

Elite Circulation and Institutional Consolidation in Eastern Germany¹

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ABSTRACT

The dual regime change, revolution and unification, distinguishes the case of the former GDR from all other regime changes in the former Soviet empire and opened exceptional opportunities for adjustment to democratization and marketization. Administrative and political institutions were available, which had proven effective in the western part of the country since 1949. Furthermore, the exceptional circumstances of a dual revolution created extra-ordinary conditions for filling these institutions with life by enabling an extent of elite circulation unknown elsewhere. Political purge and elite import from the West are inspected as the most important mechanisms. Secondly, on the basis of survey data, the development of trust in institutions is analyzed. It is argued that the positive development in this respect might have to do with recruiting the administrative and judicial elites from the western part of the country, for they represent the new institutions and keep them under control.

1. INTRODUCTION

East Germany, the former German Democratic Republic (GDR), in 1989/1990 experienced, in addition to economic transformation, political change of a twofold nature: a velvet revolution leading to the implosion of the totalitarian political system in late 1989 and, owing to the subsequent unification with the Federal Republic of Germany, the loss of statehood and the adoption of the West German constitution. This *dual regime change*, revolution and unification, distinguishes the case of the former GDR from all other regime changes in the former Soviet empire and opened exceptional opportunities for adjustment to democratization and marketization. Not merely was there the opportunity to import capi-

tal from the rich western part of the country (and to help bring about economic transformation), blueprints of *administrative and political institutions* were available too for the newly established Länder, which had proven effective in the western part of the country since 1949. Third, the exceptional circumstances of a dual revolution created extra-ordinary conditions for filling these institutions with life by *enabling an extent of elite circulation unknown elsewhere*. Nevertheless, it is time to ask the more general question if political and administrative institutions have become consolidated by 1995. By drawing on my empirical research I shall deal in this presentation with two aspects of post-unification Germany:

– First, I want to compare elite circulation in the parliamentary and executive as well in the administrative and judicial branches of government; the overarching question is to what extent the old elite *was purged and where the new elite came from*.

– Establishing and filling with life the new institutions is a necessary but not a sufficient condition for institutional consolidation. Therefore, I want to address the question, *how these new institutions are accepted in eastern Germany*. What do we know about the trust in these institutions?

In focussing on post-revolutionary elite circulation and trust in institutions, it is supposed that there is a theoretical link between both aspects: elite recruitment and capability, it is assumed, will affect the legitimacy as well as the effectiveness of institutions. Although I cannot statistically establish this relationship, it is reasonable to presuppose that the extent of circulation in the political elite will primarily influence beliefs in the legitimacy of the new order. For executive institutions and the judiciary to function effectively, will depend on the professional expertise of the respective elites. Ultimately, satisfaction with the way the new executive and judiciary work will, in turn, affect the legitimacy of the political system.

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The empirical suggestion of this paper is that the relatively strong trust in institutions in eastern Germany that developed by 1995 was, among other things, brought about by high elite circulation that at the same time secured the expertise needed for running the executive and legislative branches.

2. ELITE CIRCULATION

Contrary to most of the analyses of classical revolutions, the recent works on breakdown of or transition to democratic regimes² focussed on the crucial role of elites in this process of achieving stable democracies. This recognition of the decisive role elites play in revolutions constitutes a paradigmatic change, for former comparative studies of revolutions have turned to the Marxist paradigm of explaining revolutions and their outcomes purely in terms of class struggle. Increasingly it has been recognized in studies of classical revolutions that, beyond economic and demographic factors, the (non-) reactions of ruling elites (Tilly 1975), their fragmentation or consensus (Higley and Burton 1989) as well as the fiscal state capacity (Skocpol 1979), and the resulting inability to ameliorate the lot of (growing) marginal societal groups (Goldstone 1991) are of critical importance for explaining crisis, breakdown and revolution. "The state", i.e. basically: the (rudimentary) bureaucracy on local and national levels as well as the ruling and competing elites was, since the 1970s, attributed increasingly more autonomy over socio-economic "structures", and thus politics during transition periods was brought back into theoretical models. In that respect, there is a convergence with those analyses dealing with more recent historical breakdowns of democratic or authoritarian polities (O'Donnell, Schmitter and Whitehead 1986).³

² The period between the *breakdown* of the ancien regime and relative stability of a new regime will be called "*transition*". Thus, terminologically Szabowski/Derlien 1993 differentiate between regime changes (revolutionary or not revolutionary), breakdown (in any case) and transition towards a new order (also in any case). As far as this transition occurs in a planned way, one could also speak of *transformation*, in particular of the economic subsystem. In Germany, it is customary to talk of Transformationsforschung and to neglect the broader framework of empirical theories of revolutions.

³ German transformation researchers hardly analyze elite circulation, although claims to that extent are being made and justified within the presently fash-

Traditionally, since Pareto and Mosca the question is raised about the reasons why old elites loose political control and circulation subsequent occurs. The most general answer is probably that they – owing to their power positions – could afford not to learn (Karl W. Deutsch) until they were ossified in the sense that their policies no longer responded to the exigencies of the system. Less simple is the answer where new elites come from. One reason why there was hardly a political counter-elite visible in the GDR in 1989, might be that organizing and maintaining (against potential counter-moves) an opposition is relatively easier to achieve in unstable democratic systems (like during the inter-war period) and even in authoritarian systems than it is in totalitarian systems of the fascist or communist type. Authoritarian systems (or the absolutist French ancien regime) allow at least for some opposition or for niches where potential counter-elites manage to exist in civil life. The question therefore is if in 1989 there developed new political elites at all and where they could develop; to what extent did they bring in new ideas or were just converted members, possibly of a younger generation, of the old system – an internal counter-elite or rather system critical elites?

