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978-1-107-08312-7 - Transitional Justice after German Reunification: Exposing  
Unofficial Collaborators

Juan Espindola

Excerpt

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# 1 EXPOSING UNOFFICIAL COLLABORATORS

## 1.1 THE DISCLOSURES OF RESPECT

Joachim Gauck was sworn in as president of the Federal Republic of Germany in 2012, after his forerunner left office prematurely amid allegations of corruption. His only serious but very distant contender was Beate Klarsfeld, who made a reputation for herself by hunting Nazi criminals. Her appointment as the candidate of Die Linke (the descendent of the East German Communist Party) was a political strategy to symbolically counter Gauck's political capital as one of the main architects of Germany's communist *Vergangenheitsbewältigung* (coming to terms with the past). Gauck was the first federal commissioner of the agency in charge of administering the files of the East German secret police. That Klarsfeld and Gauck were running for the presidency was a truly meaningful episode in German history – an outstanding record in promoting *Vergangenheitsbewältigung* (either in its Nazi or communist version) became a crucial political asset. In his first speech after being sworn in as president, Gauck alluded to the generation of 68ers. According to him, it was thanks to this generation that Germans began to raise questions about their responsibility in the crimes of the past and about their obligations toward victims of political violence. In his words: “This fact-based and values-oriented reappraisal (*Aufarbeitung*) of the past was not only a guide for us after 1989 in East Germany. It is also perceived as an example for many societies that have shaken off a totalitarian or despotic yoke and do not know how they should deal with the burden of

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the past.”<sup>1</sup> When it comes to figuring out how a society should go about addressing its problematic past, he said, Germany is a model.

But the model, particularly in the case of the second *Vergangenheitsbewältigung*, is not one that escapes controversies, expressed as acrimonious debates about the use of the secret files of the East German secret police, the infamous Ministry of State Security (Ministerium für Staatssicherheit, henceforth, the MfS) or Stasi. This book focuses precisely on these tensions, specifically on the use of the Stasi archives in reunified Germany to publicly expose individuals who were involved with that Ministry and wish to hide or deny their complicity. Through a multidisciplinary investigation of Germany’s second *Vergangenheitsbewältigung* and the intriguing figure of the unofficial collaborator or coworker, or simply “IM,” the acronym for the German (*Inoffizieller Mitarbeiter*), the book elucidates the heretofore-unrecognized complex relationships between respect, on the one hand, and victims and low-level perpetrators of past injustice, on the other hand. The book is based on the premise that though oftentimes caricatured, neglected, played down, or subsumed into other analytic categories, the figure of the unofficial collaborators is crucial for getting a handle on phenomena such as complicity in and responsibility for the preservation of oppressive regimes. Understanding the role of IMs in wrongdoing is as relevant as understanding that of leaders and other public officials. Unofficial collaborators are neither bystanders nor dictators or state bureaucrats: They stand somewhere in an ambiguous position between these two sides. Precisely this makes the unofficial collaborator, with an aura of ambiguity, such a challenging and intriguing figure to study.

Some preliminary information about unofficial collaborators, who need to be differentiated from public officials, is in order before going further. Under the German Democratic Republic (GDR), the secret police recruited a large number of citizens, usually on a temporary basis, to report on the activities of fellow citizens under its radar. In the entire course of GDR history, nearly 600,000 citizens were informers. According to some estimates, in 1989 about 170,000

<sup>1</sup> “Unser Land,” in *Frankfurter Allgemeine Zeitung*, March 24, 2012.

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citizens were active as IMs, most of them within East Germany. Between the 1960s and 1989, the total number of unofficial collaborators per year fluctuated between 120,000 and 200,000. This represents roughly 1 to 1.5 percent of the population at any given point during that period.<sup>2</sup> After the collapse of the GDR, the Stasi became the center of public ire, and IMs in particular were targets of public exposure. Dissident groups during communist rule, most notably the New Forum, orchestrated such exposures. At the very beginning, IM exposures were authentic witch hunts. Many of those accused of secretly collaborating with the Stasi as IMs were publicly shamed almost in a spirit of revenge, and not always on the basis of fully reliable information. The evidence for incriminating specific citizens came from selective and disorganized forays into the files left behind by the Stasi after the death of the communist regime. With the creation of the Stasi Records Office (Bundesbeauftragte für die Stasi-Unterlagen, or BStU) in 1990 and the appointment of Gauck, the process became structured and formalized. The government's resolve to facilitate and even encourage the exposure of all individuals previously involved with the Stasi did not falter.

