany has a special obligation to keep her

frontiers open, the churches among them, are more articulate. But the more or less silent majority is probably in favor of an amendment to restrict the right of asylum.

The other issue, still in the background, is the question of whether the German people are ripe for direct democracy. There has been growing criticism of the purely representative character of our democracy in the last few years. And recently, the chairman of the SPD, Hans-Jochen Vogel, came out in favor of the initiative and the referendum, not without provoking opposition in his own party. In both cases it is quite unlikely that we shall actually have constitutional amendments in the foreseeable future. Constitutional amendments require a two-thirds majority in both houses of parliament, i.e., they require a consensus between the two main parties. Neither the CDU nor the SPD is moving in that direction.

All this is of course not yet an answer to our question. The real challenges that the constitution will have to face have not yet been mentioned. These real challenges, I think, have something to do with the process of political polarization upon which I have already touched. Since the late seventies this process has visibly begun to transform the party system. Because the stability and effectiveness of parliamentary government in the last four decades has been intimately connected with the party system, this is a serious development.

The German party system as we know it took shape in the fifties, emerging in a process of concentration from a much more fragmented system. The characteristic three-party system, with two major parties, right of center and left of the center, and a small liberal center party, was not fully developed until the federal elections of 1961. In this system, the two major parties were both able to integrate more than 40% of the voters, although only once did one win more than 50% of the total votes. To the right of the CDU/CSU and to the left of the SPD, no politically relevant party existed. The liberals at the center were in a strategic position. They could choose between the two major parties. In fact the decision of the liberals to change sides has been responsible for the two major political realignments of the last thirty years.

This system was not without shortcomings. It gave the liberals a political weight quite out of proportion to their electoral success. Alternation of government, essential for democracy, depended less on the electoral vote than on the strategic calculations of the liberals. But the system worked. One of its healthy effects was that it contributed to continuity and moderation in German politics. But

it also left room for innovation.

It looks as though this system is crumbling. A process of fragmentation has set in since the late seventies and is still making progress. A radical left party is already well-established. The ecological issue and the peace issue have both been instrumental in reaching this result. Without the mobilizing effect of these two issues, it would have been difficult for a new party to break through the traditional cold war taboo against left radicalism and to overcome the five percent clause. On the other hand, the transformation of the two single-issue movements into an apparently permanent party would have been unlikely if the political space to the left of the SPD had not been left unoccupied. We can no longer exclude the possibility that, with a time-lag of five or eight years, something similar is happening at the opposite end of the political spectrum: an issue, if not a mass movement, at least a mass resentment, a radical party emerging from this resentment to occupy a position in the party system that for a long time had been taboo. But that is still an open question.

In a comparative perspective, the process of fragmentation is also a process of normalization. The West German party system has been much narrower, much more center-oriented than the party systems of most West European democracies. But this is little comfort. With a more fragmented, more extended party system, politics in the Federal Republic will become more difficult. There will be less continuity, less calculability, maybe less stability of government.

To polarization and fragmentation of the party system, a third key word has to be added: alienation. There is no doubt that a significant proportion of those voting for the new extremist parties are deeply alienated from the political system altogether—more on the left than on the right wing of the political spectrum, where most extremist voters seem to be motivated by a few specific issues. Political violence, the clearest indicator of political alienation, has increased during the last decade, although political terrorism appears to have passed its peak. There are other more widespread symptoms of alienation than active violence itself—the frequent talk about the necessity of "resistance" in recent years is one of them. I am convinced that this kind of irresponsible talk by people who would have nothing to do with violence themselves has done much to lower the threshold between peaceful and violent political engagement. But I cannot go into details. All I want to point out is that what we perceive as structural change in the political system

is probably related to a more fundamental cultural change. How will the constitution serve the country under these conditions?