Elite circulation induced by purges or resignations results initially in an *elite vacuum*. The extent of elite circulation and the intermittent vacuum can best be read from the rejuvenation of the elites (Derlien 1991a). The reason for this is that, in trying to adapt to the revolutionary claims for policy change, conformist elites tend to purge the party hierarchy and to recruit successors from within their parties and the state apparatus; this occurred in East Germany on the national and regional levels after Honecker had been replaced. Von Beyme (1993) argued that this is the more likely and connected to system collapse where the gerontocracy of the old regime prevented early rotation in office like in Czechoslovakia and the GDR. Only if *internal succession in the ruling party* is no longer possible for preserving power, outsiders or persons marginal to the old system tend to advance to the power centre and enter the transition elite.

A *systematic official (and not just party internal) purge* of the newly elected parliaments and the state bureaucracy was attempted – and met with resistance – in Poland, Czechoslovakia and East Germany. This negative elite recruitment

ionable "actor-oriented approach" in sociology; cf. Reißig 1995.

(von Beyme 1993) that aims at excluding former power holders from important public offices and parliaments could be afforded the larger the supply of new elite aspirants was to close the elite vacuum. In general, however, circulation in the political elites is rather a spontaneous process stipulated by candidate selection in the parties and through the electorate. Also, as von Beyme (1993) observed, a political purge was attempted rather in countries where the old system imploded (GDR and Czechoslovakia) than in countries with negotiated or evolutionary transition patterns. Also, it could be argued that a systematic purge is easier in the bureaucracy for its personnel policy is based on appointment and not on election. We shall see though that macro-structural factors and the lack of an elite reservoir limit systematic purges even here. Thus, there is hardly a country where converted communists did not return to power in the subsequent free elections.

Circulation of Political Elite

Table 1 displays elite circulation among eastern German members of various parliaments between 1990 and 1994. Thus, the implosion of the old GDR political system and the exclusion of the nomenclature is evident from the 97 percent newcomers in the last, freely elected GDR Volkskammer; only a few people, among these parts of the GDR transition elite like Modrow and de Maizière, managed to continue their careers. Furthermore, the new Länder parliaments elected in October 1990 consisted of 83 percent newcomers, who – by definition – had not held elective office before.⁴

⁴ Further down I shall have to qualify the degree of newness of these newcomers.

Although two month later in the Bundestag election 1990 merely 52 percent of the eastern German MPs started a new career in professional politics, most of those who had already been in the system, continued their career from the last Volkskammer; only 5 MPs had been members of the communist dominated 9th Volkskammer. Of course, no member of the pre-1990 nomenclature achieved a Bundestag mandate. But even of the system conformist counter-elite of the Modrow government and the first democratically constituted de Maizière government, there were only 5 ministers and three parliamentary state secretaries of the last GDR government represented in Bundestag.

Circulation among the political elite remained relatively high in the 1994 elections, too. Another 41 percent newcomer moved into the eastern Landtage then. This was partly the effect of electoral defeats of the Greens and successes of the converted communist PDS. Owing to the political survival of the PDS in the 1994 Bundestag elections, circulation among MPs in 1994 was lowest (31 percent), and a couple of MPs even continued their interrupted careers after earlier mandates in the Volkskammer.⁵

Recruitment to the 1990 Landtage⁶

How new were the politicians elected in October 1990? To what extent can they be regarded as part of a system critical counter-elite, or were they just less exposed functionaries of the old party structure? One indicator is the continuation

⁵ Among these, Maleuda and Luft (Economics minister in Modrow's government), both on the PDS ticket.

⁶ See for this paragraph Derlien/Stefan Lock 1994.

Table 1. Circulation of Eastern German MPs, 1989–1994

Parliament	election year	seats	MPs	new entries		career contd.	
				n	%	n	%
10. Volkskammer	3/1990	400	400	388	97	12	3
Landtage	10/1990	509	546	455	83	86	16 ¹⁾
12. Bundestag	12/1990	139	147	76	52	71	48
Landtage	1994	464	464	188	41	269	58 ²⁾
13. Bundestag	10/1994	136	136	42	31	82	60 ³⁾

¹⁾ 5 MPs (1%) from 9th Volkskammer

²⁾ 7 MPs from 10th Volkskammer (5) and 12th Bundestag (2)

³⁾ 12 MPs from 9th (1) or 10th (5) Volkskammer or Landtage 1990 (6)

of party membership: 222 of the 497⁷ eastern German MPs (45 percent) became party members mostly long before 1989; they were regarded old burdens ("Altlasten", a term normally referring to waste disposal). 150 MPs however (30 percent) joined political parties only after October 1989.⁸

Because of the changes, but even more owing to the continuity in the GDR party system, these categories were unevenly distributed among the factions. Among the successors of the reformed block-parties, the connections to the old system were more evident than among the new parties SPD and B90. Altogether, the newcomers were most frequent in the SPD with 82 percent (107 MPs). On the other hand, it was also visible that newcomers had become members in the old parties as well. In particular among CDU MPs there was new wine in old bottles, namely members of the former Democratic Take-off joined or were fused with the CDU. In turn, even among the new parties there were some who changed party books; they are the classical 'Wendehälse', turn-necks (literally translated). Consequently, *duration of party membership* varied in the factions between 17.8 years (Liberals), PDS (17.6), CDU (14.1) and roughly 2 years with the SPD.

