East Germans’ Conversion to Democracy

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Abstract

Most East Germans perceive the new Government as something done to them rather than something done by them or for them. They misperceive that one group of dictators has departed only to be replaced by another. Indeed, in many cases, the old oppressors and rulers are still in positions of power. They will grant that the new group of dictators is more benevolent in most ways, but they insist that the old group had more social conscience. In either event, they feel disenfranchised. These misconceptions are not appreciated by those who can have a hand in confronting and dispelling them: community and church leaders, labor organizations, the media, teachers, authors, and politicians. Left unchallenged, deep-set, destabilizing patterns of disenfranchisement, resignation, resentment, duplicity, and passive resistance will continue. Without intense proselytizing, there is little hope for a speedy conversion to ideals of Western democracy.
EAST GERMANS' CONVERSION TO DEMOCRACY

Thomas Lundmark*

I. REUNIFICATION

On March 18, 1990, approximately ninety-three percent of the twelve million eligible voters still living in the German Democratic Republic ("GDR" or "East Germany") after the second exodus went to the polls to vote. The East German Christian Democrats received strong financial and political support from their West German counterparts. Chancellor Helmut Kohl himself campaigned throughout the GDR, promising that "no one will be worse off" if they reunify with the Federal Republic of Germany ("FRG" or "West Germany"). These were the first free elections in East Germany since 1933. The Christian Dem-

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1. The first exodus necessitated the erection of the Berlin Wall. A. JAMES McADAMS, GERMANY DIVIDED: FROM THE WALL TO REUNIFICATION 48, 49 (1993). Before the trans-German border was officially opened in 1989, East Germans had begun escaping to the West via Hungary and Czechoslovakia, which had dismantled their fortified borders under liberalized regimes. Some 350,000 East Germans left in 1989. JOHN ARDAGH, GERMANY AND THE GERMANS 429 (1991). After the Berlin Wall was opened on November 9, 1989, the exodus continued. In early 1990, people were leaving the GDR at the rate of 2000 daily. Id. Nearly 9000 doctors and nurses left between October 1990 and February 1991. Id. It was felt that only a democratic government could restore confidence. Id.


3. Id.

4. Id.

5. ARDAGH, supra note 1, at 431.

ocrats captured forty-one percent of the votes. The only major party to oppose reunification was the successor party to the Communist ruling party of the GDR, the Party for Social Democracy, and it drew only sixteen percent of the votes. Thus, in early 1990, it appeared that the Volkskammer, the East German parliament, would, as later proved to be the case, muster the two-third's vote necessary to change East Germany's Constitution and pave the way for quick reunification.

The citizens of the GDR returned to the polls for municipal elections in May. During this period, the Volkskammer worked out the details of the currency union and the political reunification of the GDR and the FRG. Article 23 of the Grundgesetz, the Constitution of the FRG, had already laid out the option of reunification. Those were euphoric times in the GDR. People voted overwhelmingly for parties that favored a merger with the Federal Republic. But did the voters really have a choice? After all, the economy was in shambles, and the GDR had lost its major trading partner, the Soviet Union. Hundreds of ships stood docked in the Rostock harbor, waiting for payment from the Soviet Union. The GDR aluminum money had little value. Could the GDR count on aid from West Germany and support from other Western countries if it did not join the FRG? What would the GDR gain by preserving its political independence?

Many East Germans argued that they should not sell their high Socialist ideals for capitalist comfort. Others urged the ini-

7. ROBERTS, supra note 6, at 66.
8. Marc Fisher, Parties Allied to Kohl Win in East Germany: Market Economy Unification Sought, WASH. POST, Mar. 19, 1990 at Al. The Alliance for Germany is a conservative three-party coalition headed by the Christian Democrats. Id.
9. Id.
10. Id.
11. Id.
tiation of talks with Hungary about the formation of a German-Hungarian state. One of my students advocated becoming the 51st state of the United States of America. For most people, however, there was no reason to consider and debate the alternatives. There was no other alternative. The country was bankrupt. It was time to leave the broken-down Trabant-state standing by the side of the road and to step into a newer model.

