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Fiftieth Anniversary of the Basic Law (May 28, 1999)

On the occasion of the fiftieth anniversary of the Basic Law, Federal President Roman Herzog briefly recapitulates its successful history and then concentrates on present-day challenges; he stresses, in particular, the principles of freedom and individual responsibility.

Speech by Federal President Roman Herzog on the Occasion of the 50th Anniversary of the Founding of the Federal Republic of Germany

Ladies and Gentlemen,

In celebration of the 50th anniversary of our state, we are gathered together in the newly renovated Reichstag building, which embodies the history of German democracy like no other structure. It was here that decisions about the First World War were made (to the extent that they were made in Germany at all). It was here that the First Republic was proclaimed. And, in 1933, when the Reichstag was set on fire, everyone sensed that German democracy was destroyed along with it. After the Second World War, the Reichstag served for decades as a placeholder for the long awaited joint parliament. And now, after unification and the Bundestag's move to Berlin, may there be a continuation of everything that this site stands for: freedom, democracy, and prosperity for all. And if we can manage that, then people will no longer speak of a "Berlin Republic" that differs fundamentally from the one of the first fifty years.

Germany has come a long way in the past fifty years: at the end of the Second World War, it wasn't just the cities that lay in ruin. Our country was in moral ruins as well and was ostracized by the rest of the world. But the German people to whom this building is dedicated learned from the lack of freedom, the inhumanity, and the dictatorship they experienced. Our fathers wanted to do things differently and better, and they succeeded. Today, Germany is a stable liberal democracy, an economically strong partner in the world, and a country of great prosperity. Above all, for the first time in its history, it is living in friendship with all its neighboring countries, and it considers itself a driving force of a Europe that is growing together in peace.

I have never attempted to sugarcoat existing deficiencies. But we can truly claim to have become a tolerant, cosmopolitan, and successful country. That is also how others view Germany; I have experienced that time and again. On many of my foreign trips I have been

asked: How can we share in your experience? How did you manage to reconstruct so rapidly after 1945? How did you create a stable and prosperous country so quickly? How did you meet the challenges of unification? Of course, we should not place too much emphasis on all of this, but sometimes an outside view can put our own domestic problems into proper perspective.

No one even dreamed of all this fifty years ago, when the Federal Republic of Germany was founded as a Western state. And even ten years ago, when GDR citizens started confronting the ruling dictatorship, it was still not a given. However, we achieved reunification not *in spite of* the community of states, but rather *with* its approval and in friendship with it.

The Basic Law, which took effect fifty years ago yesterday, and its basic premises – freedom, justice, tolerance, and peaceableness – stood at the beginning of this process and were its driving forces. We have every reason to celebrate its anniversary.

Fifty years of the Federal Republic of Germany also means forty years of a divided past. To be sure, during these years we never stopped being a nation and of course we are one nation today. But we are a nation with distinct experiences and, consequently, with distinct perspectives. In these forty years, despite all the euphemistic speeches, we grew farther apart than we had hoped in the initial euphoria of regained unity. That is the hard reality, but we should neither repress nor overstate it. We must continue to confront it again and again. But we will only succeed if the people in both East and West are fair enough to want to understand and respect the different memories and life experiences that emerged from our divided past.

I have continually sought this two-way exchange between Germans from East and West, and the experiences I have had in doing so are among the most moving of my term in office.

But the most important experience for me was always seeing how the path to mutual understanding was first opened through wholehearted openness and truthfulness on both sides. Catchwords that cloud the issues, whether they are well-meaning or not, are of no help at all. I wish everyone understood that – again, on both sides.

Many have contributed to the country that Germany is today. I would like to name just a few here: the will of Konrad Adenauer to anchor the old Federal Republic firmly in the Western community of states; the readiness of Kurt Schumacher to constructively follow this path from the opposition; the bridge to the East spanned by Willy Brandt, and finally, the achievement of political unification by Helmut Kohl. Remember the integration of millions of expellees from the East, and the creation of a social market economy out of the rubble of the war. Remember the historical reconciliation with Israel, the countless East Germans who obtained their independence under a system that became increasingly questionable, and the civil rights activists whose desire for freedom finally caused this system to totter.

The democratization of our society is also among the great achievements that have shaped the face of our country. This was not only the work of politicians. The self-perception of our society

is also linked to many other names, from journalism and religious life, from the arts and the publishing world. A society never lives on state and politics alone. It brings about its greatest developments on its own, as a whole. We have experienced that, too, in East and West, and often in heated debate. But we are the better for it.

Before the Federal Republic was founded, we had, as I mentioned earlier, bitter experiences: the war, the Holocaust, the disregard for human dignity and freedom. We had looked into the deepest abyss of our history, and this experience was deeply branded into the thinking of the founding generation. But times change. Fewer and fewer people remember the war, much less the time before it. The architects of reconstruction are being replaced by younger colleagues. And this generational shift not only means that the voices of Holocaust eyewitnesses are dying down, it also means that the experience of persecution and genocide is fading, the experience of war and expulsion, of nights of bombings, of not being allowed to think and speak openly. These experiences, too, had a stronger impact on the thinking of an entire generation than today's television images ever could. Therefore, we must pass these experiences on to the coming generations as best we can. That is our historical duty.