Even more revealing than duration of party membership was, of course, the question whether MPs showed *continuous or interrupted careers* in public office or held consecutive mandates in the old and the new regime. In fact, 10 percent (51 MPs) revealed *continuous careers*. But the vast majority of 77% (383), for the first time in their career, had entered public office with their 1990 Landtag mandate. Another 12% showed an *interrupted career* that mostly reached back to the ancien regime. Therefore, together with the 10 per cent continued careers, those with *connections with the old system amounted to 23 percent of the new political Länder elite* – again with the expected variations between factions. The one structural factor that accounts for this continuity is the persistence of the major eastern parties owing to fusions with their western sister

parties. Thus, career channels were preserved, and due to the relative vacuum of uncorrupted candidates in these parties, people with long party memberships advanced into the Landtage.

Beside the division within the eastern German political elite in 1990 between old burdens and newcomers, there emerged a second divide: the east-west cleavage in executive elite recruitment.

Import of Executive Politicians

Another source of renewing the political elite is through import from abroad. Among the administrative elite this has a long tradition dating back to the 18th century: Necker in France (from Switzerland), Montgelas in Bavaria (from France) or vom Stein and Hardenberg in Prussia. By 1992, three of the 5 eastern German prime ministers were from the western part of the country.⁹ In general however, apart from international support organized by emigrees like Brezinski, among the political elite it was merely a couple of politicians who returned home and tried to play a role in politics after 1989: Tyminsky as a presidential candidate in Poland and Panic as a powerless prime minister in the remainder of Yugoslavia. Thus, von Beyme (1993) is correct in observing that there is ultimately a greater elite continuity in post-communist systems than there was in the post-fascist systems. This applies well to the Modrow cabinets (table 2), where new appointments in November 1989 were made from second ranking, younger members of the nomenclature (like Modrow himself) of SED and Block-Parties (de Maizière), who managed to persist into the second Modrow government. As in Hungary and Poland, in February 1990 Modrow faced the situation of a negotiated revolution when he tried to form his second cabinet. Representatives of the opposition groups and parties were coopted as ministers, thus extending the "round table" practice. Cooptations occurred also in parliaments as deputies (GDR) or successors to resigned MPs (CSFR) took over mandates – comparable to the Polish practice of renewing the Sejm in shifts.

The free Volkskammer elections of May 1990, though, brought about the ousting of the then PDS-ministers and an almost completely newly

⁷ This figure deviates from the 546 contained in table 1, for it does not account for the successors of those who had left the Landtage for various reasons during the legislative period; also, among the 509 initial MPs there were some MPs who had come from West Germany.

⁸ These percentages are though invalidated because for 125 MPs (25 percent) no respective data were available.

⁹ Münch (Sachsen-Anhalt) later on resigned. Vogel (Thüringen) and Biedenkopf (Sachsen) are still in office.

Table 2. *Circulation among Eastern German Executive Politicians, 1990–1994*

Government	inauguration	cabinet size/ no. of positions	career continuation from previous government	new appointm.	West Germans in cabinet
Modrow I	11/1989	28	10	18	0
Modrow II	2/1990	36	23	13 ⁵⁾	0
de Maizière	4/1990	23	2 ¹⁾	21	0
Kohl V	10/1990	23	1 ²⁾	4	18
Kohl VI	1/1991	20	2 ³⁾	1	17
Kohl VII	11/1994	17	1 ⁴⁾	1	15
Länder Governments PM, Ministers	10/1990	53	3 ⁶⁾	35	15
State Secretaries		62	0		
Länder Governments PM, Ministers	1994	50	26	24	14

¹⁾ de Maizière, Wünsche

²⁾ de Maizière

³⁾ Krause, Ortleb

⁴⁾ Merkel

⁵⁾ 8 without department/portfolio

⁶⁾ from de Maizière government: Hildebrandt, Platzeck (Brandenburg) and Meyer (Sachsen)

recruited cabinet de Maizière that included eastern CDU and SPD members.

The continuity thesis, however, definitely and characteristically does not hold true for the post-unification period. For, first of all, the GDR national executive apparatus was completely abolished owing to the merger with West Germany; thus there was neither demand of the particular expertise needed for running the executive nor could an elite vacuum come into existence due to purges at that level. Furthermore, for comparison's sake it has to be mentioned that no member of the last two GDR cabinets became a member of the last two Kohl cabinets; only de Maizière himself was coopted into the transition cabinet in 1990. Later on, only four former junior ministers of the GDR were appointed to the federal executive. In the successive Kohl governments, the eastern Germans became increasingly marginal in cabinet by 1994 and western recruitment dominated. Also, among the Bonn state secretaries, so far, there are no easterners. Only among the parliamentary state secretaries, eastern German members of the government factions could be accommodated.

Contrary to the considerable number of career continuations among the eastern parliamentary elite, the transitional GDR executive elite neither managed to take over the five new Länder gov-

ernments in 1990 nor in 1994. Only three former ministers in the de Maizière government moved into executive politicians' positions in Brandenburg and Saxony in 1990. The overwhelming majority of the 53 Länder executive positions were staffed with newcomers. Typical for the high degree of elite circulation is, though, that roughly one third was recruited from the western part of the country, mostly into positions of justice and finance ministers where easterners typically lacked the expertise for reconstructing the administrative and judicial branches. Despite considerable turnover in the Länder executives due to the 1994 elections and a couple of Stasi-related dismissals, the portion of western recruitment among cabinet members stayed the same. Although complete data cannot be presented yet, it might be said that most of the 62 (1990) and 59 (1994) state secretary positions in the new Länder bureaucracies were staffed with imported western career civil servants; only in the areas of environmental protection and agriculture, easterners were occasionally appointed. Staffing more administrative positions with easterners appeared functionally impossible, for eastern state functionaries, it was soon understood, displayed a high degree of politicized incompetence, measured against the functional requirements of a classical European bureaucracy (König 1992).