Those who will celebrate the fiftieth anniversary of the Basic Law will probably know the answer. I do not. I am sure that the constitution will continue to function as an acknowledged framework for the political process. All groups, with marginal exceptions, will continue to confess allegiance to the constitution. But is constitutional consensus all the consensus that democracy needs in order to maintain its fragile system of peaceful accommodation of conflict? What is, in the case of the Federal Republic, the substance of what we might call constitutional consensus, considering the more or less permanent struggle between progressive and conservative interpretations of the constitution? Does constitutional consensus secure the mutual tolerance and respect between political adversaries, threatened by polarizing tendencies, that a democracy definitely needs?

Occasionally the question has been raised of whether there has not been too much emphasis on constitutional consensus in the Federal Republic. It is, I think, a legitimate question. There is indeed a danger of overburdening the constitution, of expecting too much of it. There is probably no other country in the world where the idea of a patriotism based exclusively on the constitution, oriented exclusively toward the constitution, would be discussed. In West Germany, this form of patriotism has been propounded and is indeed seriously discussed, even if only among intellectuals. Do these intellectuals, does the Federal Republic, to ask the last in a long series of questions, anticipate a new post-national era in which people will define their political identity not in terms of nation and country but in terms of values laid down in a particular constitution? Or does the idea simply reflect the peculiar problems of a divided nation in a divided country with a catastrophic history?

To end with a long series of questions may seem to indicate skepticism about the future. There is indeed, I think, some reason for concern. But one must not forget, that another long series of questions has been answered by the history of the last forty years. The Basic Law has stood the test of these forty years. This experience is encouraging.

Democratic Progress and Shadows of the Past

Gordon A. Craig
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Birthdays are occasions upon which one would like to find the breakfast table laden with, at the very least, dozens of brightly colored greeting cards. In the case of our friend and ally the Federal Republic of Germany, these seem to have been confiscated by some malevolent fairy godmother, one perhaps who was not invited to the original feast, who has left instead a muddle of problems and perplexities, including unemployment, refugees, acid rain, nuclear weapons, the Third World, political corruption, declining birth rate, and the elections in Berlin and Hessen. Even worse, instead of the congratulations that the *Geburtstagskind* might have expected to hear on a fortieth *Jubiläum*, the air is filled with complaints, objurgations, and accusations from people he had regarded as friends, some of whom have not hesitated to invoke specters from the past to add weight to their criticisms. "The Ghost of Hitler May Lead Germans into New Mistakes," one headline in the London *Sunday Telegraph* of 23 April says ominously. "A 'Stab in the Back' by NATO's New Wets," declares another. "What we have here is grandstanding by a panic-stricken government," says a Bush administration spokesman concerning the Genscher initiative on missiles. This is not enough for Patrick Buchanan, who sees a betrayal of NATO and an imminent drive on the part of the Federal Republic for re-unification and the domination of *Mitteleuropa*; or for William Safire, who sees the West Germans, whom he has already castigated as "Merchants of Death," as planning to "seek their destiny in the East;" or for George Will, who declares portentously that "this century will end as it began and as it appeared in its middle period: on guard against Germany."

Surely the times are out of joint when a foreign policy initiative can elicit this outpouring of suspicion against an ally, and particu-

larly against one that has so often in the past been praised to the skies by British and American statesmen for its success in overcoming its past, its democratic progress, and its loyalty to NATO. Surely we would be better advised to regard what we have seen in this capital recently as a kind of hysteria that will in time ebb and disappear and to use this occasion for a judicious memory, recalling the events of the Federal Republic's forty years, the crises overcome, and the progress achieved toward effective democratic government. Perhaps that will give us the perspective to view some of the *Bundesrepublik's* present problems with more equanimity and understanding than the newspaper columnists and headline writers have shown.

