

STRATEGIES OF COMPLAINT: INTEREST ORGANIZATIONS OF GDR STAATSSICHERHEIT COWORKERS AFTER GERMAN REUNIFICATION

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This article looks at the strategies of former GDR state, security service, and army personnel interest groups unified in the East German Board of Associations (OKV). The largest of these, the Joint Initiative for the Protection of the Social Rights of Former Members of Armed Bodies and the Customs Administration of the GDR (ISOR), aims to achieve the full restoration of the original pension rights of these groups—and especially of former Stasi members. Since its establishment in 1991, ISOR has chosen legal complaints as its main form of action. This strategy is accompanied by petitioning and sending letters to politicians. I argue that ISOR's choice of strategies is largely motivated by the organization's isolated position in German society, which makes successful political action unlikely. ISOR's demands are also directly linked to specific laws that can be protested in court. Yet the quickness with which a legal strategy was taken up in 1991 is remarkable and suggests that earlier experiences with legal procedures and petitioning in the GDR also influenced this choice. The paper is based on a broad survey of OKV publications, as well as on personal observations of OKV meetings and 29 interviews with members of different OKV organizations in Berlin in 2012 and 2013.

Keywords: Germany; GDR; Postsocialist Transformations; Stasi; Pension Law; Interest Groups; Petitioning

THE OKV AND ISOR

The East German Board of Associations (Ostdeutsches Kuratorium von Verbänden, OKV) was founded in October 1993 as an umbrella organization of 26 associations which identify themselves as advocates of specifically “East German” interests. Although the OKV officially claimed to be nonpartisan, most of the participating orga-

nizations were steered by members of the Party of Democratic Socialism (Partei des Demokratischen Sozialismus, PDS; today Die Linke), the successor party to the former socialist party of the GDR, the SED (Sozialistische Einheitspartei Deutschlands) (Patton 2011:72). In 2014, the OKV umbrella still comprises 24 organizations and claims to represent no less than 25,000 individual members.

While small OKV organizations have fairly modest goals related to the salvation of socialist monuments (like the Palace of the Republic in Berlin or the Ernst Thälmann Memorial in Königs Wusterhausen), the largest and most prominent OKV associations lobby for the financial and juridical interests of their members. On its official website, the OKV describes itself as “a network of initiatives and organizations committed to overcoming discrimination and deficits in the process of German unification,” and states that the field of activities of these organizations lies in the “fight for fair pensions and social security for the elderly, the defense of property rights of East Germans and of social justice in the broadest sense.”¹ Sensing that most Germans agree with measures taken against the former GDR elites, the OKV also seeks to change the historical view of the GDR, which it claims is currently distorted. This sense of being unfairly represented in current historiographical and political debates is shared by all organizations represented by the OKV. All of my interviewees—members and sympathizers of different OKV organizations²—argued in one way or another that they needed to defend themselves, and even more, their *memories*, against the negative image of life in the GDR and specifically of the GDR’s secret service (MfS or Stasi),³ for which many of them worked. Issues at stake are their loss of social status and income as well as the criminal prosecution of specific former GDR politicians and officials.

Three associations form the core of the OKV and are closely connected through personal relations between individual members and their leaders. The Society for the Protection of Civil Rights and Human Dignity (Gesellschaft zum Schutz von Bürgerrecht und Menschenwürde, GBM; estimated 2,000 members⁴) was established in response to high unemployment among former GDR elites. The Society for Legal and Humanitarian Support (Gesellschaft zur rechtlichen und humanitären Unterstützung, GRH;⁵ estimated 1,100 members) was created as a support group for erstwhile GDR functionaries prosecuted for actions they performed during their former occupations. In this article, I will focus on the largest organization in the OKV, the Joint Initiative for the Protection of the Social Rights of Former Members of Armed Bodies

¹ <http://www.okv-ev.de>.

² Throughout the article, I refer to people interviewed with their real names in case they are public figures or function as speakers of their respective organizations. In other cases I have made use of pseudonyms.

³ The Ministry for State Security, Ministerium für Staatssicherheit, was officially abbreviated as MfS but more commonly referred to as Stasi.

⁴ According to GBM activist Ina Schreiber (interview, August 6, 2013), at the end of 2012 the organization had 2,075 members. The group’s website still reports 3,000 members (<http://www.gbmev.de>).

⁵ <http://www.grh-ev.org>.

and the Customs Administration of the GDR (Initiativgemeinschaft zum Schutz der sozialen Rechte ehemaliger Angehöriger bewaffneter Organe und der Zollverwaltung der DDR, ISOR; estimated membership 25,000 in the early 1990s and 20,000 today⁶). Founded in June 1991 with the aim of achieving the full restoration of the original pension rights of former GDR secret service and military personnel, ISOR drew from the 91,015 official Stasi coworkers at the time the Berlin Wall fell (Gieseke 1996:44), not to mention former Stasi personnel already retired by 1990.⁷

From the start, ISOR decided to focus on filing constitutional complaints against regulations that truncated the pensions of former GDR elites. Its members have been using formal and juridical avenues to advocate what they perceive as their legal rights, and they avoided more direct political forms of interest representation. They also conduct massive letter-sending campaigns to national, regional, and local politicians of different political parties, as well as mass petitions to specific political institutions, such as the German parliament's committee for petitions, the ministries that deal with the issue of pensions, the German prime minister (Bundeskanzler), as well as leaders of parties which might possibly influence the opinion of the government or (part of) the parliament on the pension issue. This raises the question of why these particular strategies have been chosen. How do these strategies relate to the stated goals of the individual organization, the historical (self-)understanding of its members, and the historical experiences and mind-set of the organization's activists?

THE ISSUE OF STASI PENSIONS

In order to understand ISOR's strategies and actions we first need to look at the development of German legislation on GDR pension claims. In the Treaty on the Establishment of German Unity of August 31, 1990, the governments of the two German states agreed to unify pension law by transferring GDR pension claims into the FRG statutory pension system, "whereby unjustified benefits [were] to be abolished and excessive benefits [were] to be reduced, [so that] a better position (*Besserstellung*) [of certain GDR groups] compared to similar claims and entitlements from other public sector pension schemes should not take place." Benefits would also be reduced or abolished "when the entitled person violated the principles of humanity or rule of law or had in a grave manner used his position for personal gain or to the detriment of others."⁸ As a result, former Stasi officers saw their pensions decreased drastically,

⁶ <http://www.isor-sozialverein.de>.

⁷ With changing pension regulations, many of these employees lost a substantial part of their previously expected pension income. It should be noted that from the start the membership base of ISOR consisted primarily of elderly people who had a long career in the Stasi and who, therefore, derived the largest part of their pensions from their time with the secret service. After the dismantling of the GDR's secret service, elderly officials were also less likely to build up new careers in the unified Germany compared to their younger colleagues.

⁸ Vertrag zwischen der Bundesrepublik Deutschland und der Deutschen Demokratischen Republik über die Herstellung der Einheit Deutschlands [Einigungsvertrag] [Treaty on the Establishment of German Unity], August 31, 1990. BGBl. II at 889. Anlage II Kap VIII H III, 9b 1–2.

reflecting the new political system. This was achieved with the Pension Transfer Act (Rentenüberleitungsgesetz, RÜG), which was approved after unification by the new enlarged Bundestag parliament on July 25, 1991. With the RÜG, parliament kept the basic pattern of GDR social security intact but annulled special provisions. Article 3 of the RÜG, the Law on the Transfer of Claims and Entitlements for Additional and Special Retirement Schemes of the GDR (Gesetz zur Überführung der Ansprüche und Anwartschaften aus Zusatz- und Sonderversorgungssystemen der DDR, AAÜG),⁹ reduced the pensions of employees in a range of professions that were considered “close to the regime” (*staatsnah*) and also affected many groups other than former Stasi personnel (including cultural and scientific elites as well as directors of GDR state companies). However, over time most other groups were removed from the list of targeted professions (as will be discussed below), leaving Stasi personnel as the main target of this law.

Such pension reductions were meant to prevent a situation in which former GDR elites would continue to benefit from their previous service to the discredited SED regime through (relatively) high pensions stemming from their high salaries in the GDR. This rationale had already been agreed upon in treaties between the FRG and the GDR before unification¹⁰—and in fact the pension scheme of the Stasi was already abolished through a law adopted by the last and freely elected GDR parliament (Volkskammer) in 1990. According to this Volkskammer law, Stasi pension claims would be transferred to the (GDR’s) statutory pension scheme under special provisions with the “goal of adjusting [the pensions] to the [corresponding] level in the civil sector.”¹¹ These measures were at that time justified by Eberhard Stief, State Secretary in the GDR’s Ministry of Internal Affairs, by pointing out the physical and psychological torture of citizens conducted by the Stasi. According to Stief, all former employees of the Stasi were guilty of such crimes, independent of whether individual officers were directly involved (Merten 2012:25). This was a widely shared sentiment in the last Volkskammer and later also in the united Bundestag, where representatives of several parties repeatedly stressed that in the newly unified Germany former oppressors should in no way be better off than their victims. The initial reductions of Stasi pensions were thus motivated both by a more practical desire to level pensions in different sectors (also through the RÜG¹²), as well as by a desire to create a just financial balance under the new political

⁹ See paragraph 6 of the AAÜG, in which the special provisions of several groups close to the regime are annulled.