Purge and Import Elites in General

Elite transfer into administrative and judicial elite positions from western to eastern German bureaucratic and judicial offices was taking place at an unprecedented rate since 1990, thus enabling a comprehensive purge (Derlien 1991; 1993).

Again, the situation in eastern Germany proved atypical for the problems other post-communist regimes in eastern Europe have to come to grips with. Even where elite positions were to be politically purged or criminals of the suppression apparatuses to be dismissed, this was not an easy task to accomplish if political consensus was lacking. In the CSFR, the lustration law to purge the bureaucracy from party and secret police functionaries encountered serious parliamentary resistance and Dubcek declined to sign it; in Poland, core ministries during the Mazowiecki government were held by communist ministers – thanks to the negotiated type of transition – and subsequent purges were lacking, quite like it was the case during the Weimar Republic in the Reich administration.

That purges of the executive elite are normally limited in extent is not only the result of lacking political will, purges are also soon confronted with the dilemma of *finding competent substitutes*. Where can the new bureaucratic elite be recruited from in order to fill the vacancies created by the purge? And, how large an elite vacuum is tolerable? Max Weber was a sceptic judging from his experience in and observation of the German and the Soviet revolutions, respectively, when he stated that, because of its functional indispensability, the bureaucratic apparatus keeps functioning “for the revolutionary forces come to power or for the occupying enemy as it did for the previous legitimate government” (Weber 1964, 165) “with changing merely the supreme ranks, because this is in the interest of all those concerned – including the enemy himself” (ibid. 727 f.). This proved also to be true after 1989 as far as core bureaucracies including service bureaucracies had to carry on operating unless the entire socio-economic infra-structure was to be jeopardized. In eastern Germany, thus, at least top positions could easily be purged.

Of the various aspects that were finally regulated in the *unification treaty*, civil service matters were of particular practical importance and have some relevance for the theory of bureaucracy and elite theory under conditions of regime change.

The problem underlying the German situation in 1990 was the following: Contrary to the restoration of the traditional civil service in the West after the catastrophe of the Nazi regime, in East Germany the institution of the civil service was abandoned after 1945 in a revolutionary move and replaced by a uniform system of labour relations, which no longer differentiated between public functionaries, including cadres of the communist party, and “peasants and labourers”. Furthermore, the notion of neutral execution of office, like the overarching concept of *Rechtsstaat*, was alien to the communist system, while loyalty to the party and explicit partisanship for the case of “the masses” was the ultimate imperative. Like during the Nazi-period, not only was excessive stress put on political loyalty, but also the kind of expertise needed to run a democratic *Rechtsstaat* was no longer cultivated. In other words: owing to divergent developments in the East and the West over 45 years, Germany for the first time after a regime change in this century was facing the problem of *politicized incompetence* of public functionaries¹⁰.

Purging the Higher Ranks of the Executive Apparatus¹¹

East German functionaries could be set free for lack of qualification or lack of demand if agencies were abolished. As to the loyalty and moral aspects, Stasi-collaboration or offences against principles of humanity and legality in the past were to prompt unconditional dismissal. The same criteria were applied in the subsequent scrutinizing of members of the federal parliament (Bundestag) as well as of the five new Länder parliaments. It should be mentioned that it was decided early in 1991 that, unless the former (2.3 million) members of the communist party had fulfilled prominent functions, simple party membership should not be regarded an indication of a lack of future constitutional loyalty and thus does not constitute a criterion of exclusion from public service.

¹⁰ I have used this label in my 1991 and 1991a to come to terms with the empirical evidence. I should like to acknowledge in this essay that the category was developed by my friend Colin Campbell (1986, 16–19) in his analysis of White House functioning.

¹¹ See for specifics, Derlien 1993.

Before entering the stage of bureaucratized purge of public offices, the process had already started in the GDR, showing features more typical for revolutionary transitions:

- A *spontaneous purge* during the last quarter of 1989 when the entire old nomenclature (the system Honecker) were driven out of office by a younger communist, system-conformist counter elite, whose spearhead became the new Prime Minister Hans Modrow. The East German central parliament as well as the leadership of the communist and affiliated parties including regional office holders of the party machinery were ousted and the executive elite was sacked.
- When a new East German parliament was elected and the first democratic government under de Maizière was established, a first systematic purge of the bureaucracy started. This was motivated by the aim to dissolve the Stasi and prevent Stasi officials from moving into less conspicuous administrative positions. It is from this effort that the federal agency for the protection of the Stasi files later emerged. On 23 May 1990, all chief executives of the big public enterprises (Kombinate) were deposed by the Minister of Economic Affairs. On 22 July 1990, committees were established by the Volkskammer (parliament) for scrutinizing judges and state attorneys after a new law had been passed on 5 July 1990 to regulate the status of judges. At the same time committees were established in parliamentary bodies and the universities for purging these particularly sensitive areas. However, roughly half a year by October 1990 was not sufficient time to do the job properly and far-reaching into the lower ranks of the bureaucracy. Nevertheless, most of the no-

menclature, politicians and functionaries in various elite sectors had been ousted. Thus almost all former state secretaries disappeared under the first democratically elected government of de Maizière; also, most members of the high judiciary and generals (army, Stasi, police) as well as the directors of the industrial Kombinate and some 1,300 university professors had left office by October 1990.

- Finally, on 3 October 1990, the melange of the transitional period was confronted with the West German norms and job requirements of the public service. The ensuing *bureaucratic purge* process was at the same time more systematic, less emotional and more complicated because of the rule of law.

In the following, the purge process and its problems will be outlined in separate sections a) for the general administration and b) for the judiciary. Before, some information will be given on the operations of the Stasi-screening agency that is so crucial to the entire procedure.

