What is Legitimacy? Or, How the Present Shapes the Past

How does the present shape the past? How will our writing of European history today shape the future of Europe tomorrow? These are large questions, for which it is necessary to begin with small specifics. In this case, the specifics of etymology – that of the very word at the heart of this conference: “legitimacy.” In its earliest recorded definitions in the English language, such as in Samuel Johnson’s dictionary, the adjective “legitimate” refers to lineal descent – whether a child is the legitimate issue of a married couple. In the Oxford English Dictionary, we read that “According to English common law, all children are legitimate who were born in lawful wedlock, and no others.” And that “By the Legitimacy Acts of 1926 and 1959 a child born of unmarried parents becomes legitimate if they subsequently marry.” What is interesting here, in relation to this conference and to my talk, is that legitimacy is connected with agreement and with intent, and that this can be affirmed retroactively.

Thus, to take the case of East Germany, there was a possibility during the Wende for the East German people to render their state legitimate retroactively – not only a political but also an historiographical move – and this was in fact the hope of many East German dissidents for a “third way.” But most East Germans were interested in divorce, not marriage, and there was no affirmation by “the people” of a prior agreement or intent in the state’s constitution. Is not retroactive legitimation a chief function of historiography and a chief cause of its politicization? But I will return to that.

“Legitimacy,” as we now know the word, also has the definitions of “lawful,” “proper,” “normal,” “standard,” and “sanctioned by the laws of reason and logic.” These point in turn to what is socially constructed, and as such they entail “belief,” even “faith.”¹ When people lose faith in a system, that system may lose its legitimacy.
Theological Legitimation and De-legitimation in the GDR

I call attention to the place of belief and faith – words with religious connotations – in discussing legitimacy, because my topic (at least in part) is the Protestant church in East Germany and the role it played with regard to the legitimacy of the GDR. I began my research on church-state relations in 1997. What interested me then was how East German bishops theologians regarded and interacted with the socialist state, the diversity of their views, and the state’s response to them. I’d like to focus today on four dimensions that affected how these bishops and theologians shaped and voiced their views of the state: the theological, the historiographical, the (geo-)political, and the ideological. These interconnected to form ways of legitimizing or delegitimizing the state.

The theological dimension rested most importantly on an interpretation of the opening section of Romans 13 and the writings of Luther and Calvin on this passage, which reads:  

![roman_13](image)

Everyone must submit himself to the governing authorities (Obrigkeit), for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgement on themselves.

Thus, in the 60s Bishop Moritz Mitzenheim of Thuringia could employ Luther’s theological doctrine of the “Two Kingdoms” – that there is a Spiritual Kingdom ruled directly by God, and a Temporal Kingdom ruled by secular powers authorized by God to restrain chaos and evil – to affirm that the GDR did enjoy the status of secular authority (Obrigkeit) ordained by God and should be respected by all Christians. At the same time, Bishop Otto Dibelius could object that the “GDR” was a totalitarian regime, and therefore did not constitute legitimate authority in God’s sight and could claim no obedience from Christians, not even with regard to its traffic laws. In both cases, there was another authority, other than that given by human beings, that could bestow legitimacy on a state, in this case God.

In the historiographical dimension, the most important issue was the consequences (but not necessarily the causes) of World War II. German war guilt, many argued, necessitated an acceptance of the division of Germany, the imposition of socialism, the Wall, the lack of freedoms, and so on. Finally, in the (geo-)political dimension, West German Ostpolitik, increasing secularization, and the acute sensitivity to the possibility of nuclear war convinced most East German clergy that any total rejection of socialism, any historiographical revisionism, or
any call for reunification was not only foolish, but also profoundly unethical and peace-endangering.

Thus by the late 60s and early 70s many clergy accepted or in fact embraced their role as a “church in socialism,” and recognised socialism as “a more just form of communal life,” as seven of the eight bishops wrote in a letter to the state. Bishop Werner Krusche said in a speech in 1969:

The church has desired consciously to be a church *in our state* and not a church *against our state*. Even where it said a partial No – not out of political opposition, but in obedience to the always binding command of God – this always happened under the rubric of a fundamental Yes.

