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ON MATTERS CONSTITUTIONAL

Germany - yes you can!

Russell A. Miller

26.06.2010 doi: 10.17176/20181008-134937-0

Von Russell Miller (Gastautor)

I want to see Joachim Gauck elected to Germany's Federal Presidency in next week's election, and I have been raising the matter with every German I can corner.

The Germans I have been badgering about Gauck are, at best, detached. Most are utterly disinterested. Of course, they are aware that the Federal President wields very little political power. Instead, as the ceremonial Head of State, his (and it always has been a "he") rather pedestrian mandate requires him to "dedicate his efforts to the well-being of the German people, promote their welfare, protect them from harm, . . . and do justice to all." Oh yes, he also can conclude treaties. It is kind of like your dad with a superhero's motto and the keys to the State Department. But it cannot be merely power-pragmatism that causes Germans to roll their eyes when I press my Gauck-for-President campaign. All the power at stake in last fall's federal parliamentary election, which returned Angela Merkel to the Chancellorship for a second term, was not enough to shake off the lethargy hanging over German politics.

Maybe Germans simply have too much on their minds. They are in the grips of a monetary and budget crisis. And any one who knows the Germans knows that almost nothing seizes the attention of these descendants of Teutonic and Hanseatic traders like fiscal issues. In response to the Euro's free-fall, triggered by the Greek sovereign debt calamity, Germans have been asked simultaneously to pay billions of Euros into a rescue fund for profligate Euro-zone countries and to gird themselves for billions of Euros of cuts to their cherished social welfare net. They are in an agitated and uncertain mood. Voters recently roughed-up Chancellor Merkel by proxy, pushing her party out of the government in an important, recent state election. University students are waging nation-wide "education strikes" to protest the rising cost of their studies. Some commentators even see the Germans turning sour on the European Union, the supranational experiment into which, for half a century, they have diverted the instinctual patriotism that most of the rest of us naturally invest in the countries we call home.

But these turbulent times are precisely the moment when Germans need the steadying hand and inspirational vision of a good President. Joachim Gauck is the man for the job. He checks the inspirational box. He did not compromise his values in the face of the totalitarian pressure brought to bear against the citizens of the former East Germany, where he grew up. Instead, he refused to join the East German Socialist Unity Party and channeled his energies into his work as a protestant minister, a professional identity that lends moral credibility to his strength of character. He was active in the peaceful, democratic revolution that ultimately toppled the East German regime and with it the Berlin Wall. Gauck also embodies competence and vision in leadership. For a decade after reunification he resolutely advanced an agenda of democracy, transparency, and truthful engagement with the past as the director of the federal office charged with overseeing the archives left behind by the invasive East German secret police. Repeatedly he fought off efforts, often initiated out of brazen self-interest by compromised former Easterners, to close the archives. As Gauck has said, he stood his ground in order that the miles of once-secret dossiers might give witness to both the blunt crimes and discrete acts of heroism they contain. Fittingly, the agency he once directed now is popularly referred to as the "Gauck-Behörde".

Those holding the real reins of power in Germany bear the responsibility of resolving the monetary and budget crisis. That is not the work of the next Presi-

dent. But if the difficult politics that lie ahead of Germany truly will call upon Germans to ask themselves who they are and what they stand for, then let Joachim Gauck be the answer. Yes, Germany, you can.

Prof. Russell Miller lehrt Verfassungsrecht an der Washington & Lee University in Lexington, VA, und Mitherausgeber des German Law Journal.

crossposted from Atlantic-Community.org

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SUGGESTED CITATION

Miller, Russell A.: Germany – yes you can!, Verfassungsblog, 26.06.2010, doi: 10.17176/20181008-134937-0.

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Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20181008-134937-0.