Federal Agency for the Administration of the Stasi Files

By end of 1994, a total of 1.564.200 cases had been submitted to the Federal Agency for the Protection of the Stasi files; of these 1.114.557 were checked (roughly 80 percent). The majority of these cases concerned the public service.¹²

¹² Press release of the Bundesbeauftragte für Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik, February 1995.

Table 3. Personnel Scrutinies in the Public Service carried through by the Federal Agency, 1990-1993

	1990/1991	Jan.-June 1992	July-Dec. 1992	Jan.-May 1993	total (1990-1993)
cases entered	343.519	676.260	516.677	232.328	1.768.784
Public Service cases as % of total	100	25,0	68,3	64,3	57,4
cases completed	110.000	54.946	235.063	251.692	651.701
Public Service cases as % of total	100	64,6	57,2	58,8	70,5

Source: Erster Tätigkeitsbericht des Sonderbeauftragten für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik 1993, S. 80f.

Remark: Zusätzlich wurden in der Zeit von Januar 1991 bis April 1992 für das Bundesverkehrsministerium, das Bundespostministerium und das Bundesverteidigungsministerium sowie für den Bundesgrenzschutz 427.000 Personen auf hauptamtliche Mitarbeit für das MfS überprüft.

Table 3 exhibits the caseload involved in public service scrutinies only as contained in the 1st official report of the agency (1993). According to that source, roughly 1.8 million inquiries had been submitted by May 1993, of which 57.4 percent were related to the public service. Not contained in these figures (for what reason soever) are an additional 427,000 cases coming in between January 1991 and April 1992 from the federal ministries for traffic (railways), postal services and defense. In 1990/91, i.e. before federal legal regulation, 100 percent of the cases entered as well as accomplished concerned the public service. After the first wave of citizen inquiries in early 1992, the agency became again preoccupied with public service personnel. Nevertheless, even when individual citizens started inquiring about stasi files, public service cases completed kept priority and amounted to roughly 60 percent of the activities of the agency. (The time series though implies that the number of not yet finished scrutinies is climbing as the capacity of the agency had yet to be built up since January 1992 (with a planned staff of 3,000 employees, predominantly from eastern Germany, by the way).

By end 1994, 64,389 cases of Stasi collaboration were detected; that amounts to *10 percent of the public service turning out to be Stasi-positive*. This is, as the Stasi agency comments, ten times the average of the general population. The agency further predicts that the percentage of those who will turn out to have been Stasi collaborators will remain at the 10 percent level.¹³

However, as the agency is not a judicial body, these results tell merely part of the story, for not all those found "Stasi-positive" were also dismissed from public service. The employers, i.e. the ministries or local governments in charge of personnel affairs, have to judge every individual case, evaluate the validity of the information and assess the seriousness of the incriminated behavior. As a result only *about 1 percent is finally dismissed*.

Administrative and Judicial Elites

In the administrative branch the rule applies: *the higher the position, the larger the proportion of West German imports*; thus almost every state secretary in the Länder ministries is a West German. For example, although constituting only 27.4

per cent of the 1 428 public servants in the ministerial bureaucracy of Brandenburg the Western German share amounts to 52 per cent of the higher civil servants, reaching a maximum in the justice ministry (72 per cent) while eastern Germans dominate in rather technical ministries like agriculture or environmental affairs (Linde 1991, 295).

On the *local government level*, western officials played a less important role; Wollmann and Berg (1994) report findings from local governments in Brandenburg and Sachsen-Anhalt that show between 21 and 9 percent in permanent positions. This was somewhat problematic, because local government elections in May 1990 had brought mayors and county councillors into office who were mostly candidates of the reformist groups and thus administrative novices with experience in other sectors including the GDR economy (Berking and Neckel 1991); they faced the problem of getting along with "old cadres" in the administration (Scheytt 1992, 16; 1993).

With the rule of law the demand for *judges and state attorneys* (and solicitors as well as defense attorneys) increased considerably. Presidents and leading judges of the courts (including the new branches of the judiciary) were regularly recruited from western Germany, and the scrutiny committees were regularly chaired by high-ranking western judges, too. Although comprehensive statistics, once again, are not available, it was estimated relatively early after unification that two thirds of the applicants to the judiciary would be accepted on probation (Wassermann 1991). However, self-selection seems to have been strong: most of those who had held exposed functions or had dirtied their hands did not apply; therefore, reckoned on the basis of the former GDR judiciary, the continuation rate is actually lower. With comparable figures available for three Länder (Sachsen-Anhalt, Sachsen, Thüringen)¹⁴ depicting the situation in February 1992, we can estimate that, with variations among the three Länder, 52.5 percent of the applying judges and 46.5 percent of the applying attorneys were accepted on probationary terms. It is quite indicative that the acceptance rate of attorneys was 6 percent lower than that of judges, for they used to be particularly tough. Of all the jurists in the three Länder mentioned, who sought appointment, *53.9 percent were accepted*.

The scrutiny commissions suggested the

¹³ *ibidem*.

¹⁴ Figures are taken from reports in the Frankfurter Allgemeine Zeitung.

cleared cases to the Minister of Justice for appointment, but the individual ministers had the liberty to reconsider critical cases. Altogether 989 persons were taken over into the new judicial system by February 1992, i.e. 42.3 percent of the entire GDR judiciary continued in office.

In summarizing, it may be said that the purge process, although taking place under exceptional conditions of West German supervision and a western elite reservoir, turned out to be a cumbersome, time-consuming process with partly questionable results, except in the judiciary (and the universities). The alternative of a general amnesty was considered by politicians, in particular in the western part of the country, but the victims of GDR totalitarianism had a strong cause. In any case, for general historical and political considerations as well as for increasing the pub-

lic's trust in institutions, screening and purging those who aspire to public office (and only those) seems feasible.

