

*Key Institutions of
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THE
FEDERAL PRESIDENCY

FRANZ SPATH

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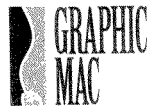
This study, the third in the Institute's series on key institutions of German democracy,* treats the weakest of Germany's five major constitutional entities, The Federal Presidency. Signs are that the office has indeed grown politically weaker relatively over the past thirty-five years compared to at least three of the others, the Chancellor, the Constitutional Court, and the Bundesrat, the chamber that represents Germany's sixteen constituent states. This happened despite efforts by several incumbents, notably the sixth president, Richard von Weizsäcker, to exert and extend its authority.

As the study shows, a federal president (*Bundespräsident*) is assigned few powers, and many of those which he does possess have never been truly put to the test. But a president can nevertheless have a great deal of influence on public opinion, sometimes on public policy, and even, rarely, on governmental actions.

Dr. Franz Spath, the author of this study, was for many years a high-ranking civil servant in the presidential office and a student of the presidency. A jurist by training and legal advisor to six presidents, he is highly qualified by experience and talent to describe the constitutional rights and practices of the office.

Imagine a spectrum arranged according to the political powers possessed by heads of state. At one end are to be found those devoid of such power altogether, such as the Japanese emperor, or with strictly limited influence, such as the British queen; and on the other end are located those well equipped with power, the French president, for instance, who names the prime minister, conducts foreign and defense policy virtually unhampered, and can dissolve parliament on his own initiative, or the president of Russia, who can rule by decree, or the President of the United States, who while checked by the other two branches of government possesses substantial powers, especially in foreign affairs. On this spectrum, Germany's president is situated somewhere in the middle, certainly closer to the British queen than to the American president but not too close to her either.

The Federal Presidency is chiefly ceremonial but more than titu-



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* Previous studies in the series: *The Bundesrat, the Länder, and German Federalism* by Uwe Thaysen (1993) and *The Federal Constitutional Court* by Donald Kommers (1994). Further studies on the Federal Intelligence Service and other institutions are planned.

lar. How much more is difficult to say with precision because the duties of the office are ill defined in the Basic Law (*Grundgesetz*), Germany's constitution, and because the extent of its power depends mainly on the person who holds it. "As long as this office is not hereditary," said the fourth president, Walter Scheel, "it is a political office." That is important to keep in mind.

As Dr. Spath points out early in his study, the powerlessness of Germany's president was intended by the framers of the constitution. He does not govern, make or conduct policy, or command the armed forces. He must name as chancellor, head of government, the person whom the parliament, the *Bundestag*, selects by majority vote and defer to him thereafter on all political matters, and he cannot discharge a chancellor unless the parliament says so.

For any public policy action that has a legal effect, except in one important case, the president must have the countersignature—that is the official approval—of the chancellor or a member of the cabinet. That is because, if necessary, they, not he, are responsible to the *Bundestag* for the presidential actions. Just how restrictive this countersignature requirement is constitutionally is a matter of dispute (see page 11).

Formally, a president has two important powers which are described in the pages that follow—to veto laws which he considers unconstitutional and to reject appointment of officials presented to him whom he considers politically unacceptable. But these powers the seven presidents have exercised only seldom and always with circumspection. In theory a presidential veto is only suspensive, since the Federal Constitutional Court has the right to decide definitively on the constitutionality of legislation. But in practice none of the, very few, presidential vetoes has ever been challenged before the Court.

In one important case can the president come fully into his own, when a chancellor loses his parliamentary majority and the *Bundestag* can find no new majority for a successor. Then he can act independently, without countersignature, to decide whether to dissolve the *Bundestag* or to permit a minority government. Such a situation, which results from a parliamentary vote of no-confidence in the chancellor, has arisen only twice during the forty-seven years of the Federal Republic (in 1972 and 1983); and only once (see page 17) did it pose a constitutional problem.

In theory the president also has an independent role to play as a kind of umpire when a new government is being formed after national elections. But since these elections so far have always delivered clear parliamentary majorities this presidential power too has not been really tested.

What then does the *Bundespräsident* primarily do?

First and most public, he symbolizes and embodies the unity of the state and the commonweal. His chief responsibility is to hold together all classes, strata, groups, parties, and factions of German society. This integrative role has assumed greater importance in the wake of Germany's unification in 1990. Citizens in the eastern German states, which made up the communist German Democratic Republic for forty years, are finding it hard to develop a sense of community with western Germans, and a president must try to help them overcome their sense of alienation.

Representing Germany to foreign countries as head of state is also an important and a time-consuming job. All presidents have paid scores of visits abroad. All have taken it upon themselves to acknowledge Germans' responsibility for the Nazis' crimes, to convey the message that postwar Germany is democratic and peaceful, and to sow in foreign fields fruitful seeds of trust in today's Germany. Most sensitive have been visits to countries whose citizens suffered greatly at German hands in World War II. The 1958 visit to London by the first president, Theodor Heuss, served to underscore a new Germany's acceptance abroad, as did later ones by other presidents to countries like France, the Netherlands or Denmark or later still to Israel and Poland.

Third, most difficult and most political, a president provides moral leadership on problems which he decides deserve greater attention than is being given them by the public, government or parliament. Although he makes no policy, he can, however, contribute to the making of the political culture. The art is to define issues in such a way that they can become widely understood. A president cannot bring about solutions. At best he can hint at them. He can encourage, warn, and sometimes scold. If he picks his topics carefully, he can have considerable influence.

Richard von Weizsäcker's May 8, 1985 address to the *Bundestag*, in which he called upon his fellow citizens to face their Nazi past

unflinchingly, ranks as the greatest and most influential speech in postwar German history. Roman Herzog's support of federalism and understanding for the legitimacy of regional differences in Germany have resonated widely.

How does a president do what he is called upon to do?

Through speechmaking primarily, supplemented by interviews and backgrounders with the media, and meetings with all manner of people. A president's influence depends largely on his ability to persuade in this fashion and thus on his rhetorical and interpersonal skills and his personality. Unlike the chancellor, he has no political leverage otherwise. He has no patronage to hand out or sanctions to threaten. Nobody is politically obliged to him, nobody need fear him politically either.

The best presidents have been able to articulate the nation's needs and to be gentle prodders toward reform. Germany has been fortunate in that all its presidents have done quite well in this third responsibility.

Every political scientist studying the office and every president too has stressed one requirement that meets Germans' longings: a president should be above the parties (*überparteilich*). This reflects Germans' expectations of a head of state, their instinctive desire for political consensus, a marked feature of the German system, and also their growing distaste for and disappointment in the political parties, which are so very strong in that system.

All presidents have also done well in meeting this requirement for non-partisan conduct of their office. Moreover recent incumbents, Karl Carstens, Herzog, and especially von Weizsäcker, took to criticizing the political parties, thus putting even more distance between themselves and the parties in the approving public mind.

What may seem surprising and is not without irony: every single president had previously been a practicing politician himself for years. Their candidacy, and their election—by the federal assembly (see page 9)—are arranged by the political parties. The last three presidents, Carstens, von Weizsäcker, and Herzog, were all selected as candidates by the Christian Democrats' leader Helmut Kohl, who had known them well from their previous work for his party.

Furthermore the chief political significance of a presidential election every fifth year is to be found in its reflection of how power at

that moment is and—more important still for participants in politics—is going to be distributed among the parties.

A presidential election can be taken to foreshadow a new coalition in the near future. That was the case with the Christian Democrat Heinrich Lübke's second term election in 1964, which prefigured the Christian Democratic/Social Democratic Grand Coalition of 1966-69, as it was with the SPD's Gustav Heinemann in 1969, which heralded the Social Democratic/Free Democratic government of Chancellor Willy Brandt just a few months following, or that of Carstens in 1979, which anticipated the Christian Democrats' resumption of power (in coalition with the FDP) three years later. On the other hand, in 1994 the election of the CDU's Herzog was publicly interpreted—and was intended by the government's parties to be so interpreted—as confirming that Chancellor Kohl's CDU/FDP coalition did not plan to relinquish the reins of power any time soon.

Politicians that they have been, all presidents have chafed at the limitations imposed on them by the powerlessness of the office. All have tried to exert influence on political trends, some more openly and perhaps more effectively than others. Heuss, the first president, Lübke, the second, and especially von Weizsäcker, the sixth, tried hardest. Carstens was the least assertive.

Herzog likes to be thought of as independent of mind, but the chancellor's party members assure foreign friends that he is "more loyal" to Kohl than his predecessor ever was. There have been indications too that the chancellor's men have cut back the president's scope of activity, particularly in foreign affairs, which von Weizsäcker, who was an activist in policy toward the Soviet Union for instance, had apparently succeeded in enhancing.

"Apparently" is used, since no president so far has succeeded in institutionalizing for his successors any enhancement of the office's power which he may have achieved. The influence of the office, to repeat, depends mainly on who holds it and, also on the strength and determination of the chancellor at the time. Von Weizsäcker's presidency, with its occasional departures from the government's policy line, suggests that he would like to have conceived his office as a check on a chancellor who was strong but often deliberately slow to act, as a countervailing organ at a time when the parliament was under the chancellor's dominance and hardly a check on him. Such

efforts to expand its powers did not lead to permanent strengthening of the presidency.

That would be more likely to happen were the president to be directly elected, as he/she is in the United States. Eighty percent of the Germans favor such direct election. Perhaps recognizing that his effort to build up the office would avail little otherwise, von Weizsäcker himself, at the end of his second term, endorsed this idea. Dr. Spath's study explains the historical and constitutional reasoning against such a procedure in Germany.

