

Talking about the Weather

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Recently, I paid a visit to the political scientist Claus Leggewie in Gießen. In his youth, Leggewie was a prominent first-hand witness of the student protests of the 60s in Germany, and until this day, in his office, there is an original copy of a famous SDS poster from 1968 hanging on the wall. Before a background of monochrome red, it shows the heads of MarxEngelsLenin and the slogan: "Everyone is talking about the weather. Not us." The poster has lost nothing of its iconic power in the half century that has passed since: here is a youth protest movement, full of furious energy and reflecting itself confidently in the new medium of television, announcing to the generation in power with their Nazi past and their Vietnam War present that it no longer intends to be part in their well-mannered conversation about what should and what shouldn't be done in politics, but instead wants to strip them of their power and commandeer it for themselves whether they like it or not. That's what this poster says, and even though the socialist red has faded a bit into brownish orange in the meantime, I stood before it and thought: wow!

Half a century later, another transnational youth protest movement, spurred on by new media possibilities, is rolling across the globe, and if Greta and her #FridayforFuture kids were inclined to do something as analogous as printing posters, they might use an inverse slogan: "No-one is talking about the weather. Just us." A Youtube prodigy with blue hair and zillions of followers has produced a 55-minute, [emphatically non-well-mannered rant](#) against Angela Merkel's party CDU, and the resonance is such that the conservative bourgeoisie is screeching with horror: "Pure demagoguery," railed a FAZ editorialist, political discourse replaced by an "agitation campaign", the whole video being "illustrative material on how to slur democratic politics". Hoho, young scallywag, watch your tone as long as you put your feet underneath our table! Oh, it makes me almost feel nostalgic. Childhood memories come to life.

No MarxEngelsLenin

Seriously, though: should we be concerned about this youth protest movement for the sake of democracy? As far as the 68ers and their soviet dreams are concerned, few will contradict Claus Leggewie's sigh of relief about "the luckily failed refounding of the Federal Republic". But Greta and blue-haired young Rezo? No MarxEngelsLenin anywhere in sight, on the contrary: #FridayforFuture is a powerful weekly affirmation of the constitutionally protected freedom of peaceful assembly, and all its polemics notwithstanding, Rezo's anti-CDU video is basically little more than a passionate appeal to his viewers to use their democratic vote.

What is so disturbing to many is something else: the perceived implication of doing away with political compromise and democratic majority building in the face of immediate necessity. And indeed, hasn't the youth alarmism about the looming

climate catastrophe an unmistakable ring of state-of-emergency and eco-dictatorship to it? Enough idle talk already, we need action now, and if you don't like it you better get out of our way?

++++A Note from Humboldt University++++

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It is certainly true that emergency rhetorics should always trigger democratic alarm: those who talk emergency frequently mean coup d'état. It is also true that apocalypticism has been a powerful and sometimes very destructive force in history almost since the dawn of time. And finally, it is true that the ecology movement, parts of which always had distinctly authoritarian leanings, has for quite some time drawn a considerable part of its strength from this source.

However, there was always another source of strength, namely the observation that, with all the reasonable and even-minded deal-making and majority building among 50-year-old men wearing ties, there were a couple of really existential problems that nobody seemed to feel responsible for. When I look at today's climate protection movement, the most remarkable thing about it seems to me to be the utterly marginal role of state-of-emergency talk and millennialism in it. I don't see any the-end-is-near and emergency militants on those Friday demonstrations. Those kids are not about redeeming the world from its sinful existence. They have no use for terror. They are about politics. They have a rather unsentimental and sober view of the load of rubble they will inherit from their parents and grandparents and their neglectful ways, and what they demand and fight for is a less unfair distribution of burdens and opportunities. What is political if not this?

Now, in a democracy, politics means competing opinions and interests, and therefore it seems at first glance somewhat apolitical, anti-pluralistic and undemocratic to confront the CDU with the consensus of climate experts as a matter of scientific truth the uncritical way Rezo and his followers do. At second glance, however, that is not really what they are doing. They are not accusing the CDU of disregarding scientific truth. The CDU, after all, knows and accepts the climate experts' research findings; they are not climate deniers. *And yet* (from Rezo's point of view) they don't act.

That's the reason why the anger of Rezo and his followers is focussed on the CDU more than anyone else, and it's also the reason why it's so terribly hard for the CDU to find an appropriate way to deal with it. Rezo's point is not the usual populist dogmatism along the lines of: we are the people, we know what's right, get used to it. What Rezo resents so much about the CDU is not the fact that they still do politics whereas he is already in possession of the truth. It's that they *don't* do politics. Or at least not enough.

The sign of the Merkel era, it has often been said, is the withering of the political. Merkel's governments administrate, mediate, strike deals and compromises and achieve reasonable and even-minded negotiation results among what is still most of the time a load of 50-year-old men wearing ties, and while they are at it they like to quote Max Weber's "slow boring of hard boards" trope to themselves in order to feel less bad about the TINA suffocation they keep reproducing day in, day out. As if it weren't exactly their greatest failure that they still haven't got this hardest of all hard boards, the looming climate catastrophe, finally bloody well bored already. As if the meaning of "boring of hard boards" wasn't exactly to overcome "with passion and perspective" the fiercest resistance and the most powerful opponents in order to promote and enforce concrete political interests, as opposed to keeping everyone at exactly the minimum level of un-unhappiness required to keep your own political career out of danger.