¹⁰ Including the State Treaty on Monetary, Economic, and Social Union (May 18, 1990) and the Treaty on the Establishment of German Unity (August 31, 1990).

¹¹ Gesetz über die Aufhebung der Versorgungsordnung des ehemaligen Ministeriums für Staatssicherheit/Amt für Nationale Sicherheit [StasiAufhG] [Law on Cancellation of Pensions], June 29, 1990, GBl. I at 501, no. 38.

¹² The ensuing Law to Amend the Pension Transfer Act (Gesetz zur Änderung des Rentenüberleitungsgesetzes) of December 18, 1991, abolished the GDR pension calculation system based on individual contributions and replaced it with a system based on individual pension earning points (*Entgeltpunkte*, EGPs). EGPs were calculated by converting GDR incomes and voluntary pension insurance payments into corresponding FRG earnings and subsequently into corresponding

order (through the AAÜG). A range of GDR (higher) functionaries saw their pensions reduced to the average GDR pension level or, in the case of former Stasi personnel, even below that.

ISOR'S RESISTANCE TO THE PENSION LAWS

Several initiatives emerged to oppose the new pension legislation. One of these organizations was ISOR, which initially grew out of a protest instigated by PDS representative Astrid Karger (b. 1957)¹³ against the abolition of state-provided health insurance for persons previously insured through special pension schemes (ISOR 2005c:54). As the main interest organization of former Stasi employees, ISOR right from the start began to lodge constitutional complaints against these pension reductions. And although many of its members rejected the new pension law (the RÜG) in its entirety—and on reasons of principle¹⁴—ISOR argued that a fundamental rejection of the transition had no chance of success. Instead, ISOR only objected to the specific law that reduced its members' pensions (the AAÜG), which it claimed to be “political” in nature. This objection was based on the principle of “value neutrality” (*Wertneutralität*) of welfare facilities, including pensions. Although few Germans were likely to sympathize with ideological arguments for higher Stasi pensions, it was assumed that there would be an interest (at least within the judiciary) in protecting the rule of law and that the courts could be convinced of ISOR's interpretation. By choosing this pragmatic strategy, ISOR's argumentation came to be completely grounded in FRG law.

pension points, with a yearly contribution limit of 1.8 EGP. The inclusion of voluntary and additional pension schemes within this contribution limit also meant that high pensions from the GDR would in all cases be truncated at 1.8 times the nominal (yearly calculated) contribution of the statutory pension scheme. In addition, several GDR pension provisions for specific professions were not covered under the new pension scheme, leading to so-called conversion gaps (*Überführungslücken*). This includes GDR pension claims of such diverse groups as nurses, ballet dancers, miners, and informal caretakers.

¹³ Astrid Karger was representative in the capital's district of Berlin-Lichtenberg. Her husband had been an MfS officer. Due to the concentration of Stasi headquarters and offices in Lichtenberg, many (former) Stasi employees lived (and continue to live) there.

¹⁴ Initially, some ISOR members advocated a principled struggle against the entire new pension law and favored fighting the general decision to change the GDR system of social security (*Systementscheidung*), whereas others argued for a more “pragmatic” approach, in which only those measures especially disadvantageous to ISOR's members would be fought against. Axel Azzola, a jurist at the Technical University of Darmstadt who in 1989–1990 acted as advisor to the GDR's Round Table (*Runder Tisch*) and who after unification became a prominent critic of GDR pension reductions, convinced a majority of ISOR members to focus on “political discrimination and pension reductions that exist within the federal German pension scheme” (Konschel 2012:99–100). He did so against the opinion of East German legal specialists Karl-Heinz Christoph and Ingeborg Christoph, who continue to represent many pension complainants in court by claiming the continued validity of GDR pension assurances (Wolfgang Schmidt, interview, November 28, 2013). Cristoph and Cristoph host a website on their work related to former GDR pensions at <http://www.os-trentner.de>.

At a press conference in January 1992, then chair of ISOR Astrid Karger announced:

We support...the complaints to the Constitutional Court to the effect that general punishment through social law be rejected as unconstitutional and as contrary to the rule of law, and we [demand] a fundamental change of the RÜG by the government. We do not want any privileges. We [just] demand that our insurance benefits are not valued as less than those of all other beneficiaries. (ISOR 2005c:68)

During the same event, Karger also denied allegations that ISOR was an “organization of former MfS members...who found each other in order to demand unjustified high pensions for themselves and to disrupt social peace” (ISOR 2005c:68). On the contrary, Karger claimed that ISOR had a moderating impact on its members. In her words:

ISOR was established...to help those affected (*Betroffenen*) to cope with their extraordinarily difficult social problems [caused by the new legislation] and to avert unjustified discrimination and generalizing condemnations that are brought up to substantiate unwarranted reductions of justified [pension] claims. Our activity should help to secure a climate, after unification and based on the constitution, that does not push people into social isolation and, on the basis of their acquired knowledge and skills [in their capacity as Stasi officers], into a *potential source of danger* for the free and democratic order. (ISOR 2005c:69, emphasis added)

The above quote is exemplary for the ambiguities in ISOR's self-presentation, especially in those early days. Obviously, ISOR was established as exactly an interest organization of former GDR functionaries—which Karger here denies. At the same time, and already at this early point, these interests were indeed defended through the avenues available within the constitution. This law-abiding attitude was even confirmed by Eckart Werthebach, president of the German intelligence service (Verfassungsschutz), who in June 1991 judged that ISOR was at that point “no concentration against the basic democratic order” (*Der Spiegel* 1991). Against this background it is remarkable that Karger referred to her clients as a “potential source of danger for the state,” thus implicitly confirming the public image of the Stasi as a shady and dangerous organization whose members were trained in violent and subversive activities. Throughout the following years ISOR would keep pointing out that the existing pension legislation “endangers social peace” and “blocks the integration” of GDR and FRG.

Writers of statements, letters, and petitions that mention this specific problem must demonstrate that they have the support of significant parts of society. This is one of the reasons why ISOR's juridical activities are usually supported by protest actions to the authorities or to certain public personalities, in which as many members as possible are encouraged to send letters or preprinted postcards signaling their agreement with ISOR's requests or demands (see below). Yet in its public state-

ments ISOR quickly stopped implying that former Stasi or GDR National Army (Nationale Volksarmee, NVA) officers might at one point engage in unconstitutional subversive action, and ISOR activists deliberately refrained from open agitation in order not to reduce their chances of juridical success.

It was, however, not obvious that their complaints would reach the Constitutional Court in Karlsruhe. In order to be accepted for scrutiny at this court of last resort, complaints have to meet strict criteria pertaining to their general validity. It must furthermore be proven that the issue could not be resolved by lower-level courts. Direct complaints to the highest court, which were indeed lodged by ISOR sympathizers, were, therefore, quickly rejected (ISOR 2005c:69). Instead of appealing directly to Karlsruhe, members of ISOR were instructed to file individual objections against decisions taken on the basis of the RÜG to lower-level social courts, from where the issue would ultimately reach the Constitutional Court. In the main office of ISOR in Berlin, as well as through local ISOR groups, a Working Group on Law (*Arbeitsgruppe Recht*) helps members with their pension issues; and ISOR's website provides instructions for the formulation of objections against pension insurance decisions, as well as models for writing petitions (under "Hilfen").

According to ISOR, by September 1992 its members had already filed around 1,400 complaints with lower courts (ISOR 2005c:71). In the first decade after the introduction of the RÜG law, ISOR members reportedly initiated around 23,000 lawsuits on the issue of special pension schemes, and an additional 3,000 lawsuits addressed supplementary pension schemes.¹⁵ ISOR furthermore employed several lawyers to produce juridical reports in support of their cause.

LIMITED SUCCESS

In addition to this juridical strategy, especially in the early 1990s, ISOR frequently staged letter-writing campaigns to the German parliament and to individual politicians or officials in order to advocate for the interests of its members.¹⁶ One tangible result of these campaigns was that in January 1995 representatives of ISOR and other interest organizations met for a "consultation" with then Secretary of State for Labor and Social Affairs Bernhard Worms (from the Christian Democratic Union Party [CDU]). On March 10, 1995, and again on February 1, 1996, Worms invited ISOR activists to discuss the new draft legislation in person (ISOR 2005c:91, 94, 105). Meetings with politicians of opposition parties PDS and initially also SPD took place on a more regular basis. Typically, ISOR's letters to politicians were accompanied by individual letters of numerous ISOR members composed along simi-

¹⁵ Konschel (2012:100) mentions these numbers for the law firm of Benno Bleiberg & Mark Schippert alone. ISOR speaks of "over 21,000 complaint and appeal procedures" that had been initiated by "7,500 ISOR-members and about 1,600 GBM members" by early 1996 (ISOR 2005c:105).

