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Germany: The Long Road West

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Preface

At the end of my work on this second and final volume of the history of Germany in the nineteenth and twentieth centuries, I owe no small debts of gratitude. First and foremost to my wife, my co-thinker in all the most important sections; then to Ernst-Peter Wieckenberg, former chief reader at C. H. Beck, who counterchecked each separate chapter with uniform thoroughness. I thank Ms Gretchen Klein, who transformed the greater part of the handwritten draft into a press-ready manuscript, and Ms Monika Rossteuscher, who prepared the manuscript for parts of the final chapter. My assistants Daniel Bussenius, Teresa Löwe, Sebastian Ullrich, and Stephanie Zloch helped me over the course of several years with sources and secondary literature, chapter headings, proofreading, and the compilation of the index. I thank them for all they contributed to this volume.

H.A.W.

Berlin
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come if we work for it together, if we work with sense and perspicacity and a mind for what is possible . . . The house of Germany, our house, must be built under a European roof. That must be our political goal . . . God bless our German fatherland!

By the time Kohl left Dresden the next day, he was convinced that the East German regime was on the brink of collapse and that there was no alternative to a reunification within the shortest possible time. Among the agreements he had worked out with Modrow were visa-free travel to East Germany and East Berlin for West Germans beginning on Christmas Eve (and not from 1 January 1990 onwards, as previously planned); a currency exchange rate of one West German to three East German marks once the policy of forced exchange was ended; and, most spectacular of all, the opening of the Brandenburg Gate, the symbol par excellence of Germany divided, to pedestrian traffic before Christmas.

The new crossing was opened on 23 December 1989, accompanied by short speeches from Kohl, Modrow, and the two mayors of Berlin, Walter Momper and Erhard Krack. Richard von Weizsäcker (re-elected president of the FRG by an overwhelming majority that May) had said years before: 'The German question will remain open as long as the Brandenburg Gate remains shut.' The Brandenburg Gate was now open, and the German question was open, too. But it was not difficult to foresee that it would not long remain so.[8]

MODROW IN MOSCOW: THE SOVIET POLICY TURN

Stasi in die Produktion! ('Stasi, to the production lines!') was a frequent chant heard at the demonstrations in autumn 1989 in the cities of the GDR. (It was also sung to the melody of the popular hit 'Ja, wir sind mit'm Radl da'.) The security apparatus had no intention of paying heed to this call, at least not in the way it was intended. It was true that the Ministry for State Security had been formally dissolved on 17 November and replaced by the Office for National Security (*Amt für Nationale Sicherheit* or AfNS; demonstrators referred to it as the 'Nasi'). But its director Wolfgang Schwanitz continued Erich Mielke's policy of destroying sensitive files—an activity countenanced by an ordinance from the Modrow government on 7 December. Special care was taken to destroy such things as plans to prepare and increase the number of 'objects' (i.e. prisons) to be used for the purpose of isolating members of the opposition in event of crisis; mobilization plans; and documents dealing with the deployment of biological and chemical weapons. The Nasi considered itself just as much the 'sword and shield' of the party as the Stasi had done. It continued to spy on the opposition. At the same time, with a view to the end of the dictatorship, it worked to secure positions for 'chekists' in the police force, customs, state agencies, and state companies.

The ordinance from the government told the AfNS 'to destroy all wrongfully compiled documents immediately'. The Round Table, meeting that day for the

first time, decided just the opposite: the AfNS was to be dissolved under civilian supervision and the destruction of documents and other evidence was to cease. Thereupon the Modrow government resolved to dissolve the agency itself and set up two others in its stead: one for the protection of the constitution, and one for intelligence.

The activists were unwilling to go along with this and caused the Round Table to issue a decision that the office for constitutional protection should not be set up before the Volkskammer elections on 6 May. The reorganization of the former MfS and the destruction of documents continued, however, with the result that another Round Table decision followed on 8 January 1990, this time supported by the former bloc parties and in the tone of an ultimatum: Modrow was to give a report on the situation of domestic security on 15 January. The prime minister responded on 12 January, announcing the dissolution of the AfNS, proposing Round Table supervision of the process, and promising to delay the constitutional agency until after the elections.

This announcement did not have a calming effect. Modrow's rejection of any unification with the FRG in his 11 January policy statement, along with his tactical manoeuvring on the security question, drove masses onto the streets day after day. On 14 January, Magdeburg alone saw tens of thousands of people demonstrate against 'the return of the SED'. Modrow visited the Round Table on the next day, despite stating on 13 January that Interior Minister Lothar Ahrendt (SED/PDS) would be the one to give the security report. The prime minister promised close cooperation and continual consultation with the Round Table. The most important thing, he said, was 'to eliminate once and for all the grounds for the persistent anxieties and to create mutual trust. Without this trust it will be impossible to move forward on the path to democratic renewal.'

The battle over the Modrow government's handling of the security situation continued to escalate. Some 100,000 people, responding to a call by the New Forum, gathered in front of the (former) MfS building in the Normannenstrasse to demonstrate against the Stasi and Nasi. Things soon got out of control. Thousands stormed the building, ransacked many rooms, and destroyed important evidence. There is good reason to think that *agents provocateurs* from the security system were involved. Round Table representatives, along with the prime minister, tried to calm the crowd, and finally succeeded. But the violence could not be undone. It was now very uncertain that the 'peaceful revolution' would remain peaceful.

The events in the Normannenstrasse exposed what Uwe Thaysen has called a 'power vacuum'. The government by now had so little popular support that Modrow found it necessary to accept the Round Table as the central body of supervision and control. He no longer had any choice. He had decided to change the cabinet from an SED/bloc party monopoly into a 'government of national responsibility', and this could not be done without the Round Table.

Resistance to this plan was strongest in the SDP. At a party congress from 12 to 14 January, the party had changed its name to SPD and adopted reunification as its political goal. Participation in the Modrow government, it feared, would harm its electoral chances. The CDU tried to apply pressure on the Social Democrats on 24 January, threatening to withdraw its own ministers unless a Grand Coalition were formed. The CDU ministers in the Modrow cabinet, it said, would act only in a caretaker capacity from 25 January onward. An agreement was finally reached on 28 January, and a 'government of national responsibility' came together on 5 February. All parties and groups at the Round Table sent one minister without portfolio to the new cabinet. The SPD joined only after the Round Table and the government had agreed to schedule the Volkskammer elections for an earlier date, 18 March 1990. The previous date, 6 May, was kept for municipal elections.

The Round Table's decision to join the government was motivated by fears of economic collapse and general chaos. Many people continued to leave the GDR, 119,000 between the opening of the border on 9–10 November and 31 December 1989, and 55,000 more in January. In an interview for *Die Welt* on 25 January, de Maizière spoke of 2 to 3 million Germans 'sitting on packed suitcases'. Modrow gave a very gloomy account of the situation at the Round Table on 28 January. 'The country's economic and social tensions have increased and are already affecting the daily lives of many people. More and more . . . demands are being made that are far beyond the state's ability to handle and, if we give into them, will put the existence of the GDR at risk.' He told the Volkskammer the same thing the next day.

The rescheduling of the Volkskammer elections fitted in well with Helmut Kohl's desire to start negotiating with a democratically legitimate government in the GDR as soon as possible. It was also in the interests of the SED/PDS and SPD. The former was still the best organized political party in the country, and it could assume that its image would be even worse in May than in March. The Social Democrats believed they could emerge from the elections as the strongest party and gain the prime ministership. The massive popularity of Willy Brandt was not the least of reasons for this optimism. As far as the CDU and LDPD were concerned, everything depended on the relationship with the respective 'sister party' in Bonn. They had reason to hope that the earlier election date would help remove remaining doubts in the west. Democratic Awakening, still vacillating between the western CDU and FDP, was now the most 'pro-western' force among the activist groups; the earlier date did not represent a greater risk for it. For those groups without a strong western partner, on the other hand, the situation was very difficult. If all forces working together in the 'contact group' were to campaign in concert, they could expect a good result. But it was increasingly unlikely that the SPD would refrain from entering the race as an independent party; its poll results were simply too good.

On 30 January Modrow went to Moscow for his second visit as prime minister of the GDR. (The first time had been for political talks with the Soviet leadership on 4 December.) He spoke with Gorbachev, and the result was no less than a sensation. The ADN announced that even before meeting Modrow, Gorbachev had said that there was a certain agreement among the Germans and the representatives of the Four Powers that 'the unification of the Germans is not called into question by anybody.' After his meeting with the Soviet leader, Modrow told journalists that 'problems having to do with the unification of the German states' had been discussed in detail. Gorbachev, he said, had agreed to the statement that 'the two German states should strengthen their relations' with a view to 'continuing the rapprochement between the GDR and the FRG along the path of a confederation'.

It was clear that Gorbachev had performed an about-face. This had been foreshadowed by an interview with Nikolai Portugalov in *Bild* on 24 January. 'If the people of the GDR desire reunification,' the international affairs consultant of the Soviet central committee said, 'then it will come. In no circumstances will we go against this decision. We will not interfere.'

Thus by the end of January the Soviet veto against German reunification was removed and the right of the Germans to self-determination fundamentally recognized, including the right of East and West Germany to make themselves into one state. The one snag in Moscow's position change did not become visible until 1 February, when Modrow introduced his plan 'For Germany, united Fatherland—proposal for the path to a unified Germany' at a press conference in East Berlin. The individual steps along this path were to be the conclusion of a treaty on cooperation and good neighbour relations; the formation of a confederation between the German Democratic Republic and the Federal Republic of Germany; the transfer of sovereignty rights to the confederation; and the formation of 'a unified German state in the shape of a German confederation'. The prerequisite for all this, Modrow stated, was the 'military neutrality of the GDR and FRG on the way to federation'.

For the USA, Great Britain, and France, a militarily neutral united Germany was not acceptable. Gorbachev and Modrow knew this. What was less certain was how the political forces in West Germany would react to Modrow's proposal. It was to be expected that the Kohl administration would uphold the American condition that a united Germany be a member of NATO. Oskar Lafontaine, however, had rejected this as 'historical nonsense' at the Berlin congress of the SPD. It seemed likely that West Germany was headed for another controversy.

Unlike during the Stalinist era, however, this time Moscow and East Berlin were not trying to drive a wedge between the West Germans and their allies. The GDR was now so weak that it depended on the prospect of German unity, and the Soviet Union was no longer strong enough to prevent it. Seen in this light, German neutrality was a maximalist demand, just like the full integration of unified Germany into NATO. A compromise was possible only through negotiation.[9]

NATO OR NEUTRALITY?

Bonn's answer to Modrow's plan was monetary union and the introduction of a market economy in the GDR. The Social Democrats were the first to call for a monetary union—Willy Brandt in wildly cheered speeches in Rostock on 6 December and in Magdeburg on 19 December; Ingrid Matthäus-Maier, the parliamentary fraction's spokeswoman on financial policy, in *Die Zeit* on 19 December; and Wolfgang Roth, the fraction's economics spokesman, on 2 February. On 30 January Finance Minister Theo Waigel committed his agency to the position that the Deutschmark was to be made the official method of payment in the GDR as soon as possible. On 6 February Helmut Kohl, after consultation with the FDP head Otto Graf Lambsdorff, went public: he would propose to the cabinet that they offer the GDR negotiations over a 'monetary union with economic reforms'. The cabinet agreed to this the next day, and put a 'German Unity Committee' in place.

There was now no more talk of a confederation (or of 'confederative structures', as Kohl had put it with deliberate caution on 28 November). Modrow, speaking with the chancellor at the World Economic Forum in Davos on 3 February, described the situation in the GDR in such dismal terms that Kohl saw his view confirmed: the East German state was sinking into chaos. Speedy introduction of the DM seemed the only way to stem the tide of migration into the west. Massive economic assistance of the kind Modrow wanted did not promise any improvement, since his government had not shown the strength to push through radical reforms. It was true that the economic problems associated with monetary union were considerable. According to experts, labour productivity in the GDR was only 50 per cent of the West German level. Both the federal bank and an investigating commission set up by the government stated that they considered a rapid introduction of the DM unrealistic. Politically speaking, however, there was every reason to accelerate the unification process and get rid of the main obstacle to economic recovery, widespread lack of confidence in the future of the territory between the Elbe and the Oder. 'Politically' speaking also meant party politics, of course. It seemed likely that the symbol of the Deutschmark would best serve the electoral interests of the new 'Alliance for Germany', founded on 5 February between the CDU, Democratic Awakening, and the German Social Union (*Deutsche Soziale Union* or DSU, set up under the guidance of the Bavarian CSU on 20 January) in order to counter the Social Democrats. Kohl did not want to make monetary union the subject of his talks in the Kremlin, scheduled for 10 February. But he also did not wish to offend Gorbachev by suddenly announcing the plan right after his Moscow visit. One way out of this dilemma was by creating facts before he went to the Soviet Union.

The result of Modrow's talks with Gorbachev had shown that the military status of a reunified Germany would be the most difficult subject under discussion in Moscow. Foreign Minister Genscher, speaking to the Evangelical Academy at Tutzing on 31 January, had proposed that a united Germany belong to the Atlantic alliance but that the territory of the GDR not be integrated into NATO military structures. When Genscher went to Washington on 2 February, both his American colleague James Baker and President Bush stated their support for his idea. Agreement was also reached on another issue: negotiations over reunification should, following a State Department proposal, be conducted according to a 'two-plus-four' formula, that is, between the two German states and the four former occupying powers. Genscher placed great importance on this precise sequence; the impression that the Four Powers were deciding Germany's fate was to be avoided at all costs. This was not an unrealistic fear. A meeting between the ambassadors of the Four Powers in the building of the Allied Control Council in Berlin on 11 December had provoked heated protests from the Bonn government.

Baker preceded Kohl and Genscher to Moscow, where he conducted talks with Shevardnadze and Gorbachev on 7 February. He had already obtained the support of his colleagues in London and Paris, Douglas Hurd and Roland Dumas, for 'two-plus-four' negotiations. Now he got Gorbachev's agreement. The Soviet leader would have preferred a 'four-plus-two' scenario, but did not consider the difference terribly important. He also proved surprisingly conciliatory on the alignment question. He was even willing to entertain the idea of NATO membership for all of Germany if it could be guaranteed that the Atlantic alliance would not extend itself any further eastwards. This did not yet mean Gorbachev actually accepted the American proposals, however, as would be seen shortly.

When Kohl and Genscher met with the Soviet leader three days later, on 10 February, they knew the result of Baker's efforts. Gorbachev confirmed what he had said to Modrow on 30 January: the Germans in the GDR and the FRG knew best what path they wished to take. It was up to them to decide if they wanted unity, as long as the choice was made 'in the context of the realities'. He made no objection to 'two-plus-four' negotiations. ('Nothing without you,' as he told the chancellor.) But when it came to the military status of unified Germany, Gorbachev was more hesitant. Non-alignment after the model of India or China was worth thinking about, he said, and made it clear to his interlocutors that the Soviet Union had no intention of accepting a shift in the balance of power to the detriment of the Warsaw Pact and in favour of NATO.

At the ensuing press conference Kohl said that he believed the open questions could be solved in conjunction with Washington, Paris, and London. The most important message was that Gorbachev and he agreed 'that it is the sole right of the German people to decide whether they wish to live together in one state. General Secretary Gorbachev has told me in no uncertain terms that the Soviet

Union will respect the Germans' decision to live in one state, and that it is the business of the Germans to determine when and how unity will come about.'