Even if not directly elected, presidents have generally been popular figures. At least four of them (Heuss, Scheel, von Weizsäcker, and Herzog) consistently registered approval ratings in the high 70s and in the 80s in public opinion polls. Their popularity coupled with the prestige and standing that all presidents, popular or not, have enjoyed constitutes a resource which, if used carefully, can help presidents in their task of moral leadership and public suasion, their most important responsibility. It can strengthen the bully pulpit which, in the German political system, is the only real resource at their command and the pedestal on which they stand.

Dr. Spath illuminates the sources of presidential influence and powerlessness. The Institute is grateful to him for this study and to several American political scientists who assisted with preparation of the text, notably Professor Roger H. Davidson of the University of Maryland and Professor Burt A. Rockman of the University of Pittsburgh.

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Dr. Franz Spath served six presidents, from Heinrich Lübke to Roman Herzog, in leading positions, chiefly as presidential advisor on law and the constitution. He retired at the end of 1994 as head of the domestic policy division of the Federal Presidency.

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INTRODUCTION

Like the United States, Germany is a federal union (*Bundesstaat*). Its Basic Law (*Grundgesetz*) provides for five constitutional bodies: Federal President (*Bundespräsident*), Federal Parliament (*Deutscher Bundestag*), Federal Chancellor (*Bundeskanzler*), Federal Council (*Bundesrat*) and Federal Constitutional Court (*Bundesverfassungsgericht*).*

The federal president is the head of state of the Federal Republic of Germany. Among these five constitutional bodies, his office is the least powerful. His constitutional rights are few. He or she** is not vested with strong executive authority as is the American president.

It is the federal chancellor, not the president, who determines general political guidelines. Constitutionally, it might be said, the federal president and the federal chancellor **together** incorporate approximately the same scope of power as the American president **alone**, who unifies in his person the functions of head of state and commander-in-chief of the armed forces, and, together with the other two branches, those of head of government as well. The American form of government is commonly characterized as **presidential** democracy, the German or the British form **parliamentary** democracy.

The French president, too, has a far more powerful constitutional status than his nominal German counterpart, the *Bundespräsident*. The French system resembles the U.S. inasmuch as the president is directly elected by general ballot and holds substantial powers of his own. But the French government is formed by a prime minister, who, unlike the American president, is responsible to parliament. By reason of their authority and powers the American and French presidents are comparable as independent heads of state, while their German counterpart, who is not directly elected by the people, may be characterized as a "dependent" head of state.

In this dependency, his position corresponds somewhat to that of

* For a discussion of the *Bundesrat* and the *Bundesverfassungsgericht*, see the first two numbers in the Institute's "Key Institutions of German Democracy" series: Uwe Thaysen, "The *Bundesrat*, the *Länder*, and German Federalism," *German Issues* 13 (1994); and Donald Kommers, "The Federal Constitutional Court," *German Issues* 14 (1994).

** So far no woman has been elected president. For convenience sake in this study "he" will mostly be used when referring both to holders of the office and to the office itself. A woman is not constitutionally barred and may one day be elected, perhaps even before too long.

the British monarch. Through his power of moral suasion, his ability to embody citizens' deepest attitudes, and through his own political sense, a president can, upon occasion, exert considerable political influence.

German history helps explain why its constitution, the Basic Law (*Grundgesetz*), has attributed to the presidential office only limited authority and few duties. Germans think this makes for a good division of responsibility and duties between an active and executive chancellor and a more passive and constrained president, who is equipped with little direct political power.

The provisions of the Basic Law do not adequately describe the role of the president among the five constitutional organs. First, as head of state, he is the living symbol of the country, the representative of the unity of Germany. In that function he is not unlike the U.S. president. Second (in this regard he cannot be compared with the American head of state) he serves as an impartial factor among all political and social groupings, an arbiter above the interests of the political parties, which are very powerful in the German political system. He articulates mainstream public opinion and sketches out broad policy options for the future. He is supposed to embody the spirit of the nation. Ideally the holder should be of high intellectual and moral reputation and enjoy overwhelming public support.

In providing moral and intellectual leadership the president is not restricted by rules. He himself decides which problems he will address, including demands he might make for governmental action. As impartial guardian of the common good it is necessary for him to stand above the daily contest among the political parties and interest groups. One may argue that the American president too is called on to provide moral leadership to the nation and world. But, unlike Germany's president, he is in a certain sense constrained since his is also a governing function and he is a political party leader. Consequently in some ways it is easier for the German president to emphasize what **should** be done. He lacks the constitutional powers to put through his ideas, but his position opens up possibilities for him to influence those politicians who do have this power.

I. HISTORY

After World War II vanquished Germany was deprived of central institutions. The victorious allies—the United States, Great Britain, France and the Soviet Union—each established an occupation zone. The three western ones were made up of eleven German states (*Länder*), the Soviet zone of five. The capital of Berlin was given four-power status.

On the basis of an American proposal made at a meeting of western foreign ministers and of representatives of the Benelux* countries in London in April 1948, the prime ministers of the eleven states in the west were invited to convene a constituent assembly in September to draft a constitution for a federal German state that would allow for later accession by the eastern German *Länder* in the Soviet zone. These German political leaders objected to this procedure and goal, however. They argued that such an assembly could not represent the whole of Germany since, as it turned out, there would be no participants from the Soviet zone. They proposed instead a "parliamentary council" (*Parlamentarischer Rat*) elected by the members of the *Länder* parliaments. It began meeting on September 1, 1948.

The future function of the head of state was debated in detail at council sessions. Bearing in mind recent German history, the architects of the Basic Law, which was approved by the council in May 1949, did not wish the head of state to have powers similar to those of the *Reich* president during the Weimar Republic (1919–1933).

Reich President (1919–1934)

At the end of World War I the German *Kaiser*, the emperor, abdicated. Germany became a republic. A new constitution adopted in the city of Weimar on August 11, 1919, established what was the first German democracy. It took the form of a federal republic and parliamentary democracy, but with a president exercising supreme authority. This head of state, the *Reich* President (*Reichspräsident*), was vested with extraordinary powers. He was conceived of constitutionally as a

* Belgium, the Netherlands, and Luxembourg.

substitute for the former *Kaiser*, and his constitutional powers and rights reflected this concept.

Germany had two *Reich* presidents during the Weimar period: Friedrich Ebert (1919–1925) and Paul von Hindenburg (1925–1934). Before his election Ebert had been chairman of the Social Democratic Party (SPD). Hindenburg, a field marshal, had been commander-in-chief of the armed forces at the end of World War I.

The strong constitutional position of the president was evident first of all from the length of his term of office, seven years. He was elected by the people and could be removed from office only by means of a referendum, a popular vote of the people. A motion to hold such a referendum had to be passed by the *Reichstag* (as the parliament in Weimar Germany was still called) by a two-thirds majority. If in the referendum the people rejected the removal of the president, he not only remained in office but his term was automatically prolonged for a further seven years. Another consequence of such a referendum outcome was dissolution of the *Reichstag*.

The *Reich* president appointed the head of government, the *Reich* chancellor (*Reichskanzler*), and, upon the chancellor's proposal, all ministers, **without** having to ask for approval by the *Reichstag*. Once appointed by the *Reich* president, the government and each minister required the *Reichstag's* vote of confidence. However, the *Reich* president, with the countersignature of the chancellor whom he had appointed, could dissolve the parliament. The president was thus able, if necessary, to preempt a parliamentary motion of no confidence in his chancellor.

The *Reich* president represented the state internationally. He concluded treaties with foreign countries on behalf of the *Reich*,* accredited and received envoys. The president appointed and dismissed all *Reich* civil servants and the officers of the armed forces, unless otherwise provided for by law. He was also the commander-in-chief of the armed forces. The president was empowered to call for a referendum on bills passed by the *Reichstag*.

* At the time, the word *Reich* was regarded as a traditional German term for the collective national state in its entirety, which might embrace a number of constituent states (*Länder*). In German the term does not relate to the **form** of the state (imperial or republican, for instance). To underscore this, Article 1, Section I of the constitution of Weimar Germany stated that "The German *Reich* (*Das Deutsche Reich*) is a Republic."

Article 48 of the Weimar constitution, moreover, gave special powers to the president. He could force the *Länder* to fulfill their constitutional duties (a procedure known as *Reichsexekution*), calling on the assistance of the military if necessary to achieve that. In order to maintain or restore law or public order he could take any measure which he considered necessary, including police or military actions, or issuance of statutory or executive orders with the force of law (*Rechtsverordnungen mit Gesetzeskraft*), even repeal basic rights.

These measures were the basis of the *Reich* president's dictatorial power. He alone decided whether the conditions for their application obtained. His decisions were formally subject to control by the parliament; but the president had the last word in such cases, the power to dissolve the parliament, after which he could reinstate his measures. This fusion of legislative with executive powers in the *Reich* president's office was precisely what the separation of powers system was designed to prevent in the United States.

The president's measures could be used not only against private persons but also against the constituent states of the *Reich* and their institutions, that is in effect against anybody. This extraordinary dictatorial power had grown out of what had been the *Kaiser's* power to declare a "state of war" in any part of his empire where public security was threatened. Practice in the early years of the Weimar Republic also greatly expanded the provisions of Article 48. Between 1919 and 1925 President Friedrich Ebert issued 136 executive orders, among which many served police and similar aims. But many others had quite other purposes, such as increasing or cutting taxes, combating capital flight and tax evasion, or regulating foreign currency exchange. His executive orders were published regularly in the *Reich's* Gazette (although law did not require it).