Some time ago, in the pages of the British journal *The Spectator*, Timothy Garton Ash described the Federal Republic as "one of the most prosperous, free, secure, and respected countries in the world." Forty years ago, when Germany was still a disoriented and traumatized land, the idea of such a transformation would have been considered ludicrous. In the years from 1945 to 1949, the Gallup organization was fond of asking Americans how they rated German chances for economic recovery and for progress toward democracy. The respondents were agreed that the former would come slowly and painfully, but with respect to the ability of the Germans to develop a truly democratic society and to give it effective governance, they had the strongest doubts, and the majority were inclined to believe that a return by the Germans to their familiar demons was more likely. Yet since 1949, we have become accustomed to thinking of the *Bundesrepublik* as a country very much like our own, with similar institutions, with similar problems, and with the same capacity for approaching problems with democratic methods. Our original doubts and suspicions, which were very active, were overcome by a number of developments that can be briefly rehearsed.

1. The first development—although this was not immediately apparent—was the fact that the catastrophe of 1945 gave birth to a radically new political consciousness in western Germany that was shared by all of the political leaders who wrote the Basic Law. Last March, in a newspaper interview, Sebastian Haffner described the change by saying that Germans came to their senses and realized that they had lived too long under the hypnosis induced by slogans and charisma. A more satisfactory explanation perhaps is that provided years ago by Kurt Sontheimer when he wrote that there was a pervasive, if not always clearly articulated, feeling that the

way to a better future must lead back to the origins of the ideas of freedom and justice in Western political thought, that is, back to the theory of natural rights and to the traditions of the Enlightenment and classic liberalism, which had always played a part in German political thinking but never a dominant one. Thanks to this change of orientation, the State—that mystical entity to which generations of Germans had paid obeisance before 1945 and which had served to condone both absolutism and foreign adventurism—was depersonalized and de-mythologized, and the tie between the individual and his government became pragmatic rather than romantic. This was actualized in the Basic Law by safeguards to protect the democratic institutions that that document established and, as Henry Ashby Turner has written in his new book on the two Germanies, by a "skillful combination of delimitation and flexibility [that] has enabled the complex federal system to function with a minimum of friction." The new spirit was manifest also when, under American pressure, the new republic was called upon to begin re-militarization at the time of the Korean War. At that time, greatly to the annoyance of the Pentagon, which wanted to have German troops available as quickly as possible, the West German Bundestag insisted that, before a new army came into existence, measures must be taken to prevent a regression to the evils of the old military system, in the first instance by careful selection of officer candidates and elimination of persons with dubious political associations and subsequently by provision for political education in the training program.

2. The new political orientation and the new constitution would, of course, probably have come to nothing if the country had not—and this is my second point—been favored with a group of gifted and energetic leaders capable of giving guidance to a population that may have felt that things could not any longer be run as they had in the past but had no very precise idea about how this was to be accomplished and was, in any case, disoriented and traumatized by the recent military defeat and the conditions of life under allied occupation. To shake them out of their passivity, to interest them in politics again, and to chart the way toward a recovery of sovereignty on a democratic basis was the work of men like Socialists Kurt Schumacher and Ernst Reuter, the liberal Theodor Heuß, who became the first president of the Federal Republic, and the Christian Democratic leaders Ludwig Erhard, the father of the economic miracle, and Konrad Adenauer, who served as Federal Chancellor from 1949 until 1963.

A few years ago I was a guest on a television talk show in Cologne, a program called *"Abenteuer Bundesrepublik."* The discussion leader asked the group what was the first name that came to their minds when they thought about the republic's history and, when one of the older guests answered "Konrad Adenauer," turned to one of the youngest, a student at the University of Cologne, and asked if she agreed. She answered firmly, "I don't know anything about Adenauer! He doesn't mean anything to my generation!"

She may have been correct in the first part of her answer, but hardly in the second. Whether they realized it or not, Konrad Adenauer's political career did have real meaning for her generation and their way of life. The democratic rights that they enjoyed were due, to a significant extent, to Adenauer: to the fact that he was able, by sheer force of personality, to neutralize and transform the disoriented mood of the German people after the war and to overcome the automatic tendency of his countrymen to believe that leaders could only be taken seriously when they wore uniforms. His political style, which was stern, earnest, and patriarchal, convinced them that the authority for which they longed could be found in a democratic government under his leadership, and his long tenure of office provided the time to lay down an effective infrastructure for the democratic state and the continuity that invested democratic practice with an aura of normality.

