

The resignation of President Wulff and its consequences

The President of the Federal Republic of Germany Christian Wulff announced his resignation from office at the special press conference held at 11:00 on the 17 February 2012. In his statement he emphasised that: „Our country, the Federal Republic of Germany, needs a president who can devote himself completely to national and international challenges. Germany needs a president who enjoys the trust of not only a majority, but a broad majority of citizens. The developments of the past few days and weeks have shown that this trust and, thus, my effectiveness have been seriously damaged. (...) For this reason I am resigning today from the presidency in order to swiftly free the way for my successor”. So, why did people lose trust in president C. Wulff and what lied at the root of such a dramatic decision?

A day before, prosecutors in Hanover requested the lifting of the president's immunity over allegations of financial impropriety. The proximate cause of the resignation of C. Wulff was press coverage revealing his close ties with the business world. The first article was published by the Bild newspaper in December 2011. It revealed that in the beginning of 2010 C. Wulff, who was previously elected prime minister of Lower Saxony (2003-2010), misled the state's parliament about his close relations with businessman Egon Geerkens, whose wife had given Wulff a very favourable loan to buy a house in 2008. Geerkens, on the other hand, had often accompanied Wulff on his foreign trips as local business representative. At that time, the incumbent president made a mistake as he had threatened Bild chief editor with legal consequences if he were to publish other unfavourable articles. In Germany it was understood as an attack on the freedom of the press.

No. 78/ 2012
09'03'12

Institute for Western Affairs
Poznań

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Meanwhile, the press published further information about the benefits C. Wulff gained from his ties with the business world. In effect, the trust of the people in the president started plummeting and a group of protestors gathered in front of the Bellevue presidential palace in Berlin demanding C. Wulff to resign. The symbol of this movement is a raised shoe. Despite the fact that the president lost the trust of the people, he continued to receive unflinching support from Chancellor Angela Merkel. However, in the face of losing immunity and the rest of his authority, C. Wulff decided to resign. The majority of the Germans accepted the decision with understanding. According to the Politbarometer poll conducted on the 20 February 2012 for ZDF television, 77% respondents approved of the resignation of president Wulff, 17% did not approve of it, and 6% respondents did not have any opinion.

The Wulff scandal has had a negative influence on the prestige of the office of president in the Federal Republic of Germany. This is reflected in the Politbarometer poll conducted on the 10 February 2012, in which 49% respondents claimed that recently the prestige of the office of president lowered, 40% respondents claimed that nothing changed, whereas 9% respondents thought that the office of president gained importance. Christian Wulff was the second President in the history of the Federal Republic of Germany who resigned from office. The first to step out was his successor, Horst Köhler, who resigned on the 31 May 2010 due to the media criticism of his controversial comment on using the Bundeswehr in Afghanistan as a safety guarantee for Germany's economic interests. Both presidents were former members of the CDU and were supported by Chancellor Angela Merkel; therefore, their resignation was a personal blow to her, too. C. Wulff had been in office for only 598 days and he served the shortest presidency in the history of the Federal Republic of Germany. Each of his predecessors served at least one five-year term of office.

The president in the political system of the Federal Republic of Germany plays mainly the role of an arbiter and „a guardian of constitution”. The president is a symbol unifying the country and stands above party divisions. Although officially the president as a head of state is granted the first place, according to the Basic Law (constitution), the president is listed after the Federal Parliament (Bundestag) and the Federal Assembly (Bundesrat), but before the government. In the Federal Republic of Germany the President fulfils mainly representative functions. The president represents the Federal Republic of Germany abroad and concludes treaties with foreign nations, accredits and receives diplomats, nominates and dismisses judges and federal civil servants, nominates military officers and non-commissioned officers, and also has the right to grant pardons (at a federal level). The president nominates the members of the government and, taking into consideration the balance of power, proposes a candidate for the chancellor to the Bundestag. The president is entitled to the law of promulgation of legal acts and despite the fact that the constitution