Even in the new Länder parliaments, in a sore self-cleansing process, about 6 percent of the MPs and 5 ministers, so far, were revealed Stasi-collaborators.

3. TRUST IN INSTITUTIONS¹⁵

How did trust in institutions develop in the five new Länder (table 4)?

– Between 1991 and 1993 the level of confidence in all sorts of institutions was – not

¹⁵ Evidence in this section including tables 4 was kindly offered by my collaborator Stephan Löwenhaupt from his on-going doctoral dissertation.

Table 4. Trust in Institutions, 1984–1993

		Ranks											Means										
		'84	'85	'86	'87	'88	'89	'90	'91	'92	'93	'84	'85	'86	'87	'88	'89	'90	'91	'92	'93		
Const. Court	West:								1	1	2,8	2,8	2,5	2,6	2,4	2,2	2,5	2,5	2,2	2,1			
	East:								1	2								1,1	1,1	0,8			
Courts	West:	3	3	2	2	2	3	2	2	2	2	2,4	2,3	2,2	2,4	2,3	2,0	2,2	2,2	1,9	1,8		
	East:								11	2	2								0,1	0,9	1,8		
Police	West:	2	2	2	3	3	2	3	3	2	2	2,5	2,4	2,2	2,1	2,2	2,1	2,1	2,0	1,9	1,8		
	East:								12	5	5								-0,2	0,5	0,6		
Fed. Chamber	West:			-	-	-	-	-	4	4	5							1,7	1,2	1,1			
	East:								1	4	7							1,1	0,6	0,4			
Fed. Parliament	West:	4	5	4	4	4	4	4	5	7	7	2,0	1,7	1,7	1,9	1,4	1,4	1,9	1,6	0,7	0,7		
	East:								8	9	11								0,5	-0,1	-0,7		
Länder Government	West:			-	-	-	-	-	6	5	6							-	1,4	0,9	0,8		
	East:								6	7	5								0,7	0,3	0,6		
Federal Army	West:	4	4	4	5	4	4	6	7	5	4	2,0	1,8	1,7	1,7	1,4	1,4	1,2	1,3	0,9	1,2		
	East:								4	6	4								0,9	0,3	0,7		
Fed. Government	West:	7	7	6	5	7	8	5	8	12	12	1,6	1,0	1,4	1,7	1,0	0,8	1,5	1,1	0,2	0,1		
	East:								10	12	12								0,4	-0,5	-0,9		
Trade Unions	West:			-	9	9	9	8	9	9	11	11			0,7	0,8	0,8	0,8	0,7	0,8	0,3	0,2	
	East:								5	3	1								0,8	0,7	0,9		
Churches	West:	6	6	6	7	6	6	6	10	10	8	1,9	1,6	1,4	1,2	1,2	1,1	1,2	0,7	0,4	0,6		
	East:								7	10	10								0,6	-0,2	-0,5		
Television	West:	8	8	8	8	8	7	8	10	8	9	0,9	0,9	1,0	1,1	0,9	0,9	1,0	0,7	0,6	0,5		
	East:								1	8	8								1,1	0,2	0,1		
Press	West:	9	9	10	10	10	10	10	12	9	10	0,3	0,5	0,8	0,6	0,5	0,6	0,6	0,5	0,5	0,4		
	East:								8	11	9								0,5	-0,5	-0,3		
Parties	West:										13	13								0,2	-0,5		
	East:										13	13								-1,0	-1,3		

Source: Ipos-Surveys 1984–1993.

unexpectedly – below the western German level. On even level were only the churches, the press and the trade unions. Justice and police in 1991 were almost mistrusted (police: means = 0,2). Only TV was better appreciated in the East than in the West in 1991.

- More dramatically though, in the East trust in institutions further decreased between 1991 and 1993. Only police improved. Outspoken mistrust reigned towards Bundestag, federal government and (since 1992) political parties as well as churches and press.

However, the level of trust in the old Länder also went down. On average, all institutions between 1991 and 1993 lost 0.4 trust points. In particular core institutions like Bundesrat (0,6), Bundestag (0,9) and federal government (1,0) suffered from a loss of popular confidence. Political parties, in 1993, were even outspokenly mistrusted (-0,5) – a clear expression of the then observed general politics weariness of the German public. Analysis of trust in institutions, conducted between 1984 and 1990 in *West Germany*, reveals the following pattern: Until 1990 the Federal Constitutional Court, justice in general and police ranked highest, while control institutions and input institutions like the media and trade unions were relatively negatively assessed. Bundestag and federal government as well as the churches occupied middle ranks. Thus, the majority of institutions between 1984 and 1990 were – within this rank structure – positively evaluated. Thus, in both parts of the country trust in most institutions decreased since 1991. However, in western Germany only the political parties were overtly mistrusted, while eastern Germans in 1992 and 1993 mistrusted five institutions.

As to ranking, the data show that the Federal Constitutional Court, justice apparatus and police were constantly positively evaluated in the old Federal Republic, while trust oscillated in the East. *In entire Germany though the judicial institutions are particularly trusted whereas political input structures are differently evaluated in the east and the western part of the country.*

How can we explain the differences? First off all, social structural properties determine trust in institutions. In general, females, persons under 30 years of age, those with a low level of education and confessional affiliation to one of the churches as well as those, who are not members of a trade union, display stronger trust in institutions than males, respondents over 30, those with a high level of formal education, with no confessional affiliation and those being mem-

ber of a trade union.