¹⁶ According to a press release of SPD parliamentarian Rudolf Dressler from June 1995, until that time 2,300 petitions for a change of the RÜG had reached the German parliament (ISOR 2005c:209).

lar lines, but adding their personal backgrounds and cases. In addition, postcards with preprinted messages were distributed in order to be signed and sent to specific politicians. The effects of such letter campaigns are difficult to estimate. On the one hand, the number of protest letters opposing existing pension regulations was repeatedly referred to in parliamentary debates by representatives in favor of changing the legislation.¹⁷ On the other hand, it seems that politicians unsympathetic towards ISOR's cause were little influenced by such letters, regardless of their numbers and content—in their replies they pointed to the relative marginality of former Stasi members as a group and argued that the pension reduction was legitimate. In response to a 1996 letter-writer who argued that a refusal to change the law would lead to continued instability in the territories of the former GDR because this would force him (as well as others) to “pass on a negative attitude towards the order of the FRG onto the generation of his grandchildren,” CDU representative Franz Peter Basten coolly noted that such an implicit threat “does not impress” him (ISOR 2005c:223).

In the meantime, the RÜG, including the AAÜG, was indeed several times changed by parliament. In 1993, the Pension Transfer Supplement Act (Rentenüberleitungs-Ergänzungsgesetz) saw several groups of GDR professionals removed from the list of pension reductions, and the pension reductions of some other groups were slightly amended. Smaller amendments to the law were made in December 1995;¹⁸ and following several proposed amendments to the AAÜG by opposition parties PDS, B90/Grünen, and SPD, as well as by the federal state of Berlin, new legislation in 1996 brought changes specifically to the RÜG's article on pension reductions (AAÜG-Änderungsgesetz). This reflects the wider dissatisfaction with the first versions of the law, and, indeed, groups other than ISOR had also protested and lobbied through political and juridical avenues. Significantly, however, there was never a majority in parliament willing to change regulations pertaining to former Stasi members, and, in fact, the Bundestag never changed the AAÜG in favor of former Stasi employees of its own accord, that is, without an order from Karlsruhe.¹⁹ Importantly, the other professional groups who did manage to see their pension reduction removed had argued that their work was of a *different* nature than that of the MfS and the NVA (Weidenfeld and Korte 1999:129–130; Knabe 2007:187).

ISOR's strategy was successful insofar as their petitions indeed helped trigger a number of Constitutional Court rulings that demanded AAÜG reforms. In response to several individual complaints referred via lower courts as well as to some direct con-

¹⁷ See for example, Deutscher Bundestag: Plenarprotokoll 13/108, *available at*: <http://dipbt.bundestag.de/dip21/btp/13/13108.asc>.

¹⁸ Artikel 7, “Änderung des Anspruchs- und Anwartschaftsüberführungsgesetzes (826-30-2)” [Article 7, “Change of the Law on the Transfer of Claims and Entitlements (826-30-2)“], 1995, BGBl 1 at 1835.

¹⁹ Likewise, the SPD and B90/Grünen government of 1998–2005 did not abolish the pension reductions for Stasi officials.

stitutional complaints,²⁰ the Constitutional Court ruled on April 28, 1999,²¹ that the indicators used for identifying groups that had received “excessive benefits” (and thus became subject to pension reductions) were inadequate and that “closeness to the state” (being “*staatsnah*”) was in itself no automatic proof of such excessive benefits. This ruling forced the Bundestag to revise and explicate the indicators used. Yet in a second ruling of the same date the Constitutional Court justified the reduction of all MfS pensions on the grounds that former Stasi remunerations had been disproportionate.²² However, the Constitutional Court also ruled that no pensions may be reduced below the East German average, arguing that excessive reduction would drive people into poverty. As a result the Bundestag had to also increase the pensions of former Stasi members. ISOR and associated organizations reckon this as a success of their making and point out that without their legal action the original pension reduction might still be in place.²³ Yet paradoxically ISOR also openly dismisses that very ruling, because the decision that pensions should be raised was based on social, and not principal, arguments (ISOR 2005c:130–131). In fact, the ruling did not challenge the legitimacy of a reduction of pensions of former Stasi personnel and top politicians as such—and for this reason some activists regard the 1999 rulings as a defeat.²⁴

Thus the complaint culture of ISOR is not just about money; rather, the organization uses its juridical strategies also to demand a change in the dominant image of the GDR. The link between the law and historical memory is aptly described by Inga Markovits, who argued that,

Law routinely hands out verdicts of guilt and innocence. It defines our prototypes of model citizens and our opposites.... In doing so, law has developed rules on how to investigate the past: for instance, by assigning burdens of proof, or by devising criteria to distinguish reliable from unreliable evidence.... It is both an important source and an interpreter of history. (2001:514)

²⁰ The Constitutional Court rulings were issued in response to complaints lodged at the Federal Social Court by an erstwhile professor of Humboldt University, a former lieutenant of the National Police (Volkspolizei), and two former Stasi officers, at the Social Court Gotha by a former civil judge at a GDR regional court, and directly at the Constitutional Court by a senior physician and a Stasi colonel.

²¹ Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court] Apr. 28, 1999, available at: http://www.bverfg.de/entscheidungen/ls19990428_1bvl002295.html.

²² Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court] Apr. 28, 1999, available at: http://www.bverfg.de/entscheidungen/ls19990428_1bvl001194.html.

²³ Wolfgang Schmidt, interview, June 12, 2012. Schmidt (b. 1939) is a former Stasi officer and was the head of the group for Evaluation and Information of Department XX of the MfS (responsible for surveillance of the state apparatus, culture, church, and underground). He is cofounder and speaker of the Insiderkomitee (see footnote 27) and a board member and the current managing director of ISOR.

²⁴ Wolfgang Schmidt, interview, August 8, 2013.

From this point of view, it is easy to understand why ISOR is unhappy with Constitutional Court rulings on Stasi pensions so far. The feeling of injustice remains a central part of ISOR's and the OKV's narratives of repression in unified Germany. In particular, pension cuts are directly compared to the Nazi's denial of pension rights in the Eastern territories they had subjugated in World War II (ISOR 2005a; Konschel 2012:101). Such ideas resonate with ISOR activists who still cherish the antifascist foundation myth of the GDR, which justified the establishment of the GDR as a truly antifascist alternative to the continuation of fascist (personnel) structures in the capitalist FRG.²⁵

In this context ISOR members also indignantly refer to the fact that after World War II, pensions of West Germans who had been active in the Nazi state and military apparatus were quickly restored. In the early years of the FRG, the reorganization of the social security system after the defeat of the Third Reich was largely centered on pension reforms (Hockerts 1980). After the retreat of the Allied Powers, even those who had committed serious offenses in the name of the Nazi regime were largely exempted from imposed legal penalties and progressively regained their rights to social services. The administration in charge of carrying out these reforms largely consisted of old members of the fascist bureaucracy—whose “expertise could not be missed” (Hockerts 1980:107–108). According to Norbert Frei (2012:19), there was a general feeling that the Nazi past, as well as its repercussions, should be resolutely left behind (“*Schlussstrich-Mentalität*”) and that the German population had suffered enough from the war and defeat. The HIAG (Hilfsgemeinschaft auf Gegenseitigkeit der Angehörigen der ehemaligen Waffen-SS, Mutual Help Association of Former Members of the Waffen-SS) stylized its members as “victims of denazification” and demanded back their status and “honor,” which had in their eyes been wrongfully taken from them (Wilke 2011:15). Yet they hardly had to go to court over this: there was broad popular and political support for former Nazi perpetrators at least until the mid-1950s. The HIAG maintained contacts with all the democratic parties in the Bundestag, including the CDU and the SPD (109–112), and up until 1955, when the Social Democrats publicly repented of their lenient position, there was political unanimity about the need to restore the full rights of former Nazi soldiers and bureaucrats (except for the political leaders) (Frei 2012:130–131). The major obstacle for a full rehabilitation of Nazi officials' pensions in those years was not the parliament but rather the Constitutional Court—which maintained that the end of the Third Reich also entailed the end of its civil servant regulations (93–94). Thus, whereas the situation after 1945 was one of popular and political, but not legal, support for former perpetrators, after 1989 the situation was fundamentally different. This is greatly resented by ISOR members, who maintain that there was (and is, through continuing social rights of those former Nazis still alive) more support for former fascists than for antifascists.

²⁵ E.g., Eberhard Schulz, interview, July 9, 2012; Helmut Holfert, interview, July 10, 2012; Siegfried Mechler, interview, July 12, 2012; Gertrud Fischer et al., interview, July 12, 2012.