On request, the BStU provides access to Stasi archives for citizens who were under Stasi surveillance, thus allowing them to learn who (if anyone) ever informed on them. It also offers information for the press and the government to carry out the so-called Stasi screening process, whereby public employees are inspected for past complicity.<sup>3</sup> More than 20 years after the establishment of the Stasi Records Office, interest in the files remains strong. A total of 6,793,201 requests and applications were filed before the BStU from 1991 to the end of 2012. They include 2.91 million applications from citizens

<sup>2</sup> See Helmut Müller-Enbergs, "Die inoffiziellen Mitarbeiter," in BStU, ed. *MfS-Handbuch: Anatomie der Staatssicherheit – Geschichte, Struktur, Methoden* (Berlin: 2008), 35–38.

<sup>3</sup> On these issues see Gary Bruce, "Access to Secret Police Files, Justice and Vetting in East Germany since 1989," *German Politics and Society* 25(4), 2008: 82–111; and Christiane Wilke, "The Shield, the Sword, and the Party: Vetting in Post-1989 Germany," in Alexander Mayer-Rieckh and Pablo de Greiff, ed., *Justice as Prevention: Vetting Public Employees in Transitional Societies*. New York: SSR, 2007, 348–400.

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to receive information or inspect their files; 1,754,838 requests for review by members of the public service; 27,730 applications from journalists and scientists; and 488,691 requests on issues of rehabilitation, compensation, and law enforcement.<sup>4</sup> This flow of information is the basis for publicly exposing former Stasi collaborators.

Citizens of all walks of life have been publicly exposed for collaboration with the secret police. It should not come as a surprise, however, that public opinion is particularly receptive to the exposure of prominent figures within the community. Some examples include writers such as Christa Wolf and Sascha Anderson; politicians like Manfred Stolpe, Gregor Gysi (both of whom deny having worked as IMs), and more recently, Kerstin Kaiser (who acknowledges her participation as an IM); and popular sportsmen and women, such as Katarina Witt and Ingo Steuer. There have also been tales of familial betrayal involving Stasi informers – husbands informing on their wives and brothers or sisters spying on their siblings. Two famous cases are those of historian Karlheinz Schädlich, who in 1992 was exposed for having spied on his brother Hans-Joachim Schädlich, an acclaimed German writer; and a more recent case involving Jenny Gröllmann, who was said to have informed on her partner, Ulrich Mühe, the star of the acclaimed film *The Lives of Others*, an accusation that she consistently denied. There is, of course, irony in the fact that in this film, Mühe played the part of a Stasi public official.

Whether or not it is still desirable or useful to expose IMs is a contested issue. A survey conducted in 2006 showed that close to 65 percent of Germans agree or strongly agree that an end should be put to asking whether or not people worked for the Stasi.<sup>5</sup> In a different survey conducted in 2008, in answer to the question of whether the exposure of IMs is justified or whether that policy should

<sup>4</sup> For some statistical information, see [www.BStU.bund.de/DE/BundesbeauftragterUndBehoerde/BStUZahlen/\\_node.html](http://www.BStU.bund.de/DE/BundesbeauftragterUndBehoerde/BStUZahlen/_node.html).

<sup>5</sup> Statista, “Halten Sie die Enttarnung von ehemaligen inoffiziellen Stasi-Mitarbeitern weiterhin fuer gerechtfertigt oder sollte ein Schlussstrich gezogen werden?“, in <http://de.statista.com/statistik/daten/studie/173483/umfrage/nicht-mehr-nach-stasi-vergangenheit-fragen/>. 3,421 individuals over 18 years of age were interviewed.

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be drawn to a close, 49 percent answered with the former, whereas 46 percent chose the latter; 5 percent did not venture any answer.<sup>6</sup> Put briefly, some people regard IM exposures as a form of victor's justice; others regard it as valuable input in Germany's second *Vergangenheitsbewältigung*.<sup>7</sup>

With this background in mind, which will be expanded on in Chapter 2, consider the following vignettes illustrating a frequent pattern followed in IM public exposures. Two of these vignettes describe the unveiling of two individuals, who before being exposed were unknown to public opinion. The final one refers to a public figure.