After the mid-1920s little use was made of this dictatorial power, as political and economic conditions stabilized. But in 1930 they worsened, and no reliable parliamentary majority could be found for measures which the government wanted in order to deal with the crisis. That led to renewed recourse to Article 48 powers. This time only a few executive orders dealt with police powers, most with financial and economic issues.

President Hindenburg also undermined the Republic's constituent state structure by transferring executive authority to organs of the *Reich* and appointing special *Reich* commissioners, who were invested with delegated powers by the president in cases when he

decided public security was threatened. By emergency order in July 1932, for instance, he dismissed Prussia's state government and installed *Reich* Chancellor Franz von Papen as *Reich* commissioner for Prussia.

The integration of executive and legislative powers in the hands of Weimar's *Reich* president paved the way for the authoritarian state in Germany. A comparison of laws passed by the *Reichstag* with executive orders issued by the president serves to illustrate how the parliament was deprived of its power: 1930: ninety-eight laws (*Gesetze*) and five executive orders (*Notverordnungen*); 1931: thirty-four laws and forty-four executive orders; and 1932: five laws and sixty-six executive orders.

The broad extent of the president's powers, particularly the provision that he be directly elected by the people, demonstrated that the head of state under Weimar's constitution was conceived as a counterbalance to parliament and not at all as an official figurehead only.

During the final years of the Weimar Republic, governments had to rule without a majority in parliament. As a result Article 48 of the constitution acquired an importance not originally intended. By invoking this article, Hindenburg was able to govern without the *Reichstag*, mainly by issuing executive orders. The parliamentary system was paralyzed. Hindenburg then appointed Hitler chancellor and thereby—unknowingly and negligently—installed the Nazis' Third *Reich*. Hitler later dissolved parliament altogether, establishing his personal dictatorship.

Parliamentary Council (1948–1949)

Instead of the unstable juxtaposition of parliamentarism, plebiscite, and presidential power of the Weimar Republic, postwar Germany's parliamentary council in 1949 decided for a strong parliamentary system. Its members first debated the question of whether the function of head of state should be exercised by one person, a federal president (*Bundespräsident*), or whether to set up a three-person directorate consisting of the president (speaker) of the parliament (*Bundestag*), the president of the federal council (*Bundesrat*) and the federal chancellor (*Bundeskanzler*).

Some parliamentarians suggested that it might be preferable to wait until the occupation was over before proceeding to elect a feder-

al president. In the third session of the parliamentary council, on September 9, 1948, Theodor Heuss, later the first federal president, opposed such ideas, arguing: "We object to the suggestion that the election of the federal president should be postponed to an unknown date in history in the belief that present times would not keep him busy. Do not underestimate the power of symbolism emanating from the office. Therefore avoid the temporary arrangement of a directorate which the general public might misinterpret as expression of the wish to have all kinds of men and parties participating in it."

Finally the parliamentary council, noting that other European countries had only a single person as representative of the state, decided for the same solution for the new Federal Republic. But the functions of the federal president were drastically reduced as compared with Weimar. He was not to be elected directly by the people. *Bundestag* deputies alone were to be elected directly. Therefore they alone would be the ones who had direct legitimation from the people. The president was to have a mandate that was not only non-partisan but somehow above the political parties. His position, power, rights and functions were laid down in the Basic Law passed by the parliamentary council on May 23, 1949.

II. CONSTITUTIONAL RIGHTS

A critical constitutional question immediately arose: who should elect the president? The founders of the new state realized that the answer would give an indication of the president's position as well as of his power compared to the other four constitutional organs. If a president were to be directly elected by all citizens, it would be logical that the position be vested with substantial authority and responsibility within the executive branch, since the holder of the office would have received his mandate directly from the people—a mandate to which he would always be able to refer in case of conflict with the other constitutional bodies.

If on the other hand the president were elected by parliament or an electoral college of some kind then he might be thought to lack an independent and powerful position. Such a position for a president might be considered acceptable and appropriate if there existed another office, in the case of the Federal Republic the chancellor, to head the government, and be vested with essential executive powers.

Nomination and Election

The president of the United States is chosen by national election. That process confers on him a legitimacy at least equal to that of the Congress. In this sense the sovereign people gives its legitimation to both organs. The weaker constitutional position of the German president compared to parliament is evident by the way he comes to office. He is not elected by the people, as are members of the *Bundestag*. Consequently he cannot be their equal. He possesses but an indirect, a derived legitimacy.

The parliamentary council opted for indirect election because it was convinced that the abuse of dictatorial power by the *Reich* president during Weimar had been rendered easier by his direct, popular election. He and the *Reichstag* deputies had had the same legitimation by the people. The *Reich* president could therefore, when issuing executive orders, consider himself as much a legitimate legislator elected by the people as were the parliamentarians.

In recent years, the wish has again and increasingly been voiced in Germany that the federal president be elected by the people as a whole. And at the same time there are calls for the constitution to

equip him with greater powers. Such proposals result from widespread, current mistrust of rule by the political parties. Ironically, it is usually forgotten in the debate on this question that every president had previously held important positions in one of the parties. The proposals to elect him directly or to give him more powers can, on the other hand, certainly be regarded as a sign of great public confidence in how all presidents so far have conducted their office in a non-partisan fashion.

For Americans used to electing their presidents directly the Germans' reluctance to do likewise requires further explanation. Like so much in postwar German political history, part of this explanation is to be found in Weimar history where the sharing of power between the *Reich* president and the *Reich* chancellor caused serious problems.

To give the federal president direct democratic legitimation by voter election would conflict with the diminished political powers assigned him by the Basic Law of 1949. The Basic Law's aim was to keep the president out of current politics. Were he to be directly elected, he would gain additional *de facto* power, start to conceive of his office as a political one, campaign among the voters, and take positions on issues to increase his popularity with them. In short he would no longer stand apart from daily political life, as the constitutional founding fathers of the Federal Republic intended in 1949.

The federal president is elected without debate by a federal convention (*Bundesversammlung*). This is a unique body which meets once every five years for this purpose only. The most recent was held on May 23, 1994, and elected as president Roman Herzog, hitherto President of the Constitutional Court (counterpart of the Chief Justice of the U.S. Supreme Court). His term began on July 1 of that year.

The federal convention consists of the members of the federal parliament (*Bundestag*) and an equal number of delegates elected by the parliament of each federal state (*Landtag*) on the principle of proportional representation. The federal government establishes in advance how many members each state may appoint to the federal convention, in keeping with the size of its population.

The state parliaments vote for convention members nominated by the party parliamentary groups. Thus their delegates to the convention mirror the party landscape in the state parliament. Anyone eligible to be elected to the federal parliament is eligible also to be elected convention delegate. The parties like to include in their lists celebrities such as ski and soccer stars, astronauts, actors, writers, philoso-

phers, scientists, businessmen and businesswomen, trade union leaders and also of course deserving party workhorses. (The number of these various celebrities or functionaries at the convention is always quite small, however.)

The *Bundestag* sent its 662 members to the May 1994 convention. The sixteen states also sent 662 delegates, making a total of 1,324 voting members. Six hundred and ninety-six of the 1,320 valid votes went to Herzog on the third ballot.

Any German eligible to vote for the federal parliament is eligible also to stand for election as federal president. That means that he must have German citizenship, but it is not necessary that he be native-born. The candidate must be at least forty years of age. There are no other requirements.

Chairman of the federal convention is the president of the *Bundestag*. He or she convenes the members and presides over the sessions. The federal convention must be held no later than thirty days before the expiration of the term of office of the incumbent or, in case of premature termination, not later than thirty days after that. Any convention member may make a nomination for the presidency. The person receiving the votes of a simple majority of the total number of convention members is elected. If no majority is obtained by any candidate on the first two ballots, the candidate who receives a plurality of votes on the third ballot is elected.

In practice the political parties, through their representative in the *Bundesversammlung*, select the candidates, of which there were four at the 1994 federal convention. Party leaders are decisive in this selection, especially a chancellor who is party chairman as well.

Tenure

The federal president is elected for a five-year term. Like the president of the United States he may be reelected once for a second consecutive term. Presidents Theodor Heuss (1949–1959) and Heinrich Lübke (1959–1969) served two terms, as did the sixth federal president, Richard von Weizsäcker, who was elected in 1984 and reelected in 1989. Gustav W. Heinemann (1969–1974), Walter Scheel (1974–1979) and Karl Carstens (1979–1984) served but one. Carstens and the present president, Roman Herzog (1994–) made it clear early on that they wished to serve but a single term. Election for a third

term is possible after a period out of office, a feature which distinguishes the German from the American system, where third terms are impossible constitutionally.

On assuming office the federal president takes an oath before the assembled members of *Bundestag* and *Bundesrat* in joint session. Presence of the *Bundesrat* members serves to underline that the president is head of a **federal** state.

Constitutional Status

The president is not part of the government. He is not responsible to parliament either for execution of his official duties or, of course, for policies of the government. The government's accountability to parliament for official acts includes, however, acts by the federal president, provided the government had approved them.

According to a special rule, all orders (*Anordnungen*) and decrees (*Verfügungen*) of the federal president require for validity the countersignature of the federal chancellor or the appropriate federal minister, who thereby assumes **political** responsibility toward parliament and otherwise. The countersignature requirement does not, however, apply in three cases: (1) appointment or dismissal of the federal chancellor; (2) dissolution of the *Bundestag* under Article 63 of the Basic Law (which provides, among other things, that if a chancellor is elected who commands less than a majority in the *Bundestag*, the president may within seven days dissolve parliament instead of appointing a chancellor to preside over a minority government); and (3) the president's request of an outgoing chancellor or federal minister to carry on governmental business temporarily, pending his or her replacement by a successor.

