

determination to establish legal and institutional foundations to punish them.

The final session of the conference was devoted to a roundtable discussion, which was led by Jean-Philipp Reemtsma, Michael Fellman, Sir Michael Howard, Wilhelm Deist, Robert Toombs, and Jörg Nagler. Their presentations and the ensuing discussion touched many of the issues that have guided our considerations of total war throughout the conference series. Several of these issues are worth special mention. Reemtsma emphasized the cultural dimension of the problem, the fact that total war rested on the systematic simplification of distinctions between “us” and “them”—to the point where these contrasts could be portrayed as absolute. Wilhelm Deist offered some cautionary advice about positing an “age of total war.” The elements of total war, he argued, have been multiple—their roots have been historically deep, and many of them remain with us (as a glance at events in Africa during the past decade confirms). Robert Tombs suggested that the conceptual disagreements about total war reflect two different approaches to the problem, which he characterized as “nominalist” and “realist” or, drawing on another historiographical debate, “intentionalist” and “functionalist.” If the one stressed the professed ambitions of historical actors to wage something akin to total war, the other emphasized the indices or ingredients that defined the phenomenon. Finally, Michael Howard raised some troubling thoughts about the conflict that most have agreed was the most total ever fought. The sheer complexity of the Second World War, Howard observed, undercuts the effort to characterize it as total. The war was a profoundly different phenomenon in Washington and Leningrad, Hamburg and rural Bavaria. “Total war,” Howard concluded, “is not all of a piece.”

*Roger Chickering*

## JUDGING THE PAST IN UNIFIED GERMANY

Symposium at the GHI, October 3, 2001. Conveners: Robert Gerald Livingston (GHI) and Bernd Schäfer (GHI). Participants: A. James McAdams (University of Notre Dame) and Ann Phillips (United States Agency for International Development).

In his presentation, James Mc Adams argued that, compared to the enormity of the crimes committed by the Third Reich, the wrongdoings of the East German communist government during its forty-year rule pale into

banality. Hence the broad effort since 1990 to deal with the offenses of that regime may seem to be of secondary importance historically. Still, the thoroughness with which German authorities in the 1990s strove to deal with the GDR's record stands in stark contrast to the ambivalence displayed by the West German authorities in the 1950s when it came to the crimes of Hitler's rule. The GDR past has proven to be "masterable," and retrospective justice in united Germany has been a success.

McAdams's presentation focused on two of the ways in which the united Germany tried to come to terms with the past of the German Democratic Republic: the opening of the files of the Ministry of State Security (Stasi) and the investigatory commission of the German Bundestag. In his analysis he concentrated on four propositions that relate historical analysis to retrospective justice. First, the politicians, officials, and judges involved functioned as lay historians who brought their legal and moral categories to bear. Second, only three rule-of-law principles could be applied: guilt must be individualized, retroactive lawmaking is impermissible, and it should not be required of those being judged that they should have been heroes. Third, in the application of these principles, there proved to be considerable room for a flexibility that led to reasoned and careful judgments about what behavior should have been expected under the GDR regime. Fourth, the leaders of unified Germany, in pursuing retrospective justice, were constrained by the historical context. They did not have the option of not involving themselves in its pursuit. The only question was how to do so.

Drawing on her experience as an academic fellow with USAID, Ann Phillips began by pointing out the importance of historical truth in building the foundations of healthy, democratic societies everywhere. Getting at that truth is in itself a healing process, although McAdams's presentation had underscored the ambiguity of the process in Germany. Taking issue with McAdams regarding the adequacy of Germany's dealing with Hitler's legacy, Phillips pointed to the GDR's payment of huge reparations to the Soviet Union and to the Federal Republic's acceptance of guilt, its apologies to the victims, and its massive compensation payments. The Germans since 1945 have done a great deal to atone for the crimes of the Third Reich.

Although the German approach to the GDR's past was more multifaceted than that of other countries practicing retrospective justice, there were important shortcomings. First, as a general rule, vetting of civil servants on the basis of Stasi files took place mostly in the new, eastern states. Second, the work of the parliament's investigatory commission was highly politicized. An examination of the eighteen-volume commission report reveals the dominance of West German perspectives, while the views of GDR citizens were solicited only when it was convenient.