The talks in Moscow gave the Bonn government greater self-confidence. On 13 February, at a meeting of NATO and Warsaw Pact foreign ministers in Ottawa (dubbed the 'Open Skies Conference'), the Italian foreign minister Gianni De Michelis and his Dutch colleague Hans van den Broek demanded a role in the negotiations over the unification of the two German states. 'You are not part of the game,' Genscher told them bluntly. And in fact the decision had already been made. After Eduard Shevardnadze agreed to 'two-plus-four' negotiations in Ottawa, all the other states in both blocs had to content themselves with the promise of regular consultations.

That same day, 13 February, Hans Modrow, who had come with a large delegation to Bonn, was forced to confront the fact that the West German government was no longer willing to continue supporting his administration economically and financially. Kohl and Waigel rejected the demand for an immediate 'solidarity contribution' (*Solidarbeitrag*) of 10 to 15 billion marks. They countered by calling for speedy introduction of a social market economy and statutory alignment with the FRG in the central areas of the economic order. The opposition ministers accompanying Modrow protested, but in vain. Round Table participation in a Grand Coalition had lent only ephemeral strength to the GDR prime minister. As the Volkskammer elections approached, it became more and more obvious that neither the GDR government nor the Round Table had any real power. All of it lay in Bonn.

But the United States was even more powerful than West Germany. Even while Baker was in Moscow, the administration in Washington had come to the conclusion that Genscher's Tutzing plan, according to which East Germany would not be integrated into the NATO military structures, amounted to the de-militarization and neutralization of the territory in question. This would compromise NATO's guarantee of protection for all of Germany. At the most, East Germany could be granted a 'special military status' within the alliance. NATO general secretary Manfred Wörner, defence minister Gerhard Stoltenberg (CDU), and Kohl's foreign policy adviser Horst Teltschik all thought similarly.

In order not to endanger his coalition, Kohl first adopted Genscher's point of view and pushed through a joint declaration by the foreign and defence ministers that was largely in keeping with the Tutzing formula (19 February). At the talks between Kohl, Bush, and Baker at Camp David on 24 and 25 February, however, the Americans succeeded in asserting their view. At a joint press conference Bush, with Kohl's agreement, said that both agreed that

> a unified Germany should remain a full member of the North Atlantic Treaty Organization, including participation in its military structure. We agreed that US military forces should remain stationed in the united Germany and elsewhere in Europe as a continuing guarantor of stability. The chancellor and I are also in agreement that in a unified state the former territory of the GDR should have a special military status that would take into account the legitimate security interests of all interested countries, including those of the Soviet Union.

By no means had Helmut Kohl always been as unshakably committed to full NATO membership for a united Germany as Bush made him out to be. According to a story by Associated Press, the *Washington Post* had reported on 18 January 1990 that the chancellor had said in an interview that

> the developments in eastern Europe have rendered obsolete the American position that German unity can only be achieved in connection with German membership in NATO. Kohl said that there were differences of opinion with Washington on this issue. He thinks, however, that the American view could change if the relationship between NATO and the Warsaw Pact changes.

On 19 February Kohl had supported Genscher against Stoltenberg in the question of East Germany and the NATO military structures. And on 24 February at Camp David the chancellor, to the dismay of Bush, asked if a united Germany could belong to NATO without participating in its military organization, like France.

The American president knew that his uncompromising approach would meet with Soviet resistance. He will also have been aware that for Gorbachev to give in on the question of German NATO membership would weaken his position with regard to his conservative adversaries. Nonetheless, Bush swept such considerations aside at Camp David: 'To hell with that. We prevailed, they didn't. We can't let the Soviets clutch victory from the jaws of defeat.' By the time of the press conference, when Bush announced a special military status for East Germany as the most the west was willing to concede, Kohl, too, had been committed to the new American policy.

In terms of his NATO plans for a united Germany, Genscher was thus taken down a notch. But on another question things developed just as he wished. The recognition of Germany's eastern border had been a matter of conflict between the Bonn coalition partners ever since autumn 1989. In a speech to the UN general assembly on 27 September, the West German foreign minister had stated that Poland should know 'that its right to live within secure borders is not being called into question by us Germans through territorial claims, and will not be in the future . . . The inviolability of the borders is the foundation of peaceful coexistence in Europe.' For his part, Kohl—with an eye on his constituency among the expellees—did not want to give up the possibility of a different settlement on the eastern border in a future peace treaty. He managed to assert his position in a Bundestag resolution on 8 November. The lack of any statement on the Polish western border in Kohl's Ten Point plan was a major factor in the worsening of relations between the coalition parties in winter 1989–90.

The conflict came to a head at the beginning of March. On 1 March Roland Dumas, the French foreign minister, said that it was not sensible to postpone an answer to the border question until a unified German parliament could deal

with it. Kohl then tried to bundle recognition of the Oder–Neisse border by both German governments with Polish renunciation of war reparations and a treaty securing the rights of the German minority in Poland. All other parties protested, the FDP hardly less than the SPD and Greens.

The coalition finally reached a compromise on 6 March. In a resolution two days later, passed with the votes of the Union parties and FDP, the Bundestag proposed that as soon as possible after the GDR elections, the two freely elected German parliaments and governments should make identical announcements containing the following message: 'Be it known to the Polish people that their right to live within secure borders is not being called into question by us Germans through territorial claims, and will not be in the future.' After restoration of German unity, the border question was to be worked out in this spirit between the German and Polish governments. Poland's renunciation of reparations, announced 'to Germany' on 23 August 1953, would also apply to reunified Germany, the resolution stated. The same was true of a joint statement by Prime Minister Mazowiecki and Chancellor Kohl on 10 November 1989, which agreed to a treaty codifying the rights of the German minority in Poland.

Five Union delegates abstained from the ballot, and seven, including the expellee politician Herbert Czaja, went on record to the effect that the resolution was not a legally valid decision about the post-war border. The Social Democrats and Greens voted against it because of Kohl's attitude on the border question. The Polish government was dissatisfied, and Paris also did not think the resolution went far enough. But it *was* an important step forward towards final recognition of the Oder–Neisse line. In a letter to Kohl on 7 March, Margaret Thatcher spoke of 'very statesmanlike steps. They will be very useful and help overcome the prevailing uncertainty.'[10]

ACCESSION OR NEW CONSTITUTION?

In his policy speech on 8 March 1990 the chancellor stated that he considered the accession of the GDR to the Federal Republic according to Article 23 of the Basic Law to be the best way to German unity. This article provided for the extension of the Basic Law to 'other parts of Germany . . . on their accession'. Another solution was contained in Article 146: 'This Basic Law shall cease to be in force on the day on which a constitution adopted by a free decision of the German people comes into force.'

A heated controversy broke out over the question of 'accession' or 'new constitution' in the spring of 1990. The positions were anything but a simple partisan affair of government coalition vs. opposition or east vs. west. Article 146 had in its favour the undeniable democratic legitimacy that a referendum would grant to a new German constitution, as well as the integrating effect that could be expected from an exercise of the German people's *pouvoir constituant*.

The 1949 Basic Law, according to its preamble, had been designed to 'give a new order to political life for a transitional period'. It had been passed by the Parliamentary Council, a body composed of delegates from the individual state parliaments, and by the parliaments themselves (except the Bavarian). This was considered sufficient democratic legitimation for a temporary constitution, but the final constitution that would eventually replace it was to receive a higher sanction: from the people themselves.

Article 146 did not contradict Article 23. 'Other parts of Germany' could first enter the jurisdiction of the Basic Law and thereafter participate in a new constitutional process. It was also nowhere stated that the exhortation for the German people to 'achieve in free self-determination the unity and freedom of Germany' would only be fulfilled once a new constitution for unified Germany entered into force. This unity and freedom could also be 'achieved' through accession.

Within the Bonn government, the view that accession was the only viable option prevailed in February 1990, after the monetary union was settled. Article 23 had in its favour the fact that the Basic Law had proven its great worth over the course of more than forty years. The idea of abandoning it now for a new constitution seemed almost sacrilege, or at least very imprudent. But the strongest arguments for rapid unification through accession were *argumenta e contrario*: that is, the reasons militating against the much slower process through Article 146.

There were basically three of these. First, in the spring of 1990 nobody could predict how long Gorbachev and Shevardnadze would be in power and able to continue their realist, compromise-oriented policies. A regime change in the Kremlin was by no means out of the question. If the hard-line adversaries of German reunification won out, it would also mean a windfall for those in the west who were—to greater or lesser degrees—opposed to the project. Secondly, the economic situation in the GDR was growing worse by the day, driving large numbers of people out of the country and increasing the risk of violence. Thirdly, the proponents of an extended unification process obviously had the majority of East Germans against them.

The events of autumn 1989 had put to rest an unwritten law that had determined international politics for four decades: that European stability depended on the partition of Germany to guarantee the relative balance of power between east and west. Now, European stability was being threatened by nothing so much as the danger that the GDR would become a source of continual unrest. This danger could only be dispelled by overcoming the partition of Germany, and doing it quickly. This could be done only through Article 23, since the process through Article 146 would be arduous and fraught with risk. Moreover, the accession of the GDR to the FRG was the logical consequence of combining the monetary union with economic reform. The rapid introduction of a market economy demanded the rapid standardization of the legal system. This would be

easier to achieve within one state than through negotiations between two separate countries. In terms of democratic legitimacy, it was true that accession was less ideal than a new constitution, since it rested on the decisions of elected bodies rather than on the direct sanction of the people. But if this was a deficiency, it was one that could be removed by a nationwide constitutional debate and, if necessary, by a constitutional reform and a referendum *after* accession. In spring 1990 the arguments for Article 23 and against Article 146 were compelling.

There were also proponents of accession among the Social Democrats, in both countries. Herta Däubler-Gmelin, head of the SPD fraction's legal affairs committee, was one of them, as was Harald Ringstorff, head of the Rostock district party. At a meeting between the leaders of the eastern and western SPD on 12 February, Ringstorff and his political associates called for the accession of the GDR to the Federal Republic immediately after the Volkskammer elections. They were opposed by Vogel and Brandt. Both men knew what would happen if they supported Ringstorff: Oskar Lafontaine (who was not present at the meeting), the probable SPD nominee for the chancellorship ever since his triumph in the Saar elections on 28 January, would abandon his candidacy.

Lafontaine was indeed the sharpest critic of accession according to Article 23—the very article the Saarland had used in 1956 to enter the Federal Republic. On 20 February, he told Vogel in Saarbrücken that he would accept the nomination only if the SPD accepted his conditions: rejection of rapid reunification, interdiction of migration from the GDR to the limits of the law, and subordination of German to European unification. Lafontaine's speech at the congress of the East German SPD in Leipzig on 23 February was entirely in this spirit.

Similar arguments were made by Peter Glotz, who called accession an '*Anschluss* à la Kohl', and Gerhard Schröder, a member of the party executive. Willy Brandt (after the Leipzig congress honorary head of *both* Social Democratic parties) supported reunification according to Article 146. Working for a new constitution, he thought, would have a positive effect on the relations between East and West Germans. Hans-Jochen Vogel preferred Article 146 but did not want to reject the process through Article 23. On 7 March the party executive officially endorsed a referendum on a new German constitution according to Article 146 before accession under Article 23.

On 25 February the Leipzig congress of the eastern SPD adopted an electoral platform that included a 'road map to German unity'. This 'road map' involved a stepwise process from social to monetary to economic union. Political union was to be handled by a 'council of German unity', a body containing an equal number of delegates from the Bundestag and the freely elected Volkskammer. This council would draft a new German constitution, using the Basic Law as its model. The constitution would then be subject to a referendum after parliamentary elections were held in the five new *Länder* of the former GDR in summer 1990. The referendum, in turn, would be followed by new all-German

Bundestag elections. The fact that the 'council of German unity' was not a *representative* constituent assembly was not a cause for concern.

The Round Table firmly rejected Kohl's plan of accession. On 19 February, after Hans Modrow had reported on his visit to Bonn, it passed a resolution rejecting 'the annexation of the GDR or individual *Länder* by the Federal Republic through an extension of the jurisdiction of the Basic Law of the FRG' according to Article 23. NATO membership was clearly excluded, too. It was, according to another resolution that same day, 'impossible to reconcile with the goal of German unity within the framework of a European peace order'. A unified Germany was to have a de-militarized status.

Once the 'government of national responsibility' was formed on 5 February, the Round Table became part of the executive. Its leading thinker, Wolfgang Ullmann, a church historian and one of the co-founders of Democracy Now, on 12 February made a move towards economic reform that was to have important consequences. As minister without portfolio in the second Modrow cabinet, he proposed the creation of a 'Fiduciary Office for the Supervision of the Public Wealth' (*Treuhänderische Behörde zur Betreuung des Volksvermögens*). This office was to distribute all collective property in the GDR. A quarter was to be granted to the citizens as shares, that is, privatized. A quarter was to be set aside to pay debts and compensations. The greater part of the remaining half was to be transferred to the state and used for infrastructure and environmental protection, and the smaller portion put into a foundation promoting non-commercial projects.

After the Round Table had approved Ullmann's initiative in principle, Economics Minister Christa Luft (SED/PDS) took charge. Once it was worked out and reshaped in a 'socialist' sense, the plan seemed to provide a way to prevent the restoration of the old property relations. After its mid-February visit to Bonn and the start of consultations over the monetary union, the Modrow government considered the roll-back of major 'socialist achievements' to be the real danger of reunification. In order to counter this risk, the government decided on 1 March to found a fiduciary agency (*Treuhandanstalt*, also *Treuhand*) that would deal with most of the national wealth. Not much was left over from Ullmann's original plan by this time. Christa Luft insisted that all assets be evaluated, citizens' claims gathered, and rights to the proceeds established before any distribution took place. The transformation of combines and Publicly Owned Enterprises into joint-stock companies was to have priority.

The arguments against rapid privatization à la Ullmann were justified, but they served above all to secure collective property and keep the state in control of the economy. Western capital was to be kept out of the GDR as much as possible. Among the bills passed by the Volkskammer on 6 and 7 March was one that guaranteed freedom of trade and occupation to GDR citizens but not to western investors. The political will was even more clearly written into a law of 7 March on the sale of public buildings. It granted GDR citizens the right

to purchase public properties as long as they could prove prior usufruct. The main beneficiaries of this 'reform' were the old 'nomenclature cadres' of the GDR, who could thereby obtain prize properties at low prices. Before going under, the SED regime wished to demonstrate its gratitude for services faithfully rendered. It acted in the spirit of the French 'citizen king' Louis Philippe's motto *enrichissez-vous!*— 'Get rich!'

The Round Table, several of whose members benefited from this law, could have blocked it. But it preferred to spend this time working to safeguard another kind of vested interest. On 5 March it passed a 'Social Charter', the addressee of which was no longer the Modrow government, but the administration that would be put in place after the Volkskammer elections. In a wider sense it was also aimed at the government in Bonn, with whom the reunification would be negotiated. The 'Social Charter' embraced the rights to employment, free education, free termination of pregnancy services, health care, and housing at state-controlled prices. The right to employment included comprehensive job protection, reduction of work hours at full pay, and a ban on lockouts during industrial action. The Volkskammer approved the 'Social Charter' on 7 March—the same day as it passed the law on the sale of public property. The document was then sent to the Bundestag as a basis for negotiations over a German social policy union.

