

Michigan Law Review

Volume 96 | Issue 6

1998

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Recommended Citation

Mathias Reimann, *Takeover: German Reunification Under a Magnifying Glass*, 96 MICH. L. REV. 1988 (1998).

Available at: <https://repository.law.umich.edu/mlr/vol96/iss6/28>

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TAKEOVER: GERMAN REUNIFICATION UNDER A MAGNIFYING GLASS

*Mathias Reimann**

THE IMPERFECT UNION: CONSTITUTIONAL STRUCTURES OF GERMAN UNIFICATION. By *Peter E. Quint*. Princeton: Princeton University Press. 1997. Pp. xii, 482. \$75.

My first personal experience with the unification of my home country was an unlikely encounter in an unlikely place. In July 1990, I was strolling across the Ponte Vecchio in Florence when I saw something so bizarre that it stopped me in my tracks. At the southern end of the bridge, deep in the pedestrian zone — off limits to automobiles — and right in the middle of the tourist crowd, was a lonely car, occupied by four obviously disoriented people. It was not just any car but a small, drab, and amusingly antiquated vehicle puffing bluish smoke from a whining two-stroke engine. I barely trusted my eyes: it was a “Trabbi,”¹ the standard-issue East German automobile.

At this moment, I realized that the political landscape of Europe as I had known it no longer existed. In the world in which I grew up, citizens of the German Democratic Republic (GDR) were not allowed to drive out of Eastern Europe, and they did not have the Western currency to pay for such an adventure. There were simply no “Trabbi” on this side of the iron curtain. But in the previous fall, the Berlin wall had come down suddenly and, just a few days before my encounter in Florence, West German currency had been introduced in the GDR. Apparently these East Germans grabbed the first Deutschmarks available, jammed into their tiny car, drove across the previously impassable border, and braved the high-speed race on Western freeways in their hopelessly underpowered vehicle to make a dream come true: to drive to Italy and see a world they knew only from postcards.

As I watched these visitors from another world struggling to find a way out of their predicament, I understood that complete

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1. “Trabbi” is a nickname for Trabant (“Satellite”). For decades, the Trabant was one of only two models of cars made by the German Democratic Republic (GDR) that were available to the average East German consumer. With the exception of a few East European models, foreign cars were by and large unavailable. Technologically 40 years behind Western automobiles, it became a cultural symbol of the former GDR in the period after reunification.

unification would only be a matter of time. In the end, it came much more quickly than most people deemed possible.

I. A NATION REUNITED

Peter Quint's *The Imperfect Union*² describes and analyzes how, after forty-one years of separation, the two Germanies became one again. The story began to unfold almost a decade ago and has since become part of history. In order to understand what the book is about, it will be helpful to summarize briefly the major events.³

In the late 1980s, the economic and political crisis in Eastern Europe accelerated and deepened. As glasnost took hold and the USSR began to crumble, President Gorbachev informed the East German government that it could no longer depend on support from its mighty ally and would have to survive on its own. At this point, many GDR citizens sensed a historic opportunity to escape the communist regime. In late summer of 1989, in several Eastern European countries, East Germans attempted to break out by occupying West German embassies — including the one in East Berlin — requesting that they be taken to the West. On September 11, Hungary punched a hole in the iron curtain through which East Germans could escape when it broke rank with the Warsaw Pact states and opened its border with Austria. So many took advantage of the opportunity that the resulting hemorrhage threatened the very survival of the GDR.

At the same time, within the country itself, opposition to the communist regime took to the streets. The official celebrations of the GDR's 40th anniversary in the fall of 1989 prompted mass demonstrations against the government. Without backing from the Soviet Union, the regime did not dare quell the uprising and decided to yield. On October 18, long-time ruler Erich Honecker resigned and was replaced by the more moderate and reformist Egon Krenz. Yet, it turned out that all efforts to save the GDR — mocked by English speakers as the "Gradually Disappearing Republic" — in its current form had come too late. Desperately trying to relieve the mounting public pressure, the Krenz government opened the Berlin Wall late on the night of November 9, 1989. As East Germans flooded into the West, one huge celebration engulfed the whole city of Berlin.