Thus the commission criticized the East German Lutheran Church's accommodations to the regime, for example, but did not challenge West Germany's *Deutschlandpolitik* to the same extent. And is it fair, Phillips wondered, to question the complicity of the East German "silent majority?" It should not be forgotten that the communist regime provided opportunities as well as limitations to some of its citizens; the dissidents did not necessarily want to unify with West Germany or adopt its system; and most citizens of all communist countries east of the Oder-Neisse, with the exception of Poland, accommodated to their regimes as well. In sum, the entire elaborate effort to deal with the GDR past has been politicized.

The second commentator, Bernd Schäfer, argued that the whole process of retrospective justice has led to polarizations that have been far uglier than McAdams suggests. To achieve unity among all Germans, it will be necessary to bridge the extremely sharp divisions within eastern Germany that derive not only from the pre-1990 past but also from the pursuit of retrospective justice after unification. In late 1990, those who had been disadvantaged or persecuted by the communist regime had tremendous expectations that all the wrongs of the past would now be righted. But even if there has been a huge gap of expectations in regard to achieving retrospective justice, the process has had an enormous learning effect. A truly informed public debate has ensued, and a huge amount of scholarly literature has been produced. From personal experience in eastern Germany, Schäfer testified to how eager ordinary citizens have been to discuss their GDR history and how shocked they often were when learning about it.

The opening of the Stasi files, Schäfer pointed out, provided a straightforward process for dealing with the communist past. Moreover, the files revealed an immense amount about how the GDR's dictatorial regime functioned—an invaluable lesson for historians on how all similar systems work. The consequences of the public disclosure of some files' contents, however, deserve harsher criticism than McAdams dealt out. The vetting of employees on the basis of the files has also led to inconsistencies and even some arbitrariness. The very same easterners who initially wanted to make a clean sweep of personnel later came to resent the dominance of western Germans in the jobs that opened up in the structures of the east.

Today, eleven years after unification, a degree of normalization has set in with regard to dealing with the GDR past. The period of a continuing stream of new revelations is over now. Passivity now prevails, not the personalized resentments of previous years. Of course, Schäfer concluded, the past is still being used by the PDS and its opponents as an instrument to help mobilize core constituencies. But the hostility of the

PDS and other parties in the East toward West Germans stems from the period since, not before, 1990. Dealing with that postunification period and its consequences rather than the GDR past is obviously the challenge for the political leadership of today's Federal Republic.

*Robert Gerald Livingston*

## THE FEDERAL CHANCELLORY AND GERMAN UNIFICATION

Symposium at the GHI, October 3, 2001. Conveners: Robert Gerald Livingston (GHI) and Bernd Schäfer (GHI). Speaker: Michael Mertes (*Rheinischer Merkur*, Bonn)

More than eleven years ago, in the historic year of 1990, October 3 as "Day of German Unity" crowned West German Chancellor Helmut Kohl's political achievements. Soviet leader Michail Gorbachev, who had merely sought to introduce perestroika in the Soviet system to modernize socialism, had unintentionally unleashed a chain of events that culminated in the dissolution of the Soviet bloc in general and the German Democratic Republic in particular. After Poland, Hungary, and the Baltic republics had started on a path of irreversible transformation into pluralist societies, the GDR dug in and preserved its Stalinist pattern of government and society for some time. But since the GDR was the only non-nation state in the Eastern bloc and was permanently challenged by the existence of comparatively affluent West Germany, the regime's stonewalling proved to be difficult and finally impossible in the wake of the Soviet changes. In late 1989, demonstrations on the streets of the GDR not only forced the opening of the borders and the fall of the Berlin Wall, but also soon led to ever increasing calls for German unification. Barely two months after the first major demonstrations in Leipzig and Dresden, the SED regime had basically been eliminated by December 1989.

Driven by these events, the West had to react. In the Federal Republic it was above all Chancellor Helmut Kohl who seized this unique window of opportunity to further German unification. Although he faced domestic political pressure from the SPD opposition and had just survived an internal revolt in the CDU, from November 1989 to October 1990 Kohl rose to the occasion to save his chancellorship and shape German history in the twentieth century. At that time Michael Mertes was leading the Planning and Speech Writing Department of the Federal Chancellery in Bonn, before he became a division head there until 1998. Currently senior