At the same time—and this is connected with Kurt Sontheimer's point—Adenauer set his face against the Germans' traditional preoccupation with their own uniqueness, which had often taken illiberal forms, and against the nationalism and preoccupation with power that had had such tragic results in the past. "In the lands of the German West," he declared, "there is a natural longing to escape from the confines of national narrowness into the fullness of the European consciousness;" and he sought to give that desire effective form by making a reconciliation with France a major objective of his policy, an effort that eventuated in the conclusion of that Franco-German Treaty of Cooperation whose twenty-fifth anniversary was celebrated on 22 January 1988. This, and Adenauer's integration of his country into the free world, and (something that is often forgotten) his success in effecting in his own party a convergence of two religious confessions that had been inimical towards each other for centuries, were fundamental and impressive achievements.

3. West Germany's progress towards a stable democratic system depended, however, on two additional steps. The first was to liberate itself from Adenauer's personal form of government and to demonstrate that in the new political system there was energy and will at the grass roots. Adenauer himself provided the occasion for this. Despite his great services to the Federal Republic, there is no doubt that in the last years of his long tenure as Chancellor he became increasingly willful, increasingly rigid in his own views, and increasingly contemptuous of those of others, and in November 1962 he gave the nation an example of shockingly arbitrary behavior. In that month the weekly news magazine *Der Spiegel* published an article about a NATO military exercise that the government held was based in part on confidential material. Immediately, Adenauer's Minister of Defense, Franz-Josef Strauß, through his military attaché in Madrid, persuaded the Spanish government to arrest the author of the article, who was on vacation in Spain; the editors of the magazine were locked in their offices, and their files searched, and charges brought against them; and the Chancellor not only defended these actions, but in defiance of all democratic legal procedure, declared in the Bundestag that "an abyss of treason against the state" had been discovered. In Wilhelmine Germany, or in the Third Reich, or in the DDR, this sort of behavior would have been so usual as to arouse no particular attention. In the Federal Republic, however, the storm of outrage that manifested itself indicated that public opinion felt that this kind of old-fashioned authoritarianism was intolerable in a democratic state. Five liberal ministers (that is, members of the FDP) resigned from Adenauer's cabinet; Defence Minister Strauß was forced out of his post; and the Chancellor himself was able to patch up his cabinet and hold on to office only by promising to step down in the fall of 1963. The *Spiegel* case was a dramatic demonstration of the vitality and new assertiveness of German democracy. It was an indication that democracy was here to stay.

4. But perhaps something else was needed before that could be assumed with full confidence. The Federal Republic had after all been governed ever since 1949 by a conservative coalition of the Christian Democratic and Christian Social Unions, sometimes with the additional support of the Free Democrats, with a consistent set of domestic policies and a foreign policy based on a firm refusal to recognize or deal with the East German government or any of the eastern regimes that recognized and supported it. What would

happen if there were a fundamental change of direction in German politics? Gustav Heinemann, a member of the Confessing Church who had bravely resisted Hitler, who had resigned from Adenauer's cabinet in 1950 after he learned that Adenauer had secretly let the Americans know that he was willing to raise a contingent of troops for the European Defense Community, and who became a Social Democrat and, in 1968, the Federal Republic's third President, said after his election that he had always believed that the true test of democracy would come when a change of power (*Machtwechsel*) was accomplished and a fundamental change of domestic, and particularly of foreign, policy was made.