These are the people who are converting to democracy. These are the people who did not leave. Their world has changed before their eyes, and they do not remember anyone having asked them for permission. They admit that the vast majority favored reunification, but claim that it was the politicians, the rulers, who ran the GDR into the ground. They believe that they should not be responsible for rebuilding it. They reiterate that because they were misled by the West Germans who promised, “no one will be worse off” in the FRG, the West Germans have responsibility. They are twice the victims. Further, they were only asked “whether” they should join the FRG. No one has consulted them on the “how.” Now they see that the “how” means remaking everything according to the West Germany’s own image. As the assistant to the dean of the Faculty of Law at the University of Rostock told me, “I feel like a stranger in my own land.”

Most East Germans perceive the new Government as something done to them rather than something done by them or for them. They misperceive that one group of dictators has departed only to be replaced by another. Indeed, in many cases, the old oppressors and rulers are still in positions of power. They will grant that the new group of dictators is more benevolent in most ways, but they insist that the old group had more social conscience. In either event, they feel disenfranchised. These misconceptions are not appreciated by those who can have a hand in confronting and dispelling them: community and church leaders, labor organizations, the media, teachers, authors, and politicians. Left unchallenged, deep-set, destabilizing patterns of disenfranchisement, resignation, resentment, duplicity, and passive resistance will continue. Without intense prosely-

13. While many East Germans feel that they are worse off, materially they are better off as a whole than they were before reunification.
tizing, there is little hope for a speedy conversion to ideals of Western democracy.

II. THE DEMOCRACY THEY LEFT BEHIND

The political and economic system the East Germans left behind described itself as a social democracy. "Social" meant, in the economic context, state ownership of the means of production, that is, farms and factories.\textsuperscript{14} The process of socialization began under the Russians, who confiscated land holdings of one-hundred hectares or more. After these expropriations, farmworkers still milked the cows, threshed the grain, and lived in villages, but the \textit{junker}, or large landowners, were gone. They had been replaced by government bureaucrats, who often ensconced themselves in the vacant manor houses. The same pattern followed in the factories. Old foremen were replaced by new foreman called "comrade." Sometimes he was the same person. But now he said "du," the form of address denoting familiarity and friendship. The fact of the matter is that daily life changed very little for the vast majority of those who stayed in East Germany.

The GDR Constitution, adopted like its West German counterpart in 1949,\textsuperscript{15} proclaimed the end of man's exploitation of his fellow man.\textsuperscript{16} Following nationalization of the means of production, everything that the people produced belonged to the people. Every citizen was a shareholder in the grand state enterprise. People were told, "When you are working, you are working for yourself!" In the post-war years, people might have thought in these terms. But in my years of living in East Germany following reunification, I met only one person who admitted having believed that, by working, she was working for herself. She quickly added that there were precious few people who agreed with her.\textsuperscript{17} For most people, this slogan smacked more

\begin{itemize}
\item \textsuperscript{14} The term \textit{soziale Gesetzlichkeit} meant that, in the end, the State could do what it wanted. Thomas Lundmark, Forms and Legitimacy of States, 6 JURIDISK TIDSSKRIFT VID STOCKHOLMS UNIVERSITET 647, 648 (1995). It also meant exaltation of equality over liberty. \textit{Id.}; see Theodor Maunz & Reinhold Zipfelliuss, Deutschets Staatsrecht 420-22 (27th ed. 1988) (defining \textit{Volksdemokratie}, or people's democracy).
\item \textsuperscript{15} G.D.R. Constitution, art. 1, cl. 1, sen. 3.
\item \textsuperscript{16} Id. art. 2, cl. 3, sen. 1. "The exploitation by one man of another is perpetually eliminated." \textit{Id.}
\item \textsuperscript{17} Id. art. 2, cl. 3, sen. 1. "The exploitation by one man of another is perpetually eliminated." \textit{Id.}
\end{itemize}
of a religious testimony than a demonstrable reality. Nevertheless, pupils learned the slogans and dressed in the blue uniforms of the Free German Youth and waived flags at passing dignitaries. Everyone took part. Not to do so meant risking one's job future.