At this point, however, even among the Germans, few expected imminent reunification. In fact, it seemed likely that the GDR

2. Peter Quint is the Jacob A. France Professor of Constitutional Law at the University of Maryland.

3. The following summary is largely my own. Peter Quint recounts the most important events at various places in the book, most notably in chapter 3, pp. 15-21, chapter 7, pp. 56-64, and chapter 8, pp. 65-72.

would survive for quite some time, albeit as a much more liberal and democratic state (pp. 19-20, 28). In December 1989, a "Round Table" of GDR leaders and public figures formed and began to work on constitutional reform, some members envisioning a completely new GDR constitution. Several measures gradually introducing democracy and pluralism were actually enacted in the following months (pp. 28-46).

It was not until February and March 1990 that complete reunification was considered a serious possibility. This turning of the tide was supported by two generally parallel developments. One took place within the GDR. On March 18, the first free election of the *Volkskammer*, the East German parliament, was held. It was won by the Christian Democratic Party (CDU), which had governed the Federal Republic of Germany (FRG) under Chancellor Helmut Kohl since 1982. This outcome demonstrated that the majority of the GDR population wanted unification with the FRG (p. 20). The new GDR government under Prime Minister Lothar de Mazière was a strangely ambivalent regime. On the one hand, it was the first — and last — freely elected GDR administration; on the other hand, it was largely dependent on its Western sister party, Kohl's CDU. Both parts of Germany were now essentially governed by the same party, the leadership of which pushed hard towards actual reunification.

The second crucial development took place on the international level. In the spring of 1990, the Soviet leadership, itself under enormous economic and political pressure, indicated that it might tolerate German reunification. To be sure, such tolerance would come at a price. The Soviet government expected not only important political concessions but also considerable financial aid from Germany. Nevertheless, the path to unification was suddenly open and both German governments proceeded rapidly.

On May 18, 1990, the FRG and the GDR signed the Treaty of Economic Union. When it took effect on July 1, the GDR began switching over to a Western capitalist market economy and introduced the Deutschmark as its official currency (pp. 56-64). Shops offering Western consumer goods sprang up almost overnight, and four adventurous GDR citizens embarked on a journey to Florence.

Only a few weeks later, on August 23, 1990, the *Volkskammer* voted for the GDR to accede to the Federal Republic.⁴ On August 31, representatives of both States signed the Unification Treaty. It was quickly ratified by both legislatures.

In the meantime, the Two-Plus-Four negotiations, between the two German states and the four World War II allies, advanced to-

4. As to the manner of unification — that is, accession of the GDR to the FRG — see *infra* Part III.

ward the renunciation of the rights that the allies still had with regard to Germany and, especially, Berlin. On September 12, after the principal players, the West German and Soviet governments, had reached agreement on the crucial issues, the Two-Plus-Four Treaty was signed. It provided for German reunification, accorded Germany full sovereignty, and thus finally closed the post-World War II period in Europe (pp. 268-76).

The Unification Treaty between the FRG and the GDR took effect on October 3, 1990. On that day, the German Democratic Republic ceased to exist as it merged into the Federal Republic of Germany. At the same time, the newly reunited country, now comprising sixteen instead of eleven states and reaching from the Rhine to the Oder, became the largest and most populous nation in Western Europe.

Yet, soon after the celebrations ended, it became obvious that reunification was also an enormous burden and presented staggering problems. Who was fit to remain — or become — a judge, administrator, or professor in the East? Who was going to own what property? Who could be prosecuted for which political crimes? Who was going to be spared or even rehabilitated? What ought to happen to the files of the Stasi, the East German secret service that had spied on its own citizens? What must be done to repair the desolate Eastern infrastructure and revive the moribund Eastern economy? And last, but not least, how would the bills be paid?

II. A DEFINITIVE ACCOUNT

The Imperfect Union, which grew out of a long article,⁵ presents both a narrative of the reunification process and a discussion of its most significant problems and consequences. Its twenty-four chapters are grouped into three major parts. Part I covers the developments within the GDR from the revolution through unification — that is, the one-year transition period from the fall of 1989 through November 1990. Part II examines the West German government's endeavor to extend the FRG's political, economic, administrative, and judicial structures to the former GDR. Finally, Part III addresses the international context of reunification — the issues concerning the European Union and NATO as well as the role of the reunited Germany in European and world politics. At first glance, this last part is somewhat surprising, but it turns out to be an essential and integral element of the whole picture. The intra-German events, we learn, were part of the continuing transformation of

5. See Peter E. Quint, *The Constitutional Law of German Unification*, 50 MD. L. REV. 475 (1991).

Europe, marked by the dissolution of the Eastern bloc as well as the integration and widening of the European Union.