That change came in 1969, in an atmosphere that was crisis-laden as a result of the violent student troubles in German universities. These had their origins in the belief of the academic youth that the country was beginning to drift back to the authoritarianism and the militarism of the past and that universities were being degraded into agencies for promoting conformism in society. There was of course, something in this, for the universities were badly in need of reform. But the student reform movement was taken over by radical elements that took violence into the streets, and this led extremist conservative circles to call for extraordinary measures to curtail the civil rights of rioters and to impose restrictions upon the universities, which they considered as launching-pads of revolution. This serious crisis in the history of the new democracy seemed a hardly propitious time for fundamental political change, but in fact the election of Gustav Heinemann as President and the subsequent formation of a new Socialist-Free Democratic coalition that brought Willy Brandt to the chancellorship in 1969 were not only effected without difficulty and in strict accordance with the provisions of the constitution but helped to defuse the situation in the universities and the movement on the right for a curtailment of civil liberties. Willy Brandt's subsequent repudiation of the Adenauer-Erhard foreign policy and his launching of the policy of *Entspannung* or détente with the east, caused stormy and dramatic scenes in the Bundestag, but they were accepted without any resort to unconstitutional means by the opposition and without the emergence of an irridentist anti-republican party of the right of the kind that had fatally weakened the Weimar Republic of 1918–1933. Brandt was able to pursue the *Ostpolitik* that eventuated in new treaties with the Soviet Union, Poland, and the German Democratic Republic—treaties that included a pledge to abstain from force in the settlement of international disputes and, by laying the basis for

the Helsinki Agreement of 1975, contributed to a lowering of barriers and a reduction of tensions between the peoples of Central and Eastern Europe—with the enthusiastic support of his own people, while at the same time inaugurating an ambitious domestic program of educational reform, social insurance, health care, and other forms of social welfare legislation that make his chancellorship seem in retrospect something like Franklin Roosevelt's first term as president.

5. There were, of course, other crises in the years that followed. There was the one, for example, that briefly shook Bonn in 1974, when an East German spy was discovered to have been working in the Chancellor's office, and Willy Brandt immediately took full responsibility for this (which he need not have done) and resigned his office (setting an example that has not been followed in other democracies). There was the economic malaise that set in in the wake of the oil crisis of 1973, when it was discovered that West Germany was suffering from a "middle-aging" of the economy and from structural problems beyond the powers of any Erhardian economic miracle to fix. There was the parliamentary crisis effected by the sudden withdrawal of the Free Democrats from the Socialist-Liberal Coalition at the end of 1981, which caused the fall of Chancellor Helmut Schmidt and the beginning of the conservative regime of Chancellor Helmut Kohl in January 1982. There was the crisis caused by the deployment of the Pershing missiles and the cruise missiles a year later, which was opposed by the peace movement and majority elements of the Greens and the Socialist Party. But the point is that there was no comparison between these crises and those that occurred in the 1920s and fed the strength of anti-republican movements with tragic results in the early thirties. During the public agitation over all of the issues that I have mentioned—and sometimes it was heated and led to public demonstrations in which militant *Sponti* or anarchist groups resorted to rock-throwing and attacks on the police—there was no evidence of any significant weakening of the democratic sentiment of the West German people, and, when violence occurred in anti-nuclear demonstrations, for example, no calls for restrictions upon the right of assembly or other civil rights. Periodic polls taken by the Allensbach *Institut für Demoskopie* showed that the overwhelming majority of the public continued to believe that the system that had evolved since 1949 was "the best state form."

This has continued to be true during the Kohl regime. Indeed, during this recent period, the Federal Republic has often seemed to

be a mirror image of the United States. This is true, not only in the nature of the leadership of the two countries and in the generally conservative character of the government's domestic policies, but even in the nature of the problems facing them. In January of 1988, the influential Hamburg weekly newspaper *Die Zeit* outlined five things that, in the opinion of the editors, threatened the well-being of the commonwealth. These were, first, the problem of AIDS, the effects of which are now perceptible in West Germany; second, a particularly nasty political scandal in the state of Schleswig-Holstein—a kind of German Watergate; third, the end of the five-year boom in world markets as a result of the October 1987 meltdown in Wall Street; fourth, the revelation that the German atomic energy industry had been dangerously delinquent in its safety precautions—a post Chernobyl scandal of the first order—; and fifth, a continuation of the growing threat to the environment that has already caused fearful damage for Germany's forests. These are all problems, or the kinds of problems, that we worry about ourselves.