In literature on the Basic Law, there is controversy about the definition of orders and decrees of the president. Must all his speeches, addresses, messages of greeting, agreements to serve as a patron or sponsor of a charitable organization and like communications be countersigned by the chancellor or one of his ministers? So far presidents have never requested countersignature in such instances. Speeches for a president's state visits abroad are drafted in the Foreign Office, but the president is entitled to change the wording and the sense too, if he wishes. So far the president will ask for a countersignature by the chancellor or minister only in cases of deci-

sions that have legal effect, such as an act of pardon. This practice is, however, still a matter of dispute among constitutional law scholars. Ambiguities in this general area may not be entirely unwelcome to federal presidents.

The federal president may not serve simultaneously as a member of the federal government or of the federal or a state legislature. He may not hold any other salaried office, engage in a trade or occupation, practice a profession, or belong to the management or the board of directors of a company. He is, however, allowed to belong to a political party and to assume honorary posts. All federal presidents with the exception of Heinemann formally suspended their membership in their political party.

Like *Bundestag* members, the president enjoys immunity. Only with parliament's permission may he be prosecuted, arrested or subjected to restriction of his personal liberty under criminal law for acts committed in or before he assumed office. Under civil law, however, he may be sued like any other person.

Either the *Bundestag* or *Bundesrat* may impeach the president before the federal constitutional court only on the grounds of willful violation of the Basic Law or of any other federal law. A motion to impeach must be entered by at least one quarter of the members of the *Bundestag* or one quarter of the votes in the *Bundesrat*. A decision actually to impeach requires a two-thirds majority in the *Bundestag* or *Bundesrat*. He is tried before the Constitutional Court. If it then finds the president guilty it may declare him to have forfeited his office.

The process for impeachment is modeled on that for a criminal court case. But impeachment of a president is a sanction for breaches that are hardly conceivable in today's Federal Republic. No consideration has ever been given to impeaching any of the seven presidents.

Functions

Germany's Basic Law provides specifically for its president's responsibilities in relationships with the federal government (*Bundesregierung*), the *Bundestag*, the *Bundesrat*, and the federal constitutional court (*Bundesverfassungsgericht*).

The President and the Federal Government

The president participates in the executive process. After national elections and before a government is formed it is his responsibility to propose a candidate for the chancellorship to the *Bundestag*. In theory and law, the president decides independently on whom to propose. In practice, of course, he must consider who can command a parliamentary majority.

If a single political party wins an absolute majority in the election and in the *Bundestag*, clearly the president will accept whomever that party proposes. (Never in the history of the Federal Republic has a single party won an absolute majority, however, although in 1957 the two closely aligned parties, the Christian Democratic Union (CDU) and the Christian Social Union (CSU) from Bavaria, together gained a slender one.) If no single party has an absolute majority, it is then necessary to form a coalition among two or more parties with seats in the *Bundestag* in order to constitute a government. In this case the president can serve as an advisor or mediator, trying to help the parties that seek to form a coalition to identify and unite on a common candidate for chancellor. No president would permit himself to fail in this endeavor. Therefore he will propose only someone who can command a parliamentary majority composed of the parties making up the intended coalition. After the candidate has formally obtained the votes of the *Bundestag* majority, the president's next responsibility is to appoint him chancellor.

If the candidate fails, however to gain an absolute parliamentary majority the *Bundestag* may **within** fourteen days after the first ballot elect a candidate of its own choice as chancellor, who, again, must be able to win the support of more than half the *Bundestag's* members. A chancellor so elected would also have to be appointed by the president.

If **after** fourteen days it becomes apparent that no candidate can assemble an absolute majority, a new ballot must take place without delay, in which a candidate obtaining only a plurality of votes may be elected. If such a candidate for the chancellorship, one who has received only a **relative** majority, is presented to him, the president has a choice (Article 63 of the Basic Law): either to appoint him or her chancellor within seven days of the election or else to dissolve parliament.

So far, it should be noted, neither of these two anomalous proce-

dures for selecting a chancellor has been resorted to, the six postwar chancellors all having been able to put together *Bundestag* coalitions with a majority of seats.

Once appointed, the chancellor will present the list of members of his cabinet to the president, who is constitutionally responsible for appointing and dismissing ministers proposed to him by the chancellor. Whether the president can reject a chancellor's candidate for a ministerial post is a disputed issue. He is denied a general right of rejection, because constitutionally it is the chancellor who determines the "general guidelines of policy." But the president's right of appointment forces the chancellor to consult. Unquestionably the president has the right to discuss with the chancellor any concerns about a candidate which he may have and, if the occasion arises, to try to get the chancellor to withdraw his proposal.

In practice there has never been a case when a president has rejected a ministerial candidate—once he or she has been formally proposed. President Heuss did succeed, after the 1953 election, in preventing in advance Chancellor Konrad Adenauer from including Thomas Dehler, who had been Minister of Justice in Adenauer's first cabinet (1949–1953), on the list of proposed new federal ministers. Dehler had previously in a published telegram sharply criticized a decision of the Federal Constitutional Court, which had then caused the Court's president to threaten resignation. Adenauer sided with Heuss and excluded Dehler from his cabinet. President Lübke, on the other hand, was unsuccessful in the 1960s when he tried to block first the nomination of his successor as minister of agriculture and then later that of the prominent CDU politician Gerhard Schröder as Minister of Foreign Affairs.

Certainly a president should not be kept from expressing important misgivings, even publicly, and thus exercising influence on a chancellor's proposed candidate. A chancellor's concern about an eventual public disavowal of his candidate by the head of state gives a president some leverage in the ministerial appointment process.

While a president is entitled to discuss proposals with the chancellor, it is up to the chancellor in the end whom the president will appoint minister. It is the chancellor's cabinet, not the president's, and his cabinet members do not require approval by the legislature, unlike in the U.S., where they require the Senate's.

Together with the ministers of the federal government, parliamentary state secretaries (*Parlamentarische Staatssekretäre*), political officials

who can deputize for their ministers on the floor of parliament, are also appointed. The chancellor also transmits a list of these parliamentary state secretaries to the president when he sends him the list of proposed cabinet members. Each is assigned to a specific minister. They must be members of the *Bundestag*.

The president also appoints and dismisses federal judges, federal civil servants, and officers and non-commissioned officers of the armed forces, the *Bundeswehr*, unless otherwise provided for by law. In practice it is impossible to exercise this right personally in the case of each and every civil servant or military officer, only in cases of the highest-ranking personnel, although at this top level rather broadly. On the military side, this means that the president personally appoints and dismisses generals and on the civilian side civil servants of equivalent rank at the top, such as state secretaries (*Staatssekretäre*), heads of federal agencies, and ranking civil servants at what in the American government would be deputy secretary, undersecretary and assistant secretary levels. Otherwise he delegates his power to a minister. Even in the case of top rank appointments, decisions are generally made at the ministerial level, with the presidential appointment serving as a *pro forma* ratification. Before signing appointment papers the president is entitled to determine whether the legal requirements have been met, and to ascertain whether a candidate has the required moral standing. But he has no authority to decide on professional qualifications.

Presidential questioning of appointments is rare but has come up in the past. President Lübke, for example, refused to approve many nominations to top civil service posts because the nominees had during the Third *Reich* glorified Nazi ideology in their writings. He also refused to approve a man proposed by the chancellor as state secretary in the Federal Chancellery because of the man's Nazi past. Normally, however, the president fulfills his appointment function more or less as a notary public, so to speak, certifying with his signature that the nomination is legally unobjectionable.

Much more importance may be attached to the constitutional requirement that the federal president approve the rules of procedure of the federal government and amendments to them. This gives the president a good opportunity to keep in close touch with the government. These rules not only regulate relations among cabinet members and the convening of cabinet meetings, they also provide that the chancellor must keep the president up to date with regard to policies

and the conduct of government business by federal ministers. That is for the most part accomplished by forwarding documents and written reports on important issues to the presidential office. If he is requested to do so, the chancellor must present information to the president in person. It has become a constitutional custom for federal ministers, senior civil officials, high-ranking generals and German ambassadors to report to the president upon occasion. Traditionally an ambassador abroad is the personal representative of his or her head of state, and this finds expression in German law also. Because of this personal connection between heads of state, German ambassadors, when they return home, customarily inquire whether they may come and make a report to the president.

Even though the president himself has no right to attend cabinet meetings, the cabinet's rules of procedure assure that his chief-of-staff receives an invitation to all such meetings and has the right to be present at them and also at all meetings of the security council (a body similar to the National Security Council in the U.S. government) or other government committees. The president's chief-of-staff has the rank of a state secretary. He is sent copies of all drafts and reports, including the agenda sent federal ministers in preparation for cabinet meetings. In this way the president is continuously and speedily informed on all matters discussed and decided by the cabinet. With this knowledge he is sometimes better placed to influence cabinet members, directly or by means of public statements on the issues. With it he can also more effectively lend public support to government policies and decisions with which he agrees.

The President and the Federal Parliament

The Basic Law has no provision whereby the *Bundestag* may dissolve itself. On the other hand and quite unlike the president of the United States, the German president does have the right to dissolve the federal parliament—but only in two very specific situations. His power in this regard, too, is much less than that of the *Reich* president in the Weimar Republic. The first situation, previously discussed, arises when, under Article 63 of the Basic Law, a candidate for the chancellorship fails, after three ballots, to win a majority in the *Bundestag*. This has not yet occurred.