Thomas Klippstein was the manager of a luxury hotel in Germany – the Adlon in Berlin. In 2006, the newspaper *Hamburger Abendblatt* publicly exposed him as a past informer for the Stasi under the code name IM “Benjamin.” The exposure was based on information coming from the 58-page file that the Stasi Records Office had prepared on Klippstein. It included details about his activity as a collaborator in the GDR, mostly about his reports on other colleagues and guests of the Hotel Neptun, a prestigious hotel for clients such as Willy Brandt and Fidel Castro.

Klippstein's initial reaction to his public exposure was to enlist two lawyers who used all legal means at their disposal to intimidate newspapers and magazines that were disseminating his Stasi past, including the tabloid *Bild-Zeitung*, the newspaper *Die Welt*, and the magazine *Focus*. Among the legal resources put to the service of Klippstein's defense was the very German *Persönlichkeitsrecht* (right to personality), a right that in the United States would come close to the torts of privacy and reputation. Klippstein gained a few temporary injunctions from lower courts prohibiting further dissemination of news about his past collaboration. In the end, however, he suspended

<sup>6</sup> Statista, “Sollte man endlich aufhören danach zu fragen, ob jemand in der DDR für die Stasi gearbeitet hat?”, in <http://de.statista.com/statistik/daten/studie/195/umfrage/enttarnung-von-stasi-mitarbeitern/>. The poll had 1,000 respondents.

<sup>7</sup> On these writers and their exposure, see Dolores Augustine, “The Impact of Two Reunification-Era Debates on the East German Sense of Identity,” *German Studies Review* 27, no. 3 (2004): 563–578.

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his legal dispute and resigned from his position at Hotel Adlon, from which he probably received little if any support. Cornered, he did what he was expected to do all along – he showed public signs of contrition. He admitted that he had been a collaborator for the Stasi but pointed out, as IMs commonly do, that he collaborated only to protect his family, which in the GDR was under the secret police’s radar. He further clarified that he had taken the position at the Neptun to gain independence from his parents, as the communist regime did not allow him to finish high school. He did not see any opportunity to oppose the system. “I really lament that at that time I did not resist the pressure, and I apologize.”<sup>8</sup> Public reaction toward Klippstein’s statements was as predictable as the statements themselves. Characterizing them as excuses, a commentator writes: “To treason most GDR citizens said no. Klippstein said yes.”<sup>9</sup>

Consider now the second vignette. As will be seen later, Germany has pursued relatively strict lustration policies as part of its transitional justice measures. The belief driving lustrations is that public service must be purged of former Stasi personnel so that it is possible to reestablish a value that was lost during communist rule: trust, and particularly trust in government. Apart from public service, the media, particularly publicly owned media, is next in importance as a target of destasification policies.<sup>10</sup> Accordingly, in a 2008 broadcast on one of Germany’s largest publicly owned television channels, a senior reporter exposed a number of IMs whose identities he found in his own Stasi file. What one of them does and says, though, is particularly worth our attention. He is asked his opinion about the fact that a former unofficial collaborator is currently a fellow journalist at the same local newspaper where he works. He replies that we should not make too much of something that happened more than

<sup>8</sup> Sven Felix Kellerhoff and Uwe Müller, “Indiskreter Hotelier. Wenn Rechtsstaat und Stasi-Aufarbeitung kollidieren: Der Fall Thomas Klippstein,” *Deutschland Archiv: Zeitschrift für das vereinigte Deutschland* 6 (2006): 983–990.

<sup>9</sup> “Kein Opfer. Über die Unfähigkeit von IM über ihre Vergangenheit zu sprechen,” *Berliner Zeitung*, September 30, 2006.

<sup>10</sup> Hans-Joachim Föller, “Gestern IM, heute Redakteur beim MDR,” *Horch und Guck* 9 (2000): 45–46.