On the other hand, whereas at every turn one finds evidence of democratic strength and vitality in the Federal Republic of Germany, and although the similarities between the German democracy and our own are striking, it remains true that Germans, periodically and disturbingly, seem worried about the fragility of their institutions, that they talk a lot, and apparently worry a lot, about their identity, and—connected with this—that they are preoccupied with their recent past, their Nazi past, and what it means, and how it is to be interpreted, within the totality of German history.

When Americans encounter political scandals or evidence of inefficiency or negligence on the part of our government, they become angry and demand corrective action, but they rarely leap to the conclusion that their system of government is in jeopardy. The idea of a collapse of the republic does not occur to them, because they are aware of horrendous problems and shattering crises in their history—one thinks of the Civil War and the Great Depression—that they overcame without any change in their constitution. The Germans do not have that assurance. The democratic revolutions of 1848 were not able to maintain themselves against the resilient power of absolutism. The democratic revolution of 1918 and the Weimar Republic that it created collapsed under the implacable hostility of extremist parties, the shock of the inflation of 1923 and the Great Depression, and the mistakes of democratic leaders. These failures are deeply etched in their memories, so that, when they come upon evidence of serious economic problems or

government inefficiency or party corruption, they have a tendency to think instinctively that the worst may not be far away. The January article in *Die Zeit* to which I referred was headlined "IF ALL OUR FOUNDATIONS COLLAPSE" and warned that if they were more scandals like the one in Schleswig-Holstein or a continued lack of energy in dealing with the country's other problems, then "democracy will collapse because of the democrats." This is what I mean by nervousness about the fragility of their institutions and the fear of reversion to an unhappy past.

As for the question of identity, the Germans have always, throughout their history, brooded about this more than other peoples, but in their present divided condition they are particularly prone to be concerned about it. The question was muted during the heady excitement of the economic miracle in the fifties and again in the hopeful phase of the detente period in the seventies. But with the marked deterioration of relations between the superpowers in the late seventies, the Germans became less sure of themselves and more aware of their vulnerability, and this made them both more introspective and more self-assertive. As Iring Fetscher has written, "the wish to be ... to be something specific in a national sense" awakened again. It was manifested in growing concern about the consequences to Germany of new superpower confrontations, in active criticism of NATO and its strategy, and in a new interest in the possibility of independent German policy initiatives that might lead to a de-nuclearization of Central Europe and a dismantling of the power blocs that were posed there. This was the stock in trade of the new Greens Party and the left wing of the Socialists, but even the moderates were not immune to the feeling that what one writer called "the nakedness of German identity" was no longer compensated for by the present international system. This feeling—which was not assuaged by the much controverted emplacement of the Pershings in 1983 and was exacerbated by the loose talk in the Western press after the Bitburg fiasco about the unregenerate Germans—had wide-spread repercussions, contributing powerfully to the *Historikerstreit*, to the rise of the *Republikaner*, and to the present dispute within NATO.

Enough has been said about the war of the German historians within the walls of this institute to warrant my passing over it today, except to say that, in general terms, the *Historikerstreit* turned on the problem of how Germans were to identify with a history that included Adolf Hitler and, more narrowly, how they could historicize the experience of the Third Reich without appearing to outsid-

ers to be trivializing it. The duration of the controversy and the passions engendered by it show how difficult it is to solve this problem and how painful it is for sensitive Germans to live with it. There is no doubt that this will affect the German psyche for a long time.