Meanwhile, work continued on another ambitious project: a new constitution for the GDR. Several West German jurists from the left side of the political spectrum participated in the deliberations. But the Round Table never got the chance to pass its draft. By the time the commission presented it on 4 April, the new Volkskammer had already been elected. The Round Table's self-appointed task was over. The authors' appeals for a maximum of direct democracy and social security had no political effect, and their declaration that compulsory military service had been abolished was ignored.

What remained was a myth. Many former civil rights activists and West German leftist intellectuals believed then and continue to believe that in spring 1990 the GDR was well on its way to becoming an autonomous democracy, superior to the West German representative model in its proximity to the people and commitment to social justice. The reason this democracy never became reality was, according to this interpretation, because the GDR was overwhelmed by the west. And the west only succeeded because it used materialist incentives and political deception.

The Round Table had bridged the hundred days between its first session on 7 December and the first open Volkskammer elections on 18 March. Under the first Modrow cabinet it had functioned as supervisory body, consultant, and veto power. Then, after the 'government of national responsibility' was formed on 5 February, it became the central coordinator, legislator, and co-regent of the GDR. It contributed towards keeping the 'peaceful revolution' peaceful and the collapse of the state under control.

The closer it got to the Modrow government, however, the further away it moved from what the great majority of the people wanted: the rapid introduction of the Deutschmark and reunification with the Federal Republic. The Round Table stood for those who did not want German unity, or not yet, or not under the conditions in question, and who were thus determined to inject as much of the renewed GDR into the new Germany as possible, if reunification could not be prevented. But these were a minority. The Round Table did not have a democratic mandate, and therefore it could not function as the representative body of a post-dictatorial GDR. Only the freely elected Volkskammer could do this. The Volkskammer would represent the people of the GDR as they were, not the idea the Round Table had made of them.[11]

THE VOLKSKAMMER ELECTIONS: PLEBISCITE FOR ACCESSION

Many West German politicians were involved in the electoral campaigns in the GDR, especially Helmut Kohl, Willy Brandt, and Hans-Dietrich Genscher (a native of Halle). All three were wildly cheered almost everywhere they went. Kohl spoke at rallies held by the conservative Alliance for Germany, which campaigned for the rapid introduction of the Deutschmark and rapid reunification by accession according to Article 23 of the Basic Law. It promoted its agenda with stickers that read 'We are one people'. Genscher lent his support to the 'League of Free Democrats' (*Bund Freier Demokraten*), a liberal party alliance formed on 12 February between the LDPD, the eastern FDP, and the German Forum party. Brandt was the most popular of all West German politicians. His disadvantage was that he did not have the whole SPD behind him. Oskar Lafontaine—who only got involved in the East German campaign in three places—made no secret of the fact that he was trying to slow down the process of unification, for economic, financial, and social reasons.

The PDS, which chose Hans Modrow as its prime candidate, was banking on the personal popularity of the prime minister. The party's electoral platform called for the reunification process to take place slowly, in several stages, and for the values and achievements of the GDR to be preserved. Three of the civil rights groups—the New Forum, Democracy Now, and the Peace and Human Rights Initiative—together formed an 'Alliance 90' (*Bündnis 90*), which, however, was unable to decide on a common platform. The Green party (*Grüne Partei*), founded at the end of November, made an alliance with the Independent Women's Association (*Unabhängiger Frauenverband*), but it came apart soon after the election.

Opinion polls showed the SPD far ahead right up to the day of the vote. The Alliance for Germany had begun to catch up in March, but had to deal with a scandal in the final stretch. Wolfgang Schnur, head of Democratic Awakening,

was accused—not for the first time—of having been a Stasi informer for years, all the way up to the revolution. He denied everything, but the evidence was overwhelming. He stepped down as party head on 14 March, and the next day he was thrown out of the DA on account of 'actions harmful to the party'. He was replaced by his deputy, Rainer Eppelmann.

For most of the observers the outcome of the first open Volkskammer elections on 18 March 1990 was a surprise. With participation at 93.4% of eligible voters, the Alliance for Germany was the clear winner with 48% of the vote (the CDU gained 40.8%, the DSU 6.3%, and the DA 0.9%). With 21.9% the SPD did far worse than expectations, including their own. The PDS obtained 16.4%, the League of Free Democrats 5.3%, Alliance 90 2.9%, and the Green party 2% of the vote.

This was not only the first open electoral contest in the GDR, but the first on East German territory since the Reichstag elections on 6 November 1932. The results show a near total lack of continuity with voter behaviour during the Weimar Republic. The vast majority of workers voted CDU, even in old SPD strongholds like Saxony and Thuringia. Only in Berlin did the Social Democrats do better than the Alliance for Germany (39.4% vs. 21.6%). They did comparatively well in the districts of Potsdam and Frankfurt an der Oder, where the German Nationalists had once been strong. The liberals took 10% of the vote, their only double-digit result, in the district of Halle, Genscher's home town. The PDS did best in Berlin, with 30.2%. It was strong in administrative centres and, according to studies by Forschungsgruppe Wahlen, drew most of its votes from intellectuals, administrators, salaried employees, university students, and pupils. It had very little support among the workers.

The election was a plebiscite for accession to the Federal Republic of Germany. The outcome allowed of no other interpretation. The majority wanted German unity as soon as possible and through wholesale adoption of the West German economic, social, and constitutional system. Reunification would bring a long-overdue justice, ending the inequitable distribution of the burdens of German history since 1945. A not inconsiderable minority, the constituency of the PDS, felt loyal to at least some of the values of the GDR and wanted to preserve them. The 'heroes' of autumn 1989, however, the civil rights activists, were dealt an outright punishment. To the overwhelming majority of their compatriots, their ideas about a 'third way' were simply out of touch with reality.

The Volkskammer elections on 18 March 1990 mark the end of the 'peaceful revolution' in the GDR. The result represented a radical break with the status quo. It was, in effect, a vote to get rid of the state, one that had never possessed any democratic legitimacy. This was not what the instigators of the 'peaceful revolution', the intellectual activists, had intended. The liquidation of the GDR was the will of the masses, who took control of the demonstrations after the fall of the wall in November 1989 and gave the revolution a nationalist turn.

Within the masses it was, ironically, the workers who most rejected the 'workers' and peasants' state'. The SED, which called itself the 'party of the working class', had basically 'neutralized' the workers after the June 1953 uprising. It was they who were the real target of the 'unity of economic and social policy' that had driven the GDR to financial ruin. This policy was a 'success' to the extent that there was no more significant labour resistance in the GDR, right up to the finish. When the dictatorship began to crumble in autumn 1989, however, it was quickly evident that the working class was no pillar of the regime.

The active role of critical intellectuals, the decisive impact of mass action, the collapse of the old order: these are all characteristics of a successful revolution. But one thing was missing. The leaders of the protest movement had no real leadership strategy of their own. The activists were not themselves interested in power; they wanted to let the people decide. In this they resembled the Majority Social Democrats during the 1918–19 revolution, with the difference that the latter had been able to count on mass support. The reason a revolutionary *Erziehungsdiktatur* or 'educational dictatorship' had no chance in post-First World War Germany was because of the democratic tradition of a codified right to political participation in the form of general equal suffrage. At that time, the only possible result was *more* democracy. Seven decades later, the desire for an end to dictatorship was so strong that no group could contemplate putting itself in the place of the sovereign people for a lengthy period of time. Once again, an important factor for a 'great' or 'classic' revolution was lacking in Germany.

The one thing all parties had agreed on in 1918–19 was prompt elections. This was even more true in 1989–90, since those who opposed elections had already been thrown out of power in October and November 1989 under the combined efforts of activists, masses, and critics within the SED. Once the date for elections was set in December, the only thing that mattered was keeping the progressive collapse of the old order under as much control as possible. Tolerating a transitional government composed of comparatively enlightened representatives of the old regime, who made no resistance to the idea of being replaced through free elections, but instead rescheduled them for an earlier date—this behaviour reflected a general longing to avoid chaos on the way to the new system.

The reason slogans like 'No violence!' had a chance was because the regime decided not to use force. Without the backing of the Soviet Union, none of the dictatorships dependent on it were able to withstand rebellious masses for long. Unlike in 1953, 1956, and 1968, by 1989 political wisdom and economic weakness had made the Soviet leadership unwilling to intervene. Thus the new emancipation movements, beginning in Poland, could assert themselves for the most part without violence. Just a few years before, Moscow would probably not have renounced a strategically important territory like the GDR without a fight. But by 1989 it had lost the battle of the systems on all fields. It could not risk

a great confrontation without placing its very existence in jeopardy. Whether it would be able to survive the loss of its eastern European buffer zone was still an open question at this juncture.

For the west, firmness and willingness to cooperate, the hallmarks of the common *Ostpolitik*, had paid off. It is undeniable that West Germany had prevented an earlier collapse of the GDR by granting it financial assistance on a large scale. It was a maxim of Bonn's Germany policy from the era of the social–liberal eastern treaties that such a collapse could quickly turn into a global crisis and so had to be avoided at all costs. In the 1980s, none of the important political parties contested this insight any longer. In 1989–90, it mainly depended on Bonn whether the mishmash of collapse and revolution in the GDR would give rise to a stable or an unstable situation. The FRG could act as a stabilizer, and since it could, it had no legitimate option but to do so. When Bonn acted in accordance with its Basic Law and opened up the door to accession, it confronted the East Germans with the mirror of their own future. The rational expectation that unification stood at the end of the crisis was a decisive factor in defusing the crisis. A policy of delay would only have made it worse.

All this was by no means general knowledge in West Germany at the time. Jürgen Habermas, for example, reacted to the outcome of the Volkskammer elections by warning against 'Deutschmark nationalism'. 'It is difficult not to write satire when faced with the first blossoms of a chubby-cheeked DM nationalism,' he wrote in *Die Zeit* on 30 March. 'The people of the GDR were forced to vote for those in power for forty years. Kohl has made it clear to them that it would be better to vote for the government in power this time, too.' Habermas predicted that this would not remain without consequences for the FRG. The Alliance for Germany, he wrote, might well 'continue its campaign, with minor variations, on the soil of the Federal Republic, demanding from the citizens here collective efforts in the spirit of a nationalist identification with the expansion of the DM empire, from which they have lived quite well up to this point.'

What disturbed Habermas most of all was the return of 'traditional patriotism' via the collapse of the GDR. This was a sentiment that the philosopher had thought long since relegated to the dustbin of history.

> The citizens of the Federal Republic *had* developed a non-nationalist self-image and a sober awareness of just how much personal cash or utilitarian value is to be got from the political process. What will become of this disposition under the pressure of a politics that, concealing its insecurity under arrogance, is steering straight for the all-German national state?

For the sake of Europe, the danger of renationalization had to be counteracted.

> If we do not free ourselves from the diffuse ideas of the nation state, if we do not rid ourselves of the prepolitical crutches of 'nationality' and 'community of destiny', then we will not be able to *continue* unburdened along our—already well travelled—road to a multicultural society, to a regionally widely-fanned and strongly federal state, and above all to a unified European state of nationalities.

The question of what article of the Basic Law should be used with regard to the GDR was quickly answered by Habermas:.

> The path through Article 23 means *subjecting* the citizens to the process of reunification. The path through a Constitutive Council, on the other hand, will prevent a politics of fait accompli. This will, perhaps, grant the GDR citizens some breathing space for self-determination, and it will also allow time for a discussion of the priority of European considerations. Only a referendum on a constitutional draft, with a choice between an all-German federal state and a federation, will give *all* citizens the chance to say no . . . Only when given a free choice will we become conscious of something many younger people among us already feel: that the formation of a single nation of citizens within the current territory of the Federal Republic and GDR is by no means *foreordained* through the prepolitical facts of linguistic commonality, culture, or history. For this reason, we would at least like to be asked.

The Germans in the GDR were holding up to the Germans in the Federal Republic the mirror of their history. But it could easily turn into a magic mirror, changing the citizens of the FRG back into conventional Germans, thus throwing them back culturally. Therefore everything had to be done to prevent reunification into a single German nation, or else to postpone the process until Europe had reached a point where it no longer contained any nation states. This was the direction in which Habermas was thinking, and his ideas provided a theoretical basis for the position that Oskar Lafontaine had been championing for some time (not infrequently with reference to Habermas). German history, as the philosopher viewed it, had been exorcized in West Germany, since the citizens had learned to think of themselves in terms of the civil and the universal, no longer in terms of history and the nation. Now, German national history was returning in the shape of the ruined GDR, threatening everything the Federal Republic had achieved by way of an intellectual disengagement from this very history.

Habermas considered it absurd to bring Auschwitz into the equation as a 'metaphysical culpability', for which the loss of something like East Prussia or Silesia could atone. Nor could Auschwitz serve

> to leverage the negative nationalism of a community of destiny . . . Auschwitz can and should remind the Germans—regardless of what state territories they arrange themselves in—of something else: that they cannot depend on the continuity of their history. With that momentous breach of continuity, the Germans lost the chance of basing their political identity on something other than universalist civil principles, by the light of which the national tradition can no longer be indiscriminately absorbed, but only critically and self-critically appropriated. Post-traditional identity loses its substantial, its uninhibited character. It *exists* only in the mode of public, discursive struggle over the interpretation of a constitutional patriotism that must be made concrete according to changing historical conditions.

The partition of Germany was thus not only a *consequence* of the German past, but also the very *precondition* of West Germany's being able to break with that past. Post-traditional identity, as Habermas understood it, meant that Germany was now headed for its most profound identity crisis ever. He campaigned for the option of rejecting the unity and freedom of Germany right at the moment when it was becoming possible to fulfil the preamble to the Basic Law. The breach of historical continuity that was Auschwitz as an argument against the obligation to solidarity that German history imposed; the cultivation of a 'universalist' constitutional patriotism that had never had much to do with the actual constitution and now abandoned it in an important point—what Habermas was calling for here was *not* the product of a critical and self-critical appropriation of the national tradition. It was an almost desperate attempt to defend a particular West German arrangement with history against the claims of those Germans whom history had left in the lurch—an ethically very questionable venture.

Four years before, during the *Historikerstreit* over the uniqueness of the Holocaust, Habermas had written his famous credo: 'The Federal Republic's unreserved opening towards the political culture of the west is the greatest intellectual achievement of our post-war period, something my generation in particular can be proud of.' He now saw this achievement put at risk by the expected 'accession' of the East Germans. The ideal of a 'discourse without dominance' was now being jeopardized by the consequences of a dominance without discourse.

Habermas was not only speaking for himself. In 1989–90 many West German intellectuals believed that the 'western' character of the part of Germany they lived in was under threat. The other part had disappeared from their consciousness, by slow degrees over the course of many years. This, too, could be called repression. Now, for the first time since 1945, there was an opportunity to westernize the east. The theories of Jürgen Habermas were of no help here. Precisely the opposite was called for—the accession of East to West Germany.[12]

UNITY AND ITS PRICE: ECONOMIC AND MONETARY UNION

The process of forming a new East German government proved difficult. As far as parliamentary seats and platforms were concerned, a Christian–liberal coalition like that in Bonn would have been possible. Considering the scope of the problems on the agenda, however, including a number of constitutional amendments, Lothar de Maizière believed that a broader parliamentary basis in the shape of a Grand Coalition was absolutely necessary. The Bonn coalition agreed. Inclusion of the SPD seemed like a good way to thwart Oskar Lafontaine's campaign for the chancellorship, which was calculated to polarize.