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20 years ago. He further says that every man should “receive a chance to rehabilitate himself through work.” He is also asked whether he had any involvement whatsoever with the secret police, which he rapidly (and somewhat stiffly) denies. The reporter is skeptical about this answer, so the next day he approaches him again and insists. Did he really have no relations to the Stasi? The individual finally admits his complicity. He used to be an IM: he wrote reports about other citizens’ activities for the Stasi. Does he consider it a mistake? the reporter asks. He yields: yes, he regrets his involvement with the Stasi; he admits he flagrantly erred.<sup>11</sup> Our beleaguered IM would have probably preferred his past affiliation with the Stasi to be kept secret and to “rehabilitate” himself through work. His personality type was common among IMs according to a recent study (he had no particular misgivings about his IM activity, performed it as “voluntary work,” and was even proud of having distorted some of his reports in order to benefit other citizens). He probably had, like another collaborator, “the sincerest hope that his file [would] molder quietly in an archive” and currently fostered “the modest ambition [. . .] to maintain a quiet life for himself and his family in unified Germany.”<sup>12</sup>

To conclude with these preliminary cases, take the public exposure of Christa Wolf, a popular writer and intellectual before and after the GDR. Even before the implosion of the communist regime, she had made it clear that despite her loyalty to the GDR, she was not a blind sympathizer of the regime. In this spirit, along with other intellectuals she strongly protested against the deportation of singer and dissident Wolf Biermann in 1976. In her barely encoded story, *Was bleibt*, written in 1990, she portrayed herself as a victim of the surveillance system. Only about two years after the story came to light, an examination of her file revealed that she had been an unofficial collaborator: IM Margarete. She wrote reports on fellow writers and even ventured evaluations about their fidelity to the official ideology. Of one, she said that in his journalistic work he would

<sup>11</sup> “Verdrängen, verklären, bereuen.” The interview is available at <http://daserste.ndr.de/panorama/media/stasi104.html>.

<sup>12</sup> John Schmeidel, *Stasi. Shield and Sword of the Party* (Routledge: New York, 2008), 49–53.

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eventually oppose the GDR. In another case she passed on personal details of another writer, namely that he was going through a “tense marital relationship.” This is the sort of personal information that the Stasi could later use to disrupt the life of a nonconformist or dissident citizen. It is difficult not to describe Wolf’s behavior as opportunistic, remaining silent over her involvement with the Stasi.<sup>13</sup>

These vignettes capture the features of what I am calling the public exposure of unofficial collaborators. In public discourse, the process is colloquially referred to as the *Enttarnung* (exposure) or *Enthüllung* (unveiling) of *Spitzel* (informers), as IMs are pejoratively called. The process is the following: A coalition of activists/moral entrepreneurs (at best) or a legion of scandal-seeking journalists (at worst) publicly exposes an ordinary citizen like Klippstein or public figures like Wolf as a Stasi collaborator. The justifications for carrying out such exposures vary, but they include giving victims of the Stasi something that is owed to them: the right to know who informed on them; holding informers accountable for their lack of courage in resisting injustice and for keeping their past hidden; and rebuilding trust in German society. Some IMs may then try to avoid wide public exposure by appealing to their alleged “right” not to be publicly shamed for their past conduct, a claim that finds a modest but telling resonance in German legal culture. Despite their efforts, they hardly ever succeed, and ultimately many of them end up succumbing to the demands for repentance and a public apology. In response, some groups in society are willing to engage with them to construct a reconciliatory environment; others are not so enthusiastic.

A generous amount of literature already documents the functioning of the Stasi (as well as that of other communist state securities) and the way in which its informers (and those of other secret police services in Eastern Europe) have been publicly identified, or subject to what Claus Offe calls “civic disqualifications,”<sup>14</sup> in the postcommunist era. However, none of these works systematically examines

<sup>13</sup> “Die ängstliche Margarete,” *Der Spiegel*, January 25, 1993, 158–165.

<sup>14</sup> Claus Offe, “Disqualification, Retribution, Restitution: Dilemmas of Justice in Post-communist Countries,” *Journal of Political Philosophy* 1, no. 1 (1993): 17–44.