The other problems are less serious, although the reaction to the emergence of the *Republikaner* perfectly illustrates what I have said about West German nervousness concerning the permanence of their democratic political institutions. In the wake of their success in Berlin and the success of the NPD in Frankfurt, Count Otto Lambsdorff of the FDP suggested in a state of high excitement that these results recalled the last years of the Weimar Republic. This was doom-saying with a vengeance and hardly justified. An analysis of the voting patterns in the Berlin elections, in which the *Republikaner* won 7.5% of the vote, makes it seem highly questionable whether many of those who rallied to the party did so because they were thinking ideologically or, indeed, indicating approval of Franz Schönhuber's undoubtedly super-heated nationalistic views. Five of the ten electoral districts in which the Reps made their greatest gains lay in the old working class districts of Neukölln and the others were either in "Red Wedding" or predominantly lower-middle-class Reinickendorf. Here the primary motive for the swing to the Reps seems to have been the feeling that the interests of the residents of these districts were being neglected by the major parties, as well as concern over rising unemployment and the shortage of decent and affordable housing, dismay over the reckless destruction of whole blocks of small stores and comfortable *Kneipen* in favor of gigantic living complexes that are alien to the older population, fear of the effects of the drug culture on public safety, and resentment over the increasing number of foreign immigrants and political exiles who compete for local jobs and housing. A vigorous attack upon these problems by the new city government might very well make the *Republikaner* a transitory factor in Berlin politics. That their success has encouraged more extreme factions to the right of them—like the *Freiheitliche Deutsche Arbeiterpartei*, Gerhard Frey's *Deutsche Volksunion*, and Michael Kuhnen's *Nationale Sammlung*—is undoubtedly true, but those groups are too small to represent an important factor in national politics, where, for that matter, Schönhuber has not yet demonstrated the viability of his own party. It is in any case premature to think that Schönhuber *et al.* are capable of turning Bonn into Weimar.

It may indeed be that his program and his rhetoric have had less effect in his own country than in Great Britain, where they awakened fears of neo-Nazism, and in the United States, where the open anti-Americanism of his speeches may have strengthened fears of German unreliability. Schönhuber has made no bones of the fact that he believes the Federal Republic has deferred to the United States too long at the expense of its own identity and interest, and in a speech at Cham in the wake of the Berlin election he cried out triumphantly, "The counter for tickets to Canossa is closed! The epoch of re-education has ended! The exclusive responsibility for the Second World War is no longer ours!" Arnulf Baring has written recently of the growth in Germany of the idea that a loosening of the relationship with the United States might be advantageous. Schönhuber is surely the most extreme representative of that view, and in his book, *Freunde in der Not* has said boldly:

Total commitment to the American way of life seems to me to be unnecessary. We must go our own way. To me personally the Russians are, as far as mentality goes, closer than the Americans... The smear campaign against the Germans that still prevails in the American mass media at times raises doubts about their willingness to accept us as equal partners. We ought to consider ourselves too good for cannon fodder,

In his book of essays, *Trotz allem Deutschland*, he calls for reunification with the assistance of the Soviet Union, adding:

Russia is nearer to us than America, not merely geographically. Here I am a follower of Bismarck, who believed that the key to the fruitful development of our fatherland lay in a positive relationship with Russia.

Statements like this, relayed from Germany to Washington correspondents, are doubtless part of the background music to present controversy over modernization of missiles or negotiation.

In this dispute, we again see the way in which the shadow of the past hangs over Germany's fortunes, for this is not something new but goes back to the Paris Treaty of 1954 and the decision to admit the Federal Republic to NATO. That was not universally popular in Germany, and there were many at that time who felt that it would make Germany the battlefield of any future war. In the domestic debate in 1954, Franz-Josef Strauß declared, "We expect of the Government that it will press successfully for a strategic conception in which Germany cannot become the theater of a conflict," and he was solemnly assured by Konrad Adenauer that membership in

NATO would preclude that possibility. How it would do so he did not explain, and *Der Spiegel*, in an analysis of NATO's forward strategy in November 1954, pointed out that it was based upon a fluid defense that would probably mean that the country, in the case of war would have to suffer both a Soviet occupation and a liberation from the West. As if stung by mounting criticism of that order, NATO made a revolutionary decision in December 1954 and decided to use tactical nuclear weapons in the defense.