Beside social properties, it is *party preference* that affects trust in institutions. In western Germany between 1984 and 1990, respondents with a preference for the governing Christian-Liberal parties displayed a stronger trust in institutions than those preferring the Social Democrats. However, significantly less trust than in both groups, occasionally even mistrust, was uttered by adherents of the Green Party.

This pattern has not changed in western Germany after 1990. However, in 1993 only persons with a preference for the Christian Democratic Union had still confidence in political parties, whereas all other groups tended to mistrust political parties. In the *new Länder*, party preference worked basically in the same direction. CDU voters had the highest trust in institutions. SPD voters in eastern Germany, already in 1991, showed mistrust in police and federal government. By 1993 this evaluation changed and *police and justice once again were positively evaluated*; however, institutions like Bundestag, federal government and press were still being mistrusted. Also, in the new Länder in 1993, it could be observed that contrary to western Germany, some institutions are only being trusted by CDU voters while all the other groups mistrusted them.

Most recent data, however, from another survey¹⁶ show that trust in institutions, in both parts of the country, has gone up between 1994 (election year) and early 1995. Trust is now only marginally higher in western than in eastern Germany. On a 7-point scale (7 = strong trust), eastern Germans, too, give the judiciary the highest marks (e.g. the new labor courts with 4.3 points). Police (4.3) and Länder governments (4.2) as well as local governments (4.1) occupy medium ranks. Even the new labor administration is positively evaluated (3.8) although unemployment is still at the 15 percent mark in eastern Germany. The agency for the protection of Stasi files is ranking lowest of all public institutions (3.5), however fares better than employer associations and big business (3.2). Furthermore, trust in that institution is slightly higher in the East than in the West. Thus, after initial mistrust eastern Germans are now evaluating the new institutions, in particular the judiciary and public administration, rather positively.

¹⁶ Allbus 1994, KSPWBUS 1995; for a full report see Derlien/Löwenhaupt 1996.

4. CONCLUSION

If trust in institutions has, by 1995, approached the western German level and might be considerably higher than in other countries of the former Soviet empire (Rose et al. 1993), this can be attributed to a number of background factors mentioned above. An additional structural explanation would be to relate the general acceptance of institutions and the implicitly associated degree of legitimacy and effectiveness to the people at the top of these institutions. Maybe, it is also the persons who represent institutions and not just the perceived function of institutions that are evaluated by the citizens. New elites in the new institutions, who are perceived as not being related to the ancien regime and as being competent, certainly contribute to the positive image of the respective institutions. Furthermore, it might be assumed that they effectuate the operations of the institutions, even when the rank and file members are easterners. It would probably not be overstating the case to argue that elites, perceived as legitimate and/or professionally experienced, are a necessary condition of growing trust in institutions.

I would be overstating the empirical evidence on trust in institutions if I singled out the most trusted institutions and checked against the depth of elite circulation and the extent of elite import from the western part of the country. First of all, the data base does not allow to do so; secondly, trust data are volatile; but, third, there is empirical evidence that forbids such a simple correlation. For, negative reactions to western advisers were frequently and increasingly observed since 1990. Western arrogance ("better wessis") and growing self-assurance in the new Länder seem to have contributed to increased sensitivity. The relatively higher remuneration of western advisers (100 percent salary plus "bush money") also stirred feelings of relative deprivation among easterners. Social acceptance of western Germans, who had gone East, was declining; whereas in September 1990, i.e. shortly before unification, 44 percent East Germans held eastward migration of "civil servants, managers and entrepreneurs" fully desirable and 13 percent partly desirable, by November 1992 those welcoming western aides had dropped to less than 20 percent.¹⁷ Criticism depended on whether the

interviewees had experienced status losses after 1989 and/or voted for the converted communist party PDS (Grundmann 1994, 38). Consulting in eastern Germany was occasionally uncoordinated (and possibly contradictory); practitioners talk of "consultation orgies". Possibly, the responses reflected rather western private management of the eastern economy, potentially perceived as destruction by the Treuhand, than the constructive role of western public servants and executive politicians.

There is a tendency though among western social scientists to explain also formal organizational diversity on Länder and local levels as endogenous (Goetz 1993; Wollmann 1994) and engendered by eastern German legacies. Despite the general transfer of national and Länder institutions, of course, there are indications of adaptation at the local and regional levels of administration (Goetz 1993). For, institutional diversity increased, as it was up to individual Länder to organize these matters. In particular, the local level was likely to produce organizational innovations. However, the time pressure of 1990/91 could explain why the dominant influence of western German Länder and local government partnerships (Bartella 1992; Klaus 1994) worked towards structural conservatism by advising eastern partners and importing personnel. In an analysis of the restructuring of the eastern German research sector, Renate Mayntz (1992) pointed out that the unmodified transfer of the western model was caused by a broad institutional consensus in the West.

Undeniably, therefore, West German organizational models were copied, but this process cannot be conceived of as transfer of a uniform western model, for there is nothing like this in a federal state with local government autonomy that leaves organizational matters to the subsystems. Therefore, institutional variations were bound to occur also in the East. The legacy thesis, when it refers to institutions as formal organization and not merely to people and value orientations in organizations, may be suited to foster eastern German feelings of identity, I doubt though that they do justice to this historical process. On the other hand, if political and administrative cultures are referred to¹⁸, legacies in terms of value orientations and skills are a matter of course; after all, Bavarian administrators, for a variety of reasons, might be more distinct from colleagues in Hamburg or Berlin than from their new colleagues

¹⁷ 14 percent in Sachsen-Anhalt and 20 percent in east Berlin; "just as popular as Turkish laborers", the author commented (Grundmann 1994, 36).