Lafontaine had received the unanimous nomination of the SPD on 19 March, the day after the Volkskammer elections. Thus before it even came into existence, the new GDR government was already a problem of West German domestic politics.

The East German Social Democrats were divided on the issue of participation in the government. Ibrahim (Manfred) Böhme, head of the party since the Leipzig congress that past February, opposed it. The most prominent advocates were his deputy Markus Meckel and the Berlin theologian Richard Schröder. Cooperation with the DSU was unanimously rejected, at least outwardly. Böhme, who knew he could count on the support of the Bonn SPD and especially Oskar Lafontaine, was elected fraction leader on 21 March. But he had to resign his party offices only a few days later, on 26 March. Two former members of the MfS had accused him in *Der Spiegel* of having worked as a regular IM for the Stasi. (This was later confirmed.) Meckel temporarily became party head, Schröder fraction leader. This meant that the two most important offices now lay in the hands of politicians who favoured a Grand Coalition. Their position was strengthened by the fact that in the western SPD, too, the popularity of a broad governing coalition in the east was now on the increase. Even Lafontaine finally gave up his resistance.

The SPD conditions for participation in government were generally in keeping with de Maizière's own positions: recognition of the Oder–Neisse line; non-inclusion of the GDR in the NATO military structures; consultation with Germany's eastern and western neighbours in the reunification process; the legal validity of the 1954 land reform; and the protection of property rights in the GDR. There was also agreement on the one-to-one conversion rate for the monetary union. The parties disagreed on the question of accession vs. a referendum on a new constitution. The Alliance and the liberals were for the former, the Social Democrats for the latter. As talks progressed, however, the SPD withdrew its insistence on this point.

By the time the negotiations were concluded on 10 April, the cabinet had also been decided. The CDU's Lothar de Maizière became prime minister. Besides the leadership in general matters, he reserved for himself the right to determine the government's Germany policy. There were eleven further CDU ministers, including Gerhard Pohl for economics and Klaus Reichenbach in the office of the prime minister. Among the seven Social Democrats were Markus Meckel as foreign minister, Walter Romberg as minister of finance, and Regine Hildebrandt as minister of labour. The DSU received the interior ministry, which went to Peter-Michael Diestel (also made deputy prime minister), and a 'Ministry for Economic Cooperation', which went to Hans-Wilhelm Ebeling. Rainer Eppelmann of Democratic Awakening led the 'Ministry of Disarmament and Defence'. Kurt Wünsche became justice minister for the liberals.

The new government received encouragement from the Soviet Union on one particular question, itself not a matter of controversy among the coalition

partners. On 28 March—Modrow was still prime minister—Moscow made an official statement to Bonn insisting that

> in the process of their rapprochement and unification the two German states proceed from the assumption that economic measures taken by the Soviet military administration in Germany between 1945 and 1949 were lawful. It would be absolutely unacceptable to deny the rights of the current owners of land and other assets in the GDR, which were acquired . . . with the permission or by decision of the Soviet side at the time.

(This text is the one circulated by the Tass news agency.) Thus did the former occupying power declare its land redistribution project untouchable.

The new Volkskammer convened for its constitutive session on 5 April 1990. The CDU delegate Sabine Bergmann-Pohl was elected president. One week later, on 12 April, the Volkskammer passed a 'joint statement' by all fractions. It was underwritten by the will to a new moral beginning.

> We, the first freely elected parliamentarians of the GDR, bear witness to the responsibility of the Germans in the GDR for their history and their future and declare with one voice to the world: immeasurable suffering was brought to the peoples of the world by Germans during the time of National Socialism. Nationalism and racial fanaticism led to genocide, especially against the Jews from all European countries, against the peoples of the Soviet Union, against the people of Poland, and against the people of the Sinti and Roma . . . We feel sorrow and shame and take responsibility for this burden of German history . . . We ask the Jews throughout the whole world for forgiveness. We ask the people in Israel to forgive the hypocrisy and hostility of official GDR policy with regard to the state of Israel and for the persecution and degradation of Jewish fellow citizens in our country even after 1945.

What then came was directed at the peoples of the Soviet Union.

> We have not forgotten the terrible suffering that Germans caused the peoples in the Soviet Union during the Second World War. In the end, this violence from Germany also struck our own people. We keenly wish to continue the process of reconciliation between our peoples. For this reason it is our intent to integrate Germany into a pan-European security system in such a way as to guarantee peace and security to our peoples. We are aware that the restructuring in our country would not have been possible without the new thinking and the *perestroika* in the Soviet Union. We are grateful to the citizens of the Soviet Union for the encouragement and inspiration we have received from them in this regard.

Turning to Czechoslovakia—which had disposed of its own communist dictatorship during the 'Velvet Revolution' of November and December 1989—the delegates had the following to say:

> The Volkskammer of the GDR accepts the partial responsibility of the GDR for the suppression of the 1968 'Prague Spring' by troops of the Warsaw Pact. This unlawful military intervention caused the people in Czechoslovakia great suffering and delayed the democratic process in eastern Europe for twenty years . . . In our fear and lack of courage we failed to stop this violation of international law. The first freely elected parliament in the GDR asks the peoples of Czechoslovakia to forgive this wrong.

In its conclusion the Volkskammer turned its gaze to the future, in which German–Polish relations would be especially important.

> We consider it our special responsibility to bring Germany's long historical relationships to the peoples of eastern Europe into the political process. In this regard we once again solemnly declare that we unconditionally accept the post-Second World War German borders with all neighbouring states. The Polish people in particular should know that its right to live within secure borders is not being called into question by us Germans, and will not be in the future. We affirm the inviolability of the Oder–Neisse border with the Republic of Poland as a basis for peaceful coexistence between our peoples in a common European house. A future united German parliament should codify this in a treaty.

The Volkskammer session that passed the joint statement also elected Lothar de Maizière prime minister with 265 of the 303 Grand Coalition votes. The cabinet as a whole, composed of 23 ministers, received 247 votes. De Maizière gave his inaugural speech a week later, on 19 April. He used a quote from Hölderlin's *Hyperion* to draw the balance of four decades of dictatorship: 'The state has always been made a hell by man's wanting to make it his heaven.' He assured the citizens of the GDR that the decision for unity had been made. 'How we will get there is something we will have a decisive say in . . . Unity must come as quickly as *possible*, but the basic conditions must be as good, as sensible, and as sustainable as *necessary*.' Turning to the citizens of the FRG he said: 'The partition can only be overcome through sharing.' Then, to all Germans: 'Germany is our inheritance of historical achievement and historical guilt. If we commit ourselves to Germany, we also commit ourselves to this dual legacy.'

De Maizière then went on to more concrete demands, calling for wages, salaries, retirement pensions, savings, and savings-based insurance programmes to be converted at an exchange rate of one to one. As for property questions, the land reform was not open to debate and transfers of property undertaken in good faith of their lawful validity were to remain legally valid. The prime minister announced the creation of a constitutional court, the stepwise formation of administrative, labour, and social tribunals, and—one of the most important things—a decentralization of power: 'By 1991 there will be individual states again.' State parliamentary elections were to be held already in late autumn 1990. The government knew that it had an arduous path ahead, de Maizière said.

> No government can work miracles, but we will strive for what is possible with all our energy. If we recognize what is possible and make it reality, step by step, with prudence and sober minds, then we will lay the basis for a better future for the people in our country. In this we are counting on the support, the courage, and the energy of all citizens.

Five days later, on 24 April, Kohl and de Maizière agreed in Bonn to conduct the negotiations on economic, monetary, and social policy union such that the

relevant treaty could enter into force on 1 July. As to the vexed question of the exchange rate, on 23 April the West German government had agreed to a more differentiated solution: one-to-one conversion of wages, salaries, and pensions as well as cash and savings up to 4,000 *Ostmark* per person. Beyond this amount, and for company debts, a two-to-one rate was to be applied. The criteria on which these rates were based were purely political. Economically speaking, the productivity of the GDR was too low to justify them. This did not stop de Maizière from saying that the 4,000 mark limit was too low. On 2 May a compromise was worked out that took the factor of life expectancy into account and treated older people more generously. Persons between 15 and 59 years of age would have a 4,000 mark limit; for children and older people the limits would be 2,000 marks and 6,000 marks, respectively.

The first open municipal elections in the GDR were held four days later, on 6 May. The parties of the Alliance lost votes, the CDU alone 6 per cent. The SPD did not benefit, however, despite the fact that it had campaigned on higher exchange limits for personal savings. Neither did the PDS, which suffered minor losses compared to its Volkskammer result. The winners (relatively speaking) were the liberals, the Democratic Farmers' Party of Germany (*Demokratische Bauernpartei Deutschlands*), and the newly founded Farmers' Association (*Bauernverband*).

In the talks on economic union the GDR committed itself to creating the framework for a social market economy with private property; free competition; free formation of prices; and free movement of labour, capital, goods, and services. Over a transitional period, the FRG would provide structural adjustment assistance to the fiduciary agency for East German enterprises, which was to be newly organized. In agriculture the GDR introduced a price support and protection system in keeping with European Community regulations. The social policy union consisted of the phased introduction of West German labour law, social insurance, and social welfare assistance programmes. The GDR would align its state budget, finances, tariffs, and fiscal administration with the statutes of the FRG and use its public assets primarily for economic reform and rehabilitation of the budget. It would receive budget assistance in 1990–1 in the shape of appropriated funds and start-up financing for pensions and unemployment. The Treaty on the Creation of a Monetary, Economic, and Social Union was signed by the two finance ministers, Theo Waigel and Walter Romberg, on 18 May 1990 in Bonn.

The West German government wanted to finance the reunification through economic growth, not tax increases. Despite high growth rates in the previous two years (a 3.7% GDP increase in 1988 and 3.6% in 1989), despite low rates of inflation and gradually falling unemployment (in 1990 the number of those out of work dipped below 2 million for the first time since 1983), this proposition was nothing short of foolhardy. The old buildings in the GDR were dilapidated. Many city centres were practically in ruins, the consequence of extremely low

rents and the single-minded promotion of prefabricated housing complexes in the suburbs and surrounding countryside. In many places the environment had been destroyed and contaminated for decades to come, worst of all at the brown coal mines near Bitterfeld. In May 1990 the GDR ministries estimated that only one-third of East German industries were competitive and could survive without state assistance; a good half were working at a loss but were worth renovating, and 14 per cent were in danger of bankruptcy. This was more realistic than what the Modrow government had told Bonn at the beginning of the year. As was soon to emerge, however, it was still much too optimistic.

The costs of reunification would therefore be gigantic. Anyone who thought soberly on the matter had to come to this conclusion. Nonetheless, Finance Minister Waigel refused to undertake a realistic assessment, and recommendations to this effect from his East German colleague Romberg were brusquely rejected. The Bonn government, led by Helmut Kohl, did not want to face the obvious. It did not want to confront the citizens with the unpleasant realization that the reunification was going to require material sacrifices. After all, 1990 was an election year. It is not certain how the voters would have reacted to the truth, but one thing is certain: in 1990 the hour of truth was merely postponed.

The Bonn government was not the only responsible party. The *Länder*, irrespective of the party composition of their governments, rejected Waigel's attempt to redistribute revenue from the value-added tax in favour of the Federation. They also refused to let the future 'new *Bundesländer*' participate in the inter-state fiscal adjustment programme (the *Länderfinanzausgleich*) right away. Since Waigel persisted in his rejection of tax hikes—arguing that otherwise the growth that was to finance the reunification would be adversely affected—the only other option was increasing state debt.

The 'Special German Unity Fund' (*Sonderfonds Deutsche Einheit*), which the chancellor and prime ministers of the *Länder* agreed to on 16 May 1990, corresponded to this approach. Kept apart from the regular budget, this special fund was to have a duration of four and a half years and provide 115 billion marks by 1994. Savings on the federal level would generate 20 billion, mostly by eliminating now-obsolete 'partition-based' programmes like assistance to Berlin and the regions along the German–German border, the transit subsidy, etc. Loans were to provide 95 billion. Repayment of both principle and interest was to be evenly split between the federal and the state levels and was scheduled for a period of more than twenty years. The start-up financing for the pension and unemployment insurance programmes was borne by the federal budget alone, which was therefore burdened to a far greater extent than the states from the beginning. Then, during the talks on the Unification Treaty in August, the Federation gave up some of its own monies from the Special German Unity Fund so that the new *Länder* could draw on 85% of the fund (instead of 50%, as previously agreed) to cover their general expenses. This cost the 1991 federal budget 12.3 billion marks.

The Special German Unity Fund concealed the true extent of the borrowing, and it was only the first stop on the way down a slippery slope. In August the FRG assumed the entire debt of the GDR, including its foreign debt. The total, more than 600 billion marks, was transferred to a special federal account. Interest payments were split between the Federation and the *Treuhand*. This office, which a law passed by the Volkskammer on 17 June had made into an organization for the privatization of public assets, became a public agency directly under federal control. Its shares in the former Publicly Owned Companies were thus indirectly held by the state, with all attendant risks.

Under Helmut Kohl's chancellorship, new borrowings had grown from 350 billion marks in 1982 to 490 billion by 1989. The fact that the country was living beyond its means was well known to experts. It now assumed the costs of the decades-long mismanagement of the East German economy. The debt reached the 1 trillion mark in the course of 1990. The shadow budgets eased the strain on the Federation (or at least gave that appearance) so that the credit flexibility required by the Basic Law could be formally maintained. But one consequence of this method of financing German unity was already foreseeable in 1990: the borrowings drove up interest rates, and since rising base rates at the federal bank meant rising base rates in the rest of western Europe, the costs of German unity were partially Europeanized without the consent of Germany's neighbours.

The Social Democrats had good reason to be critical. Their candidate was the main opponent of rapid economic and monetary union. On 25 April Oskar Lafontaine was stabbed and seriously injured by a mentally ill woman in Cologne-Mülheim during a campaign event for the North Rhine-Westphalian parliamentary elections. On 13 May the SPD, led by prime minister Johannes Rau (the would-be-assassin's real target, before she turned on Lafontaine) won an absolute majority in North Rhine-Westphalia for the third time in a row. Another Social Democrat, Gerhard Schröder, won the elections in Lower Saxony that same day. On 21 June, at the head of a red–green coalition, Schröder replaced the Union's Ernst Albrecht as prime minister. The SPD now had a majority in the Bundesrat. This meant that the treaty with the GDR could not be signed without their support. The position of Lafontaine, who had begun to recover, was now much stronger than before.

Lafontaine's original plan was to block the treaty. As he had put it on 22 April at a conference of SPD leaders from the east and west, his goal was not the restoration of the national state, but social unity, which could only be realized over the course of years. The sudden introduction of the Deutschmark, he said, would have an adverse effect on many East German companies. And the impact of the currency and economic union on the citizens of the Federal Republic was also unknown.

Lafontaine soon realized that it was too late to stop the monetary union. But it was still possible to make a strong gesture against the politics of Kohl and Waigel. The SPD Bundestag fraction and the *Länder* governed by Social Democrats were

to vote against the treaty. If the social–liberal senate in Hamburg voted for it, it would go through. Lafontaine told the party head Hans-Jochen Vogel that, if that were to happen, he would withdraw his candidacy for the chancellorship.