The Constitution of the German Democratic Republic declared, “all political power in the German Democratic Republic is exercised by the working people.” This essentially meant all adults, for the “non-working” small business owners and other exploitive “capitalists” had, for the most part, left or had seen their enterprises expropriated or abolished. Elections were well-attended in the GDR. Workers voted at their jobsites. Farmworkers voted at their conglomerate farms. Students voted at their universities. Older pupils voted with their teachers at their schools. Under the “bloc” system of voting, Blocksystem, voters had to cast their vote for or against a uniform list of candidates who represented various parties in prearranged proportion. In effect, voting became a mediatizing process.

People grew cynical. The society split into “them” and “us.” “Them” was everyone in a position of authority, starting with the leading politicians. These were the card-carrying members of the Socialist Unity Party, who were all in high positions of authority. People made fun of Party members and the Party. They joked that any Party member who recruited another member received a certificate. If he recruited two new members, he himself was allowed to leave the Party. If he recruited three new members, he received a certificate that he had never been a Party member.

Of course there were collaborators, but people thought they knew who the collaborators were. A professor of medicine routinely applied to attend professional conferences in the West, even though she knew permission would be denied because her twin sister had tried to defect. Each time she applied to visit a

18. G.D.R. CONSTITUTION, art. 2, cl. 1, sen. 1. See Grundgesetz (West German Basic Law) art. 20 (2) (declaring that “[a]ll state power proceeds from the people.”).
19. One untold story is of the occasional private businesses that the GDR tolerated. By necessity, these private businesses had to be family run. Private employment was likened to slavery and condemned as exploitation of the working people.
21. At its peak in the Summer of 1989, the ruling communist party had almost 2.5 million members. Feiwel Kupferberg, Managing an Unmasterable Past: German Reunification, 33 SOCIETY 69, 80 (1996).
conference, her neighbor would come to her and relate with delight that she had been visited, confidentially of course, by two nice gentlemen for whom she was keeping a log of everyone who visited the professor. People kept to themselves. They had few close friends, but these friends they would trust with everything. Imagine the shock and disappointment when it was later revealed that wives had spied on their husbands, that friends had spied on friends, that literary figures who opposed the Government had informed for the Stasi, the State Security Service.

Opposition to those in positions of authority was the source of people's solidarity. When demonstrators cried, "We are the people!" they were saying to those in control, "You are not one of us." Employees worked like slaves, putting in their time with little thought of the outcome. The outcome was not their responsibility. Production slowed. When visitors from Sweden were shown around ship-building yards, dockworkers made themselves look busy. But as soon as the visitors left, they took a cigarette break and exchanged tired smiles. For centuries Germans had maintained their public buildings and monuments with pride and Teutonic order. After only forty years of Socialist rule, most were crumbling. Cobblestone streets were passable only by high-axed trucks and short wheel-based Trabants. Street repair was a simple matter of removing the stones, leveling the sand, and replacing the stones. No one would undertake the repairs on his own because he would be seen as a collaborator.

Open resistance was punished. A young East German woman on a train to Turkey to join her West German fiancé was arrested in Bulgaria and sentenced to two years in prison for trying to flee the Republic. She was permitted one visit per month until West Germany bought her freedom. The twin sister she left behind was not allowed to visit the West. A student of mine had been denied the right to study at a university because her uncle had defected; and, besides, both her parents were professionals. A teacher complained about conditions at his school and began organizing fellow teachers to support him. He was called into a meeting and told that his truck-driving son was being given a bus to drive. If he persisted, his younger child could forget about going to college. People fled, risking, and sometimes losing, their lives. Five hundred and sixty eight people are
known to have been killed trying to escape East Germany.\textsuperscript{22} One hundred and seventy-two people\textsuperscript{23} were killed at the Berlin Wall\textsuperscript{24} and two hundred and ninety died at the land border between East and West Germany.\textsuperscript{25} Eighty-one people perished in failed escape attempts across the "wet" border, the Baltic Sea.\textsuperscript{26}