The coverage of the book is much broader than the subtitle, *Constitutional Structures of German Unification*, suggests. It is not limited to constitutional law and development at all. As Quint points out, he construes the term *constitution* broadly, as "extending to important international arrangements that help define the nature of a state, as well as certain central statutes, regulations, and practices that give concrete meaning to the underlying principles of a political system" (p. 6). Yet even this description is too narrow because the book is really an account of the unification process as a whole, albeit with a strong emphasis on constitutional and other legal issues. It considers the historical and political background, discusses social and economic aspects, and even touches on psychological and emotional dimensions. The result is a rich and colorful picture that captivates the legal academic but is also relevant to scholars from other disciplines and may actually interest an educated lay audience.

The book has three particular strengths. First, it manages to present a detailed and accurate narrative in a very clear and readable fashion. There are a thousand trees, but there is also the whole forest. Thus, the book makes the complex process of German unification intelligible without simplifying it. Second, *The Imperfect Union* provides thoughtful discussions of the major issues. Every chapter is an essay in its own right, focusing on specific aspects ranging from constitutional problems to property issues and from the divisive abortion question to the restructuring of the administrative and judicial systems. Many of Quint's analyses are subtle and thought provoking. Chapter Fourteen, for example, which deals with the prosecution of former GDR leaders and officials, summarizes and weighs the major arguments in a few dense and perceptive paragraphs (p. 215). Finally, the book is critical but not partisan. Its criticism is always careful and mostly restrained; it becomes vociferous only where appropriate.⁶ As a result, Quint provides the reader with plenty of food for thought but leaves ample room to form one's own judgment.

As a German reader, my initial reaction is amazement that an outsider could have written such an insightful book. But perhaps it is the very detachment of the outsider that enables Quint to capture the story and the issues with so much acumen and sympathy and in such an open-minded and balanced fashion.⁷ With many books, the

6. See, e.g., pp. 148-51, 164, 290.

7. This may also be true for Inga Markovits' account of the dissolution and rebuilding of the East German judiciary. See INGA MARKOVITS, *IMPERFECT JUSTICE: AN EAST-WEST GERMAN DIARY* (1995).

price of such detachment is a lack of familiarity, an inability to capture the subtleties of tone and color, or a failure to achieve deeper understanding, but *The Imperfect Union* does not suffer from these deficiencies. This is probably because Quint spent considerable time in Germany during the critical period. He drew his information not only from printed sources but also from talks with the people involved in the ongoing events and from personal impressions and observations (p. ix).

In sum, *The Imperfect Union* is a very good book. It promises, and deserves, to become the definitive account of the legal and institutional aspects of German reunification. It certainly has no equal in English.⁸ Even in German, there is, at present, only an assortment of detailed analyses of particular aspects of reunification⁹ but no equally comprehensive study. In fact, it would be worthwhile to translate *The Imperfect Union* into German.

As a reviewer, one feels obliged not only to praise but also to criticize. Thus, I should point out that *The Imperfect Union* is not a brilliant book. Yet, it does not try to be. Its goal is limited, but by no means modest: it promises to present an accurate account and profound analysis of German reunification, and it fulfills that promise admirably. A few more details, such as a chronological table of events, would be very useful to have, particularly for foreign readers and as memories fade. In the end, however, the only true disappointment is the book's Conclusion (pp. 311-15), which merely summarizes some of the material presented. It provides no general synthesis and no final perspective. This is a pity because Quint shows in many other contexts that he is capable of weaving different strands together and extracting the fundamental questions as well as the possible answers from the complexity of the events. In the final chapter, however, he leaves the reader wondering whether there are any general themes that pervade the whole story.

III. HOW THE EAST WAS WON

Such pervasive themes do in fact exist. The most important one is the basic manner in which German unification was pursued and accomplished. To understand this manner, it is necessary to consider the challenges and the choices that presented themselves to the governments at the time.

8. As far as I can see, the only competitor is RYSZARD W. PIOTROWICZ & SAM K.N. BLAY, *THE UNIFICATION OF GERMANY IN INTERNATIONAL AND DOMESTIC LAW* (1997). It is a much shorter and more black-letter account, more useful for quick reference than for deeper reflection.