The second case is provided for in Article 68 of the Basic Law: if a

chancellor's motion for a vote of confidence fails to carry a *Bundestag* majority, the president may, upon the proposal of the chancellor, dissolve parliament within twenty-one days. This has occurred twice: in 1972 President Heinemann (SPD) dissolved parliament on the proposal of Chancellor Willy Brandt (SPD); and in 1983 President Carstens (CDU) on the proposal of Chancellor Helmut Kohl (CDU).

The prelude to Carstens's decision cast new light on the president's difficult role in dissolving parliament. Once the president had acted, several *Bundestag* members brought suit in the Constitutional Court, pointing out that when, in December 1982, Chancellor Kohl had called for a *Bundestag* vote of confidence, he still disposed of a majority. So, these members contended, neither a crisis nor a "situation of instability" existed.

The Court decided that a chancellor was entitled to judge whether a situation of instability existed and that such a situation could still exist when, although a chancellor disposed of a parliamentary majority, he feared losing it in the foreseeable future. It further held that a president must defer to a chancellor's judgment on this score unless his own assessment of the political situation was unambiguously different. In making his assessment, the Court went on, a president is called upon to act independently of a chancellor's view and of the *Bundestag* confidence vote.

Carstens's decision to dissolve the parliament stood, and he called for a new election.

The *Bundestag* may express its lack of confidence in a chancellor by electing a successor by majority and then requesting the president to dismiss the current chancellor and appoint the elected successor. The president must comply. This situation, which results from the so-called "constructive vote of no confidence," has arisen twice so far, failing the first time to bring about a change of government but succeeding the second time: in April 1972 a CDU/CSU parliamentary motion of constructive no confidence against Chancellor Brandt failed 247 to 249 to elect the CDU parliamentary leader Rainer Barzel; but in October 1982 a motion against Chancellor Helmut Schmidt of the SPD succeeded 256 to 235 (with four abstentions) in replacing Schmidt with Helmut Kohl, resulting two months later in Carstens's dissolution of the *Bundestag*, as just discussed.

The president of Germany has the right to speak directly to the *Bundestag* only once, when taking the presidential oath before the assembled two chambers, *Bundestag* and *Bundesrat*. At that time he

may deliver an inaugural address. Particular events may call for a message to the people at other times. The parliament seldom provides the platform on such messages, although the *Bundestag* president may invite the federal president to speak at a commemoration. At the most famous of such occasions, President Richard von Weizsäcker delivered a moving address on May 8, 1985, commemorating the fortieth anniversary of the end of World War II in Europe.*

Bills may be introduced into parliament only by the government, members of parliament, or the *Bundesrat*. As is true in the United States also, the federal president does not himself have the constitutional right to put forward a legislative proposal directly. In American practice, of course, the president has many other possibilities to initiate a bill, in annual or special messages to Congress for instance. The German president has none. Also unlike the American president, he has no authority to veto a bill. Procedurally, on the other hand, no bill can enter into force without his signature (after countersignature by the federal chancellor and the appropriate federal minister).

The president functions as a guardian of the Basic Law **alongside** the Constitutional Court in a constitutional sense. But he exercises his function **before** the Court does as far as procedure is concerned, since before a law takes effect he has the final decision to make, in the form of his signature. He is required to make a particularly careful review of the bill's constitutionality. If he was convinced, for example, of a proposed law's unconstitutionality, he would be acting unconstitutionally to sign it. That means he first examines whether the bill has been passed in accordance with the procedural rules of both chambers, *Bundestag* and *Bundesrat*, that is to say, whether it has received the necessary majority and whether the *Bundesrat* has given its consent in cases where that is required.

The president's power to review legislation extends also to making certain that it conforms with the Basic Law. Only what he considers violations of the constitution may serve as a reason for him not to sign a bill. This occurs only rarely, but the first six federal presidents (with the exception of Carstens) did in fact refuse their consent to one or two bills during their terms. Presidents Heuss, Lübke, Heinemann,

Scheel, and von Weizsäcker withheld their signatures from important bills ranging from tax legislation to laws on air traffic or the nature of military conscription. If he refuses to sign, the president notifies the presidents of the two parliamentary chambers as well as the chancellor. Theoretically they may appeal to the Constitutional Court but so far have never done so.

Once the federal president has concluded that a bill satisfies all provisions of the Basic Law, he signs it, and it is promulgated in the Federal Law Gazette (*Bundesgesetzblatt*).

The President and the Federal Council

The federal council (*Bundesrat*), the second legislative body, is the organ through which the federal states take part in the legislation and administration of the federation (*Bund*). It is composed of delegates from the state (*Land*) governments who, depending on the size of the state's population, have three to six *Bundesrat* votes.

The *Bundesrat* as such does not participate in the convention which elects the federal president. Nevertheless, the convention is considered to be a federal body, and for that reason the parliaments (*Landtage*) of the individual states participate in the elections to it. But it is a joint session, in which the *Bundesrat* participates along with the *Bundestag*, that constitutes the forum in which the president takes his inaugural oath.

The Basic Law does not provide for a vice-president. Upon request of the federal president, the president of the *Bundesrat* exercises the functions of the federal president if the latter is incapable of performing them because of illness or absence abroad. (The federal president himself makes the decision about his capability.) The *Bundesrat* president takes over too if the federal president dies, resigns or is impeached by the Constitutional Court. The formal but unwritten protocol order is: federal president, president of the *Bundestag*, federal chancellor, president of the *Bundesrat*, and president of the Federal Constitutional Court. The special position of the *Bundesrat's* president constitutes yet another sign that Germany is a federal state. He or she is elected on a rotating basis from among the heads of the sixteen states (*Länder*) for a term of one year. When exercising the powers of the federal president, the *Bundesrat* president is independent of instructions or orders from him. He or she is from

* For the text of this speech, see pages 17-30 in *German Issues* 10: "Speeches for Our Time" by Richard von Weizsäcker, AICGS, 1992. Introduction by David Clay Large.

that moment on the acting federal president and first, of course, in the protocol order. In 1995 President Herzog requested his colleague to assume this responsibility forty-two days in all during the year.

The President and the Federal Constitutional Court

The Constitutional Court reviews legislation to determine if it is compatible with the constitution. The judges of the Court, half of whom are elected by the *Bundestag* and half by the *Bundesrat*, are appointed by the president. A judge violating his duties can be dismissed only by the president, who, however, can only act in agreement with two-thirds of the members of the Court's plenary (its two "senates" sitting jointly).

As mentioned above, the Constitutional Court would decide on any request for impeachment of the president submitted by the *Bundestag* or the *Bundesrat*. The federal president is entitled to institute proceedings in the Constitutional Court against any other constitutional body he considers to have violated his rights. On the other hand, he himself could be the defendant.

The Court has so far dealt with only two such cases. In the first, Heuss signed a bill establishing a "Prussian Cultural Property Foundation" and transferring assets from the former State of Prussia to this foundation on July 25, 1957, and it was then promulgated in the Federal Law Gazette. The bill had not previously received the consent of the *Bundesrat*, which sued the president for violating its rights and argued that the bill should have had its consent. The Constitutional Court subsequently held in a related law suit that the bill did not require *Bundesrat* approval. The *Bundesrat* then withdrew its suit against the president before the court could sit in judgment on this conflict of powers between two constitutional bodies. The second case was the dissolution of parliament by Carstens, already mentioned above.

The Right to Pardon

As Germany is a federal republic, its president can exercise the right to grant pardon in individual cases on behalf of the federation only. He is restricted to those cases of criminal law in which **federal**

interests have been violated and a court of appeal (*Oberlandesgericht*) has exercised jurisdiction regarding the interests of the federation. Such cases include treason, high treason, espionage and establishing terrorist organizations.

A request for clemency from members of the terrorist organization RAF (*Rote Armee Fraktion* or Red Army Fraction) was received by President von Weizsäcker in 1989. The imprisoned terrorists had been convicted for, among other things, murder and complicity in a crime. Their appeal evoked a public uproar. Von Weizsäcker nevertheless pardoned two of the terrorists, both women, on the grounds that they had already served about twelve years of their jail term, had renounced membership in the RAF, expressed regret for their crimes, and promised to start a new law-abiding life. In April 1994, he pardoned a third terrorist, a man who had been nineteen years in jail. For all acts of clemency the president needs the countersignature of the minister of justice.

Federal civil servants (*Beamte*) enjoy special status. They are appointed on a permanent basis with tenure and their service is governed by a civil service act. Professional soldiers enjoy similar status. In Germany civil servants and professional soldiers are considered to have a special loyalty to the state. Theirs is considered a profession for life. They can be dismissed from service only as a result of a criminal court sentence (of more than one year imprisonment) or as a result of a federal disciplinary court's decision that they have violated their duties. If retired, they can be sentenced to loss of their pension, and the disciplinary court can deprive them of status or reduce them in rank.

The president has the right of clemency in this area also. He may cancel or mitigate the sentence. If he does, his action must be countersigned by the appropriate minister. If, however, he rejects an appeal, no countersignature is required. Herzog acted on twenty-nine such cases during his first year in office, granting clemency in nine.

The President and Foreign Policy

As in the United States the Basic Law divides responsibility for the conduct of foreign affairs among the branches of government. The German president, unlike his American counterpart, is not an architect of foreign policy but he does represent the Federal Republic in

international relations, acting jointly with the chancellor and the minister for foreign affairs. He concludes agreements with foreign states on behalf of the federation and accredits and receives ambassadors. However, he has no right of his own to negotiate or carry out foreign policy.