does not grant him the power of veto, the president has to check if the law was passed in compliance with the constitution. The role of president becomes more significant in the event of a crisis, e.g. if a motion of an incumbent chancellor for a vote of confidence is not assented to by the Bundestag, the president may, upon the proposal of the chancellor, dissolve the parliament within twenty-one days (art. 68 of the Basic Law) – for instance, in July 2005 president H. Köhler dissolved the Bundestag on the recommendation of chancellor Gerhard Schröder. The specific nature of the presidential office in the Federal Republic of Germany usually resulted in the election of experienced politicians who enjoyed high trust of the society, and who thanks to their authority could integrate society in the face of the most pressing issues; they were statesmen who could rise above party divisions, such as: Theodor Heuss, Gustav Heinemann, Walter Scheel, and Richard von Weizsäcker. Often, their speeches inaugurated nationwide debates, such as president R. von Weizsäcker's speech on the 8 May 1985 on the occasion of the 40th anniversary of the end of the II World War, in which Weizsäcker called the 8 May 1945 a day of freedom from inhumane Nazi tyranny reminding everyone to place the crimes of the Third Reich in German public history.

According to the constitution (art. 57 of the Basic Law), after the resignation of C. Wulff the duties of the president have been temporarily carried out by the president of the Bundesrat, present prime minister of Bavaria, Horst Seehofer. He will carry out the duties of the head of the state until the election of the new president, which have to take place no later than 30 days before the expiration of the term of office of the former president, i.e. by the 18 March. The president is elected by the Federal Assembly which consists of members of the Bundestag (at present, there are 620) and the same number of delegates chosen by the state parliaments, proportionate to the number of citizens in each state of the federation. At present, the Federal Assembly consists of 1240 members. Advocates of the governing CDU/CSU-FDP coalition have the minimum majority, i.e. 622-624 members (depending on the results in Baden-Württemberg and North Rhine-Westphalia), while representatives of opposition parties – the SPD, Greens and Die Linke have 616-618 members. According to the procedure, in the two first votes, the candidate for presidency has to receive an absolute majority of votes. If none of the candidates receives the absolute majority, in the third vote a candidate endorsed by a simple majority of votes is elected. Having in mind the elections in 2010, when a slightly higher majority of coalition parties allowed C. Wulff to win over the opposition candidate Joachim Gauck not before the third vote, German political elites turned towards solutions attempting a compromise. Chancellor A. Merkel appealed to the opposition parties – the SPD and Greens – to jointly elect a candidate who will enjoy common authority and support from the straight majority of the German political scene (representatives of Die Linke were not invited to the talks). The opposition entered into negotiations with some



distrust, initially treating Merkel's initiative as a kind of ploy. The SPD and Greens again voted for the candidacy of J. Gauck, while the Christian Democrats endorsed the candidate of the former Minister for the Environment, Klaus Töpfer (CDU). On the 19 February, the leaders of the biggest political parties spent many hours on discussions which showed that reaching a consensus candidate would not be easy. Eventually, the decision was made when the chairman of the FDP decided to vote for J. Gauck. Chancellor Merkel even threatened the liberals to dissolve the coalition if they voted for Gauck, which for the FDP, a party immersed in a deep crisis (about 3% support in the polls), would mean catastrophe; however, the liberals did not succumb to pressure. Also, Horst Seehofer, the head of the CSU, favoured the candidacy of J. Gauck. Finally, Merkel agreed on this solution. On the evening of the 19th of February, the chairmen of the CDU, CSU, FDP, SPD and Greens announced that Joachim Gauck would be the joint candidate of the five parties for the office of the chancellor. If nothing unusual happens, he will be elected the eleventh president of the Federal Republic of Germany in March.