A church report on a meeting between Krusche and state officials from the same year states:

Bishop Dr. Krusche expressed very clearly that he, from the perspective of the gospel and holy scripture, takes a consciously positive stance towards the government of East Germany. It is, for him, the proper authority to stand up for order, justice and peace, according to the measure of its reasonable judgment and with the use of force. In his opinion this interpretation of Romans 13 cannot be surpassed. Against the background of this positive sign, however, he stands up for the position of a critical “openness.”

Other bishops similarly claimed that God’s authorization of regimes extended also to the East German state (though not to all of its policies). Bishop Albrecht Schönherr claimed: “There are no blank spots on God’s map.” Bishop Gottfried Forck said, “If I confess that Christ is Lord of the world, then I see him also as Lord of the state functionaries.” Bishop Fränkel was highly critical of the state, but still based his argument on the idea that theology transcends and relativizes ideology.

Shifts in historiography, theology and ideology could result in new positions. The theologian Heino Falcke, for example, came to the conclusion that socialism as an imposed form of government from above and abroad, did not have its historical roots in German war guilt, as was usually assumed, but rather earlier in the thought of Lenin. This historiographical revision allowed an ideological one: the church’s task was to help in the building of a “socialist” society closer to Marx’s ideal socialism, and its prior disdain for socialism could be dismissed as the result of a past “bourgeois social milieu.” Like some Marxist dissidents, Falcke drew a line between the everyday experience of “real existing socialism” and the idea(l) of socialism. The latter came to be identified with peace, equality, prosperity, the
full realization of human potential, and, most importantly, an “alternative” to the West German system of capitalism. The sentiment was summed up by the pastor Johannes Hamel: “Socialism is indeed more just than capitalism, but it is also better than the situation we have here today.” However, this ideological appropriation of “socialism” and the corresponding refusal to uncritically praise all aspects of East German society was not at all popular with the state, with the result that Falcke and his like-minded colleagues were targeted as hostile-negative forces by the Stasi.

Yet none of these positions within the church called into question the basic legitimacy of the state, a fact many clergy now look back at with regret. Joachim Gauck, a pastor active in the democratic movement in 1989 and after reunification the Federal Commissioner for the Stasi files, said in an interview with me:

It is bitter for me to see now that although I was critical of the system, I did not engage in a political analysis that sought out exactly where the democratic project was in the structures of the system. Nowadays I call that a romantic approach to politics, and I think that this romantic approach to politics was a very important characteristic of this period in East Germany. One basically wriggled out of conflict by adopting a romantic, idealistic view of politics. We didn’t ask: Why are the elections manipulated? Why can’t I vote freely? Why don’t we have unions? Well, all right, perhaps sometimes we did ask such questions, but it never hindered us from saying fundamentally “Well, we can accept this system.”

Falcke expressed his regret to me in a similar way:

We did not take up a criticism of the fundamental basis of the state… Instead, it was all about small steps for liberalisation that never actually called the system itself into question. That was a weakness. And there was a fundamental conviction in the church leadership, almost a fundamental dogma, that said that we could only attain improvements in this society in conversation with the government. That is, only if the SED changes its course, can things change in society.

The Importance of Ethical Historiography for the Future Political Landscape of Europe

I have outlined very briefly some of the ways in which historiography, ideology and theology intersected in the East German Protestant church in the process of legitimizing, and to a smaller extent delegitimizing, the state. In the course of my research, I have also become more and more interested in the parallel issue of how the current situation in Germany since reunification has affected the
representation of East Germany history. This has been an especially vital issue due to the opening of the Stasi files and other archives for immediate access. The result has been that books of “history” – some of which are little more than exposés of former collaborators (a few of whom later turned out to be innocent) – have had a direct and dramatic effect on the lives of individuals who are still alive. This raises important questions about the ethics of historiography, to which I will now turn.