9. In particular, see the five-volume *DEUTSCHE WIEDERVEREINIGUNG: DIE RECHTS-EINHEIT* (Klaus Stern ed., 1991-1993).

The fundamental challenge was to merge two very different countries. After four decades of membership in opposing European blocs, the two Germanies had different political, constitutional, and legal systems; different administrative and educational structures; different economies; and different societies. The FRG was a fairly democratic state with a multiparty system and a liberal constitution committed to the rule of law. It sported a capitalist economy and a pluralist society. Its marketplace was driven by competition and demanded performance. Potential material rewards were high, but so were stress and anxiety levels. The welfare system was strong, but there were growing problems with unemployment, homelessness, vandalism, and crime. In contrast, the GDR was a decidedly undemocratic, almost dictatorial, regime with a single-party monopoly, sham elections, a practically meaningless constitution, and a legal system under the thumb of the Party.¹⁰ It had a planned socialist economy and a rather uniform society with only small differences in wealth. Satisfaction with material living conditions was low, but so was stress. The social system was more highly developed than in the West, virtually guaranteeing everyone a job, a roof over the head, and the basic means of existence. Of course, these different environments conditioned their inhabitants in psychologically different ways. They bred different attitudes toward the state and politics, the constitution and law, and public authority and private property. Last but not least, they also made individuals view each other in different ways — in the West rather like competitors and strangers (that is, with considerable distrust), while in the East more as fellow sufferers (that is, with solidarity).

In uniting these two different countries, there were, in principle, two options. The first was to create a new Germany, with each former part contributing whatever worthwhile elements it had to offer. The result would be a society built on compromise, a middle ground on which the citizens from both sides could meet. The second option was simply to extend West Germany eastward. The FRG would thus survive more or less unchanged, while the GDR would be wiped out, swallowed up by the West. The result would be a country characterized by decidedly Western values, lifestyles, and challenges to which Eastern citizens would have to adjust. The choice between these two options was as inevitable as it was fundamental.

10. For a description of the GDR legal system, see DANIEL C. MEADOR, *IMPRESSIONS OF LAW IN EAST GERMANY* (1986). For a perceptive analysis of the Eastern conceptions of rights and law, see Inga Markovits, *Law or Order — Constitutionalism and Legality in Eastern Europe*, 34 *STAN. L. REV.* 513 (1982); Inga Markovits, *Pursuing One's Rights Under Socialism*, 38 *STAN. L. REV.* 689 (1986); Inga Markovits, *Socialist vs. Bourgeois Rights — An East-West German Comparison*, 45 *U. CHI. L. REV.* 612 (1978).

In the end, the politicians in charge chose the second option. To some extent, the triumph of the West was a foregone conclusion. Virtually nobody wanted to preserve the Eastern style of government, single-party system, sham constitution, or planned economy. Yet, abandoning these features did not necessarily require wholesale endorsement of the current Western model, with both its strengths and its weaknesses. It would have been possible to draft a new, common constitution, to rewrite laws with a view to compromise, to consider new economic models, and to work toward a society in which both Westerners and Easterners might feel at home. Even in the West, voices called for such a course of renewal and compromise.¹¹ But according to the course pursued by the West German CDU leadership, the new nation would not emerge from a mutual adjustment between its two former parts. There would be only a larger Federal Republic of Germany. A careful reader of *The Imperfect Union* will note that this choice characterized the whole unification process, for better or worse.

The choice was most starkly presented, and is most easily discernible, on the constitutional level (pp. 47-55). In 1949, when the division of Germany became clear, the FRG's *Grundgesetz* (Basic Law), drafted as a temporary constitution for the new republic, expressly endorsed future reunification in its preamble. The document listed two options to accomplish that goal.¹² On the one hand, article 146 provided that "this Basic Law will lose its validity on the effective date of a constitution that has been chosen by the German people in a free decision."¹³ Thus, it seemed to envisage the drafting of a new constitution on the occasion of reunification. On the other hand, article 23 provided that the Basic Law was to be adopted "in other parts of Germany after their accession [to the FRG]."¹⁴ In other words, the Basic Law could simply be extended to newly incorporated territory. The relationship between these two options was never settled with finality. Indeed, even the ques-

11. See, e.g., JENS REICH, RÜCKKEHR NACH EUROPA: BERICHT ZUR NEUEN LAGE DER DEUTSCHEN NATION (1991); EINE VERFASSUNG FÜR DEUTSCHLAND (Bernd Guggenberger et al. eds., 1991).

12. In contrast, the GDR constitution of 1968, as revised in 1974, envisaged the division of Germany as final and thus did not provide for unification at all. P. 48.