¹⁸ Solid empirical evidence was, so far, not provided.

in Saxony. What is keeping these local and regional cultures together, however, and secures some homogeneity with respect to the legal operations of public sector institutions, are federal institutions including national parties and, last not least, that part of the elite in eastern institutions that was imported from the western part of the country.

REFERENCES

- Bartella, Raimund et. al.: Die innerdeutschen Städtepartnerschaften. Deutscher Städtetag, Beiträge zur Kommunalpolitik 18, Köln 1992
- Berking, Helmuth/ Sighard Neckel: Außenseiter als Politiker. Rekrutierung und Identitäten neuer lokaler Eliten in einer ostdeutschen Gemeinde. *Soziale Welt* 42 (1991): 283–99
- Byrne, Klaus von: Regime Transition and Recruitment of Elites in Eastern Europe, in: Derlien/Szablowski (eds.) 1993, 409–37
- Campbell, Colin: *Managing the Presidency. Carter, Reagan, and the Search for Executive Harmony.* Pittsburgh Univ. Press, Pittsburgh 1986
- Derlien, Hans-Ulrich: Historical Legacy and Recent Development of the German Higher Civil Service. *International Review of Administrative Sciences* 57 (1991): 385–401.
- Derlien, Hans-Ulrich 1991a: Regimewechsel und Personalpolitik. Beobachtungen zur politischen Säuberung und zur Integration der Staatsfunktionäre der DDR in das Berufsbeamtentum. *Verwaltungswiss. Beiträge* 27, Bamberg 1991a
- Derlien, Hans-Ulrich : German Unification and Bureaucratic Transformation. *International Political Science Review* 14 (1993): 319–34
- Derlien, Hans-Ulrich and Stefan Lock: Eine neue politische Elite? Rekrutierung und Karrieren der Abgeordneten in den fünf neuen Landtagen. *ZParl* 25 (1994): 61–94.
- Derlien, Hans-Ulrich and George Szablowski (eds.). *Regime Transitions, Elites, and Bureaucracies in Eastern Europe.* Special issue of *Governance* Vol 6 (1993)
- Derlien, Hans-Ulrich and Stefan Löwenhaupt. *Verwaltungskontakte und Institutionenvertrauen.* Bamberg 1996.
- Goetz, Klaus H.: *Rebuilding Public Administration in the New Länder: Transfer and Differentiation.* *West European Politics* 16 (1993): 447–69
- Goldstone, J. A.: *Revolution and Rebellion in the Early Modern World.* Univ. of Cal. Press, Berkeley, Los Angeles 1991
- Grundmann, Siegfried: Zur Akzeptanz und Integration von Beamten aus den alten in die neuen Bundesländer. *Deutschland-Archiv* 27 (1994): 31–42.
- Higley, John/Burton, Michael G.: The Elite Variable in Democratic Transitions and Breakdowns. *American Sociological Review* 54 (1989): 17–32
- Klaus, Manfred: Städtepartnerschaften zwischen ost- und westdeutschen Kommunen. Ein Medium des Bürgerdialogs, der interkommunalen Solidarität und verwaltungspolitischer Integration. *Graue Reihe der KSPW, Berlin* 1994: 94–102.
- König, Klaus: The transformation of a "real-socialist" administrative system into a conventional Western European System. *International Review of Administrative Sciences* 58 (1992): 147–161
- Linde, Jürgen: Der Neubau eines Landes: das Beispiel Brandenburg. *Staatswissenschaften und Staatspraxis* 2 (1991): 282–303
- Mayntz, Renate: Die außeruniversitäre Forschung im Prozeß der deutschen Einigung. *Leviathan* 20 (1992):64–82
- O'Donnell, G.O., P.C. Schmitter and L.Whitehead (eds.): *Transition from Authoritarian Rule. Prospects for Democracy.* Johns Hopkins University Press, Baltimore; London 1986
- Reißig, Rolf: Transformationsforschung zum (ost-)deutschen Sonderfall – Blockaden und Chancen theoretischer Innovation. *Soziologische Revue* 18 (1995): 147–53
- Rose, Richard, Wolfgang Zapf, Wolfgang Seifert and Edward Page: *Germans in Comparative Perspective.* University of Strathclyde Studies in Public Policy 218, Glasgow 1993
- Scheytt, Oliver: Städte, Kreise und Gemeinden im Umbruch – Der Aufbau der Kommunalverwaltungen in den neuen Bundesländern. *Deutschland-Archiv* 25 (1992): 12–21.
- Skocpol, Theda: *States and Social Revolutions: a comparative Analysis of France, Russia, and China.* Cambridge Univ. Press, Cambridge 1979
- Szablowski, George and Hans-Ulrich Derlien: Regime Transitions, Elites, Bureaucracies, and the European Community, in: Derlien/Szablowski (eds.) 1993: 304–24
- Tilly, Charles: *Revolutions and Collective Violence,* in: F.I. Greestain and N. Polyby (eds.), *Handbook of Political Science.* Addison Wesley, Reading, Mass 1975: 483–55
- Wassermann, Rudolf: Zwei Drittel bleiben, ein Drittel muß gehen – Zur Überprüfung der Richter und Staatsanwälte in den neuen Bundesländern. *Deutsche Richterzeitung* 69 (1991): 244–247.
- Weber, Max: *Wirtschaft und Gesellschaft.* Mohr, Tübingen 1964
- Wollmann, Hellmut 1994. *The Institutional Transformation of Local Authorities in East Germany – between imposed and innovative institutionalization.* To be published in Klaus Goetz and Arthur Benz (eds.), *Transforming Governance in Germany: The Public Sector between Adaptation and Resistance,* forthcoming.
- Wollmann, Hellmut and Berg: Unpublished interim research report on a local government project. Humboldt University, Berlin 1994