The party executive and the fraction were prepared to compromise. The Social Democrats would reject the treaty in its current form, but vote for it if certain 'improvements' could be reached in further negotiations with the Bonn government. What they wanted were temporary measures to save companies that could be rehabilitated from collapse; improved economic protection; and the use of the assets of the SED, the bloc parties, and mass organizations for general and social policy purposes. But this did not go far enough for Lafontaine. In an interview with *Der Spiegel* on 28 May, he said that there was no compelling reason for the SPD fraction to support a decision that would lead to mass unemployment. In the Bundesrat, however, the party could let the treaty pass. These statements called forth protest from both western and eastern Social Democrats, from Horst Ehmke to Herta Däubler-Gmelin to Richard Schröder. Lafontaine's supporters, politicians like Gerhard Schröder and Reinhard Klimmt, head of the Saarland parliamentary fraction, were in the minority.

On 5 June Lafontaine told the party leadership that he intended to write them a letter announcing his resignation from the candidacy. A group of prominent Social Democrats, led by Willy Brandt and Hans-Jochen Vogel, promptly hurried to Saarbrücken and managed to talk him out of it. He told Vogel on 9 June that he would still run. That same day, the east German Social Democrats called on their western colleagues to vote for the treaty. On 14 June the party executive and council determined that the 'improvements' reached in talks with the government (including a supplementary article to the law governing the treaty's implementation) were sufficient to warrant its passage.

The next day, both German governments made a joint statement on how unresolved property questions would be handled. It said that 'expropriations based on occupation law or occupation sovereignty (1945 to 1949)' were

> no longer reversible. The governments of the Soviet Union and the German Democratic Republic see no possibility of revising the decisions taken at that period of time. In the light of the historical developments, the government of the Federal Republic of Germany takes note of this. It is of the view that a final decision on any state compensation payments must be reserved for a future all-German parliament.

On the most controversial property issue, however, the Bonn government did get its way. This meant 'restitution before compensation'. Property expropriated after the founding of the GDR was, as a rule, to be restored to the earlier owner. This did *not* apply to expropriated land and buildings later dedicated to 'general use', incorporated into 'complex housing and settlement construction', or given over to industrial use. If GDR citizens had 'acquired in an honest manner the ownership or usufruct of expropriated real estate', the earlier owners were to be compensated in a socially acceptable way. Since many deeds had been

systematically rendered useless, however, it would later prove extraordinarily difficult to determine property rights. This turned the precedence of restitution into a investment hindrance. Another obstacle was the law of 7 March on the sale of publicly owned property, which had been continuing under the new cabinet. The de Maizière administration promised to put a stop to it. In unclear ownership situations, sales concluded after 18 October 1989, the day of Honecker's fall, were to be scrutinized.

The Treaty on the Creation of a Monetary, Economic, and Social Union between the Federal Republic and the GDR was passed by the two parliaments on 21 June 1990. In the Volkskammer 302 delegates voted for and 82 against it, with one abstention. The two-thirds majority necessary to amend the constitution was thus reached. The result in the Bundestag was 444 to 60, again with 1 abstention. The rejections came from 35 Green and 25 SPD delegates. Speaking for the former, Antje Vollmer lamented that West German politicians had 'never thought the citizens of the GDR capable of handling the whole truth about the processes [of unification], and offering them an idea of unity totally fixated on the Deutschmark and economic prosperity.' Peter Glotz, speaking for the SPD minority, stated: 'We are for the unification of the two German states. But we are deeply convinced that the federal government has taken the wrong path to the unification of the two German states.'

The Bundesrat dealt with the treaty on the following day. All *Länder* except the Saarland and Lower Saxony voted for it. The new prime minister of the latter, Gerhard Schröder, reasoned his rejection in a way that recalled Habermas's article on 'Deutschmark nationalism'.

> It would certainly have been reasonable—if we want a legitimation for the process of German unity not only in the GDR, but here, too—that we especially involve the people who have been politically socialized in the Federal Republic in deciding the question that will define their future: namely, under what kind of constitution, and in what kind of constitutional reality, they wish to live . . . For this reason, I believe, such a constitution must be presented to the people, and they must be able to vote on it, and this should happen, in my view, before there are all-German elections.

The monetary union and the 'political' exchange rate of one to one were, first and foremost, an attempt to stop the population haemorrhage from the east. Some 38,000 people had left the GDR for West Germany between the Volkskammer elections on 18 March and the end of May. That made a total of 184,000 since the beginning of the year. Speculations over an exchange rate of two to one drove the numbers up again in April. Slogans like the following were frequently heard and carried on signs at demonstrations in the GDR: 'If the Deutschmark comes, we stay. If it doesn't, we'll go to it.' When the monetary union became reality on Sunday 1 July 1990, its effect on the East Germans was as dramatic as the West German monetary reform on 20 June 1948 had been for the citizens of the FRG. There was now only one legal tender in Germany, the

Deutsche Mark. The inspection of personal documents at the German–German border crossings was also terminated that same day. East Germans had every reason for joy. They were now a good deal closer to sharing equal rights with their compatriots in the west. The *Deutsche Mark* had changed from a West German symbol to a symbol of Germany.

A failure of the monetary union, for which Oskar Lafontaine was working as late as April, would have taken Germany to the brink of political catastrophe. The fact that he did not succeed in gaining the support of his party was due to the conscientiousness of Social Democrats like Hans-Jochen Vogel. It was not the monetary union *per se* that provoked massive criticism. The things the experts objected to were, for the most part, politically unavoidable. The real errors were the principle of 'restitution before compensation' and the financing through debt. The Bonn government and coalition were responsible for the first. All political forces in the FRG were responsible for the second.

'The whole discussion in the media and in politics showed how journalists and politicians judged the attitude of the citizens in the Federal Republic to the detriment of unity: German unity, yes, but at no charge, please!', writes the political scientist Dieter Grosser.

> The decisions in connection with the German Unity Fund established a pattern according to which the further financing was handled: the precedence of debt financing. Though assailable, this was politically the easiest way to procure funds. The special fund was used as an independent holder of debt whenever possible, in order to keep the impact on the public budgets cosmetically small . . . The use of the funds followed the same trend, which was in evidence already in May 1990: debt-financed expenditures, which economically and constitutionally speaking were only justifiable for financing investments, served primarily to support consumption. Thus the wrong financial course was set towards unity already in May 1990. Politically, however, no other option seemed available at the time.[13]

THE GERMAN QUESTION ON THE INTERNATIONAL STAGE

The Two-Plus-Four negotiations were scheduled to commence in May at the ministerial level. But the Soviet position hardened again suddenly before they could get under way. During a visit by Modrow to Moscow on 5 and 6 March, Shevardnadze told the prime minister that German unification according to Article 23 was unacceptable and illegitimate. Moreover, Gorbachev declared that the Soviet Union could not agree to any kind of NATO membership for a united Germany. Shortly thereafter the French president threw an unexpected obstacle in Kohl's path. During a visit by Prime Minister Mazowiecki in Paris on 9 March, Mitterrand came out in support of Warsaw's position that a German–Polish treaty on the recognition of the Oder–Neisse border should be signed *before* German unification and that Poland should have at least some kind of role in

the Two-Plus-Four talks. (As far as the border question was concerned, the last point was not controversial between Bonn and Paris.)

On another disputed question, however, France was firmly in support of the FRG, as was the United States. On 14 March in Bonn, at the first meeting preliminary to the Two-Plus-Four negotiations, both Paris and Washington opposed the Soviet demand for a peace treaty. Forty-five years after the end of the Second World War, the concept of a 'peace treaty' seemed like a relapse into a bygone era and obsolete political categories—not to mention the prospect of conducting talks with the 110 countries officially at war with Germany in May 1945. But Bonn had an even greater worry: peace treaty negotiations could put reparations claims on the agenda again—claims by states of the former eastern bloc, but also by western and neutral countries. (The London Debt Agreement of 27 February 1953, in which the eastern bloc states did not participate, had deferred reparations claims to a final peace treaty.)

On the peace treaty issue, the British government's position during the internal western debate had not differed notably from that of Moscow. In no other western country was the fear of a 'Fourth Reich' so great as in Great Britain. On 31 October 1989, ten days before the fall of the wall, the Irish historian and journalist Conor Cruise O'Brien wrote an article in the London *Times* entitled 'Beware a Reich Resurging'. 'I fear that the Fourth Reich, if it comes,' wrote O'Brien, 'will have a natural tendency to resemble its predecessor.' The Conservative prime minister shared this concern. In an interview with the *Sunday Times* on 25 February 1990 she stated that German reunification meant that Europe was headed for an 'enormous upheaval': 'You cannot just ignore the history of this century as if it did not just happen and say: "We are going to unify and everything else will have to be worked out afterwards." That is not the way.'

One month later, on 24 March 1990, Margaret Thatcher and Foreign Secretary Douglas Hurd met with four prominent historians and two publicist experts on Germany—Gordon Craig (Stanford), Fritz Stern (Columbia University in New York), Hugh Trevor-Roper (Baron Dacre of Glanton; Oxford), Norman Stone (Oxford), Timothy Garton Ash, and George Urban—to discuss the consequences of German reunification. The meeting took place at the prime minister's estate at Chequers. An account written by Thatcher's private secretary Charles Powell, who was present, found its way to the press on 15 July. It revealed that a good deal of the all-day discussion had focused on alleged German character traits like angst, aggressiveness, assertiveness, bullying, egotism, inferiority complexes, and sentimentality.

The 'optimists', according to the report, had pointed out that Germany and the Germans had changed fundamentally and for the better. 'After 1945 there was no longer a sense of historic mission, no ambitions for physical conquest, no more militarism. Education and the writing of history had changed. There was an innocence of mind about the past on the part of the new generation of Germans. We should have no real worries about them.' But even the benevolent participants

were not free of worries. 'We could not assume that a united Germany would fit quite so comfortably into Western Europe as the FRG. There would be a growing inclination to resurrect the concept of *Mittel-Europa* with Germany's role being that of broker between East and West.' Still, the final recommendation of the experts was that 'we should be nice to the Germans.'

The German public was outraged at the 'Chequers affair'. One of the reasons was because on 14 July, the day before the *Independent on Sunday* published Powell's notes, Nicholas Ridley, secretary of state for trade and industry, had said in an interview with the *Spectator* that the Germans wanted to take over the whole of Europe. 'You might just as well give it to Adolf Hitler, frankly.' When confronted with the objection that Kohl was certainly preferable to Hitler, Ridley said that Kohl would 'soon be coming here and trying to say that this is what we should do on the banking front and this is what our taxes should be. I mean, he'll soon be trying to take over everything.'

Several of those present at the Chequers seminar immediately contradicted the tenor of Powell's account and its angry German commentators. Good will towards present-day Germany and German unification, they said, far outweighed the criticism of the Germany of Bismarck, Wilhelm II, and Hitler. Nonetheless, Margaret Thatcher's negative attitude towards everything that had been happening in Germany since autumn 1989 could not be overlooked. In September she had tried to commit Gorbachev to rejecting reunification. At the meeting of the European Council in Strasbourg in December, she had campaigned for a Franco-British axis to stop German unity, and she made another attempt in this direction during a meeting with Mitterrand in January 1990. In February she voiced her concerns in a telephone conversation with George Bush.

But all to no avail. Gorbachev began to rethink his position soon after the new year began. Mitterrand shared Thatcher's fears but was unwilling to break with Kohl. Bush was for German reunification, as long as it happened on western conditions. The historians and writers at the Chequers seminar also did not support Thatcher's hard line. It is possible they even managed to soften it a little. In any case, after the end of March Thatcher's resistance to German unification began to wane measurably. She treated Kohl with great courtesy at the German–British 'Königswinter conference' on 29 March in Cambridge, and again at the consultations in London the following day.

Three weeks later, on 21 April in Dublin, the EC foreign ministers agreed to the incorporation of the GDR into the European Community in the process of German unity. The European Commission under Jacques Delors had done preliminary studies, working up a three-stage plan. As far as Germany and France were concerned, the process of European integration was to move forward at the same time. Dumas and Genscher presented their colleagues with an ambitious plan towards this end. It had been the subject of intensive consultations between Bonn and Paris in the weeks before and on 18 April had led to a joint letter from

Mitterrand and Kohl to the president of the European Commission, Charles Haughey, the prime minister of Ireland. The EC, it said, should create a second intergovernmental conference on political union concurrent to the deliberations over monetary union.

> In light of far-reaching changes in Europe and in view of the completion of the single market and the realization of economic and monetary union, we consider it necessary to accelerate the political construction of the Europe of the Twelve. We believe that it is time to 'transform relations as a whole among the member states into a European Union . . . and invest this union with the necessary means of action', as envisaged by a Single Act [of 1 July 1987, H.A.W.].

The objective was to 'strengthen the democratic legitimation of the union, render its institutions more efficient, ensure unity and coherence of the union's economic, monetary, and political action', and 'define and implement a common foreign and security policy'. The foreign ministers were to prepare an initial report for the meeting of the European Council in June and a final report for the meeting in December 1990. The two intergovernmental conferences were to be coordinated in such a way as to make the European Union a reality on 1 January 1993.

Mitterrand had complied with Kohl to the extent that the Political Union—or what remained of it—would now be undertaken and completed *together* with the monetary union. But the concept of a 'European Union', which replaced 'Political Union' in the letter, bore all the marks of a dilatory formal compromise. It concealed ongoing differences of opinion between Paris and Bonn over the form and content of the desired union. Bonn wanted to strengthen the European Parliament and Community institutions like the Ministers' Council and the Commission. Instead, the letter spoke only of 'strengthening democratic legitimacy' and making the institutions 'more efficient'. France wanted to neutralize the economic might of a larger Germany as much as possible. The FRG wanted to use the monetary union to leverage the political unification of Europe. The 18 April letter served Paris better than Bonn. Kohl was willing to pay this price for French support of German unity.

When the heads of state and government of the EC countries met again in Dublin on 28 April, the British, Danish, and Portuguese objections to a new intergovernmental conference were so strong that the decision had to be postponed again. By the time of the next meeting in June, the foreign ministers were to examine whether treaty changes were going to be necessary. But there was basic agreement that the European Community should become a European Union by 1 January 1993. To this extent, the Franco-German initiative was a success.

The European Council's official statement on German unity did not betray any of the frictions of the past months between Bonn and London and Bonn and Paris:

> The Community warmly welcomes German Unification. It looks forward to the positive and fruitful contribution that all Germans can make following the forthcoming integration of the territory of the German Democratic Republic into the Community. We are confident that German Unification—the result of a freely expressed wish on the part of the German people—will be a positive factor in the development of Europe as a whole and of the Community in particular . . . We are pleased that German Unification is taking place under a European roof. The Community will ensure that the integration of the territory of the German Democratic Republic into the Community is accomplished in a smooth and harmonious way . . . The integration will become effective as soon as reunification is legally established, subject to the necessary transitional arrangements. It will be carried out without revision of the Treaties.