I know how difficult that is: as generations change, so do perceptions and memories. Even the ten years since the fall of the Berlin Wall is an infinitely long stretch of time in the life of someone who is now thirty years old, and, what's more, the decades since the founding of the Federal Republic have certainly changed many things in the collective consciousness of the nation: the lived past is becoming history. The successor generation has long since assumed political responsibility, and an even younger generation is already waiting in the wings with its own, different, life plans, a different discursive culture, completely new issues, and different answers. This is part of human nature, and none of us from the older generation should get worked up about it. But we must demand that our experience, and not least what we learned from our mistakes and delusions, be acknowledged by those who come after us. Under certain circumstances, they might save themselves a lot of trouble by doing this. This is a task from which no one is exempt: neither parents nor teachers, neither textbook authors nor journalists, neither politicians nor churches. That is the only way to develop a collective memory – without which neither national identity nor national responsibility can exist.

Today, only a few months before the start of a new century, the main thing is to preserve the idea of freedom and to pass on the knowledge of its value. Freedom and democracy are never a matter of course. In particular, someone who has never personally experienced a lack of freedom could easily overlook that fact, because freedom is like the air we breathe – we are not aware of it until it is taken from us.

Individual freedom has never been greater than it is now, and the plurality of lifestyles has also created an extraordinarily diverse society. That is good, and it is consistent with the image of humanity upon which the Basic Law is based. If within that diversity we can also recognize our common ground, which no less determines who we are, and then strengthen that common

ground, then – and only then – will we move from tolerant coexistence to a form of true community that will enable us to tackle the future.

Our state is first and foremost a liberal constitutional democracy; it is a state that grants and protects the rights and dignity of its citizens. When the members of the Parliamentary Council drafted Article 1 of the Basic Law ("The dignity of man is inviolable"), they did not have a nonbinding, hollow phrase in mind. They wanted, first of all, to radically reject any and all totalitarianism and glorification of the state. They wanted a state that was there to serve its citizens – and not the other way around.

Behind that, of course, lies a basic expectation of the individual: the expectation that he will use that freedom to shape his own fate and that of society.

That is an essential condition of freedom, because there is no such thing as freedom that is limited to the individual alone. We can only be free as a collective. Freedom does not work if the individual always demands rights for himself, placing more and more responsibility on others – be it the "state" or an anonymous "society." Without the efforts of individuals on behalf of the community, any polity will be overwhelmed in the long run.

And freedom is more than just the gaping absence of coercion. We must continually ask ourselves what we are using our freedom for, and what substance and meaning we wish to give it. Freedom requires reason and imagination.

And, furthermore, freedom also requires knowledge of tradition, of values, and ideals. They are the most important prerequisites for well-founded criticisms of present-day realities and for contemplating alternatives.

The proper, responsible approach to freedom does not come automatically. This, too, is a central education and communication task for everyone: for parents, schools, institutions – and also for the media.

Talking and teaching is not enough. In order to convey the value of democracy we must also be able to appreciate it and to strengthen that appreciation. I can definitely imagine the citizens having more direct influence. For example, by aggregating or splitting tickets among different candidates on party lists, also in federal and state elections;[1] by expanding the direct election of mayors, and by increasing citizen petitions and referendums, at least at the local level. Especially at the neighborhood level, individuals are willing and prepared to assume greater responsibility. It is possible to establish a kind of "early warning system" for social developments that can be easily overlooked by a state that hears only the opinions of bureaucrats and interest groups.

[1] These principles have already been applied in some local elections – eds.

The state must present itself to its citizens as a “participatory state.” Then it will not be necessary to buy approval by making promises – which cannot be kept in the end – of a perfect, paternalistic welfare state. Why don’t we sit down together and work out models and solutions that take into account the needs of both the state and its citizens and smaller entities? And – for once – both sides should spare us the knock-out arguments that we’re all so sick and tired of hearing.

Besides that, there are also areas where we do not need collective organization, where the human spirit is left to its own devices and yet still serves the common good. Creativity, artistic work, and culture are among the essential components of a vibrant society. In science, art, and creativity, freedom tests itself and discovers new ways of seeing and understanding for the individual and the community.

And finally, freedom also means being responsible for the results of one’s own actions. Responsibility is the unavoidable consequence of freedom. Today, it seems that this isn’t always clear. We increasingly tend to socialize the unpleasant consequences of our actions and to privatize the gains. This must stop. If everyone believes that “the honest man has to pay the piper,” then no one should be surprised by the end results.

We really should pay more heed to the fact that popular approval of our liberal social system is not necessarily a given, especially not at a time when it no longer produces new good deeds. Approval of freedom and democracy is also tied up with the basic mood of the collective citizenry, whether they feel they are “doing well” and are being treated “fairly.” This, in turn, is closely connected to people’s confidence in political institutions.

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Democracy and freedom face two major challenges today: in a globalizing economy, how can we continue to create prosperity in the future, and in doing so, how do we uphold the goal of justice, to the extent that it can even be achieved among people? Democracy and the Basic Law gained recognition in Germany, not least because they were accompanied by prosperity. The success story of the former Federal Republic was therefore also the success story of the social market economy.

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Source: “Ansprache von Bundespräsident Roman Herzog anlässlich des 50. Jahrestages des Grundgesetzes” [“Speech by Federal President Roman Herzog on the Occasion of the 50th Anniversary of the Basic Law”], *Bulletin* [Press and Information Office of the Federal Government] no. 32, May 28, 1999.

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