Resistance and aggression went underground, becoming passive. Duplicity was an essential survival mechanism.\textsuperscript{27} Teachers gave poor pupils passing scores in Russian, because failing a pupil was not worth the trouble. Besides, someone might blame the teacher. The trick was to get along in the system, and that meant bending or even ignoring the rules. There was no condemnation because the state was arbitrary and unfair and incompetent. Everyone did it. Stealing building materials was seen not only as necessary but as admirable. Nothing could be "stolen" from building sites because the materials belonged to everyone and therefore to no one. And, anyway, "We are the people." Selfishness paid off. Girls got married just to qualify for an apartment. As apartments grew scarce, the stakes escalated. Women had to have babies to get their own places. \textit{Lése-majesté}\textsuperscript{28} was elevated to an art form, usually under the guise of acting stupid or incompetent. Pulling one over on one's boss became a national pastime. Assigned tasks were ignored. When one was in trouble at work, co-workers came to one's defense. Nothing that got done got done quickly. Workers developed their own brand of malaise, the German \textit{manana}. The game continues. West German employers decry the laziness of their Eastern cousins. A West German postal official was sent to an Eastern city to integrate their postal system into the Federal Postal Service. After some weeks he asked about a cardboard box brimming with un-


\textsuperscript{23}Id.

\textsuperscript{24}Germany Completing its Removal of Mines Along Former Border, \textit{San Diego Union-Trib.}, Nov. 9, 1995 at A28; see \textit{Zentralinstitut für Geschichte der Akademie der Wissenschaften der DDR, Grundriß der deutschen Geschichte} 685-95 (Ernst Diehl et al. eds., 1979) (describing perceived necessity for erection of fence to halt planned aggression by NATO countries).

\textsuperscript{25}Sherwell, \textit{supra} note 22, at 10.

\textsuperscript{26}Id.


\textsuperscript{28}See \textit{Oxford English Dictionary} 1091 (2d ed. 1989) (defining \textit{Lése-majesté} as "treason or any offense against the sovereign of a state.").
delivered letters and packages. The workers told him that he had failed to explain how to handle this mail.

Daily living was a chore. Long lines greeted shoppers when they left work, so they left work even earlier. Although potatoes and bread rolls were in ample supply, apples were the only fruit generally available. Coffee was unobtainable without Western currency. Old buildings were not modernized. Apartments in the city were heated with foul, sooty coal. Many had no facilities. People today still flock to the high-rise tenement houses with their central heating, bathrooms, and hot showers.

The saving grace was that everyone was struggling. Because everyone could not be rich, they all had to be poor. Envy was legitimized and elevated to the level of constitutional policy. An exaggerated conception of equality goes unchallenged even to this day. It is seen in the jealousy East Germans feel toward West Germans and motivates their demands for equal living standards. For that is how social democracy was internalized by East Germans; democracy means everything must be exactly the same for everyone.

III. CONCEPTIONS OF DEMOCRACY

When speaking of democracy,29 people employ the term primarily in three different ways: to signify a political system that promotes equality,30 one that protects liberty, or one that somehow places ultimate political power in the people as a whole. The Oxford English Dictionary includes the meaning of democracy as a system that promotes equality: "often more vaguely denoting a social state in which all have equal rights, without hereditary or arbitrary differences of rank or privilege."31 Armed with this conception of democracy, East Germany and the other Eastern bloc countries took away privileges and property from the few and either destroyed them or distributed them among the many. As post-war production soared, the State proudly distributed

29. It is often said that the world needs a uniform definition of democracy. Elsewhere I have employed Abraham Lincoln's description of a democracy as "government of the people, by the people, for the people." Lundmark, supra note 14, at 647; see Abraham Lincoln, Address at Gettysburg, Pennsylvania (Nov. 19, 1865) in ABRAHAM LINCOLN, SPEECHES AND WRITINGS 1859-1865 536 (Library of America 1989).