One week later, the first conference of foreign ministers in the framework of the Two-Plus-Four talks took place in Bonn. The date, 5 May 1990, could hardly have been more symbolic. The Federal Republic had become a sovereign state (with certain restrictions) exactly thirty-five years before. Genscher, Meckel, Baker, Shevardnadze, Hurd, and Dumas came to an agreement about the focal points in the work that lay ahead of them. There were to be four of these: borders, political-military matters, Berlin issues, and Germany's status within international law after the termination of the rights and responsibilities of the Four Powers. At first, Shevardnadze had demanded that a further item be put on the agenda, the 'synchronization' of German unification with the pan-European process. Since nobody agreed with him, however, he finally assented to a modification of the description of the second area to 'political-military matters, in view of approaches to suitable security structures in Europe'.

In substance, however, disagreement continued. By 'synchronization' the Soviet foreign minister meant the replacement of the existing alliances with pan-European, cooperative security structures—before German reunification. He rejected NATO membership for a reunified Germany. The western powers, including the FRG, wanted the CSCE process to be expanded while maintaining NATO. The GDR took a middle position: cooperative security structures should be built up after German unification; unified Germany would only temporarily be a member of NATO, which would also have to undergo major changes.

Shevardnadze also made another suggestion that caused a great deal of consternation: Germany's inner unification, he said, should be chronologically separated from its foreign and security policy status. That is, Germany was to become a state before the alliance question was settled. In this scenario, the rights of the Four Powers would have continued in a reunified Germany for an undefined period of time. The country would not have been sovereign. Genscher did not decisively reject this proposal before the first Two-Plus-Four round came to an end, thus giving rise to the impression that the Federal Republic was prepared to accept this kind of 'de-coupling'. But Kohl categorically rejected it, and after Genscher, too, had told the Bundestag on 10 May that unified Germany was not to be burdened down with unresolved questions, Bonn's

position was once again clear: the internal and external unification processes were to be simultaneous.

Thus the first round had brought no progress on the alliance question. The most important reason for Shevardnadze's staunch rejection of German NATO membership probably had to do with the Lithuania crisis. The erstwhile Baltic Soviet republic had declared its independence in March, provoking harsh counter-measures from Moscow, including the deployment of KGB troops and a stop to oil and natural gas shipments. Gorbachev (who had been elected president of the Soviet Union on 15 March) was in a difficult position. If he gave the impression of inclining towards the western viewpoint on the military status of Germany, it would give his adversaries in the Communist party yet another grievance against him.

Nothing changed in the Soviet position for three weeks after the first Two-Plus-Four meeting. Baker and Mitterrand both visited Moscow during this time (the former on 18, the latter on 25 May), but neither noticed any softening. In a long conversation with Genscher in Geneva on 23 May, Shevardnadze said that it was psychologically and politically impossible for him and Gorbachev to support a reunified Germany's accession to NATO.

Around this same time, however, there were increasing signs of imminent economic collapse in the Soviet Union. Its calls for western help, especially from the United States and the FRG, could no longer be ignored. American assistance was not to be expected at this time. On 1 May the Senate had passed a measure denying commercial privileges to the Soviet Union until it ended its embargo of Lithuania and started negotiations. For his part, George Bush had no desire to cause trouble for Gorbachev. When Kohl and Mitterrand wrote to the Lithuanian president Vytautas Landsbergis on 26 April, asking him to delay the declaration of independence for the time being, they did so with the express agreement of the American president.

Bush also supported German assistance to the Soviet Union. On 4 May, just before the start of the Two-Plus-Four talks, Shevardnadze had communicated a message from Gorbachev and Nikolai Ryshkov, the Soviet prime minister, asking Kohl for a German loan to secure the solvency of the Soviet Union. Kohl was only too happy to promise support. On 13 May Horst Teltschik, accompanied by two officials from the Deutsche Bank and Dresdner Bank, Hilmar Kopper and Wolfgang Röller, flew to Moscow. Talks with Gorbachev, Shevardnadze, and Ryshkov led to a 5 billion mark loan to the USSR, guaranteed by the FRG. Gorbachev was given very clearly to understand that Bonn viewed this assistance as part of a 'package deal' towards the solution of the German question.

Between Teltschik's visit to Moscow and his own to Washington on 31 May, Gorbachev must have been visited by doubts about whether he would be able to uphold the Soviet rejection of a German NATO membership much longer—at least if he hoped to gain further western assistance. In his talk with Bush at the White House on 31 May, he repeated Shevardnadze's frequent statement that

a united Germany could belong either to both alliances or to neither. Then he brought up the idea of the Soviet Union joining NATO, and said that both alliances should be changed into primarily political organizations. When Bush noted that the CSCE Final Act granted every state the right to freely choose its own alliance, Germany included, Gorbachev agreed with him—to the shock of his advisers, Sergei Achromeyev and Valentin Falin. The United States and the USSR, Gorbachev said, should announce that they would allow united Germany to decide what alliance it wished to belong to. He also agreed when Bush proposed another wording: the USA would clearly declare its support for German NATO membership, but it would also tolerate a different decision.

When Bush called him immediately after the first round of talks with Gorbachev, Kohl was at first unable to grasp what he was hearing: the Soviet leader had just admitted that a unified Germany had the right to opt for full membership in the Atlantic alliance. At their joint press conference at the end of the summit on 3 June, Bush made the following announcement, which went uncontradicted by Gorbachev:

> On the matter of Germany's external alliances, I believe, as do Chancellor Kohl and members of the alliance, that the united Germany should be a full member of NATO. President Gorbachev, frankly, does not hold that view. But we are in full agreement that the matter of alliance membership is, in accordance with the Helsinki Final Act, a matter for the Germans to decide.

Gorbachev returned to Moscow without the promise of a loan, but he was able to secure a Soviet–American commercial treaty. His concession on the question of Germany's future alliance status did represent a breakthrough. After his obviously improvised remark about Germany's right to decide its own alliance status, Gorbachev could no longer simply return to his former hard line. As long as both the basic conditions and the details had not yet been worked out, however, the USSR was also not committed to an acceptance of full German NATO membership. Much now depended on the manner in which the Atlantic community understood and described its own future role.

The NATO foreign ministers met in Scotland at Turnberry on 7 and 8 June. The result was the 'Message from Turnberry', which was a response to a Warsaw Pact announcement of the previous day stating that the ideologically-driven enmity of the past was over and offering cooperation to the Atlantic alliance. The NATO representatives in turn extended 'to the Soviet Union and to all other European countries the hand of friendship and cooperation'. They spoke of the growing importance of the CSCE process as an instrument for cooperation and security in Europe. This process

> should be strengthened and given effective institutional form. We are committed to work for a rapid and successful conclusion of the Vienna negotiations on conventional forces. The arms control process must be vigorously pursued. We are convinced that German unification is a major contribution to stability in Europe. Recognizing the

eminently political importance of these tasks, we are ready to do our utmost for their accomplishment.

The Warsaw Pact and NATO conferences were followed by several meetings between Genscher and Shevardnadze. On 11 June they met in Brest in Byelorussia (formerly Brest-Litovsk). The Soviet foreign minister had proposed this location—which in Poland awakened unpleasant memories of the partition of the country in the wake of the Hitler–Stalin pact—for personal reasons. His brother Akaki had fallen and been buried there in June 1941, in the first days of the war between the USSR and the German Reich. Genscher would later refer to this encounter, which involved a joint visit to the grave of Shevardnadze's brother, as 'perhaps the most important German–Soviet meeting prior to the unification'. Shevardnadze, Genscher records, stated in Brest that a German NATO membership 'as we wish it' was possible, if NATO and the Warsaw Pact were to change into *political* alliances and fundamentally reshape their relationship.

The two men saw each other again in Copenhagen on 15 June at the second CSCE conference on the 'human dimension' of the east–west relations. Shevardnadze also had a long exchange with James Baker there. Another meeting between Genscher and Shevardnadze followed on 18 June in Münster. Genscher chose this city for historic reasons. 'The Peace of Westphalia in October 1648 brought the Thirty Years War to an end in Europe,' he wrote in his memoirs. 'Now a war that had lasted more than forty years, the Cold War, was being brought to an end.' The Copenhagen and Münster meetings confirmed the impression that Genscher had gained in Brest: the USSR was in the process of accepting the idea of German NATO membership, as long as the new NATO clearly differed from the old one.

Not all political forces in West Germany were happy about an Atlantic solution to the German question. The SPD security expert Egon Bahr held to his view—by now shared only by a majority of his party—that the two alliances ultimately had to be replaced by a pan-European, collective security system. (Genscher himself had come out for the same idea in a speech to the West European Union on 23 March, to the great displeasure of the chancellor.) On 18 June in Bonn, just before the fifth meeting of ministerial officials in connection with the Two-Plus-Four talks, Bahr warned the advisers of the East German foreign minister that the Bonn government was working with the USSR towards a bilateral agreement on full German NATO membership. As Bahr saw it, the rights of the Four Powers had to be preserved for the time being. 'If the rights of the Four Powers are replaced, there will no longer be a lever for a European security system.' To Bahr's disappointment, Meckel's associates did not fall in with his proposal to defer the restoration of sovereignty to a united Germany—despite the fact that they, like Meckel, shared Bahr's goal of a pan-European security architecture.

On 21 June 1990, the day the Bundestag and Volkskammer ratified the Treaty on Monetary, Economic, and Social Union in third reading, the two parliaments also passed identically worded resolutions on the German–Polish border. It stated that the border would be determined by the treaty between the GDR and the Republic of Poland of 6 July 1950, including the supplementary and implementation agreements, as well as by the Treaty of Warsaw between the FRG and the People's Republic of Poland from 7 December 1970. Furthermore, the delegates declared that the border should be confirmed by a treaty under international law between united Germany and the Republic of Poland. The following language was to be used: 'Both sides confirm the inviolability of the border between them now and in the future and commit themselves to unqualified respect for each other's sovereignty and territorial integrity. Both sides declare that they entertain no territorial claims against each other and will raise no such claims in the future.' The two German governments were exhorted to communicate this resolution to Poland 'as the expression of their own will'.

The preamble to this resolution addressed the history of the German–Polish relationship. The parliaments, it said, were acting

> in awareness of the fact that the Polish people has experienced terrible suffering on account of crimes committed by Germans and in the name of Germany; in awareness of the fact that great injustice has been done to millions of Germans who were driven from their ancestral homes; with the wish that, in memory of the tragic and painful sides of history, a united Germany and the Republic of Poland will steadfastly continue the process of understanding and reconciliation between Germans and Poles, shape their relations with a view to the future, and thus provide an example of good neighbourliness.

The Volkskammer passed the resolution against only 6 votes (all from the DSU) and with 18 abstentions. In the Bundestag it passed by 486 votes to 15 with 3 abstentions. The rejections came from the CDU and CSU, the abstentions from one CSU delegate and two Greens.

One day later, on 22 June 1990, the second round of the Two-Plus-Four talks got under way in East Berlin. This day was the forty-ninth anniversary of the German attack on the Soviet Union, something the Soviet foreign minister did not fail to mention. Shevardnadze presented his colleagues with the comprehensive outline of a 'final international settlement with Germany'. It proposed a double membership in NATO and the Warsaw Pact for a transitional period of five years and a total Bundeswehr strength of 200,000 to 250,000 soldiers. All other foreign ministers rejected the idea of double alliance membership. On the question of troop strength, Markus Meckel mostly agreed with Shevardnadze, much to the displeasure of his four western colleagues. Meckel's own suggestion was 300,000 troops. Moreover, the East German foreign minister wanted German unification to mark the beginning of a transition to a European security system. Dumas called on both German governments to immediately begin talks with Poland on a border treaty. This was not only the position of Paris, but also of Warsaw.

All the foreign ministers acknowledged that Poland should have a chance to express its views on the border settlement at the next meeting, scheduled in Paris on 17 July. Everyone also agreed that a unified Germany would include the territory of the FRG and GDR and all of Berlin, would raise no additional territorial claims, and would officially recognize the final status of its borders. In the ensuing discussion Genscher succeeded in convincing Shevardnadze to have the concluding document of the Two-Plus-Four negotiations ready for the CSCE special summit that November. This committed the Soviet Union to a clear unification timetable.

The balance of the Berlin conference was mixed. Shevardnadze had taken positions that seemed far behind what Gorbachev had said in Washington and everything he himself had been telling Genscher and Baker in the weeks thereafter. If NATO changed its character and the CSCE gained in importance, German NATO membership would appear in a completely different light. But it was obvious that Gorbachev and Shevardnadze were biding their time until after the upcoming NATO summit in London on 5–6 July and the twenty-eighth congress of the Soviet Communist party, scheduled to begin on 1 July. If both events went smoothly, the Soviet leadership would again have a greater freedom of action. Shevardnadze himself explained this to Baker in a long talk after the conference.

Three days later the EC heads of state and government met again in Dublin. Lothar de Maizière, prime minister of the GDR, was present as a guest. Together with Helmut Kohl he reported on the preparations for the German monetary union. The two intergovernmental conferences, on economic/monetary and political union, were set to begin work in December. Kohl's and Mitterrand's April agreement had become the new EC policy.

The Dublin summit of the EC was followed nine days later by the NATO summit in London. The decisions taken there were calculated to go a long way towards accommodating Gorbachev. NATO emphasized its defensive nature and its changing *political* role. It would respond to the withdrawal of Soviet troops from central and eastern Europe and a treaty on the limitation of conventional forces in Europe by fundamentally reviewing its own forces and strategy. It would field smaller and restructured active forces and decrease its reliance on nuclear weapons—that is, revise its doctrines of 'forward presence' and 'flexible response'. NATO also underscored its willingness to work for the elimination of all nuclear artillery shells from Europe, including short-range missiles. The Warsaw Pact states were invited to participate in a joint declaration on the renunciation of the threat or use of force and to take up regular diplomatic liaison with NATO. Finally, the Conference on Security and Cooperation in Europe 'should become more prominent in Europe's future, bringing together the countries of Europe and North America.' It was proposed that the CSCE summit in Paris at the end of 1990 sign an agreement on conventional forces in Europe and 'set new standards for the establishment, and preservation, of free societies'.

The news about NATO's 'London Declaration' reached Gorbachev during the CPSU congress in Moscow. Both he and Shevardnadze were having a difficult time. The conservative opposition around Yegor Ligachev accused both men of having lost eastern Europe. The London Declaration strengthened Gorbachev's position. It was one of the main reasons he was reconfirmed in his party office by a clear majority, thus receiving a mandate to continue his reformist course.

The congress came to an end on 13 July after nearly two weeks of deliberations. Two days before, the world economic summit of the seven largest industrial nations had come to an end in Houston. Though he was not present, Gorbachev had been at the centre of attention in Texas, too. Chancellor Kohl was the most vocal proponent of generous economic and financial assistance for the reformer in Moscow, but he did not manage to convince all participants. George Bush and Margaret Thatcher also wanted to help the Soviet Union, but only after careful analysis of its economic problems.

One of the factors militating against western help for Moscow was now no longer an issue. In accordance with the request by Mitterrand and Kohl, Lithuania had suspended its declaration of independence on 29 July, and Gorbachev had lifted the Soviet embargo the next day. For this reason the G7 did not simply reject Kohl's initiative. The International Monetary Fund was asked to conduct a study of the Soviet economic situation and present reform recommendations by the close of the year. An assistance programme would then be decided on this basis.

On 15 July (the same day the account of the Chequers seminar hit the press) Kohl arrived in Moscow with a government delegation. He was responding to an invitation from Gorbachev on 9 June. Much had happened since the two men had last met in February. For Gorbachev, Kohl was the western statesman who had done and continued to do the most for *perestroika*. No other western country was willing to help the USSR as much as West Germany, and only Bonn could prevent a power vacuum from arising in the middle of Europe. The era in which the partition of Germany had guaranteed relative stability in Europe was definitively over. For European stability the pressing need was now German unification.

