

“We need a strong democratic state”

Speech by Dr. Matthias Rößler, President of the Saxon State Parliament, at the Middle East Technical University Ankara on February 1, 2016

(Address)

I would like to thank the Department of International Relations and the foreign office of the Konrad Adenauer Foundation for the invitation and the friendly introduction. I am happy to be here with you today. I am delighted that Professor Hüseyin Bağcı, an outstanding expert on German foreign policy and German-Turkish relations, teaches at your university. And that gives you, the students, a great insight into the mutual relations of our two countries, which, while positive overall, are not always simple. For me, that means that I can leave this vast area entirely to him, and concentrate more on Germany and German domestic politics.

To be more precise, I am going to focus on a topical area of German politics, which has been the subject of increasing public debate in Germany in the last few weeks: the return of a strong democratic state.

For all of you who know modern Germany well, the recent widespread call for more state involvement is certainly something of a surprise. After all, terms such as deregulation, liberalisation and privatisation set the tone for many years in Germany. The vision of a “lean state” became the blueprint for many administrative reforms at a national level and in the Federal States. As a result, many observers see Germany as a role model for effective and modern statehood.

In spite of this, or possibly because of this, both the Christian Democrat as well as the Social Democrat camps are currently calling for a strong democratic state in Germany.¹

Fundamentally, the demands are as follows: The “return of a strong state” in Germany is an essential reaction to the influx of refugees, to the major challenges this creates, to the potential overextension of public institutions and the growing threats from extremists and terrorists. The “influential state that ensures compliance with laws and has the resources needed to do so,” requires a “necessary renaissance” in Germany – with more personnel in education, administration, justice and internal and external security.²

Hearing people talk about a “state renaissance” is nothing new in Germany and in other European countries. After the global financial crisis, the national governments first had to put out the fires and then expand their political structures and resources. The aim was to avoid similar crashes in the future. At the time, people also spoke of a state renaissance, as the politicians in office had previously weakened or even surrendered state powers. Even during the financial crisis, observers could clearly see that insufficient state not only can be harmful to the economy and society, but also to the state itself.

Currently, we in Germany have returned to a point where we can see a deficit in state powers. The refugee crisis reveals a German state which

¹ See for example the interview with Sigmar Gabriel in: Frankfurter Allgemeine Zeitung, 6 January 2016. “For this, Germany needs a strong state that fulfils its responsibilities, both to those who already live here and to new arrivals.”

² See also the article by Heinrich Wefing: Would you like a little more?, in: Die Zeit, 11 December 2015.

is partly at risk of overextension. We see a state in which major political actors are surrendering state sovereignty, by which I mean effective authority, thus endangering the stability of the community. And we see a state whose political leadership seems entirely selfless, but also risks losing sight of its own interests.

These current challenges therefore bring to mind the old question: Why do we need a state? In fact, they lead to the following question: Why do we need a functional, influential, a strong democratic state?

My answers to this are clear:

(1) We need a functional state, as democracy cannot work without a state. Anyone who only speaks about democracy without mentioning the state will soon see that one cannot remain intact without the other.

(2) We need an influential state, so that the constitutional state can be effective and the normative state does not overextend itself, as the state no longer knows any boundaries.

(3) We need a strong state, to enable citizens to experience liberty in security.

(4) And we need a functional, influential and strong democratic state, because the European Union does not serve as a state and appears to be failing in key areas when faced with its greatest challenges.

No topic has occupied for months German politicians and society as much as the mass influx of refugees from terror and war as well as from

economic difficulties and individual despair to Europe. As a European nation, Germany has shown high solidarity in welcoming these people, as have Sweden and Austria. One reason Germany is doing so is that many other EU states are not demonstrating any solidarity. As a result, the refugee crisis brings great challenges – political, administrative, financial, social and cultural challenges.

The German Federal States, who bear the brunt of the housing and integration responsibilities for these people, must ensure, through good policies, that the authorities, administrations, schools, police and the Federal States themselves remain sufficiently functional in spite of the refugee crisis. They must ensure that they retain the scope they need to operate, and that essential investments are not neglected.

The German Federal States have statehood and their own constitutions. In our federal system, on the one hand, that means there is great individual responsibility at mid and low political levels. On the other hand, it also means that the Federal Government must provide the States with the funds required to cope with the refugee crisis. That currently is not sufficiently the case.

After all, the Free State of Saxony alone assumes high nine-figure annual costs. For Germany as a whole, the costs of the refugee crisis are currently estimated at between 20 to 30 billion Euros per year. For German politicians, that means they must tell citizens the truth about the financial impact of the refugee situation. The same also applies for the associated social consequences. For too long, there was too much reticence in this area in Germany, too much political correctness – this is currently changing.

The parliaments in Germany, in particular the State Parliaments, must prove their capacity to act and have an integrative effect on the state and society. First of all, they must do so as legislators and supervisory authorities vis-à-vis the government. Citizens in Germany want stability, prosperity, security and liberty in their lives. That is only possible with a functional state and an effective political system. Parliaments' original responsibility is to create the best possible conditions for beneficial co-existence of citizens in accordance with their powers. In particular, their ability to solve problems enhances citizens' trust in their parliaments.

However, the parliaments must also serve as a democratic forum by continuing to debate asylum and refugees, by discussing integration, limits on immigration and consistent removal of rejected asylum seekers. As the president of the parliament, I believe that German parliaments could do even more in the refugee crisis.