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the link between these public unveilings, on the one hand, and the value of respect for and from victims and victimizers, on the other. In most scholarly accounts, and in public discourse of various actors in civil and political society, the exposure of unofficial collaborators may be understood as one or several of the following: truth-telling mechanisms and part of an unhindered debate about the past; shaming interpellations, whose purpose is to consolidate civic ideals; accountability mechanisms with retributive functions, that is, substitutes for criminal punishment for IMs, who, not having committed any crime and therefore not legally liable, are nonetheless subject to public criticism; symbolic reparations for victims of historical injustice in the form of a public apology, which is supposed to be offered by the exposed informers; and necessary, though insufficient, steps toward social and political reconciliation, a process that will restore civic trust and thereby provide the cultural transformation necessary to consolidate German democracy.

Respect and self-respect play an explicit normative role in some of these accounts. For example, John Borneman<sup>15</sup> emphasizes the importance of “restoring” dignity as one of the goals many institutions put in place after the reunification of Germany to address the legacy of communism. Furthermore, commenting on the work of the German equivalent of the so-called truth commissions, one of whose functions has been to facilitate and encourage public exposure of IMs, Meier argues that they carry out forms of “weak retributive justice” and contrasts them to instances of “strong retributive justice” (i.e., legal punishment). In both cases, he claims, the point of this form of retributive justice is “to reequilibrate the perceived power between perpetrator and victim;” to “mobilize belated public opprobrium against the perpetrators;” and to “publicly acknowledg[e] the suffering of the victim.”<sup>16</sup> Public identification of informers is

<sup>15</sup> John Borneman, *Settling Accounts. Violence, Justice, and Accountability in Postsocialist Europe* (Princeton, NJ: Princeton University Press, 1997); John Borneman, “Public Apologies as Performative Redress,” *SAIS Review* 25, no. 2 (2005): 53–66.

<sup>16</sup> Charles S. Meier, “Doing History, Doing Justice: The Narrative of the Historian and of the Truth Commission,” in Robert Rotberg and Dennis

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appropriate, in this viewpoint, because it is instrumental in recognizing the wrong inflicted on victims. This conceptualization of public exposures of IMs is partially accurate and reflects a broader trend in literature on transitional justice, particularly the more normative kind, which often includes the public exposure of former perpetrators as a social mechanism to reassert or protect the respect for victims of nondemocratic regimes.<sup>17</sup> Let us call these approaches *the conventional view of respect* in transitional justice scholarship.

I argue that the conventional approach is thematically constraining as to how the notion of respect is relevant for thinking about a political context like the GDR. This approach rivets the attention of transitional justice scholars to respect for victims, and even then, the way in which respect for victims is understood is rather narrow. Respecting, in this register, means only redressing: expressing recognition that harm was done to victims and identifying the possible ways in which victims should be offered moral and political repair.<sup>18</sup> Although this kind of redress is part of the story, and victims indeed have priority from a normative perspective, this need not circumscribe the scope of scholarly research. This book makes the case for drawing on a more

Thompson (eds.), *Truth v. Justice: The Morality of Truth Commissions* (Princeton, NJ: Princeton University Press, 2000), 268.

<sup>17</sup> There is nothing new about the idea that respect is at the forefront of many of the institutions and practices associated with the process of coming to terms with the past, in Germany and elsewhere. See for instance some of the essays in Rotberg and Thompson, *Truth v. Justice*: Amy Gutmann and Dennis Thompson, “The Moral Foundations of Truth Commissions,” 2000; Elizabeth Kiss, “Moral Ambition within and Beyond Political Constraints: Reflections on Restorative Justice,” 2000; and David Crocker, “Truth Commissions, Transitional Justice, and Civil Society,” 2000. See also, more recently, Margaret Urban Walker, *Moral Repair: Reconstructing Moral Relations after Wrongdoing* (Cambridge: Cambridge University Press, 2006); Ernesto Verdeja, *Unchopping a Tree* (Philadelphia: Temple University Press, 2009); Jeffrey Blustein, *The Moral Demands of Memory* (Cambridge: Cambridge University Press, 2008).

<sup>18</sup> On the current dissatisfaction with the compensation legislation for victims of abuses of human rights during the GDR, see David Clarke, “Compensating the Victims of Human Rights Abuses in the German Democratic Republic: The Struggle for Recognition,” *German Politics* 21, no. 1 (2012): 17–33.