The idea that Stasi pension reductions stem from a tradition of anticommunism in the FRG is thus strongly present in ISOR's understanding of affairs. And this again feeds resentment against the political motivation of such pension reductions, which are understood by ISOR as targeting people based on their former capacity of pillars of socialist *ideology* rather than on their former *activities* and previous income *inequalities*. And in fact, because it is impossible to untie the connection between the GDR's state ideology and its undemocratic political order, such claims are hard to completely deny (and at the same time, OKV activists cannot deny that the GDR was undemocratic; as indicated above, they legitimate the former state on different, historical, grounds). Yet pension reductions clearly no longer target all (former) socialist elites. Changes made to the AAÜG²⁶ in response to the Constitutional Court's rulings of 1999 as well as to subsequent and largely similar rulings of June 2004²⁷ exempted almost all groups from the pension reductions with the exception of those who had worked directly for the Stasi (§ 7 AAÜG) or in positions of authority over the Stasi ("*weisungsbefugt*"; § 6 Abs. 2 AAÜG). In accordance with Constitutional Court rulings, the Bundestag did increase the pensions of these two groups to the average GDR pension, but it did not consider the option of further increasing their pensions, which was explicitly left open by the Constitutional Court. Even the SPD, which had in the past been more sympathetic to ISOR's cause, now maintained that it was best to leave the pensions at the ordained "average" level, in order not to stir up debates again (as indicated in a letter dated July 3, 2000, from Jörg Deml [SPD, Working Group on Work and Social Affairs] to an ISOR member [ISOR 2005c:240–241]).

RUNNING OUT OF OPTIONS

Thus, court complaints have so far not led to the full restoration of pensions for ISOR's core membership of former Stasi employees.²⁸ Yet ISOR remains convinced that filing legal complaints is the best strategy to eventually obtain full pensions for their members. In fact, the Constitutional Court rulings of 1999 and 2004 led to a new flood of complaints. ISOR now argues that it is unfair to continue a truncation of their pensions based on their alleged "excessiveness," while obviously many others who also received higher than average pensions were relieved of reductions.

²⁶ These changes include the Second Law Amending and Supplementing the Claims and Entitlements Transfer Law (Zweites Gesetz zur Änderung und Ergänzung des Anspruchs- und Anwartschaftsüberführungsgesetzes) of July 27, 2001, (retroactively valid from May 1, 1999) and the First Act to Amend the Claims and Entitlements Transfer Law (Erstes Gesetz zur Änderung des Anspruchs- und Anwartschaftsüberführungsgesetzes) of February 2, 2005, (retroactively valid from July 1, 2007); other changes were of little consequence for those still affected by the AAÜG.

²⁷ Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court] June 22, 2004, *available at*: http://www.bverfg.de/entscheidungen/rk20040622_1bvr107002.html; Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court] June 23, 2004, *available at*: http://www.bverfg.de/entscheidungen/l20040623_1bvl000398.html.

²⁸ Many of the military personnel left ISOR after their full pensions had been reinstated (Wolfgang Schmidt, interview, June 12, 2012).

According to ISOR, this is in direct opposition to three principles guaranteed by Germany's constitution: (1) the principle of equality (because they argue there is little difference between the MfS and the Nationale Volksarmee, whose former employees are no longer targeted by the AAÜG); (2) the principle of proportionality (because now, the higher the former salary, the higher the reduction, and pensions below the GDR average are not reduced at all); and (3) the principle of *Wertneutralität*, or value neutrality (as explained above).²⁹ In current publications, ISOR focuses on the first two points; these are the more pragmatic arguments to urge the Constitutional Court to once more consider their complaints against the Stasi pension cuts. Yet obviously the point of value neutrality remains the most important to ISOR itself. After all, ISOR is still fighting an ideological battle of principle, albeit with pragmatic weapons.

Yet the latest complaints of ISOR and its adherents have again been rejected repeatedly. On July 6, 2010, the Constitutional Court dealt with a complaint of (vice-) ministers of the GDR and decreed that it is indeed allowed to treat former coworkers of the MfS (§ 7 AAÜG) and their political superiors (§ 6 Abs. 2 Nr. 4 AAÜG) as one group, because they in general obtained benefits that were "not connected to their performance, and [that were] politically motivated" and "therefore excessive."³⁰ ISOR has responded to these setbacks by gathering more information on the Stasi's income structure, in the hope that such information, once complete, will force the Constitutional Court to revisit their complaint.³¹ For this, ISOR consulted documents in the documentation center of the Federal Commissioner for the Records of the State Security Service of the former GDR (Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes, BStU), which was established in 1990 to deal with the paper legacy of the GDR's former secret service and which has been directed by several prominent GDR human rights activists (including, from 1990 to 2000, current German President Joachim Gauck, after whom the BStU became known as *Gauck Behörde*). Not surprisingly, also the process of ISOR's data gathering was marked by friction: when at one point ISOR was denied access to certain information it instructed its members to support a protest campaign addressed towards then BStU director Marianne Birthler (ISOR 2005b:2). In 2012, ISOR once again went to the Supreme Social Court (Oberstes Bundessozialgericht, BSG), armed with a new juridical report. Although in the spring of 2013 this complaint was again not accepted for review, ISOR has remained undeterred. In an interview in the summer of 2013, ISOR's current managing director Wolfgang Schmidt maintained that they would continue fighting until

²⁹ See the latest juridical report (*Gutachten*) produced for ISOR by Detlef Merten (2012).

³⁰ Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court] July 6, 2010, *available at*: http://www.bverfg.de/entscheidungen/lS20100706_1bvl000906.html.

³¹ ISOR has worked for a long time on such reports. In 1999, the Constitutional Court declined a report on the income structure of the MfS by legal experts Manfred Kaufmann and Erich Napierkowski on the grounds that the information it presented was incomplete. In response, ISOR tried to complete its data by continued research in the archives of the Federal Commissioner for the Records of the State Security Service of the former GDR (Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes, BStU) (see ISOR 2005c:150–151).

the AAÜG is finally abolished; their complaint at the BSG should only be seen as another “hurdle” on their way to Karlsruhe.³² It seems, however, unlikely that the Constitutional Court will agree that new evidence presented by ISOR is sufficient ground for a new appeal. And after these last attempts, possibilities for juridical complaints within Germany seem to be exhausted.

This prompted ISOR and some related groups to also use international avenues to strengthen their demands. Attempts to start a model procedure (*Musterverfahren*) at the European Court for Human Rights were, however, unsuccessful.³³ Still, on May 20, 2011, the UN Economic and Social Council’s Committee on Economic, Social, and Cultural Rights, in its “Concluding Observations on the State” report submitted by Germany (2011), noted that “[t]he Committee is concerned about the discrimination in the enjoyment of social security rights between Eastern and Western Länders [sic], as reflected in the Federal Constitutional Court decision of July 2010 on the pension rights of former GDR ministers and deputy ministers.” The report is often cited in OKV publications as an example of how “the world” agrees that the ongoing pension reductions are unfair. Yet the UN report bears little consequences for the German state, and did not lead to any changes of the existing law.

This leaves ISOR in a situation of decreasing options for continuing their struggle, and it seems that many activists also understand that their cause is basically “lost.” At the same time ISOR will continue its efforts against the AAÜG. On the one hand, it does so because its members genuinely feel their rights are being violated. But equally important is, it seems, that ISOR’s very existence, as a common platform and support network for its members, has become largely dependent on the continuation of the legal complaints, which are commonly understood as ISOR’s *raison d’être*.³⁴ We should, therefore, also look at ISOR’s social functions.

ISOR AS SOZIALVEREIN

ISOR was from the beginning also conceived of as a social organization (*Sozialverein*). Established in a time of widespread resentment against the recently toppled GDR overlords, and especially against the MfS as the organization that upheld their undemocratic power, ISOR understood itself as a mutual support platform for former functionaries that now faced open hatred. To this goal, ISOR organized itself

³² Earlier, Schmidt still seems to have hoped that the matter could be settled at the BSG; yet also at this stage he was already suggesting that a new ruling of the Constitutional Court was the main goal of ISOR (Wolfgang Schmidt, interview, June 12, 2012).

³³ The process was supported by ISOR and other OKV organizations, including the GRH. See also the call for solidarity and donations to cover the process costs, issued by GRH chair Hans Bauer and Hans Modrow, the last socialist leader of the GDR (Modrow and Bauer 2011).