“History is written by the winners.” Yes and no. In modern democratic societies, the situation has become more complex. There is an added dimension. After a political or military struggle that determines who “wins,” there comes an intellectual and popular struggle over who counts as a winner, whose view will become official. In the GDR there was limited freedom to do this; the state controlled a single official historiography. But in pluralistic societies, this question can no longer be taken for granted; political and social pluralism leads increasingly to a pluralistic historiography.

Clearly, in and after the Wende, through and past reunification, there were and are winners and losers. But who were they? Some claims may be less contentious: Honecker was a loser. But what about Manfred Stolpe, a jurist and senior official in the church, who was revealed to have been a long time secret interlocutor with the Stasi, but who went on to become and remained Ministerpräsident of Berlin-Brandenburg and has written a book justifying his Stasi contacts? Or former Stasi officers themselves, such as Klaus Roßberg, who have written accounts of their past deeds – who are, in other words, engaged in the historiographical struggle over the rights to East German history?

According to Gerhard Besier, a prominent West German church historian who went on to write the first major exposés of the East German churches, there were no real winners (or no East German ones, at least). The state is to be seen in an unambiguously negative light, and the church – through its “Kumpanei” with the state – is to be regarded as equally without legitimacy. Ehrhart Neubert, an East German church historian and theologian, agrees that the church hierarchy was weak, but singles out a group of “oppositionals,” many from within the church. He writes: “it remains the historical contribution of the East German opposition that through struggle against a totalitarian regime it politically enabled a social self-liberation. The opposition delegitimized the dictatorship of the SED, created the conditions necessary for democracy, and forced the opening of the political system.” They are the winners – and he implicitly includes himself among them – and hence are authorized to write history. At the same time, he argues vehemently against allowing former state officials and Stasi officers, whom he
calls “Meister der Legende,” to write East German history. They are the biggest losers, and must be allowed no place in the current historiographical project.

This struggle is clearly over who has the right to write. This is itself a struggle for legitimation on many levels – personal (an individual engages in the shaping and voicing of his own personal history), institutional (individuals situated within institutions such as universities, research institutes, political parties, the Gauck Behörde denounce other groups and strengthen their own positions in a competition for status, funding and authority), political and ideological (political ideologies such as “socialism” are promoted or derogated), and theological (possibly a subset of the ideological).

Besier’s and Neubert’s contributions are weighty, informative, and highly valuable; by no means would I wish to discount them. But I want to also keep in mind the process of history as discourse and fabrication, and the functions it serves.

Implicit in this historiography – as has been the case for so long – is the drive towards presenting a totalizing picture, one which authorizes a certain perspective and negates the possibility of voicing alternatives. As such, the struggle clearly pertains not only to the case of Germany, but equally to other cases, such as that of Europe in general. Europe is a region of many voices, of which none is clearly dominant. Responsibility to these voices requires acknowledgement of a myriad of relationships between self and other, subject and object, scholar and research topic, part to whole, East to West, North to South, etc. In each of these, to borrow from Emmanuel Levinas, it is the other who constitutes the self as an ethical being; the two go hand in hand. Thus “Europe” cannot see or define itself as separate and autonomous from what it decides is “Not-Europe,” but must instead/also recognize its relationship with those regions. Does it make sense to speak in this way about an “ethical Europe”? I think so; indeed I believe we must think in this way. The idea of Europe is doomed, and the history of Europe bound to repeat itself, if it is not envisioned and constructed ethically. The founding of what has become the European Union, we must not forget, was based on an ethical reading of history – and hence a recognition that war must not again be waged on European soil. That dream, although already invalidated in its purest form, must nevertheless not be relinquished, nor can the histories that evinced it be forgotten. Academic disciplines can play a part in helping to constitute an “ethical Europe.” In the consolidation of “Europe” – both as idea(1)ology and as political and economic “reality” – there will be a drive towards totalization and universal truth, and corresponding counterreactions by those thereby threatened. The struggle between equality (liberal universalism) and particularism will continue. But the drive towards a new truth that can be imposed on all for the sake of unity must be anticipated and handled with caution.
Thus, despite the possible “legitimacy” of Neubert’s belief that former Stasi officers and the like should not be allowed to write history – that, in essence, they must be silenced to oblivion, forever to be written about but never to write for themselves – this path cannot be followed if there is to be an ethical historiography that is better than the historiographies of the former communist regimes. Instead, there must be a navigation between two poles: on the one side, the univocal, totalizing historical voice that speaks as an omnipotent outsider in an illusory space not implicated by political, institutional and ideological affiliations; and on the other side, the cacophony of voices that degenerates into a chaotic impossibility of meaning (which, in fact, if it becomes the historiographical equivalent of “mob-rule” or “mass hysteria” winds back to the first pole in becoming a possibility for a “democratic” version of authoritarianism – in other words, the democracy that Plato feared).