30. This conception of democracy sometimes appears under the rubric "social justice."

31. IX OXFORD ENGLISH DICTIONARY, supra note 28, at 442-43.
consumer goods and housing. As the economy slowed, the State became obsessed with keeping everyone poor, lest resentment reign. The products that were produced were given to the person at the front of the line. Lists were maintained for everything from apartments to vacations. Years of saving and a ten-year wait would earn a Trabant.

Equality in this sense became the saving grace of the GDR. People in the GDR for the most part agreed with the basic premise of social equality, and still do. They still defend the GDR on equality terms. They often respected the fairness of state institutions in parceling out scarce resources. Extravagance, they believe, came at someone else's expense. Living in luxury was a sin that could only be committed by capitalist exploiters of the masses. The State exalted in the flinty frugality of its citizens. These same citizens were shocked and angered when they learned of the relative luxury in which their leaders had lived.32

When Westerners speak of democracy, we usually mean a country or regime that protects liberty and tolerates dissent. The countries in which Amnesty International finds the fewest political murders and incidents of torture and oppression by the state are the more democratic ones. On this scale, the FRG scores very high marks; East Germany scored low. Publishers, television, and radio were owned and controlled by the State. Foreign reading material was banned or simply unavailable. Churches were allowed to fall into ruin or were requisitioned. Church-goers were officially mocked and often denied advancement at work. Socialism became the secular religion. Christian confirmation was replaced with the ceremony of Youth Consecration, Jugendweihe,33 at which young people were presented with a handsome coffee-table book entitled "On the Meaning of Life."34

32. Steven Muller, Democracy in Germany: Germany in Transition, 123 Daedalus 38, 40 (1994). "One of the greatest surprises to this observer after the fall of the Berlin Wall was the genuine shock and anger voiced by many East Germans when the relative luxury in which their leaders had lived became public knowledge." Fritz Stern, Freedom and Its Discontents, Foreign Aff. 108, 113 (Sept.-Oct. 1993). "The revelations of the extent of these special benefits... enraged many East Germans. They felt betrayed." Id.

33. Stephen Kinzer, Coming of Age Without the Old Ideology, N.Y. Times, June 11, 1994 at A4. Jugendweihe represented a 14 year-old's coming-of-age and commitment to Marxism. Id. Roughly 95% of East Germans participated in this ritual. Id.

34. E.g., Zentralen Ausschuss für Jugendweihe in der Deutschen Demokratischen Republik, in Vom Sinn unseres Lebens 260 (Lothar Oppermann et al. eds., 1985). "To prove
Restrained criticism of specific governmental actions was tolerated as long as the institution of socialism was not blasphemed. The mild protests that preceded the fall of Erich Honecker appear pathetic with hindsight. Public speakers often sandwiched their criticisms between assertions that they were not criticizing or questioning the goals of socialism. The unpardonable sin was to question socialism, the state religion. People felt the chilling control of the state but often seem unaware that they did so. Direct political oppression was rare. The only universal complaint is that East Germans were not allowed to travel to the West. Many defensively suggest that subtle oppression continues in the Federal Republic. They discount the freedoms they now enjoy.

Part of the problem is defining what one means by freedom and by political oppression. Students were not allowed to study at a university, or their studies were constantly postponed, because their parents were professionals. “After all,” one student explained to me, “the GDR even called itself the ‘Dictatorship of Workers and Farmers.’” Denying a college education was a favorite control tactic. Student activist Rudi Dutschke was born and raised in Luckenwalde, an industrial city south of Berlin. In 1957, at the age of 17, he gave a speech in the school auditorium arguing in favor of the unification of Germany and against the East German military draft. As a consequence of his political views, he was not allowed to go to university in the GDR. Consequently, he fled to West Berlin in 1960, before the erection of the Berlin Wall.