In Germany only treaties which regulate the political relations of the federation or relate to matters of federal legislation require the prior consent of or participation by the *Bundestag* and *Bundesrat*, which takes the form of a federal law. The limited role of the parliament in foreign affairs puts the government in Germany in a relatively strong position, compared, for example, to an American administration. The participation of the president is limited in the case of international treaties and agreements simply to the power to sign them.

The federal president pays frequently "state" and other visits to foreign countries. Herzog made six state and sixteen other visits abroad during 1995. State visits follow a very formal pattern. The president will occasionally make use of other opportunities for visits abroad, such as an invitation to deliver a speech or lecture, receive an honorary doctorate, or attend the opening ceremony of an important institution. In visits to authoritarian states, he can and does raise the cases of imprisoned or mistreated German citizens.

Foreign visitors have been frequent guests and welcome interlocutors of every president. As a consequence a president can sometimes serve as an experienced advisor to the government on foreign affairs. As a rule all presidential initiatives are undertaken in close cooperation with the government. Foreign policy is the responsibility of the federal government, but the government can often actually make good use of a president's participation. President von Weizsäcker, for instance, sounded out Soviet President Mikhail Gorbachev at a critical moment in 1987 and spoke out forcefully on disarmament issues a few years later. Such a president is thus sometimes able to occupy an important place in the country's international relationships.

The President, Political Crises, and States of Emergency

While Germany's president is not among those heads of state, as was Weimar's *Reich* president, who may exercise major influence in a state of emergency in the country, he does have certain powers in a parliamentary political crisis. Such crises can arise when a chancellor

candidate is elected by the *Bundestag* with fewer than half the votes or if a chancellor loses a confidence vote and faces a majority against him. In such cases, the federal president possesses significant powers which he can employ to solve the crises. He has the power

- to appoint a minority chancellor (one who has only a **relative** majority in the *Bundestag*) or to dissolve parliament;
- to dissolve parliament after the chancellor has asked parliament for a vote of confidence and failed to obtain it.

In the latter case, if the president does not dissolve parliament he may, at the government's request and with the *Bundesrat's* consent, declare a "legislative state of emergency" (*Gesetzgebungsnotstand*) with respect to a bill which parliament has rejected even though the government had declared it to be urgent. If parliament once again rejects the bill or adopts it in a version unacceptable to the government, the bill is deemed to have become law if the *Bundesrat* consents to it. The period of a "legislative state of emergency" may last only six months and be declared only once during the term of office of a chancellor. These procedures have so far not been tested.

States of emergency raise different issues.* In peacetime, command over the armed forces is vested in the minister of defense. Upon the promulgation of a "state of defense" (*Verteidigungsfall*) command passes to the federal chancellor. Unlike Weimar's *Reich* president, the president in postwar Germany has no command authority over the armed forces.

The president also has no role in deciding upon a state of defense, only in its formal promulgation. The decision is made by the *Bundestag* with the consent of the *Bundesrat* or by a joint committee (*Gemeinsamer Ausschuss*) of the two bodies. A state of defense declaration announces that federal territory is being attacked by armed

* The Basic Law differentiates between a domestic state of emergency (*innerer Notstand*) in the country or one of Germany's constituent states and one from without (*äußerer Notstand*). In the former, the federal president has no rights or powers; but in the latter, which can arise from an actual attack or threat of imminent attack from outside Germany, the president has the responsibilities described relating to promulgation of the determination that a threat exists and of a "state of defense."

force or that such an attack is directly imminent. At the request of the federal government, the president then promulgates the state of defense decision in the Federal Law Gazette, with the decision taking effect at once. Although the president's role in political crises has only seldom and in states of emergency never yet been tested, the respect enjoyed by the office and the personality of the president potentially give him possibilities to act as a broker among contending parties and as a conciliator.

III. THE PRESIDENT AS REPRESENTATIVE OF GERMANY

The Basic Law endows the president with what might be called creative powers with respect to the appointment of governments and to nominations of civil servants, soldiers and federal judges. Occasionally he can shape outcomes. He also exercises a control function, in that he reviews the legal details before publication of appointments and promulgation of laws. He has the power to act as a kind of crisis manager, in that he can dissolve parliament, declare a "state of legislative emergency" and also act as mediator outside his strictly constitutional duties. But he is very seldom vested with any operational duties of governing. Although he has few formal powers, the president nevertheless is important to the political system of the Federal Republic in three main ways.

Symbol of Unity

The president personifies the unity of Germany domestically and internationally and is the chief symbol of a federal state consisting of sixteen individual *Länder*. The president's person embodies internationally and internally the unity of this state, giving it a single face to show to the world. The president formally decides upon the words and music to the national anthem, the shape of the national flag, the coat of arms, the uniforms of the forces and other national symbols and images. It is the president who orders solemn acts of state, such as state funerals, and bestows the federation's decorations and medals. With constitutional unification between eastern and western Germany in 1990, President von Weizsäcker became the head of state for all German citizens, the federal presidency from then on coming to symbolize the full scope of the German people's unity. In 1994 President Herzog became the first elected president of unified Germany, with participation for the first time by federal convention delegates from the eastern part of the country.

On his trips abroad, the president customarily meets with ethnic Germans and citizens of German ancestry. Such meetings serve to promote German cultural traditions and links. During a May 1993 visit in the United States, for instance, von Weizsäcker was guest of honor at an official lunch for Americans of German ancestry.

Public Figure

With an eye to the common good in all of Germany, a president seeks to influence public, social and economic life. Following the moral concepts of an impartial and nonpartisan guardian of that commonwealth, he will consider it his primary task to integrate all strata of society in the German state. If he believes it necessary, he will step forward to advocate the case of a single individual or of society as a whole. On political matters he talks to the federal government, the prime ministers of the *Länder*, party leaders, members of parliament, clergy, union officials, businessmen, economists, scientists, and representatives of interest groups and charitable organizations. All presidents have sought to stay in touch with a broad cross-section of the people.

Unlike most party politicians, the president tends to take the long view. "I feel the most important part of my work is involving myself in the major issues of our time, particularly long-term issues. It is not among the duties of my office to provide answers and solutions. However, it is among the duties to encourage the framing of issues and to insist that they be addressed," President von Weizsäcker has explained.* To support him in carrying out this kind of responsibility, the president has the authority to appoint independent committees of experts on such issues as the financing of political parties, for example.

The president also occasionally becomes the sponsor of associations or events which he considers deserving of support. Herzog is, for example, patron of such varied organizations as the German Sports Federation, the Red Cross, the German Society to Save the Shipwrecked, and the German Society to Combat Hunger in the World, as well as a large number of competitions for schoolchildren in all fields ranging from history and mathematics to music and Olympic athletic training.

Spokesman of the Nation

The chief job of a president consists, no doubt, of delivering speeches. Recent presidents have used public rostrums to point out

the responsibility of Germans for their past and to emphasize how a democratic Germany can develop the sense of being part of a world community of nations. All presidents have in one way or another taken it upon themselves to encourage Germans to face up to the terrible Nazi past. President Herzog has continued and extended this tradition, asking Poles, for example, for forgiveness for the crimes of the Third *Reich*. After unification of the two German states in 1990, von Weizsäcker judged it important to convey to the world a picture of a united German people who were peaceful, devoted to the principles of liberty, respectful of human rights and aware of their worldwide responsibilities. Like their predecessors, such as Carstens, von Weizsäcker and Herzog have also been advocates of Europe and have argued that unification of Germany is intended to promote progress toward the unification of Europe as a whole.

Federal presidents may speak out on any topic they think important—democracy and political parties, German history, security policy, global cooperation, bilateral relations, social questions, the environment, the right to asylum, culture, individual needs and wants, and health problems such as AIDS. This is the best way they have to influence public opinion and political events. Theirs have been admonitory voices, but in all cases the voices of experienced political leaders.

* Interview with radio station *Deutschlandfunk*, August 19, 1984.

IV. POWERS AND OFFICE OF THE PRESIDENCY

The president of the Federal Republic is equipped with limited constitutional mandates to participate in the functions of government, to exercise some control over parliamentary and governmental decisions on key issues, and to be helpful in emergencies, when he can function as a "crisis manager" in the sense described earlier. Beyond these restricted powers, however, his political position depends almost entirely on his individual personality and personal authority. Presidents so far have been generally seen by Germans primarily as moral and intellectual leaders whose responsibility is to integrate, represent, and embody Germany.

Nevertheless it is essential for an understanding of the office and its powers to know that every president has been an influential political party member prior to his election to the presidency. That includes the incumbent, Roman Herzog, who before becoming president of the Constitutional Court held important CDU political appointments at the state level. His predecessors had all previously been ministers at either the federal or state level or members of parliament.

Such prior political experience assists presidents in conducting their office, of course. Not only have they all been known to the public before assuming office, they have also been able to make use of their experience and networks to exert their presidential powers more effectively.

Opinion polls show that over eighty percent of the Germans approve and value the presidency and do not want to abolish it. Federal presidents have been popular, and none more than von Weizsäcker and Herzog. Eighty percent of Germans polled by a public opinion organization in February 1994 thought that von Weizsäcker was doing a "good job," only fifteen percent a "poor" one. Within a year after taking office, Herzog's "good job" figures had climbed to seventy-five percent.