Joachim Gauck seems to be an appropriate candidate for the presidential office of the Federal Republic of Germany, while his personal qualities and political biography speak for him as a person suitable to restore the authority of the head of the state. J. Gauck was born on the 24 January 1940 in Rostock, where he grew up and studied theology. When he finished his studies, he became a pastor. In the German Democratic Republic he was recognized as a human rights defender and opposition activist. In 1989 he got involved in politics as one of the co-founders of the New Forum (Neues Forum), a civil movement which was in opposition to the communist authorities of the GDR. In the only free elections on the 18 March 1990, he won a seat to People's Chamber of the GDR. In 1990-2000 he was the head of the Office for the Stasi Archives, which was named after him as the Office of Gauck. He was nominated for President of Germany in the 2010 election by the SPD and the Greens, but was defeated by Christian Wulff, the candidate nominated by the CDU/CSU-FDP coalition. Joachim Gauck has been given a lot of social support, and his candidacy in 2010 was widely respected across the political spectrum. He is perceived as an honest, righteous man who is tirelessly involved in advocating democracy and protecting expellees. According to the Politbarometer poll conducted for ZDF television (20 February 2012), as many as 69% respondents approve of the election of J. Gauck for president, 16% do not support his candidacy, whereas 15% do not have any opinion. J. Gauck enjoys trust mostly among the Greens (87%) and SPD (82%) followers, but also among the people declaring support for the CDU/CSU – 71%.

The scandal around President Christian Wulff and his close relations with business executives serve as a warning for the German political elite. The relations between political



elites and business executives are not at all new in the Federal Republic of Germany; rather, they have become a subject of numerous scandals in which politicians from all major parties have been involved. This time a person holding the office of the presidency is among the suspects. Without doubt, the Wulff scandal has negatively influenced the authority of the presidential office. Nevertheless, the Germans passed the exam in democracy thanks to media vigilance and protests of the people which revealed the scale of the problem to political elites. Even if Christian Wulff does not face charges, the scandal means that he will become a political outsider and lose his authority. Within a year, he is the second influential politician of German Christian Democrats who due to a scandal had to resign from his post. On the 1 March 2011, Defence Minister Karl-Theodor zu Guttenberg (CSU) resigned after revelations about the so-called plagiarism affair. German Christian Democrats considered both of the politicians to be potential successors of Angela Merkel. The resignation of C. Wulff constitutes a personal defeat for Merkel, who in 2010 advocated his candidacy and, despite the persecution of the media, she loyally supported him. Joachim Gauck, who presents himself as an independent politician to any major political party, is going to be a much more difficult partner for Chancellor A. Merkel than the compliant president Christian Wulff used to be.

Electing Joachim Gauck as the president of the Federal Republic of Germany will be another symbolic step in the process of unification in German society. It will be the first occasion to elect a president who is a person shaped within the GDR. In the beginning of November 2005, Tina Hildebrandt published a much-cited article headlined *Jetzt regieren uns die Osis* [Now we are governed by Osis] in the *Die Zeit* weekly newspaper. It was a reaction to the election of Matthias Platzeck as SPD chairman. It was the first time in the history of the Federal Republic of Germany that politicians who were born and brought up in the GDR – A. Merkel i M. Platzeck became leaders of the two biggest parties (CDU i SPD), while A. Merkel was also the chair of the grand coalition government. However, M. Platzeck resigned from his post as SPD chairman after a few months. Now, once J. Gauck will have been elected, the two most important offices of the state will be held by people who grew up in the communist regime. And even though the beginnings of their political careers were very similar, their ways quickly split apart. Nonetheless, Joachim Gauck remains a „teacher of democracy” for Angela Merkel.

From the Polish perspective, electing Joachim Gauck for the post of the president of the Federal Republic of Germany is regarded rather positively. J. Gauck values Poland and many times has spoken positively about Poles. In the wake of 2010 elections, he announced that were he to win the elections, the destination of his first visit abroad would be Poland „because of the Polish dedication to freedom”. He emphasised how much he was impressed



by that. In Poland J. Gauck has achieved recognition mainly because of his involvement in anti-communist actions and efficiently conducting the process of inspecting the officers and former GDR security service collaborators. On the other hand, many groups in Poland are afraid of his support for Erika Steinbach's project, the Centre against Expulsions (his surname is amongst the people who support the Centre, <http://www.z-g-v.de/aktuelles/?id=40>).

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This Publication is financed by the Ministry of Science and Higher Education and the Society of the Institute for Western Affairs.