Had the Soviet Union been stronger it would never have accepted the western condition of full membership in NATO for a united Germany. But since the Warsaw Pact had practically ceased to exist and there was no longer a military balance of power between the east and west, the Kremlin had no alternative. It could not even refute the argument that a Germany firmly integrated into NATO was less of a threat to the USSR than a non-aligned Germany. The London Declaration had made it easier for the Soviets to accept the inevitable, and after the CPSU congress Gorbachev no longer had to worry about resistance from his adversaries for the time being. If economic assistance from Bonn allowed him to survive politically, then Kohl could be granted what could now only

be delayed, but no longer prevented—the reunification of Germany and full German membership in the Atlantic alliance.

During the Moscow talks on 15 July no more was said about a transitional phase between the restoration of German political unity and the restoration of sovereignty. The rights of the Four Powers were to come to an end with unification, Gorbachev said. When Kohl asked if that meant Germany would have full sovereignty at that time, he answered: 'Of course'. The only condition was that NATO would not extend its area of operations to the territory of the GDR until the Soviet troops there had been withdrawn, which Gorbachev said would take three to four years. Kohl could agree to this transitional phase. He also stated his willingness to help finance the troop withdrawal. The two leaders also agreed on the future German borders and that Germany would not pursue atomic, biological, or chemical weapons.

What Gorbachev told Kohl represented *his* position. 'Gorbachev had been granted the authority for the decisions he made, neither by the Supreme Soviet nor by the government, neither by the defence or presidential council nor by the federation council, not to mention the politburo or the secretariat of the central committee,' writes one of his sharpest critics, Valentin Falin, at that time director of the international relations department in the central committee, in his memoirs. 'The president had not even told the parliament, the government, or the councils about his plans and intentions. The presidential council, and it alone, was deemed worthy of approving the results achieved in the negotiations with the leaders of the Federal Republic.' For the time being, however, Gorbachev had the power to do what he wanted, and he was resolved to do what he thought was right.

Gorbachev did not want Moscow to be the only place the German–Soviet negotiations were held. He had invited the whole German delegation to his native town in the Caucasus, Archys in the district of Stavropol. This was meant as a personal gesture to the German chancellor. There the two men discussed the future troop strength of the Bundeswehr. Kohl proposed an upper limit of 370,000 troops, which Gorbachev ultimately accepted. (There were 495,000 troops in 1989 and more than 521,000 in 1990, after the incorporation of units from the National People's Army of the GDR.) In order to avoid 'singling Germany out', the reductions were not to begin until the Vienna accord on conventional forces in Europe was in force. Only non-NATO units of the Bundeswehr were to be stationed on former GDR territory until the Soviet troop withdrawal was complete. Kohl also promised that foreign NATO troops would not be moved there after the Soviet soldiers were gone.

The amount of financial assistance the USSR would receive from the FRG was not fixed at this time. Finance Minister Waigel had carefully avoided making concrete promises to his colleague, Stepan Sitaryan. Politically speaking, however, the die was already cast. By agreeing to German NATO membership the Soviet Union had cleared away the largest obstacle to German unity. Kohl and Genscher had every reason to be proud of what they had achieved. The reunification was now within reach.

On 17 July, the day after the conclusion of the German–Soviet talks, the third Two-Plus-Four round was held in Paris. Polish foreign minister Krzysztof Skubiszewski participated in some of the deliberations. Poland was now no longer insisting that the German–Polish border agreement enter into force before the Two-Plus-Four treaty. It was content with the assurance that the border treaty would be signed and ratified as soon as possible after reunification and the restoration of German sovereignty. The Paris round mostly dealt with the current status of the negotiations. Now that the talks in Moscow and Archys had gone so well, the final Two-Plus-Four documents could be drafted. They were to be finished by the next round in Moscow on 12 September, which looked to be the last.

Not all of the participants in Paris were pleased with the outcome. The GDR government, especially the foreign office, was upset that it had not been consulted about Kohl's talks with Gorbachev in Moscow and the Caucasus. Meckel's state secretary Hans-Jürgen Misselwitz told a conference of officials from the six foreign offices on 17 July that the GDR still reserved the right to determine its own position, since it had not been officially informed of the result and still had substantive reservations. For his part, Meckel was not content with Kohl's assurance that Germany would not have ABC weapons. He demanded that no nuclear weapons be stationed on German soil. But this met with no response.

And in fact, Gorbachev's talks with Kohl had taken the ground from beneath the feet of any independent GDR foreign policy. By the summer of 1990, even London and Paris no longer had a decisive role in the negotiations over Germany's future. The politicians upon whom everything depended sat in Washington, Moscow, and Bonn. The events of 1989–90 had changed the post-war hierarchy.[14]

THE PATH TO UNITY: THE UNIFICATION AND TWO-PLUS-FOUR TREATIES

That the GDR would be joined to the Federal Republic was, as far as the popular will was concerned, all but certain after 18 March 1990. On this day the great majority of East Germans voted for parties that favoured accession according to Article 23 of the Basic Law, and the Basic Law obligated the state to make the people's will reality. *When* accession would take place depended primarily on the result of the Two-Plus-Four process. *How* it would take place depended on negotiations between the two German governments. On this Bonn and East Berlin agreed.

Bonn began preparations for the Unification Treaty even before the negotiations on economic, monetary, and social union had been concluded. Interior

Minister Wolfgang Schäuble, who would be leading the unification talks, had a first outline ready by 29 May. He submitted it to his East German partner, Günther Krause, the parliamentary state secretary in the prime minister's office (and also the CDU fraction leader). Haste was necessary; there were forces in the Volkskammer demanding immediate and unconditional accession. On 17 June (the Day of German Unity, which the two parliaments celebrated together) the DSU brought forward a motion to this effect. It was transferred to the committee for legal and constitutional affairs. But new motions could be expected.

Schäuble and Krause settled on 2 December 1990 for the official unification. Since the twelfth German Bundestag was scheduled for election that day, both states could hold elections for a unified German parliament. It was expected that the Two-Plus-Four negotiations would be over by this time. The Unification Treaty would involve amendments to the Basic Law, thus requiring a two-thirds majority in both the Bundestag and Bundesrat. This meant that Schäuble had to get in touch with the *Länder* and the Social Democratic opposition. He sent the now completed second treaty draft to the *Länder* on 26 and 27 June. Several points of friction were already obvious: the restructuring of finances between the federal and state levels, the redistribution of seats in the Bundesrat, and the question of the country's capital city. Everybody knew that the GDR would insist on Berlin as the seat of government and parliament. But this was by no means the unanimous view of the West German *Länder*. North Rhine-Westphalia, massively supported by Rhineland-Palatinate and the Saarland, wanted to keep the government and the Bundestag at Bonn. They prevailed upon Kohl to leave the decision to the institutions themselves—that is, to leave the issue out of the treaty.

Negotiations over unification got started on 6 July—five days after the monetary union went into effect. Schäuble and his GDR interlocutors quickly agreed to keep the constitutional changes to a minimum. The *Länder* governed by the SPD, on the other hand, insisted on new official state goals like environmental protection, responsibility for underdeveloped areas of the earth, the right to work, housing, social security, health care, education, and culture. The issue of abortion dominated the agenda in August. In the GDR there was immunity from prosecution for an abortion within the first twelve weeks of pregnancy. In West Germany abortion was permitted only if considered medically necessary. There was a large majority in the Volkskammer for the preservation of the status quo, and the West German Social Democrats mainly agreed. Ultimately a compromise was worked out: on this particular question Germany would remain divided into two separate zones of law during a two-year period of transition. An abortion would be immune from prosecution if performed within the new *Länder* in the two years after reunification. Thereafter new legislation would be put in place for the whole country.

After mid-July the negotiations came under increasing time pressure. As the economic situation in the GDR got worse, the number of Volkskammer delegates calling for rapid accession increased. Pan-German elections *before* 2 December 1990—the date agreed to by the parliaments' joint 'German Unity Committee' on 26 July—thus became a possibility. A common voting law was urgently needed in any case.

Schäuble and Krause signed one on 3 August. It standardized a 5 per cent exclusion clause for all German elections. The SPD and FDP were the driving forces behind this ruling, since they both believed it would be to their advantage. Parties who were not running against each other in the same *Bundesland* were permitted to form alliances. Thus the DSU could form an alliance with the CSU and thereby enter the federal parliament, whereas the PDS, which had no comparable western partner, would probably not make it past the 5 per cent clause. That this arrangement would find favour with the Federal Constitutional Court was something Schäuble himself doubted—correctly, as it turned out.

The unification negotiations were overshadowed by problems within the East German Grand Coalition. Interior Minister Diestel left the DSU on 30 June, alleging that the party had moved too far to the right for him. He was joined by the party head, Hans-Wilhelm Ebeling, on 2 July. Both men stayed in the cabinet, which meant that the DSU was no longer represented in the government. On 24 July the liberals in the League of Free Democrats also left the de Maizière cabinet, accusing the prime minister of opposing a standardized voting law for all of Germany and rapid accession to the FRG.

Shortly thereafter, the prime minister himself came to the conclusion that the economic situation in the GDR was too bad to allow of any further delay in accession. On 1 August he and Günther Krause flew to the Wolfgangsee, where Helmut Kohl was vacationing, and sought to gain the chancellor's support for earlier elections. They had in mind 14 October, for which day municipal elections were already scheduled in the GDR. If de Maizière could have his way, he also wanted the official restoration of German political unity to take place before the elections and before the forty-first anniversary of the founding of the GDR on 7 October 1990.

The path to pan-German elections before the end of the legislative period in the FRG could be cleared by a vote of confidence with a negative outcome—after the pattern of 17 December 1982. Kohl himself had no problem with this solution, but President von Weizsäcker rejected it for constitutional reasons. The only other way was an amendment to the constitution, and a two-thirds majority was nowhere in sight. Oskar Lafontaine believed that the closer the election date came to that of reunification, the better Kohl's prospects were of winning the election. Conversely, Lafontaine thought his own chances would be better if reunification could be done quickly and the elections held on the scheduled date of 2 December. Towards the end of the year, he believed, the expected enthusiasm over German unity would have faded and yielded to reality. Consequently, Helmut Kohl could not depend on the Social Democrats to hand him a two-thirds majority.

On 8 August, one week after the meeting between Kohl and de Maizière, the Volkskammer rejected the DSU motion to announce the immediate accession of the GDR to the jurisdiction of the Basic Law. Another motion by the SPD to declare accession by 15 September also failed. When the CDU and Democratic Awakening proposed that the FRG open up the possibility of elections and accession on 14 October 1990, however, a majority agreed. Early the next morning, the voting law from 3 August failed the ratification process; too few delegates were present. The Bundestag then took further deliberations over the law off the agenda. A motion by the CDU/CSU and FDP to hold pan-German elections on 14 October failed to gain the necessary two-thirds majority. This meant that the date of 2 October would be kept, which the cabinet announced later that day.

From this moment Bonn and East Berlin were dominated by the electoral campaign. On 15 August de Maizière reshuffled his cabinet. Citing political differences of opinion and the continuing economic crisis, he dismissed the Social Democratic finance minister, Walter Romberg, the non-aligned (but SPD-friendly) minister of agriculture, Peter Pollack, and the economics minister, Gerhard Pohl, who was from his own party. The prime minister accused all three men of not respecting his policy guidelines and not correctly administering funds in support of industry, commerce, and agriculture. He did not appoint new ministers, but transferred the duties of the dismissed cabinet members to the respective state secretaries. He did the same thing after dismissing Kurt Wünsche, the (now non-aligned) justice minister, because of the controversy surrounding his political biography.

The East German Social Democrats interpreted de Maizière's actions as a political declaration of war. Wolfgang Thierse, who had succeeded Ibrahim Böhme as party head, pressed for the Social Democrats to abandon the coalition. He succeeded. All SPD ministers stepped down on 20 August. De Maizière, now head of a CDU/DA minority cabinet, transferred the vacant posts partly to the remaining ministers, partly to state secretaries. He himself assumed the duties of foreign minister. On 21 August Richard Schröder, who had warned against ending the Grand Coalition, resigned as SPD fraction leader and was replaced by Thierse.

The two-thirds majority necessary for the Unification Treaty was now at risk—*if* the Social Democrats chose to oppose it. Another bill requiring a two-thirds majority passed on the second attempt: the voting law, which had failed on 9 August. The PDS, Alliance 90, and the Greens voted against it on account of the 5 per cent clause. The Bundestag passed it the next day against the votes of the Greens. It then went to the Bundesrat, where it easily passed on 24 August.

By this time the day of unification had also been set. In the early morning of 23 August the Volkskammer voted 294 to 62 (with 7 abstentions) for the joint CDU/DA/FDP/SPD motion to declare the accession of the GDR to the

jurisdiction of the Basic Law according to Article 23 on 3 October 1990. As the text stated, the Volkskammer was assuming 'that by this date the deliberations on the Unification Treaty will have been completed; the Two-Plus-Four negotiations at a point where the foreign and security policy conditions of German unity will have been set; and the formation of the *Länder* such that elections to the parliaments can be held on 14 October 1990.' The negative votes came from the PDS. When Gregor Gysi angrily remarked that the parliament had 'just done no more nor less than schedule the downfall of the German Democratic Republic for 3 October 1990', the assembly broke out in cheers. Gysi's party had no part in that decision.

A few hours later Helmut Kohl, speaking in the Bundestag, called the 23 August 1990 a 'day of joy for all Germans'. On Wednesday 3 October 1990, he said, Germany would be reunified. 'It will be a great day in the history of our people. After forty years, what the preamble to the Basic Law exhorts the whole German people to do will finally be fulfilled: to achieve in free self-determination the unity and freedom of Germany.' Kohl recalled the historical achievements of Konrad Adenauer and Kurt Schumacher. He thanked the Germans in the GDR, the delegates in the Volkskammer, and the civil rights activists in Poland and Hungary. He also thanked the Hungarian prime minister Miklós Németh, who had opened the border for refugees from the GDR and, in so doing, taken the first stone out of the wall; George Bush; François Mitterrand; and Gorbachev, whose reform policy had made the far-reaching changes in Germany and Europe possible. He did not mention the name of Margaret Thatcher.

Oskar Lafontaine, speaking right after Kohl, also welcomed the decision of the Volkskammer, 'since it represents the basis for the people in the GDR to live out their future lives in freedom'. But political unity, he added, was only the prerequisite for the creation of 'real unity', that is, the 'unity of living conditions for the people in the GDR and the Federal Republic'. Lafontaine once again demanded that the costs of unification be made clear, a constitutional council be set up, and that the people be allowed to decide on their own constitution. He wanted the obsolete idea of the nation founded on biological heritage to be replaced by one like the American, French, or Swiss concept of nationality, based on universal values. Quoting one of the last Bundestag speeches by Carlo Schmidt (from 25 February 1972), Lafontaine called for 'one nation of Europe to be built'. The idea of a 'nation of Europe' had not been invented by the Social Democrat Schmidt, however. For over four decades it was the title (*Nation Europa*) of a radical right-wing journal founded by Arthur Ehrhardt, a former SS commander and expert on 'combat against small bands' in the Führer headquarters. The publication had changed its name to *Nation und Europa* at the beginning of 1990.