The good reputation of the office and of those who have held it so far lend the presidency a high standing within Germany's constitutional structure, even though the powers accorded it by the Basic Law are weak. That high standing in turn gives the president in many societal and political fields a strong identity, one which has made a positive impression on Germans in all walks of life and from all parts of the country.

Nothing demonstrates that better than the biographies of the

seven men who have held the office over the past forty-five years.*

Compared to the chancellery or to ministries of the German government, the office of the president is modest in size. About 150 officials and support staff are assigned to it, headed by the Chief of the President's office, an official with the rank of state secretary. The office has two divisions, for domestic and for foreign affairs, the former being staffed by officials coming from federal and *Land* ministries and the latter by diplomats assigned on temporary tours of duty by the Foreign Office.

These officials are clustered in and around the president's main residence, a classical bourgeois country house, the Villa Hammerschmidt, on the Rhine's left bank near the federal chancellery and *Bundestag* in Bonn. A somewhat grander chateau, Bellevue castle, which is near the Spree river in the center of Berlin, is the other presidential residence. It was built in 1785 by Frederick the Great's youngest brother in baroque-classical style.

To underscore his position as head of state, the president's salary is set by law at a higher level (one ninth more) than that paid the chancellor. In 1996 that amounted to DM 383,000 in annual taxable income plus a tax-free expense allowance of DM 132,000.

As in the United States, the roles expected of presidential spouses and of former presidents are ambiguous, not to say unclear. The constitution says nothing about either, and in the cases of ex-presidents the law is specific only on such mundane matters as compensation and size of a three-person support staff.

All presidential spouses so far have, with one exception, concentrated upon the traditional helpmate role of a First Lady, accompanying their husband on state visits and presiding with him at state dinners and other official occasions. All have taken up functions as founders or patrons of privately funded charities, mainly in the health field—for mothers of many children (Mrs. Heuss-Knapp), for the elderly (Mrs. Lübke), for the mentally ill (Mrs. Heinemann), for cancer victims (Mrs. Scheel), for multiple sclerosis patients (Mrs. Carstens), for young drug addicts (Mrs. von Weizsäcker), or for cystic fibrosis sufferers (Mrs. Herzog). Carstens's wife Veronica was the only one to continue to practice her profession, as physician, during her husband's term of office. German media, far more restrained than

* See the biographies of the presidents beginning on page 31.

American, have generally refrained from invading first ladies' privacy or speculating about their influence.

Like their American counterparts Germany's former presidents tend to remain in the public eye after their term of office ends. None so far has sought a continuing political career within his political party or another public office. None has seemed to wield or to aspire to direct political influence. They make themselves available to the media and frequently chair domestic and international public commissions. Von Weizsäcker, for instance, was induced by its Secretary General to head a commission on the future of the United Nations, whose report appeared in the summer of 1995.

V. THE PRESIDENTS 1949–1994

Theodor Heuss — 1949–1959

Born in 1884 into the *Kaiser's* Germany, Heuss, a journalist and political scientist, had already pursued a political career in the Weimar republic. As the first president of the Federal Republic he was able to gain respect for the new office and a measure of political weight also. Having grown up in the liberal traditions of southwestern Germany, he made his political mark in Berlin of the 1920s, first as a city counselor and then from 1928 until 1933 as *Reichstag* deputy of the liberal German Democratic Party (DDP). Author of many topical books on German politics, including one in 1932 critical of Hitler and the Nazis, Professor Heuss quickly lost both his parliamentary mandate and his university teaching position when they came to power. Bowing to his own party's discipline, Heuss in March 1933 voted in favor of the notorious Enabling Act, by which the parliament gave Hitler's government power to issue laws and decrees.

In retreat from public life during the twelve years of the Third *Reich*, Heuss wrote articles under a pseudonym as well as biographical works and then resumed his political career after the war, this time in his native southwestern Germany. In 1948 he was elected national chairman of the liberal Free Democratic Party (FDP) and the next year participated prominently in the parliamentary council which drafted western Germany's constitution.

In September 1949 the federal convention elected him president on the second ballot (416 to 312) over Kurt Schumacher, chairman of the Social Democratic Party parliamentary group in the *Bundestag*. His job, as he saw it, was to infuse the "web of constitutional paragraphs" that had created the new office with real political life. Unopposed this time, he was elected in 1954 to a second five year term.

Heuss shaped the basic contours of the presidency. His main mission, as he saw it, was to work against hatred and mistrust of Germans abroad and in his speeches and public appearances to transmit to the world a picture of a "different Germany." Against the background of his own experience with the Nazi dictatorship, he sought at home to advance feeling and understanding for Germany's new

democracy that placed concern for the individual citizen at the center of its decision-making.

The first president regarded himself, together with the Constitutional Court, as guardian of Germany's new constitution. And he gave great attention to other roles, as admonisher with respect to his country's Nazi past, as advocate of German unity, and as mediator between the pre- and postwar generations. In his second term, he undertook a great deal of foreign travel, making state visits to Greece, Turkey, Italy, and in 1958 to Canada and the United States as well as to Great Britain. His sensitive nature and gentle manner helped make these visits successful steps toward restoration of Germany's reputation after the Nazi period. Fatherly and affable, Heuss became popular at home. Consideration was given to amending the constitution to permit him a third term, but he rejected the idea lest a precedent be established. He died in 1963.

Heinrich Lübke — 1959–1969

Like Heuss, Lübke had had a political career during Weimar, as a Catholic *Zentrum* party deputy in the Prussian state parliament after 1931. A surveyor and agricultural engineer by training, in his early career he served as a professional official of farmers' interest groups. Imprisoned by the Nazis for twenty months, he worked during World War II for a construction firm that planned and built the military missile testing facility at Peenemünde on the Baltic. Like Heuss's vote for the Enabling Act, this work by Lübke was fodder for political opponents, who attacked him during the 1960s as a "builder of concentration camps." An early member of the CDU after the war, Lübke filled agricultural and forestry ministerial posts, first in western Germany's biggest state, North Rhine Westphalia, and after 1953 on the federal level.

In 1959 the federal convention elected him president over a leading SPD parliamentarian, Carlo Schmid. Chancellor Adenauer toyed briefly at the time with the idea of standing for the presidency himself, but decided against it after constitutional experts advised him that compared with the chancellorship the presidential office would leave him little room for political influence. Lübke was reelected in 1964, this time with the votes of the Social Democrats.

The second president lacked Heuss's strong and attractive per-

sonality and also his talents as a writer and speaker. His political strengths were his straightforwardness, modesty, and old-fashioned sense of duty.

Lübke strengthened the presidential office by a much greater exercise of the right to scrutinize legislation. Only when he had convinced himself of their constitutionality would he sign laws presented to him. He has been the only holder of the office so far who refused to sign a law, not for technical or procedural reasons such as lack of federal jurisdiction or of approval by the *Bundesrat* but for reasons which he considered violation of a basic constitutional right, such, for example, as the right to exercise a profession. He took seriously his right to appoint senior officials and military officers, demanding an examination of their record under the Nazis and of their moral character. He insisted that federal ministries keep him currently informed and that the Foreign Office send him cables from its ambassadors.

The second president continued Heuss's heavy schedule of foreign trips, and in both his terms paid particular attention to the Third World, making the case repeatedly for more German foreign economic aid. He paid state visits to thirty-five countries in all, many of them in Africa and Asia. His experience in agriculture, forestry and finance and a modest, understated approach won him and Germany sympathy in these countries, where Germany's relatively limited colonialist history and a lesser impact of Nazi aggression made things easier for a German president.

Lübke backed the idea of a "Grand Coalition" between the Christian and Social Democrats and did what a president could to promote such a government, which was put together in 1966 by Chancellor Kiesinger of the CDU and Vice-Chancellor (and Foreign Minister) Brandt of the SPD. Having become the target of political attacks because of his World War II employment and because of illness, Lübke resigned his office in June 1969, two months before the end of his second term, and died three years later.

Gustav W. Heinemann — 1969–1974

Heinemann's term coincided with change, reform, unrest and rebelliousness in Germany, and with widespread challenges to traditionally authoritarian attitudes and structures in government and society. The country's first and so far only Social Democratic president had

previously demonstrated his distaste for the *Obrigkeitsstaat* (the hierarchical state) which had typified earlier Germanies and aspects of which had carried over into the new Federal Republic after 1945.

Trained as a political scientist and lawyer, Heinemann served in the management of a large Essen steel firm before, during, and after World War II. Under the Nazis a member of the protestant "Confessing Church," he became a leading lay member of the Evangelical-Lutheran Church in 1945. His protestant faith marked his personal and political conduct throughout his life.

Having joined the CDU immediately after the war, Heinemann became first mayor of Essen and then, in 1949, Minister of the Interior in Adenauer's first administration. Thirteen months after his appointment, he resigned his ministerial post in protest, having learned after the offer was made that Adenauer had failed to consult his cabinet beforehand when offering the United States German soldiers for a western defense effort. Three years later Heinemann founded the All-German Peoples Party, whose principal plank called for German neutrality as the only way to achieve national unification. The party failed eventually, however, and in 1957 Heinemann became a Social Democrat and an SPD *Bundestag* member.

Minister of Justice in the Grand Coalition of CDU and SPD after 1966, he was elected president in 1969 on the convention's third ballot (512 to 506) over the foreign minister, the CDU politician Gerhard Schröder.