13. The translation is taken from *The Imperfect Union*, p. 49. After reunification, Article 146 was redrafted.

14. Article 23 in its original version has since become obsolete. After reunification, and after Germany's renunciation of all claims to the territory east of the Oder and Neisse (now Poland), there are no parts left to accede. The text of Article 23 thus has been replaced with a completely different provision dealing with the role of Germany in the European Union. See GRUNDGESETZ [Constitution] art. 23 (F.R.G.).

tion as to whether article 146 required a new constitution upon unification remained open.¹⁵

As a matter of fact, German reunification took place via article 23. East Germany acceded to the FRG. Theoretically, the FRG had no choice but to accept the accession (pp. 52-53), but in reality the choice was, of course, made by the political leadership of both states. The consequences of choosing the path of article 23 were extremely far-reaching. To begin with, there would be no new constitution for the reunited Germany and thus no constitutional compromise of any sort. Instead, the FRG's Basic Law simply became the constitution of the East. Even more important, however, was the effect on the subconstitutional level. As the GDR dissolved into the FRG, Western law suddenly applied in the Eastern states (pp. 108-10). Overnight, eighteen million former GDR citizens found themselves governed by a legal regime of which they knew next to nothing and which fit many of their needs poorly at best. Property rights in the East were suddenly determined by Western law (pp. 124, 151); the civil service, the judiciary, and the universities had to be reorganized according to Western principles (pp. 167, 182); and even the East's newly drafted state constitutions had to conform to the Basic Law (pp. 82, 87). It is true that the Unification Treaty addressed many of the problems of transition, providing interim solutions and gradual adjustment in several areas. But in the end, Eastern legal, administrative, and institutional structures were still replaced by those of the West. As a result, there was virtually no mutual adjustment, harmonization of laws, or preservation of the considerable social advantages which some GDR law — for example, in the area of domestic relations — had offered (p. 109).

Peter Quint clearly and accurately describes the overt extension of Western constitutional principles, legal rules, and institutional structures into the GDR. Yet, *The Imperfect Union* penetrates more deeply into the character of the unification process. It shows that “the spirit of article 23” triumphed over “the spirit of article 146” (pp. 82, 87) on a much broader scale. In virtually every regard, the FRG government, led by Chancellor Helmut Kohl, pursued a policy of rapid and radical Westernization of the East, stubbornly rejecting a course of mutual adjustment, compromise, or reform. Illustrations of this approach abound. In February and March of 1990, Western political parties and party politics already had taken over East German election campaigns, marginalizing or eliminating the grassroots organizations and citizens' alliances that had carried the 1989 revolution (pp. 40-41). Soon thereafter, bu-

15. At least theoretically, there was a third option, namely the formation of a more or less loose confederation between the two countries for a transition period. As Quint points out, this idea was quickly abandoned. Pp. 47-48.

reaucrats in Western ministries drafted the Treaty of Economic Union and the Unification Treaty — documents of vast importance for the future of the country — with very little Eastern input. The treaties were then presented to the parliaments for ratification on a take-it-or-leave-it basis.¹⁶ The vast issues of real property rights lost through communist expropriation or by emigrants from the GDR were settled very much in favor of Western interests (pp. 123-53). Much to the detriment of the Eastern economy, Eastern production facilities were sold off or liquidated hastily, according to Western market principles (pp. 144-53). The civil service, the judiciary, and the universities were restructured to conform with the Western model, entailing the replacement of the majority of Eastern personnel by imports from the West.¹⁷ In all these matters, and others too numerous to mention, the former GDR was reshaped according to what Quint calls the “conservative tradition” (p. 4), that is, the political and social program of the conservative Christian Democratic government in the West. To add insult to injury, many of these measures were implemented by Western officials in a patronizing style and with little or no regard for Eastern concerns.

Perhaps the only area in which a true compromise was sought, and found by the legislature, was that of abortion. First trimester termination of pregnancies had been legal in the GDR, but largely illegal in the FRG. After reunification and lengthy debates, the all-German *Bundestag* enacted a liberal compromise that essentially legalized first trimester abortions. Yet, the Constitutional Court struck down important parts of this compromise as incompatible with the court’s own highly conservative interpretation of the Basic Law.¹⁸ Even here, the Western model ultimately prevailed, depriving East German women of much of the freedom of choice they had enjoyed (pp. 154-65).

By and large, however, the Constitutional Court softened the blows the East had to suffer. Many fundamental issues came before the *Bundesverfassungsgericht* in the form of constitutional questions. Time and again, the court interfered with the often ruthless pursuit of Western interests and thus decelerated the Westernization of the East. It struck down the new election law as patently unfair to Eastern parties (pp. 68-69), required more compensation for lost property than the government had been willing to pay (pp. 137-38), provided the East Germans who lost their jobs in the pub-

16. See pp. 57, 104-05. The drafting took place behind closed doors and without any public discourse. Pp. 57, 104-05. As far as I know, submitting these fundamental documents to a popular referendum was never even seriously considered.