It should be recalled that there was a German alternative to this, the so-called Bonin plan for the creation of a German army of 150,000 professional volunteers who would operate separately from NATO forces and would conduct an unconditional defense at the zonal border with mobile anti-tank units supported by six armored divisions. This plan, which had strong supporters among professional soldiers and writers like Basil Liddell Hart, who was bitterly critical of NATO's new nuclear strategy, was rejected, in a decision doubtless affected by historical memory, and its author was dismissed from the *Bundeswehr* for wishing to carry the debate to the public. The NATO nuclear decision stood, although some NATO members (doubtless those later called "the wets") were reported to feel that this decision "may have opened up a Pandora's box that will eventually disintegrate the coalition." These apprehensions became stronger when NATO held its first nuclear exercise in June 1955. In this so-called Operation Carte Blanche, the planes of eleven NATO members simulated the use of nuclear weapons in the area between Hamburg and Munich. When it was over, the referees estimated that 1,700,000 Germans had been killed and 3,500,000 wounded; and the resultant outcry seriously jeopardized the passage by the Bundestag of the Volunteers Bill.

All of that is ancient history or would be if the pigeons hatched in those times had not come to roost. The illogic of NATO strategy was forgotten in the late fifties and sixties, when American strategic nuclear power made a conflict in central Europe unlikely; but that superiority came to an end in the late seventies, and since then Germans have had to live with the fear of new confrontations between the superpowers and new Carte Blancches over their soil. This was not allayed by the removal of the Pershings in accordance with the terms of the INF treaty in December 1987, since the U.S. government began almost immediately to plan ways of compensating for what was given up in that treaty, one of the ways being to "modernize" the Lance short range missile, modernization meaning in this context to replace it with a new weapons system with a

range four times as great as the original. The Germans, not unnaturally, would rather negotiate to remove all nuclear weapons from German soil, since their presence there, given the increasing unlikelihood of an American President being willing to risk American cities by using, or threatening to use, strategic nuclear weapons against a Soviet aggression—assures that war, if it comes, will be fought in Germany (Volker Ruhe of the CDU has said, "The shorter the range of the weapon, the more Germans killed;" and Egon Bahr of the SPD has pointed out that NATO strategists will have to face up to the fact that the alliance is viable only on the basis of common security and common risk). Since the present climate, thanks to Gorbachev, seems propitious for negotiation, the Germans want to begin it now. Hence the present crisis of NATO.

It should be noted that nothing in the German behavior during this dispute justifies the ebullitions of the journalists and anonymous spokesmen in London and Washington. The German attitude toward modernization should have been well known in those capitals. Frans-Josef Strauß had warned Secretary of Defense Carlucci in February 1988 that the plan would have little chance of getting through the Bundestag, and in the months that followed, signals that intimated the same view came from the Chancellor's office. There was no stab-in-the-back. There was no secret plot to do in NATO or to withdraw from it. The pro-NATO sentiment in Germany is so strong that even Franz Schönhuber finds it expedient to support it. Nor was there any design to push for reunification. The practical difficulties that prevent the speedy consummation of that goal are so well-known that it is strange that they have escaped the attention of Messrs. Buchanan, Safire, and Will; just as the possibilities of negotiation in the present climate of opinion are so palpable that Vice President Quayle's description of Mr. Gorbachev as "a bit of a phony" can only be regarded as an expression of petulance or poverty of thought. The crisis in NATO can be solved if we remember that we are friends, and have been friends for forty years, and that friends must trust each other and be attentive to each other's individual interests as well as to their common ones. The sticking point of negotiations can be removed if we show ourselves to be cautious rather than suspicious and open to new possibilities rather than fearful of change.

Meanwhile, this is a birthday, and I have brought a birthday card, on which I have written the words of my friend Norman Stone, Professor of Modern History at Oxford, who a month ago said of the Federal Republic: "She fulfils the role that we used to

fulfil of combining economic efficiency, educational excellence, and all-round seriousness with political liberalism and respect for people's rights; she is now in my own opinion, the model European country." And, anent negotiations and their possibilities, he added, if she is careful and is not discouraged by her allies, "she is very well-placed to offer a bridge by which Communist Russia can cross into the European family."