³⁴ See ISOR’s website (<http://www.isor-sozialverein.de/>) under “Was will ISOR?” According to ISOR’s statutes, the organization’s goal is primarily to offer help with problems stemming from its members’ former occupations, more broadly defined (<http://www.isor-sozialverein.de/>, “Satzung”). Yet Schmidt in 2012 still hoped that ISOR’s latest complaint at the Supreme Social Court would be accepted, in which case “ISOR can be abolished” (interview, June 12, 2012).

locally in Local Initiative Groups (Territoriale Initiativgruppen, TIGs), of which there were apparently still 188 throughout the East German provinces in 2007 (Berliner Verfassungsschutz 2007:32). These TIGs form the primary structure through which ISOR's members maintain social bonds, and they organize meetings and events for their members. The TIGs thus form members' personal and social connection to ISOR, whereas more general decisions about the course of action for advocating their pension rights are taken by ISOR's central board, which resides in Berlin. The board is elected in a delegate meeting by representatives from all TIGs for a period of four years.³⁵

On ISOR's website, little information can be found on its local groups; only the TIG of Neubrandenburg seems to host its own website.³⁶ Other groups regularly contribute to ISOR's monthly paper (*ISOR Aktuell*) with announcements but have no independent Internet presence. Yet on its website ISOR suggests it helps its members not only with pension issues but also with more practical aid—which should be organized through the local ISOR groups: "In the TIGs, ISOR supports its members through a locally differing [and] diverse community life as well as by encouraging and organizing help, especially for the support of the aged and the infirm."³⁷ This is done in order to "promote [its members'] sense of belonging (*Zusammengehörigkeitsgefühl*) through shared experiences and close social bonds."³⁸ Next to the consulting work offered by the central Working Group on Law, ISOR branches organize events and invite speakers about issues related to the GDR, in addition to museum visits and other trips. That the organization also has a social function, and is understood by at least part of its members as a community, can also be seen from its website, which has a special section with "offers, advertisements, notices, and information from our organization members."³⁹ This section is used by members who offer, for example, their holiday homes on popular East German vacation spots for relatively low prices to their companions. The social function of ISOR also seems to be growing in importance because of the increasing age of its members.

SHIFTING TO POLITICAL STRATEGIES?

The latest lack of success before the Supreme Social Court, as well as the loss of members due to old age and deaths, have recently spurred ISOR to look for a change of course. At the delegate meeting on October 21–22, 2013, it was decided to try to win new and younger members for ISOR and to become politically more active (ISOR 2013:3). This can be understood at least partly as a reaction to losing hope of juridical success. There have always been members who advocated a more political course, and some of ISOR's principal activists, including Wolfgang Schmidt, have also

³⁵ <http://www.isor-sozialverein.de/>, "Satzung."

³⁶ <http://www.isor-nb.de>.

³⁷ <http://www.isor-sozialverein.de/>, "Wie hilft ISOR?"

³⁸ <http://www.isor-sozialverein.de/>, "Was will ISOR?"

³⁹ <http://www.isor-sozialverein.de/>, "Von Mitglied zu Mitglied."

been very vocal and confrontational in debates about the GDR past.⁴⁰ Yet before the October 2013 convention, the strategy was always to keep confrontational politics outside of ISOR's direct activities.

However, there were also a few occasions where ISOR members took to the streets. One of these instances happened on March 14, 2006, on the occasion of a public meeting at the Stasi prison memorial of Berlin Hohenschönhausen. One of the official speakers was Berlin's Culture Senator Robert Flierl of the Linkspartei.PDS.⁴¹ Among the 300 people who attended the meeting were around 100 former Stasi employees (mostly elderly men) who, according to witnesses, formed a bloc and vehemently protested against the current historiography on the MfS. They angrily shouted and cursed speakers who talked about the Stasi prison at Hohenschönhausen, and they demanded to be allowed to tell the "real" story of the prison (Dobrinski 2006⁴²). Obviously, this made many of the former Stasi prisoners taking part in the meeting extremely uncomfortable; they experienced this coordinated appearance as a renewed psychological attack on their persons.⁴³ Unsurprisingly, the former Stasi members look back at the events very differently; they saw their effort to "speak up" against "false claims about the Stasi" as a public success. In their opinion, the Stasi has been continuously smeared with false allegations of extreme repression. Their activity at the Hohenschönhausen memorial was thus an attempt to collectively stand up against what they see as an "unfair" tainting of the Stasi's (and thereby their personal) past. ISOR's managing director Schmidt (interview, August 8, 2013) noted with satisfaction that it was still possible to mobilize a large group of former Stasi members—especially in the Hohenschönhausen district of Berlin, where many buildings of the MfS were located and where many of its former officers continue to live up to this day.

It is clear that many members of ISOR partook in this event; yet despite this fact, ISOR was not specifically identified by the authorities and by the press as one of the main protagonists. While the leftist Senator Flierl during and after the event tried to play down the incident (Schulz 2007), the Berlin CDU achieved that Berlin's

⁴⁰ Schmidt is also responsible for the website of the Insider Committee for the Promotion of Critical Appropriation of the History of the MfS (Insiderkomitee zur Förderung der kritischen Aneignung der Geschichte des MfS, usually referred to as Insiderkomitee), where he regularly writes controversial blog posts; in relation to such publishing activities he has been charged with libel several times. The Insiderkomitee website can be found at <http://www.mfs-insider.de/>.

⁴¹ The PDS was briefly named Linkspartei.PDS in the period running up to the merger with the WASG (Arbeit und soziale Gerechtigkeit – Die Wahlalternative, Labor and Social Justice – The Electoral Alternative) (2005–2007). After the merger was completed, the Party continued as Die Linke.

⁴² An account of the evening from the perspective of former dissidents can be found in a letter of Reinhard Dobrinski on behalf of the FORUM zur Aufklärung und Erneuerung e. V. (an organization of former GDR civil rights activists concerned with creating awareness about the GDR past) to Berlin's Mayor Klaus Wowereit (see Dobrinski 2006).

⁴³ In the letter of Dobrinski (2006; see footnote 42), the activities are described as fitting the traditional Stasi method of "psychological decomposition" of opponents (*psychologische Zersetzung*).

security agency (Berliner Verfassungsschutz, BVfS) produced a report on four OKV organizations; namely the GRH, GBM, ISOR, and the Insiderkomitee (see footnote 40). Yet this report described ISOR as merely an interest group mainly focused on material goals, which, by comparison with other OKV groups, stood aside (albeit approvingly) in ideological provocations.⁴⁴ The restricted tone of this report also resulted from a regional law of 2000, which removed the monitoring of “continued structures and activities” of former GDR intelligence services from the competencies of the Berlin security agency.⁴⁵ As a consequence, authorities in the federal state of Berlin have no official possibilities to monitor organizations with a concentration of former Stasi members except through publicly available information. The report written upon the request of the CDU (Berliner Verfassungsschutz 2007) clearly demonstrates this: it is completely based on open sources, above all on the Internet sites of the respective OKV organizations. To be sure, the Verfassungsschutz report notices that several OKV organizations, and especially the GRH and the Insiderkomitee, actively engage in “clashes” with representatives of the Hohenschönhausen memorial, especially through “numerous publications...that focus on the memorial and its director Dr. Hubertus Knabe in a defamatory way” (Berliner Verfassungsschutz 2007:21). Still, the report fails to mention ISOR’s role therein or the strength of the personal ties between the different organizations: both the GRH and ISOR are member organizations of the GBM, and all of them are members of the OKV. The Insiderkomitee in turn used to be a workgroup of the GBM and was led by current managing director of ISOR Schmidt who still hosts the Insiderkomitee website. The OKV umbrella organization as well as the GRH and ISOR furthermore all have offices in the Neues Deutschland Building in Berlin.⁴⁶ The GBM has its own office elsewhere, which is also used as a gallery to exhibit the work of GDR and other left artists.

At the same time it is apparent that the security agency does not see in these organizations a threat to Germany’s state and constitution. The report recognizes that all of these organizations use similar “patterns of argumentation” to “trivialize [problems] and to glorify” the GDR in general and the MfS in particular. The report clearly disapproves of the positions taken by the OKV organizations, and it also ac-

⁴⁴ Already before, former Stasi employees at several prison memorials adamantly rejected the personal accounts of former prisoners and trivialized Stasi prison conditions. This happened for example at the prison memorial of Bautzen. When in 2002 former Stasi officers presented their book *Die Sicherheit* (Grimmer, Irmeler, and Opitz 2002), in which they present their view on the history of the Stasi, a few people in the audience who attested to Stasi atrocities were scorned and called liars—demonstrating, according to former civil rights activists, the growing impudence of former Stasi members (Reiprich 2006).

⁴⁵ The new Law on the Reform of the Security Agency of the Federal State of Berlin also abolished the service’s independent organization structure and put it under the Berlin Ministry of Internal Affairs.