17. See pp. 166-93; MARKOVITS, *supra* note 7; see also Inga Markovits, *Children of a Lesser God: GDR Lawyers in Post-Socialist Germany*, 94 MICH. L. REV. 2270 (1996).

18. ENTSCHEIDUNGEN DES BUNDESVERFASSUNGSGERICHTS [BVerf GE] [Federal Constitutional Court] 88 (1993), 203 (F.R.G.).

lic sector with at least some protection (pp. 169-71, 175-76), and limited the government's right to prosecute former East German spies (pp. 213-14) — FRG citizens who had spied in the GDR were of course not prosecuted. Thus, Quint rightly sees the Court as a mediator between Western and Eastern interests. Only the abortion decision does not fit that pattern.¹⁹

Notwithstanding the Court's insistence on compromise in most of the cases before it, Western structures, models, and interests prevailed on an overwhelming scale. It is therefore somewhat misleading to speak of the "reunification" of the two countries. The term suggests a merger to which both parts contribute. Almost nothing of that sort occurred. A much more appropriate, and much more honest, term for what actually happened is "takeover." The FRG simply took over the GDR, just as one corporation takes over another.²⁰

IV. THE IMPERFECT UNION

In principle, there is nothing wrong with takeovers, especially when they are the result of necessity. Indeed, the political course chosen by the German government has often been justified on the ground that it was the only way to get the job done. There is much to be said for this assertion. Extending Western structures eastward was undoubtedly the simplest, fastest, and surest way of accomplishing unification. This approach treated the whole problem as one of effective management, and it required little thought beyond the solution of technical matters.

Yet takeovers come at a cost. Although the reshaping of Eastern legal, judicial, and administrative structures according to the Western model has succeeded on a technical level, it has also enraged millions of East Germans who became frustrated with a new order that they did not understand and that cared little for their particular concerns. Similarly, the shock therapy applied to the Eastern economy, exposing it to market forces with next-to-no adjustment period, has turned out to be a massive failure, resulting in the loss of almost half of all jobs (pp. 148-49). Almost a decade later, unemployment continues to be as high as productivity is low. These takeover costs are borne by the citizens in both parts of Germany. The East has suffered high human costs; many citizens have failed to make the necessary transition and continue to feel lost in

19. Quint is somewhat ambivalent on that point. He sees the Constitutional Court's abortion decision as yet another compromise, pp. 160, 163-64, but also admits that it "remains quite far from a full recognition of the position reflected in the 1972 GDR statute," p. 163.

20. The takeover was "friendly" because the GDR government cooperated. Although the Eastern government actually voted for unification, it is highly questionable whether it would have supported in all regards the manner in which unification ultimately took place.

the new, competitive environment. In the West, the costs are primarily financial; Western taxpayers continue to pour billions of Deutschmarks into an East that looks more and more like a bottomless pit. All this creates much mutual resentment and alienation. The wall in Berlin is gone but the "wall in the head" has by and large remained (p. 3). East and West will eventually grow together, but for the foreseeable future, their union will continue to be imperfect.

It is therefore open to doubt whether unification, takeover-style, was the more prudent choice. But would a policy of mutual adjustment and compromise have yielded better results? As with all such questions, there is no definite answer. Yet, one thing is clear: to reject such a policy meant to forego a historic opportunity to rethink the premises on which the West was built and to reform Germany — constitutionally, economically, and socially. Unfortunately, the political leadership lacked the will to rethink anything or to undertake any meaningful reform, even on a modest scale.²¹ In recent years, the consequences of this reluctance have become increasingly obvious as German voter frustration with ossified party politics grows, as the social system is subjected to mounting pressure, and as the economy limps along.

When all is said and done, therefore, German reunification is not only a success story but also one of missed opportunities. It was not only a great victory for Western democracy and market capitalism but also a costly defeat for the idea of critical reflection and the spirit of reform. Thus, upon closing *The Imperfect Union*, the reader is left both fascinated by the events and saddened by the stubborn conservatism and lack of imagination of the politicians and bureaucrats who orchestrated the takeover of the East.

21. When the government created a commission in 1992 to undertake constitutional revisions for the postunification age, it handed the job over to career politicians and bureaucrats. Unsurprisingly, the revision came to almost naught. Pp. 115-23.