The GDR defined freedom differently, and many people still accept its definition. It is popular to say that women had more freedom. They could drop off their one-year old infant at the childcare center, Hort, at work. Abortion was available on oneself, as a young citizen of the German Democratic Republic, worthy of the promise of Youth Consecration, to develop completely as a socialist person, that is a lofty challenge, a worthy purpose.” Id. at 260.

35. See Jeff Dawber, Tyrants on the Run, BALTIMORE SUN, OCL 14, 1994, at A1. Erich Honecker ruled East Germany for 18 years and was responsible for the murder of East Germans trying to flee the nation. Id.

36. Stephen Kinzer, Ghosts of Protest Past: Red Rudi’s Haunting Spirit, N.Y. TIMES, Apr. 12, 1993 at A4. Rudi Dutschke was one of the leaders of the student protests that disrupted much of West Berlin in 1967 and 1968. Id.

37. Id.

38. Id. The Berlin Wall was erected in 1961. Id.
demand, unlike today. If an East German woman was pregnant, she held up a special pass, *Mutterpaß*, that entitled her to a seat on the bus. Mothers were given money if they breast-fed their babies. Women were paid just as well, or just as poorly as men. Perhaps this explains why the most ardent and numerous defenders of the old regime are women.

Freedom also meant the "right" to a job. A job meant more than companionship and a warm place to go during the day. It brought the conviction that one was being productive, that one’s life had a social significance. With unemployment now soaring, people who formerly worked are reduced to collecting state aid. Never mind that their living standard on welfare is higher than it was as an employee in the GDR, people often feel worthless and regard themselves as the human refuse of reunification.

Elderly people complained to me that they now must pay five marks for a doctor’s visit. "Back then it was free!" Actually, it was not free; one had to wait for hours before being seen. Time was the coin of the realm. People forget that doctors had few medications, and dentists would not administer anaesthetic for fillings.

The chief reason for East Germans’ ambivalence is that the new political freedoms were not earned. These freedoms dropped into the laps of the East Germans. While hundreds of thousands of people in Leipzig did take to the streets in protest, the rhetoric was tame and the civil disobedience mostly passive. The old regime folded without a fight. It was too easy. Individuals also perceived that this great historical development as something done to them rather than by them. The insipid word they use for the toppling of a dictatorial regime is *Wende*, which means turn. The political and economic systems changed more suddenly and fundamentally than at any other time in German history, but the word revolution is too strong because it implies a 360-degree turn-around. The *Wende* invokes more of the feel of tacking in the winds of history.

This resignation, ambivalence, and defeatism are most troubling when considered in the context of the third conception of democracy, that of government by the people. At its

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39. Stern, *supra* note 32, at 108. "People refer to these events as *die Wende*, the turn, thus transforming what had been dramatic and heroic into something prosaic and bureaucratic." *Id.*
supreme level, this conception of democracy demands that people outside of day-to-day government possess ultimate control. Despite whether people actually possess this control, they must believe they do so; for even if they possess ultimate control, they will fail to exercise it if they are convinced they do not possess it. This belief in the possession of ultimate control can be referred to as civic responsibility or spirit. It is a moral resource that atrophies if not used.\textsuperscript{40} It means more than exercising one’s right to vote, more than forming opinions, speaking one’s mind, and making political affiliations. All of these were possible under the Kaiser,\textsuperscript{41} but Imperial Germany\textsuperscript{42} was not democratic in this sense. The existence and strength of civic responsibility cannot be gauged by voting percentages, appearances at city council meetings, or participation in demonstrations. Used in this sense, civil responsibility is almost entirely lacking in eastern Germany because the people do not believe they can make a difference.

\textbf{CONCLUSION}

East Germans who have stayed in eastern Germany still bear the effects of having lived under state control all their lives. The subtle mechanisms and influences of oppression have been internalized. Fear, distrust, resentment, passive resistance, and cynicism live on.

For the individual, life in the GDR meant never having to accept ultimate responsibility. Failure was always blamed on the system. This unchallenged political Weltanschauung poses the greatest obstacle to the democratization of eastern Germans.

\textsuperscript{40} Id.
\textsuperscript{42} Id.