⁴⁶ This building (<http://franzmehringplatz.de>) used to be the main office of the SED newspaper *Neues Deutschland* (at Franz Mehring Platz 1, Berlin) and hosts several left-wing organizations.

knowledges that such positions, especially when they are voiced in a confrontational way, are painful to people who suffered from Stasi repression. Yet the Verfassungsschutz also notes that none of the organizations seems to be involved in revolutionary and anticonstitutional activities. Rather, these organizations are “collecting basins” of former GDR high functionaries who continue to condone the past because of their personal involvement (Berliner Verfassungsschutz 2007:9). And this, indeed, seems to be a rather adequate description of these organizations and their members—and the outcome of a conscious decision of these organizations to fight for their interests in a legal framework.

GDR CONTINUITY?

What we can conclude so far is the following: First, ISOR (as well as other OKV organizations) adheres to the new legality of unified Germany. Its activities are often legal in character, appealing to the state’s system of justice, even if ISOR claims that this system is unjust; its activities are therefore, ironically, aimed at the perfection of the legal system. In short, ISOR activists must have been convinced that they have a chance of success within this system. Second, their central grievances are focused on a small group targeted by a specific law; they do not struggle for broader political goals such as the restoration of state socialism, the historical bankruptcy of which they largely acknowledge in private conversations.⁴⁷ Third, ISOR seems to regard juridical steps and “conventional” political activities such as contacting of politicians and officials as more useful than “contentious” policies such as underground activities or street protests (the latter were often used by the PDS in the 1990s).⁴⁸

The reasons for this are manifold. ISOR’s isolated position indeed makes successful political action unlikely. Outside the group of OKV organizations and their sympathizers, few people support ISOR’s demands. Of the German parties represented in parliament, only politicians of Die Linke still hold more regular contacts with ISOR. Occasional attempts of OKV organizations to link up with broader leftist activism, including at demonstrations in April 2004 against the social policies of the SPD-B90/Grünen government (“Agenda 2010”), seem to have been on the whole rather unsuccessful. Individual ISOR members are also active in Germany’s (extraparliamentarian) communist parties DKP (Deutsche Kommunistische Partei, German Communist Party)

⁴⁷ In general, interviewees admit that state socialism did not work properly and was, therefore, doomed to fail. Most interviewees stress, however, that this was largely caused by “the international environment” of the time and say that they hope for a new and revitalized state socialism to prevail in the future. They readily admit that they will not live to see this happen and estimate that a new socialist state (in Germany) is at least “several generations” away.

⁴⁸ Here I am referring to the dichotomy between conventional and contentious political acts as it existed in the GDR and other undemocratic regimes. For unified Germany this distinction makes less sense, as most forms of public protests are generally accepted. I believe the terms are still useful in this discussion in order to highlight continuity and change in political practices. See also Lussier (2011:293).

and KPD (Kommunistische Partei Deutschlands, Communist Party of Germany); yet these parties are so small that ISOR's membership base in fact overshadows them.⁴⁹ Close association with these parties and other left extremist organizations would, furthermore, undermine ISOR's attempts to be acceptable for Germany's parties in parliament, as well as for the vast majority of Germany's population. At the same time, ISOR's demands are directly linked to specific laws that can be identified and protested in court. In this sense, it seems that ISOR has taken up the opportunity for action that was perhaps most readily available to them. And consequently, the recent decision to focus more on political agitation should also be understood as stemming from the realization that any attempts to become somehow acceptable within mainstream politics have failed. We can thus conclude that there were several reasons for ISOR to choose the strategies that it did with regard to the general political landscape in Germany.

Yet the quickness with which a legal strategy was chosen remains remarkable. It should be noted that this decision was already taken in the spring of 1991—only one and a half years after the Berlin Wall fell and almost immediately after German unification. Most East German citizens at the time struggled to understand the flood of new rules and regulations that came with the changed social and political order.⁵⁰ GDR law, moreover, had been abolished and replaced with FRG law almost overnight. For former Stasi members and GDR elites there were a number of additional problems. With the abolition of the MfS, all of its former officers lost their jobs (as did many other GDR citizens due to the closures and takeovers of former state companies). The Stasi was heavily resented as the symbol of repression in the GDR. And former GDR elites had lost their close contacts to the political leadership. Political decisions were now taken by a parliament that represented the interests of a country much larger than the GDR had been and which included as its main part the erstwhile FRG that up until recently had been understood by the GDR's officials as the main "enemy" of their state. And last, the complete reversal of the erstwhile political order resulted from protests of the GDR population against its leadership, which the Stasi, in its function of "shield and sword of the [SED] Party," had been unable to prevent. As Andreas Glaeser's study on the end of the GDR (2011) shows, this largely stemmed from the failure of the GDR's leadership, including the Stasi, to deal with dissent and criticism in constructive ways. Understandably, this left those who had been convinced of socialism's righteousness even more disoriented than others. Besides having to adjust to a new external reality, they also had to rearrange their understandings of how political and social reality was organized.

⁴⁹ The DKP has about 3,500 members (<http://www.kommunisten.de>). The KPD, established in 1989 by communist hardliners in the GDR who were dissatisfied with the new reformist direction of the SED/PDS, has an estimated 300 members (interview with former KPD member Eberhard Schulz, July 9, 2012; <http://www.k-p-d.org/>). A third communist organization, the MLPD (Marxistisch-Leninistische Partei Deutschlands, Marxist-Leninist Party of Germany), has an estimated 2,000 members (<http://www.mlpd.de/>).

⁵⁰ For an account of the effect of the political changes on private life, see Borneman (1991).

In this light, the rapidity with which ISOR and similar organizations engaged with legal procedures after unification begs additional explanation. Why were activists positively inclined toward—and indeed comfortable with—advocating their rights in courts already so early on? In the remainder of this article we will look at legal practices in the GDR and the way in which several OKV activists were engaged with such practices. Can ISOR's choice of strategies be explained by looking at the legal practice in the GDR? Or are they rather the outcome of changes in the political and legal system since 1990?

In the GDR's political culture, petitions were an officially sanctioned form of public discourse. The OKV membership largely comprises former GDR officials, most of whom had experience with standard GDR procedures to effectuate change (petitions, contacting of state and Party officials). My interviews⁵¹ showed that many OKV activists (most of whom were convinced socialists and often committed members of the SED and the GDR's official youth organization FDJ, Freie Deutsche Jugend) had in the GDR been active in neighborhood committees or as lay persons in social courts; the latter dealt with "lower level" legal procedures concerning issues at the workplace or in the neighborhood. These committees served as an interface between citizens and the state (Markovits 1986).

At the same time, former GDR officials lacked experience with contentious political activity, such as street protests, in order to voice complaints. Most OKV activists still describe themselves as socialists, and OKV organizations occasionally have joined protest marches organized by leftist parties like the PDS, but these activities do not focus on the core issues of OKV organizations; rather than *organizing* protests, OKV members are still, like they were during GDR times, *mobilized* to join demonstrations—although these are now oppositional in nature. Because of their compromised moral standing in society, organizations explicitly and exclusively advocating the rights of former GDR elites also are unlikely to mobilize broader support for protests.

Let us now look at whether the major OKV strategies have GDR precedents.

PETITIONING AUTHORITIES AND SUING THE STATE

In the GDR there were no vertical court cases: GDR citizens could not sue their administration. Citizens could, instead, contest administrative decisions through "lodging a [formal] administrative appeal with the office that [had] issued the decision" (Markovits 1986:698). Any verdict on the appeal would always remain within the framework of the GDR administration itself, without any outside (objective) review.

Complaints are regarded as useful to undemocratic authorities for several reasons. They provide feedback from the population and allow the authorities to respond to citizens' demands on an individual level, preempting collective action. Petitions thereby reinforce existing legal norms and political passivity. Petition-

⁵¹ For example, with Gertrud Fischer et al., July 12, 2012; Helmut Holfert, July 10, 2012.

ers appeal to authorities as loyal citizens and as unfair victims of otherwise reasonable policies rather than as critics of these policies (Fitzpatrick 1996; Alexopoulos 1999; Lussier 2011; Henry 2012). Because of their specific form, complaints thus offer the population a way of airing their grievances, without contesting the Party's claim to power.⁵² In his anthropological study of the disruptions in everyday life that East German citizens experienced after German unification, John Borneman (1991) also notes how under socialist rule citizens had become used to phrasing their claims as pleas to the state and not as demands. He refers to the case of Hildegard, an avid petitioner in the late GDR, and notes how "her petitions express and consummate a bargain. She presented herself more and more as what the state wanted her to be, in order to get from it what she wanted" (Borneman 1991:73).

Petitioning authorities also has a long tradition in Germany. Both the Frankfurt Constitution (1849) and the Weimar Constitution (1919–1933) granted all citizens the right to petition. And even in Nazi Germany this right was never *formally* abolished (Mühlberg 2004:30).⁵³ Moreover, petitioning authorities had also been a tradition in tsarist Russia, from where the activity was carried over into the Soviet era, and the authorities in the Soviet occupation zone of eastern Germany seem to have been actively soliciting petitions from the start. By 1953, a Decree on Petitions entitled GDR citizens to send petitions (*Eingaben*) on any subject to any political or economic institution of their choice, which was then obliged to reply within four weeks (58). Such complaints were easy to lodge, and they provided direct access to upper bosses in the administration and even to the government. In the four decades of SED rule, regulations that guaranteed the right to petition were altered and expanded upon several times, reflecting the interest the authorities had in this subject (Kästner 2006:59). Yet it was always the administration that decided disputes between itself and its citizens, and in their replies the authorities generally gave no legal explanations for their decisions (208).