Thus Angela Merkel, like Konrad Adenauer before her, has, with her specific political style (which is always generation-specific), produced a specific youth protest movement. In order to understand their anger and energy, one has to keep in mind how long this hard board has been lying unbored on the workbench of the CDU. The older among us remember another poster that became famous, of the Green party for the 1990 *Bundestag* elections. "Everyone is talking about Germany", it said. "We are talking about the weather: acid rain, ozone hole, smog, climate catastrophe." 3.8 percent is what that slogan earned the Greens of Germany (West) in the elections, and a four-years break of their presence in Parliament. For young Rezo, born 1992, that's just as long in the past as for me is the year 1968.

Explosive Videos

As you may have noticed, we have fixed up the layout of Verfassungsblog a bit. You will now find the debates in the left column where previously this editorial was situated which is now integrated into the normal blog timeline. The less you notice any of these changes, the more satisfied we are.

This was a very special and uncommonly busy week for the Verfassungsblog editors in general, because of the sudden and unusual public demand for knowledge of matters constitutional on the occasion of the 70th anniversary of the **German Grundgesetz**. We were happy to make an appearance in all kinds of [radio](#), [newspaper](#), [television](#) and [lecture](#) contexts. Next month, we will celebrate another high-profile anniversary: Jürgen Habermas will turn 90. [TIM WIHL](#) has written a fabulous essay on the profoundly Habermasian subject of constitutional patriotism as an homage to both the septuagenarian constitution and the nonagenarian philosopher.

In **Austria**, another video blew up half the republic this week: Heinz-Christian Strache and Johann Gudenus are gone, the FPÖ is out of government, Chancellor Kurz has to face a vote of no confidence, and what is also gone up in smoke is the model previously embodied by Kurz of building a bridge and an alliance between conservatives and right-wing populists. [MATHIAS HONG](#) analyses whether it was legally correct to publish the illegally produced video, and [MALTE ENGELER](#) concludes that the case points to a legislative gap in German data protection law. Most of all, according to [ANNA VON NOTZ's](#) analysis, the case shows that the regulation of party donations is dangerously easy to circumvent, not only in Austria, but also in Germany.

At the time of this writing, we don't yet know how the European elections went, but we do know that many EU citizens were prevented from exercising their fundamental right to vote in this election – a right which continues to exist if you live in another EU country. [SÉBASTIEN PLATON](#) describes what Brits living in **France** had to experience in this respect and how little protection they had to expect from the *Conseil d'Etat*.

The fact that there is also an awfully bad rule-of-law crisis in **Malta** is often overlooked with all the Poland/Hungary/Romania/Bulgaria bluster going on. Now, however, a Maltese court has brought a preliminary question before the CJEU which, in the opinion of [JUSTIN BORG-BARTHET](#), could bring forth a decision no less revolutionary for contemporary EU law than *Van Gend & Loos* was back in its day.

One of the last acts of the Kurz administration in Austria was a headscarf ban for primary school girls, which many in **Germany** also find a great idea, unlike [MARYAM KAMIL ABDULSALAM](#).

According to [ALEXANDER PIRANG](#), the planned **EU** directive against the dissemination of terrorist content on online platforms is difficult to reconcile with freedom of expression, which is why he calls on the European Parliament to limit the damage after the election. [EVELIEN BROUWER](#) strikes alarm about of two further new EU Directives to make information systems more efficient in the fight against cross-border crime and irregular migration

In **Germany**, the parliamentary committee of inquiry into the Anis Amri terrorism case has reached a dead end, which for [JULIAN CRAVEN](#) and [MARTEN FINKE](#) is an indication that the right to refuse to testify should be reconsidered in the context of parliamentary inquiries.

The **German** Federal Home Secretary wants to facilitate deportations, and since this week, his so-called "*Geordnete-Rückkehr-Gesetz*" (orderly return act) is being processed in Parliament. [CONSTANTIN HRUSCHKA](#) finds this name "almost cynical in view of the planned potpourri of measures".

Elsewhere

[JULIA K. ESSWEIN](#) explains which kind of election campaign spots **German** television stations are obliged to broadcast and which they aren't.

[DÁNIEL A. KARSAI](#) raises alarm about the restricted access to the ECtHR for **Hungarian** plaintiffs and the Strasbourg Court's indulgence about it.

For [JAVIER ASTUDILLO RUIZ](#), the parliamentary elections in **Spain** provide further evidence for the conclusion that alliances between conservatives and right-wing populists are a bad idea.

[MARCO CECILI](#) reports on the decision of the Spanish Supreme Court on the right of **Catalan** separatist leader Carles Puigdemont to run for MEP.

[RUTH FERRERO](#) interviews Joseph H.H. Weiler on the occasion of the **EU** elections on the question of the European democratic deficit.

[ALONSO GURMENDI](#) is concerned that the current hardliners in government in **Colombia** are jeopardising peace and human rights.

[TASSILO SINGER](#) examines what international humanitarian law has to say about **Israel's** retaliatory strikes in Gaza after cyber attacks by Hamas.

Next week we will launch an online symposium together with [Democracy Reporting International](#) on the forthcoming CJEU ruling on forced judicial retirement in **Poland**. The ruling is due at the end of June, and we will be providing an overview of the range of options the Court has in that matter. The importance of this ruling can hardly be overestimated.

In the meantime, all the best, and take care,

Max Steinbeis