In the restive Germany of the early 1970s, Heinemann devoted his efforts to approaching those groups who stood apart from mainstream politics. He wanted them, he said, to participate in a state which was no longer authoritarian but made up of "mature citizens" whose duty it was to set their mark by actively participating in the political and governing process. Typically he dedicated a museum at Rastatt, dedicated to movements for liberty in German history. He made it a public point to be concerned with minorities and the alienated and marginalized of society. He tried to call greater attention to the lot of the disabled, the handicapped, and imprisoned criminals, paying frequent visits to rehabilitation centers and to penitentiaries to listen to the needs and problems of these unfortunates. His most memorable visits abroad were precisely in those countries of western Europe where memories of Nazi aggression and oppression were most pronounced: Denmark, Norway, the Netherlands, Luxembourg, and Belgium. He died in 1976.

Walter Scheel — 1974–1979

A FDP parliamentarian, first in the *Landtag* of North Rhine Westphalia and then, after 1953, in the *Bundestag*, Scheel was elected his party's chairman in 1968. Soon thereafter he led his party's unexpected switch to a coalition with the Social Democrats on the national level and was rewarded by the new chancellor, Willy Brandt (SPD), with the post of vice-chancellor and foreign minister. Supported then by both FDP and SPD, he was elected president in 1974 (530 to 498) over the CDU's Richard von Weizsäcker, who ten years later was to be elected president himself.

Gregarious and informal, Scheel wanted Germans to look upon their state not as an abstraction but as an institution close to them. He tried to bring home to Germans the importance of the values of a democracy—tolerance, dialogue, and playing by the rules. Like Heinemann, he encouraged Germans to be active but critical in their relations to their government and to broaden their participation in politics and society. He emphasized the importance of a united Europe for peace and for the protection of a democracy that, by the time of his presidency, had firmly established itself in Germany.

Karl Carstens — 1979–1984

With Carstens, Germany for the first time had as president a northern German and one who had been shaped more by a career in the high civil service and diplomacy than by party politics. Having taken a law degree in Germany just before World War II, he spent a year, 1948-1949, at Yale Law School. During the 1950s he was first the representative of his native city Bremen at the new federal capital of Bonn, later representative of the Federal Republic at the Council of Europe in Straßburg, and then, joining the Foreign Ministry, head of the division for Europe. He advanced quickly to the highest civil service rank, State Secretary, first in the Foreign Ministry, then in the Defense Ministry, and finally, from 1968 until the advent of the SPD-FDP coalition, in the Chancellery.

First elected a CDU *Bundestag* deputy in 1972, he chaired the CDU/CSU parliamentary group from 1973 until 1976 and was *Bundestag* president from 1976 until 1979. The federal convention elected him president on the first ballot (528 to 431) over the SPD's

Annemarie Renger, the parliament's vice-president.

Carstens's speeches were marked by tireless advocacy of traditional, conservative virtues—individual achievement, self-sacrifice, and duty. For this president the values expressed in Germany's Basic Law created obligations for all citizens. He made a particular effort to enter into conversations with young Germans. To maintain Germans' sense of the unity of a nation that was divided between two states, Carstens insisted that they must know and understand their history. The study of German history and literature, as an expression of his people's cultural and spiritual unity, was one of his frequent themes. He called on schools to devote greater attention to German culture and to German unity, with all its bright and dark sides. Carstens attached importance to America, to which he made a state visit in 1983, meeting with his fellow conservative Ronald Reagan. An avid hiker, he attracted publicity and crowds of fellow walkers on a trek across western Germany, from north to south. He died in 1992.

Exercising one of the few important powers of his office (see page 17) in early 1983, Carstens dissolved the *Bundestag* soon after Helmut Kohl had engineered a constructive vote of no confidence. The Constitutional Court upheld Carstens's action.

Richard von Weizsäcker — 1984–1994

Scion of a family of service nobility from Württemberg in southwestern Germany, Richard Freiherr von Weizsäcker had had a varied career before his presidency. After serving as an army captain in World War II, he passed his law exam and worked in steel, banking and then for one of Germany's leading pharmaceutical firms. A prominent lay official in the Protestant church, he entered national politics in 1969 as a CDU member of the *Bundestag*. He rose to national and international prominence as the mayor of West Berlin from 1981 to 1984. Against only token opposition he was elected (with 832 of 1,017 votes) president in 1984 and similarly (with 881 of 1,022 votes) reelected in 1989.

None of his predecessors had enjoyed such broad support in the convention and none was able to give as much prominence to the office of the President.

The sixth federal president felt his office should give priority to producing consensus and giving direction to the body politic. In

speeches and media interviews (with his wit, intelligence, and an easy, aristocratic bearing, he was highly effective with the media), von Weizsäcker persistently struck the theme of commonality. He also called for more transparency in political decision-making and vigorously criticized the political parties for exercising undue power and too much influence at every level of society and government.

Until unification in 1990, he involved himself in that most sensitive of all policy issues, the "German Question" of the relationship between the two German states and its connections with western Germany's main foreign policies, the *Ostpolitik* of dealing with the Soviet Union and the eastern European countries, and *Europapolitik*, the effort to advance the union of western European nations. After unification, the president turned to promoting the unity of his country socially and politically. Central to his view of this process of bringing eastern and western Germans together was an advocacy of Berlin as Germany's capital. Early in 1994 he declared Berlin to be the primary seat of the president. When he left office later that year, he himself settled there.

Like Heinemann, von Weizsäcker devoted attention to those on the margins of German society. "It is only normal to be different," he pointed out. He vigorously condemned attacks on foreigners, paying public inspection visits to the hostels where immigrants seeking asylum were quartered and calling upon Germans to show their solidarity with these less fortunate newcomers from abroad. He put himself, the first German president ever to do so, at the head of a public demonstration in the streets for the dignity of humankind. His interests were astonishingly broad, his speeches covering topics as wide-ranging as alternate energy sources, unemployment, and German theater, music, and a host of other subjects.

Von Weizsäcker was probably the most eloquent speaker among the presidents of postwar Germany (a political culture where oratory is not greatly prized). Certainly he delivered the best presidential speech of the postwar era: his address of May 8, 1985 on the fortieth anniversary of the end of World War II. While fully committed to the principle of reconciliation among wartime enemies and between victims and persecutors, von Weizsäcker admonished his people that this must not be achieved at the expense of historical honesty and the commitment to remembering what Germans had done during the Third *Reich*. The response to this, one of the most celebrated speeches of recent times in any country, was overwhelmingly positive at home

and abroad. Called a "moment of glory" by the Israeli ambassador to Bonn, the speech was hailed worldwide and made von Weizsäcker the best known president of postwar Germany.

Seldom hesitant to speak his mind on this and other sensitive political issues, he seemed to find fault with Germany's reluctance to join in participating militarily in the Gulf War of early 1991, assuring Americans that this decision was based on the German constitution and did not represent divergent policy. On state visits abroad, he did not hesitate to criticize undemocratic practices or human rights violations. Charismatic, handsome, sincere, and genuinely intellectual, von Weizsäcker exerted greater public influence than any federal president before him.

Roman Herzog — 1994–

With the election of Roman Herzog Germany has its first Bavarian as President. He won a third ballot victory at the May 1994 federal convention over Johannes Rau, the popular SPD political leader and Prime Minister of Germany's biggest state, North Rhine-Westphalia. He was, however, not the first choice of Chancellor Kohl, who would have preferred to see an eastern German in the Federal Republic's highest office but failed in his attempt to put through a Saxon politician whose conservative attitudes drew fierce attacks from the media and who as a result was forced to withdraw his candidacy before the federal convention even convened.

Like his predecessors as president, Carstens and von Weizsäcker, Herzog was trained in jurisprudence. But unlike them he established himself as an eminent scholar of public and constitutional law before turning to politics. During the 1960s and early 1970s he taught law at Berlin's Free University and the University for Public Administration in Speyer. Author of the leading commentary on the Basic Law, he made his mark from 1983 until 1994 as Vice-President and then President of the Constitutional Court in Karlsruhe, one of the five chief constitutional bodies of the Federal Republic.

Although he did not join the Christian Democratic Union until 1970, he held a series of political posts at the state level during the 1970s: first as a state secretary in the government of the Rhineland-Palatinate, Chancellor Kohl's home *Land*, and its representative in Bonn; and later as minister of culture and then of the interior for the

state of Baden-Württemberg.

Difficult as it may have been to match the high standards set by the elegant and versatile Richard von Weizsäcker, Herzog has succeeded in a short space of time in establishing himself as a popular figure who is ready and willing to speak out with folksy charm but directness on the need for Germans to take a more relaxed view of themselves. His main efforts seem to be bent toward helping ease the transition by eastern and western Germans towards living in a united state. Coming from Bavaria, that bulwark of federalism, Herzog tends to stress federalist diversity and to reject homogeneous models for postunification Germany.

Like all his predecessors Herzog devotes much public time and effort to confronting Germany's Nazi past at home and abroad. His visit to Poland shortly after his election and to the former concentration camps of Bergen-Belsen and Auschwitz as well as to Israel the following year provided him with opportunities to deal with this difficult theme. Like von Weizsäcker before him he has not hesitated to address a second sensitive subject, calling on Germans for "solidarity" with the many foreigners living in their midst.

His pace during his first year in office was a hectic one. He paid visits to every country that borders on Germany as well as to more distant ones such as Albania, Kazakhstan, and Uzbekistan. His many speeches on foreign policy deal with a gamut of issues running from free trade, nuclear threats and the United Nations to emphasis on the traditional western orientation of the Federal Republic. "What we need," he told an elite audience of foreign policy specialists in March 1995, "is not less partnership with the United States but more, not less integration into the west but more."

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