Thus in the GDR complaints were an administrative and extralegal procedure. By contrast, the largest OKV organizations, ISOR and GRH, today focus on legal procedures to complain; only the FRG's legal system made this possible. Importantly, this adaptation to the new legal system significantly influenced the quality of complaints. Whereas nonlegal and internally reviewed complaints in the GDR encouraged political passivism, complaints filed in unified Germany imbue in citizens agency in relation to the state (cf. Henry 2012:2–3). Paradoxically, ISOR is a good example of this agency.

⁵² On a more general, nonlegal level, Andrew Port (2007) maintains that expressions of dissatisfaction were widespread in East Germany and regards the authorities' permissive attitude towards grumbling citizens an important source of the forty years of relative stability.

⁵³ The FRG also included the right to petition in its constitution as early as 1949. In practice, however, the strictly defined boundaries of what constituted a petition, coupled with other possibilities to solve problems with the authorities, meant that in the FRG petitions were not considered an adequate means to communicate with the authorities (Mühlberg 2004:36–40).

At the same time, OKV members also petition authorities in a style familiar to them from GDR times, including Bundestag committees, the Bundeskanzler, mayors, and senators, as well as political parties on both national and local levels. However, such letters seem to be largely subsidiary to other OKV strategies and are often used to generate documentation for court hearings.⁵⁴ In this way, these “letter petitions” lead to a conversation with various state bodies and officials, even if both sides only state their disagreement. Here the GDR experience is most convincing: as Felix Mühlberg noted in his book on the history of petitions in the GDR, citizens understood petition writing as a form of communication with their state (2004:9). Borneman similarly characterizes petition writing in the GDR as an attempt to engage authorities in a dialogue rather than as a simple demand for goods or services. Again commenting on the situation of Hildegard, this time on the occasion when she receives goods she petitioned for, Borneman observes: “Within two weeks [after submitting her petition], two pairs of shoes in the right sizes arrived in the mail. Hildegard was almost disappointed to get the mute package of goods. She preferred responses, through which the somnolescent authorities governing her life assumed voices and entered into dialogue” (1991:74–75).

Mass petitions, moreover, create publicity and thereby influence public opinion. Mühlberg argues that today this function of petitions “is becoming less important. This is mainly due to the fact that the media has established itself as an independent ‘fourth power.’ The detour via the petition no longer seems necessary” (2004:41). Yet OKV organizations still use petitions for their publicity function when they publish their petitions and the authorities’ replies on their websites and in their books and brochures, even when their audience does not transcend their own constituency.⁵⁵ In addition, mainstream media are regarded as unfair to the OKV cause and are, therefore, only of limited use to the organization.⁵⁶

⁵⁴ Several of such petitions and, in particular, the answers received from authorities have been published by the OKV (e.g., in several white books published by the GBM).

⁵⁵ The OKV and most of its member organizations host websites. According to Helmut Holfert (interview, July 10, 2012), the OKV website attracts several thousand visitors a month, although it is unlikely that these are unique visitors. OKV activists, furthermore, publish in related newspapers and periodicals (*Neues Deutschland*, *Junge Welt*, *RotFuchs*) and in their own publications. Books published by members and organizations linked to the OKV include the GBM’s *Weissbücher* on negative aspects of German unification (e.g., Richter 1992), as well as individual and collective volumes with articles on the same subjects (Buchholz 2006, 2011; Becker and Mechler 2007; Blessing and Mechler 2010); books with “insider views” on the MfS (Grossmann and Schwanitz 2010) and personal stories of Stasi spies in the FRG (Eichner and Schramm 2008); and books that document activities of individual OKV organizations, especially their dealings with the court in the past two decades (ISOR 2005c). A more complete overview of book publications by OKV organizations, activists, and sympathizers can be found on the website of the GRH (<http://www.grh-ev.org>, “Buchempfehlungen”). Such books are written for an in-crowd audience: a run of 3,000 copies is considered a success (Wolfgang Schmidt, interview, June 12, 2012).

⁵⁶ The understanding of mainstream media as being hostile was expressed by most of the interviewees, including Siegfried Mechler (July 12, 2012), Helmut Holfert (July 10, 2012), Rudolf Denner (November 8, 2012), Armin Klemp (November 7, 2012), and Gertrud Fischer et al. (July 12, 2012).

MEDIATION

Another possible GDR influence on the post-*Wende* activities of these associations is their experience with neighborhood committees as well as with the low-level and informal lay tribunals. The latter existed both at the (industrial) workplace in the form of conflict commissions (*Konfliktkommissionen*), whose main field of activity was labor law, and at the neighborhood level as dispute commissions (*Schiedskommissionen*). As Markovits argued, these committees were considered an integral part of the general East German court system, comparable to West German social courts (1986:690–692).

Access to such lay tribunals was free, and rules of procedure were purposefully kept simple to encourage audience participation (Markovits 1986:692–693). Yet, rather than focusing on restoring the rights of complainants, these tribunals were meant to reeducate offenders and to reach a collective solution to the problems at hand (693)—thus, to educate good socialist citizens. While the function of such institutions was, thus, to reduce the agency of citizens, most of my interviewees looked back on them quite warmly. In a group conversation with five OKV sympathizers, all of the interviewees admitted to have been members of their respective house collectives or renters' associations and described their association work as providing a kind of social glue for the community.⁵⁷ After 1990 they felt this social coherence was gone. Similarly, despite the obviously partisan and highly personalized nature of the lay tribunals, OKV members recalled these commissions as benevolent instruments for harmonious conflict resolution; and this they contrasted with the situation today, where (or so they suggest) there is no social control and safety network anymore and where minor mishaps easily lead to a "real" court process which then brands the minor offender as a "criminal."⁵⁸ Yet surprisingly, several of my interviewees who had been personally involved in court cases after 1990 acknowledged that the judges were "really independent."⁵⁹ Such statements reveal their acceptance of current court procedures and their admittance of the partisan nature of juridical procedures in the GDR. But OKV activists also clearly consider GDR justice on the whole as having been fair and even benevolent.⁶⁰ In this re-

⁵⁷ Gertrud Fischer et al., interview, July 12, 2012.

⁵⁸ Helmut Holfert, interview, July 10, 2012; Siegfried Mechler, interview, July 12, 2012.

⁵⁹ Wolfgang Schmidt, interview, June 12, 2012; Klaus Mueller, interviews, June 13 and July 11, 2012.

⁶⁰ In her study of a regional court in the GDR, Markovits (2006) also notes the attempts of judges to settle cases in a low-key manner, before they enter the court. Although this at least partly stems from practical considerations (such as time constraints), she argues that judges also acted out of a general (and at least for some, ideologically driven) concern for the citizens that found themselves before court. However, Markovits also notes that this does not count for so-called political cases, in which "punishments were hard and became harsher with the years" (2006:144). The idea that things are better solved outside the court—and the preference for solving problems through allegedly "warm" and "nearby" lay courts over "cold" professional courts—is also very strongly present among OKV activists. It should be noted here, however, that such personalized procedures obviously do not protect people against ruling opinion and the state.

spect, Mühlberg notes that “without doubt, the state acted in a paternalistic manner, but its citizens for a long time also accepted this form of rule” (2004:27). And this definitely counts for OKV activists, who on the whole were law-abiding and even enthusiastic citizens of the GDR.

It is thus clear that many of the OKV activists had experience with court procedures in the GDR—either as lay assessors and collective participants or (in some cases) as official judges. All activists were furthermore used to courts being easily accessible; this might have lowered their barrier to take complaints to court after unification. This also counts for personal disputes; former GDR elites, including PDS-Die Linke politicians, are quick to sue for libel anyone who insinuates that they cooperated with the Stasi.⁶¹ Conversely, ISOR’s managing director Schmidt has been sued for libel several times by Hubertus Knabe, director of the memorial at the former Stasi investigatory prison Berlin-Hohenschönhausen. In 2007, Schmidt was found guilty of unjustly having called Knabe a demagogue (*Volksverhetzer*) and in 2009 for the “false and offensive representation” of a former prisoner (Gedenkstätte Berlin-Hohenschönhausen 2009).

CONTACTING POLITICIANS

Contacting politicians is generally described as an individualized way of seeking personal redress (or that of a small group). Directed towards the personal rights of the individual complainant(s), such complaints are unlikely to result in widespread public mobilization and are instead looking for solutions “within the system” (Conge 1988; Lussier 2011; Henry 2012). Yet for ISOR, contacting politicians often transforms into lobbying political representatives as their (likely) support base; this is especially the case with regard to Die Linke. By influencing politicians, activists directly attempt to affect laws and regulations as they are produced in the political arena. Contacting politicians is, therefore, more overtly political than petitioning authorities.