On 24 August, the day after the accession announcement, the Volkskammer passed a 'Law on the Security and Use of Personal Data from the Former Ministry for State Security/Office for National Security'. The relevant files were not to be given over to the federal archive, but kept in special archives in the

new *Bundesländer* and in a central location in the eastern part of Berlin. Every citizen would have the right to know about any data collected on his or her person. The files were to serve the critical reappraisal of East German history, the investigation of criminal acts, and the rehabilitation of victims.

Interior Minister Schäuble, together with Günther Krause, did everything he could to prevent the new law from being incorporated into the Unification Treaty. He feared not only the abuse of the countless informer reports (in 1989 the MfS had 91,000 employees and 174,000 Unofficial Collaborators), but also the consequences of the fact that the Stasi had extensively tapped and recorded telephone conversations made in the FRG. The treaty draft disregarded the law. The protest from the Volkskammer was so massive (and nearly unanimous) that the draft had to be altered again. The result was the so-called 'Gauck office', named after the Rostock pastor Joachim Gauck, commissioner for Stasi files in the Volkskammer (and later in the German federal government). The East German activists had won their last battle. The recent past would be studied, not suppressed all over again. The victims of the second dictatorship on German soil would be able to learn what they had suffered, and who the perpetrators were.

The Treaty on the Unity of Germany was initialled in the early morning of 31 August 1990. It was approved by the governments in Bonn and East Berlin, then signed by Schäuble and Krause at 1.15 in the afternoon in the Palace of the Crown Prince on Unter den Linden street. Five new *Bundesländer* would be created out of the territory of the former GDR: Brandenburg, Mecklenburg-West Pomerania, Saxony, Saxony-Anhalt, and Thuringia. The two national holidays—in the FRG 17 June and in the GDR 7 October—would be replaced by 3 October as the 'Day of German Unity'. Berlin was designated the 'capital of Germany', but this statement was followed by an addendum that stripped it of any real meaning: 'The location of parliament and government will be decided after the restoration of German unity.'

The Unification Treaty involved the revision of a number of passages in the Basic Law. The new preamble stated the German people's will to a united Europe and to world peace. Article 23 was abolished. Article 146 held open the possibility that the Basic Law, 'which since the achievement of the unity and freedom of Germany applies to the entire German people', would cease to apply 'on the day on which a constitution freely adopted by the German people takes effect'. The legislative bodies of united Germany were urged to make additional changes to the Basic Law within two years, including language on the overarching goals of the state and the 'use of Article 146 of the Basic Law and a referendum within its framework'.

The specific areas the Unification Treaty dealt with were state finance; alignment of legal systems; public administration and law; public assets and debt; labour, social, and family policy; women's issues; health care and environmental protection; culture; education; science; and sports. Based on its composition, the Volkskammer was entitled to send 144 delegates to the eleventh German

Bundestag (elected in 1987). The new *Länder* would participate in the meetings of the Bundesrat in an advisory capacity until their respective authorized representatives (who were responsible for setting up new state government agencies) could elect a prime minister.

Bonn had had its way on several particularly controversial points. The location of the seat of government and parliament was left open, more serious constitutional amendments were postponed, and a number of unresolved property questions—specifically, matters dealing with the expropriations from the period after the founding of the GDR—were settled in its favour. East Berlin managed to push through improvements in the financial arrangements: the new *Länder* would receive 85 per cent of the resources in the German Unity Fund. This made up for the fact that they would be excluded from the financial compensation system between the states until 1994 and temporarily receive a smaller percentage of revenue from the value-added tax (at first 55 per cent, then 70 per cent of the average share until 1994). Moreover, expropriations from the occupation period would be recognized, location would determine how abortion was dealt with, and the Stasi files would be archived in a manner similar to what the Volkskammer delegates had in mind.

The fact that the treaty discussed future amendments to the constitution made it easier for the Social Democrats to vote for it. It passed in both parliaments with the necessary two-thirds majority on 20 September. In the Volkskammer the vote was 299 to 80 with 1 abstention. The negative votes came from the PDS and the delegates of the newly founded Alliance 90/The Greens. The result in the Bundestag was 440 to 47 with 3 abstentions, the rejections coming from the Greens and 13 CDU/CSU delegates. The Bundesrat approved the treaty on the following day.

On the Two-Plus-Four front, the Paris conference on 17 July had left things far from settled. The general treaty on future political relations between Bonn and Moscow had yet to be prepared, the consequences of the GDR's economic obligations to the Soviet Union decided, and—hardest of all—the withdrawal and interim location of the Soviet troops in the GDR worked out. The last point was above all a question of funding. At the beginning of September the USSR demanded a total sum of 36 billion marks, far more than the West German government had been planning on paying. There followed arduous negotiations between the finance ministers and two telephone conversations between Kohl and Gorbachev. An agreement was in place by 10 September: Bonn would pay 12 billion marks and grant the Soviet Union 3 billion more in interest-free loans.

The reductions in the German armed forces had already been decided during the talks in the Caucasus in mid-July. On 30 August, during the Vienna negotiations on conventional forces in Europe, Genscher declared that the German armed forces would be reduced to 370,000 troops. The Federal Republic, he said, considered this an important German contribution to the reduction of conventional forces in Europe and was assuming 'that in the talks

to follow the other participants will also make their contributions to increasing security and stability in Europe, including measures to limit the number of personnel'.

Lothar de Maizière, speaking as foreign minister of the GDR, endorsed this statement. Germany was now committed to a concession that—despite Genscher's exhortation—did not involve any concomitant obligation on the part of the other powers. However, two factors militated against the impression that Germany was being 'singled out': the nature of the forum in which Genscher and de Maizière spoke, and the voluntary character of the obligation Germany was imposing on itself—something both men were at great pains to emphasize.

The last Two-Plus-Four meeting of foreign ministers took place in Moscow on 12 September. It came close to failure when the British, backed by the Americans, insisted on NATO's right to conduct military manoeuvres on the territory of the former GDR. The Soviets rejected this, quoting Kohl's promise during the Caucasus talks that no foreign NATO troops would be transferred to East Germany. In a late-night meeting, Genscher and Baker were able to work out a compromise that the Soviets accepted: in an 'Agreed Minute', it was stated that all questions having to do with the application of the word 'deployed' were to be 'decided by the government of the united Germany in a reasonable and responsible way taking into account the security interests of each contracting party'.

This cleared away the final obstacle. The 'Treaty on the Final Settlement with Respect to Germany' could now be signed. It ended the rights of the Four Powers, restoring to Germany full sovereignty in its domestic and foreign affairs at the moment of reunification (not upon the conclusion of the ratification process). Western troops would remain on German soil as long as Soviet troops were stationed on the territory of the former GDR and in Berlin. The treaty contained the language worked out on Germany's borders, its renunciation of ABC weapons, its troop reductions, and its right to join alliances with all the accompanying rights and responsibilities.

Included in the documents of 12 September was a joint letter by Genscher and de Maizière informing their four colleagues of the common declaration on the unresolved property questions between the two countries. This gave the 'land reform' additional diplomatic backing, at the express wish of the Soviets. The letter also committed Germany to the care of war graves and monuments commemorating the victims of war and dictatorship; stated that parties and groups hostile to the constitution, including those with Nazi aims, would continue to be banned by the Basic Law; and said that the status of international treaties concluded by the GDR would be worked out in consultation with the relevant treaty partners.

The day after the Moscow meeting, Genscher and Shevardnadze initialled the 'Treaty on Good Neighbour relations, Partnership, and Cooperation between the Federal Republic of Germany and the Union of Soviet Socialist Republics'

(usually referred to in English as the German–Soviet friendship treaty). On 24 September the GDR, with the agreement of the USSR, withdrew from the Warsaw Pact. On 27 and 28 September an exchange of notes with the three western powers suspended the 1952 Germany Treaty. (It was formally abolished after the Two-Plus-Four treaty went into effect on 15 March 1991.) On 1 October the Four Powers suspended the exercise of their rights and privileges with regard to Berlin and Germany until the Two-Plus-Four treaty entered into force. This was done during a CSCE conference in New York, where Genscher gave an official report on the results of the Two-Plus-Four negotiations. President Bush presented comprehensive proposals for the institutionalization of the CSCE. He spoke of a 'trans-Atlantic partnership', by which he meant not only the relations between the USA and its western allies, but now also those with all of the CSCE participants, including the USSR.

From 1 October, therefore, the international foundations of German unity were in place. George Bush's statements even went beyond what Bonn had hoped. Domestically things were not so good. An 'accident' (though it was not entirely unexpected) had occurred two days before, when the Federal Constitutional Court handed down its decision on the suit brought against the new voting law by the Republicans (an extreme right-wing party founded in November 1983), the Greens, and the Left List/PDS (*Linke Liste/PDS*, an electoral alliance formed on 5 August 1990). The court declared the treaty partly unconstitutional. The unified 5 per cent exclusion clause, it said, violated the principle of electoral equality, since it put parties and other political organizations of the GDR at a disadvantage under the particular conditions of the first pan-German election. Alliances by way of lists were therefore to be allowed. Separate exclusion clauses applying to one of the two German states were permissible.

This decision prompted the Bonn government to present the Bundestag with a bill on 1 October containing two different exclusion clauses and allowing lists. All parties except the Greens desired to keep the election date of 2 December. By this time they were nearly all organized throughout the whole of Germany. On 5 August the East German Green party and Alliance 90 joined the Greens of the FRG in a common list called 'Alliance 90/The Greens' (*Bündnis 90/Die Grünen*). For the West German Greens, cooperation with the activists of the GDR represented another step on a long path of transformation. They had once been a fundamental opposition, rejecting the state's monopoly of armed force. Now they were well on their way to becoming a pillar of the state under the rule of law. Sociologically speaking, this could also be seen as a process of embourgeoisement. Several far left party members reacted to the new developments by leaving the party. Some joined the Left List/PDS.

The first real party fusion took place among the liberals. On 11 and 12 August the League of Free Democrats (whom the National Democratic party had joined at the end of March) united with the Free Democrats of the FRG in Hanover. The latter's name was kept. The two Green parties united in Magdeburg between

7 and 9 September, and the two SPDs joined forces in Berlin on 26–7 September. The CDU was the last to fuse, on 1–2 October. The East German CDU had first absorbed the Democratic Farmers' party and Democratic Awakening. The new party leaders were, from the western point of view, the old ones: Helmut Kohl, Hans-Jochen Vogel, and Otto Graf Lambsdorff. The two candidates for the chancellorship also stayed the same: Helmut Kohl and Oskar Lafontaine. The latter was confirmed almost unanimously at the party congress in Berlin.

The Volkskammer ended its work on 2 October with a ceremony at the Schauspielhaus. This was intended as a counterbalance to the row that had occurred during the final regular session on 28 September. Vice President Wolfgang Ullmann of the Greens, after incessant tumult and over the protest of the prime minister, had read the names of fifty-six delegates and ministers whom the relevant investigatory committee had identified as Unofficial Collaborators with the Stasi. (The session was closed to the public, but the Berlin *tageszeitung* published numerous names on 1 October. According to its report, thirty-five of the people Ullmann named belonged to the CDU.) There was no more talk of such things at the ceremony. Lothar de Maizière called the passing of the GDR from the world stage 'an hour of great joy' and a 'farewell without tears'. President Bergmann-Pohl (who had refused to read the names on 28 September, citing reasons of conscience) declared: 'We have fulfilled our task of achieving in free self-determination the unity and freedom of Germany.'[15]

FROM 3 OCTOBER TO THE FIRST PAN-GERMAN ELECTIONS

A massive crowd gathered on the Platz der Republik in Berlin on the evening of 2 October. At midnight the 'Liberty Bell', donated to Berlin by American citizens in 1956 as a gesture of solidarity, sounded from the Schöneberg city hall. A large black, red, and gold banner was elevated in front of the main entrance to the Reichstag to the cheers of hundreds of thousands. President Weizsäcker stepped up to the microphone and said: 'The unity of Germany has been achieved. We are conscious of our responsibility before God and humanity. We wish to serve the cause of world peace in a unified Europe.' Then wind soloists and a choir intoned the 'Deutschlandlied', and the crowd sang along. 'Unity and right and freedom for the German fatherland.' Fireworks followed.

Official ceremonies were held in the Berlin Philharmonie on 3 October. The first to speak was Sabine Bergmann-Pohl. (In addition to being president of the Volkskammer she had also been acting head of state in the GDR since 9 April.) She called German unity a gift of history. 'The Christians among us will recognize God's grace at work. But this unity in freedom does not stand against the interests of our neighbours. It will take its place within a greater Europe.' The former citizens of the GDR were not expecting

the land of milk and honey, but rather a country in which we can develop our energies, a country, also, of sharing in solidarity . . . Today we have every reason to celebrate the first day of German unity. We also have every reason to see the false paths of German history for what they were. Auschwitz will remain an everlasting warning for us.

It was the president who gave the main address. Weizsäcker placed the reunification in the larger context of German and European history.

For the first time we Germans are not one of the points of contention on the agenda of Europe. Our unity was not imposed upon anybody, but freely agreed upon. It forms part of a pan-European historical process, one that has as its goal the liberty of the peoples and a new peace order on our continent . . . We now have a state we no longer look upon as provisional, whose identity and integrity is no longer contested by our neighbours. On this day the unified German nation takes its recognized place in Europe . . . The unification of Germany is something other than a mere expansion of the Federal Republic. The day has come on which, for the first time in history, the whole of Germany takes its lasting place in the circle of western democracies.

On the next day, 4 October 1990, a pan-German parliament met in the Reichstag for the first time since 9 December 1932. The constitutive session of the expanded Bundestag was convoked by the president, Rita Süssmuth. In keeping with the Unification Treaty, it contained 144 delegates from the Volkskammer. Five members of what had remained of de Maizière's 'bourgeois' coalition, including himself, were appointed and sworn in as ministers without portfolio in the cabinet. On 5 October the Bundestag ratified the Two-Plus-Four treaty and then passed the new version of the voting law, made necessary by the decision of the Federal Constitutional Court on 29 September. The Bundesrat ratified the Two-Plus-Four treaty three days later.

On 14 October the citizens of the five new *Länder*, Mecklenburg-West Pomerania, Brandenburg, Thuringia, Saxony-Anhalt, and Saxony, elected their parliaments. With the exception of Brandenburg, where the Social Democratic candidate Manfred Stolpe took the top spot, the CDU emerged from all races as the strongest party, securing the prime ministerships in Dresden, Erfurt, Magdeburg, and Schwerin. The citizens of former East Berlin had to wait awhile before they could vote, since the voting law had scheduled the elections to the Berlin House of Representatives on 2 December, the date of the first pan-German elections. Until that day the city would have the West Berlin House of Representatives, the East Berlin *Stadtverordnetenversammlung* (a city council freely elected in May), a 'Berlin Unity Committee' put in place by the two bodies and with equal representation, and, on the government level, joint sessions of the West Berlin Senate and the East Berlin Municipality (*Magistrat*).

On 9 November 1990, the first anniversary of the opening of the Berlin wall, Kohl and Gorbachev signed the German–Soviet friendship treaty in Bonn. The German–Polish border treaty was signed in Warsaw on 14 November by Genscher and Skubiszewski. It confirmed what the Two-Plus-Four treaty