However, the state and democracy in Germany also face an entirely different challenge. In 2015, political extremists from left and right attacked people, state institutions, private apartments, refugee homes and the offices of politicians. They attacked our constitutional state and our free society. Luckily, we have not had to experience horrific Islamist terrorist attacks on the level of Ankara, Istanbul or Paris. In spite of this, the risk of terrorism in Germany is great. However, the German state is taking decisive action against these activities, against extremists and terrorists. We defend the foundations of our liberal-democratic co-existence against extremists – with a pluralist society and a strong constitutional state.

Wherever the democratic state lacks resources, wherever it can no longer guarantee justice, is no longer capable of defending itself, that is where extremists strike terror into our hearts. That weakens the pluralist democracy, which relies equally on non-controversial and fundamental principles and on guaranteed liberties. In Germany, it is currently not too much statehood that is endangering democracy, but too little. This is expressed in the calls for more police and more resources for internal security, which can now be heard nationwide.

At the same time, the citizens' trust in political institutions is decreasing. Many people see politicians as overextended, the democratic process is considered too slow and too indecisive in its results. In particular, the great complexity of modern European politics leaves many citizens in the dark. That is especially true when these politics are ineffective, when political blockades fill the headlines, instead of political problem-solving.

Above all, a strong democratic state is a strong constitutional state, which not only protects the citizens from the state itself, but also gives them security as an effective stabilising power, enforces the law in general and protects the mutual rights of citizens to liberty in particular.

That means that the strong democratic state adheres to the "rule of law" principle, which effectively subjects the political ruling power to laws and regulations. The law prevails here. By contrast, a strong democratic state does not mean an authoritarian "rule by law," where laws are randomly subjected to the ruling power of a person or party.

Strong democratic states are characterised by the fact that they "lay down and implement the law" on a constitutional basis, and have strong

supervisory institutions, including confident parliaments and independent courts. Germany has all of that, but our constitutional state is in danger of being overextended in the refugee crisis because of our open-border policy.

As a result, well-known German constitutional law teachers warn of an impending erosion of the German constitutional state and a breach of constitutional order. Hans Jürgen Papier, the former president of the Federal Constitutional Court even states that “the gap between law and reality in the constitutional order of the Federal Republic of Germany” has never been “as deep” as now in the refugee crisis. The exception from the rule is threatening to become the rule.

The strong democratic state also means space for social, political and economic freedom. A strong democratic state enables freedom “instead of combating it”. It uses its resources decisively for the free and pluralist society, not against it.

Freedom of speech and freedom of press are of outstanding importance in this. Journalists must be able to report freely, they must be able to criticise the government and politicians fundamentally, and point out political errors.

If social liberty should not be an empty phrase, then we need a functional state, which allows citizens to exercise their civil liberties, and which in turn can ensure that we remain a society of free individuals. Not only the crimes committed throughout Germany on New Year’s Eve have made it clear to us that the German state has now reached the limits of its capabilities when it comes to protecting the civil liberties of its citizens.

I have already mentioned the pronounced weakness of the European Union in the refugee crisis. Even Jean-Claude Juncker, President of the European Commission, believes that the European Union “is not in good condition”. Unfortunately, I have to agree. The Dublin Regulation has largely been suspended, and the Schengen Agreement is only partially effective. Great Britain is trying to strike out on its own. France is too self-absorbed. The Visegrád group – Poland, the Czech Republic, Hungary and Slovakia practice a policy of national isolation, while Greece politically implements a no less risky mix of incapacity and unwillingness.

Germany also faces particular challenges here. Once again, we have come to an intersection of political debate in Europe.

That is why Herfried Münkler, a political scientist from Berlin, referred to Germany as the “power in the middle” of Europe in his latest book. He believes Germany’s main responsibility is to hold the European threads, which were so hard to spin in the first place, together in our time of great centrifugal forces. That not only requires great diplomatic skills, discipline and patience, it also takes a certain determination and a high level of efficiency. In particular the latter, high efficiency, is only possible with a strong democratic state.

Germany stands for a European policy of this kind, combining moderation in dialogue with determination in action. Stability and solidarity are the watchwords, as no European state can cope with the current problems on its own. To prevent solidarity becoming an empty phrase and keep the European community stable, we must turn conflicts

of interest in Europe into practicable politics. We must focus on the feasible, not the desirable.

In my opinion, that also applies to Germany's relations with the states bordering the European Union. We must achieve a constructive co-existence. That is especially important in our relations with Turkey, which, as an aspiring regional power and as a host and transit country for refugees plays a key role. I hope that our governments will soon reach viable bilateral solutions.

Also, we must not forget the recent reduction in sovereignty in terms of a national or European statehood. Both, too little and too much state sovereignty currently represent risks to Europe's stability. The open state in a unified Europe must not become a lost state. At the same time, the strong state must not become an unbounded state.

A strong state must be constitutional state, a democratic state and a liberal state. Implementing this is a complex balancing act, and Germany is not the only nation currently attempting to do so.

Ladies and gentlemen, the German economist Wilhelm Röpke, who also taught at the University of Istanbul for a few years in the 1930s during his Turkish exile, once called the free state "the greatest work of art of human civilisation".

I believe there is a lot of truth in that. The state is a work of art, which offers wonderful opportunities but whose very existence is vulnerable. The greatest danger to the state comes when it is overextended. Overextension alienates governments and people, and damages the

foundations of state legitimacy. An overactive state is just as likely to cause this problem as an underactive state.

Complaints about insufficient state activity in present-day Germany, and calls for a renaissance of a more influential state, are statements of the obvious. They are calls for a rediscovery of key state responsibilities which have previously been neglected. And that is exactly what is at stake in the current German debate on a strong democratic state – the rediscovery of key state responsibilities.

Thank you.