Contacting is also highly dependent on political connections. Although there are several factors that affect the likeliness of citizens to get involved in contacting, including their socioeconomic position and level of education,⁶² it appears that the best indicator for citizen contacting is whether they have political ties (Zuckerman and West 1985:119). Especially in the early 1990s, OKV and ISOR leaders had clear ties to SED successor party PDS as all people close to the regime had been members of the SED until at least late 1989. And most of the OKV activists subsequently also became PDS members. In the early 1990s, the PDS party organization was still controlled by former SED cadres, and they frequently shared the views of the OKV. The PDS, which at that time also presented itself as an “eastern

⁶¹ So far, Die Linke’s Gregor Gysi has repeatedly and successfully sued persons and institutions accusing him of having been informal Stasi cooperator “IM Notar.” Nevertheless, there continue to be allegations to this effect (latest in February 2013).

⁶² Most OKV members obtained higher education, and, as GDR elites, their socioeconomic position was good at least until 1990.

German interest party," was even instrumental in the establishment of the OKV, which originally seems to have been intended as a "transmission belt" of organizations around the PDS (Patton 2011:73). Yet at that time the socialist party wielded only limited influence in German politics on a national level. When, over time, the PDS-Die Linke acquired importance on the political scene it only managed to do so by publicly criticizing its own SED-past and by openly distancing itself from the OKV and former GDR elites longing for restoration.⁶³ The paradox is that the more the PDS won influence in national politics, and, therefore, the more the Party could have achieved for the OKV, the less interested the Party became in providing such support. Not surprisingly, OKV activists responded with disappointment. Some even renounced their party membership, while others remained in Die Linke only as passive members.⁶⁴ The nature of relations with Die Linke has thus considerably changed over time, and the Party is no longer regarded as an automatic ally, although Die Linke politicians are still frequently contacted out of habit, ideological closeness, and past promises of support. Some OKV organizations still have active contacts with Die Linke, organized and maintained through the personal connections of individual members.⁶⁵ A lack of alternative partners within German politics also contributes to the continued attempts of the OKV to maintain relations with Die Linke. Yet a discussion at the OKV board meeting on December 12, 2013, also made clear that its members are divided on whether Die Linke is still of any use to the organization at all. According to a more skeptical board member, the OKV has to "reconsider [its] position towards Die Linke. Surely, we can all imagine how this party will further develop.... They just keep us in suspense, but they do nothing for us. To them we are only electoral cattle." This statement reflects the indignation many OKV members feel over their marginalization in society and even within their former Party.

⁶³ In fact, this process of distancing started very early. Already in 1991, then PDS leader Gregor Gysi stated that the Party was "not a trade union" and "also not a therapeutic organization" for former Stasi members (*Der Spiegel* 1991). At that moment, former GDR cadres, however, still made up the majority of PDS members. It can be assumed that one of the reasons the PDS supported the creation of the OKV was precisely because it led former Stasi officers to organize their activities outside of the Party structures.

⁶⁴ This is a bigger step than it might at first seem, considering that many OKV members had been Party members for several decades. From the interviews, it became clear that Klaus Wons (interview, July 10, 2012) and Eberhard Schulz (interview, July 9, 2012) left the Party; Helmut Holfert (interview, July 10, 2012) and Siegfried Mechler (interview, July 12, 2012) became passive members; Hans Bauer (interview, June 14, 2012) and Wolfgang Schmidt (interview, June 12, 2012) both were also not very enthusiastic. Only Rudolf Denner (interviews, July 10 and November 8, 2012) still champions Die Linke.

⁶⁵ This includes for instance the Freundeskreis Palast der Republik (Friends of the Palace of the Republic), which obtained financial support as well as space for its temporary exhibitions about the now demolished GDR's People's Palace from Die Linke. These contacts mainly rest on the personal connections and Party engagement of Freundeskreis speaker Rudolf Denner (interview, November 8, 2012). Moreover, the Freundeskreis focuses on GDR cultural heritage, an issue more capable of attracting broader support than the personal rights of former functionaries.

CONCLUSION

What becomes clear is that the strategies used by OKV organizations since the 1990s reveal a number of similarities with complaint and legal practices in the GDR, and we may assume that GDR practices at least contributed to the strategic choices of OKV organizations in unified Germany.

Continuity is most obviously found on the level of practice. OKV activists seem most comfortable using strategies that were available to them already in the GDR, including petitioning and contacting politicians. Although OKV members participate in demonstrations, they do not organize them, leaving this task to other socialist forces like the SED successor party.

At the same time strategies have clearly been adjusted to the reality of united Germany. The best example for this are the many legal complaints lodged by OKV organizations and, especially, by ISOR. Although legal complaints can be brought into relation with GDR legal procedures and patterns of petitioning, ISOR was quick to respond to the completely new quality that complaints obtained after unification: instead of innocuous pleas to authorities they bring legal complaints before neutral courts, using professional legal advice. Choosing legalistic approaches over mass mobilization is clearly also motivated by the very limited public support for OKV demands. The shrinking membership base of the OKV is furthermore exacerbated by the fact that those who pass away cannot be replaced by new members.

Yet the reliance on legalistic strategies also makes clear how the OKV actually functions within the parameters of the German state, thereby strengthening the system rather than weakening it. To be sure, many observers have depicted the OKV as a dangerous organization, mainly because its membership consists of former Stasi employees who continue to downplay GDR wrongs. When relating their life stories, many of the interviewed indeed lamented the fall of the GDR and decried the FRG's (social) injustice. And in addition to the incident at Berlin-Hohenschönhausen in March 2006, some former Stasi officers also visit the Stasi prison memorial individually to speak out against former victims who serve as tour guides. Yet at the same time, their activities to effect change show that OKV activists are obviously accepting the current political system rather than trying to radically change it. In this sense, the methods of the OKV groups reflect both their limited public support and their increasingly limited political contacts, as well as the specific character of their demands.

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INTERVIEWS

- Hans Bauer, Berlin, June 14, 2012.
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- Rudolf Denner, Berlin, November 8, 2012.
- Gertrud Fischer (pseudonym) and four friends, Berlin, July 12, 2012.
- Helmut Holfert, Berlin, July 10, 2012.
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- Eberhard Schulz (pseudonym), Berlin, July 9, 2012.

СТРАТЕГИИ ЖАЛОБ: ОБЩЕСТВЕННЫЕ ОРГАНИЗАЦИИ СОТРУДНИКОВ ГОСУДАРСТВЕННОЙ БЕЗОПАСНОСТИ ГДР ПОСЛЕ ОБЪЕДИНЕНИЯ ГЕРМАНИИ

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Благодарю неизвестных мне независимых рецензентов за полезные комментарии и предложения. Мне хотелось бы поблагодарить всех активистов Восточногерманского совета ассоциаций (OKV) в Берлине, согласившихся поделиться со мной своим личным мнением и опытом, в особенности Зигфрида Мехлера, бывшего председателя OKV (2005–2013), за помощь в организации интервью.

В этой статье рассматриваются стратегии борьбы общественных организаций, объединяющих сотрудников государственных органов, органов безопасности и армейских служащих бывшей ГДР и входящих в Восточногерманский совет ассоциаций (OKV). Самая крупная из этих организаций – «Совместная инициатива по защите социальных прав бывших членов вооруженных сил и таможенного управления ГДР» (ISOR) – нацелена на восстановление права членов этих групп (особенно бывших сотрудников Штази) на получение пенсии в полном размере. Со времени основания ISOR в 1991 году главным методом ее работы были судебные иски, сопровождаемые подачей обращений и рассылкой жалоб политикам. Я полагаю, что выбор стратегий, применяемых «Совместной инициативой», определяется прежде всего изолированным положением этой организации в немецком обществе, лишающим ее политические инициативы шансов на успех. Требования ISOR напрямую связаны с конкретными законами, и их вполне можно оспорить в суде. Однако «Совместная инициатива» избрала стратегию, сочетающую судебные разбирательства с административными жалобами. То, что данная организация избрала такой сложный способ борьбы за свои интересы в 1991 году, требует отдельного объяснения: можно предполагать, что выбор стратегии был в какой-то мере обусловлен предшествующим опытом ведения дел в суде и ходатайствования – еще в ГДР. Материалом для исследования послужили публикации Восточногерманского совета ассоциаций, личные наблюдения в ходе заседаний OKV, а также 29 интервью с членами различных организаций-членов OKV, проведенные в Берлине в 2012 и 2013 годах.

Ключевые слова: Германия; ГДР; постсоциалистические изменения; Штази; пенсионное право; группы интересов; жалобы