Ethical historiography extends beyond this question of who is allowed to write. It also entails a move away from the way historians shape and voice the past and past individuals as “objects” to be studied scientifically, towards recognizing the past as in continuity with the present and past individuals as “subjects” who, even if they have died – and in many cases they have not – retain their subjectivity, and whose otherness we must be careful not to efface or violently reinscribe in the writing of history.25 Michel de Certeau, whose writings on historiography have influenced my own views, writes of this as “the coming back of time”:

If the professional applies himself to the task of listening to what he can see or read, he discovers before him interlocutors, who, even if they are not specialists, are themselves subject-producers of histories and partners in a shared discourse. From the subject-object relationship, we pass to a plurality of authors and contracting parties. A hierarchy of knowledges is replaced by a mutual differentiation of subjects. From that moment, the particular place of the relationship that the technician maintains with others introduces a dialectic of all these places, that is, an experience of time.26

History goes beyond the possibility of a single narrator, a single theorist, a single scientist. Only through an open community of interlocutors, a “dialectic of places,” whereby the political, institutional and ideological affiliations of the individual become relativized and contextualized, does the possibility of ethical historiography arise, and with it, the only possibility for nearing a kind of truth in the writing of history. Also only in this difficult intermediary space, does the possibility of an ethical future for Europe arise – a Europe that in its very seeking after truth allows a diversity of voices, the possibility of difference, the interconnections of historiographies that honour the links between past and present, one people and another, one individual and another, to render the ethical.
In this, Europe may be ideally suited for the possibility of an ethical historiography: the very condition that has brought it close to self-destruction so many times, namely the close proximity of so many diverse and densely populated nations, may enable a pluralism that better overcomes the individualistic, totalizing perspective, often the painful and pain-inducing result of national and ideological borders.

Notes:

1 Michel de Certeau, whose understanding of historiography I will draw from in this paper, at certain instances implicitly notes the idea of faith in historiographical legitimation; he writes of the historiographical operation, “power must be legitimized, it must attribute to its grounding force an authority which in turn makes this very power credible.” (My emphasis). Michel de Certeau, The Writing of History (New York: Columbia University Press, 1988), p. 6f.

2 Both “The Doctrine of the Lordship of Christ” and the “Two Kingdoms Doctrine” fall within a theological framework in which the following sentiments could be enunciated: (1) The idea that everything is in God’s hands and that those in power are serving God’s purposes even if they themselves are unaware of it; (2) Alternatively, the idea that “there are no blank spots on God’s map” (Schönherr’s phrase) to connotate that God is everywhere and ruler everywhere; (3) Alternatively, the idea that if Christ is Lord over all, then he is Lord over the Marxists as well, even if they refuse to believe in him. This was often applied in analysis of the GDR regime, but it raises some serious problems. What happens when one applies these statements to the Nazi regime? Were the Nazis agents of God? In hindsight, virtually any Christian theologian would want to answer, clearly not. At the time, however, the same logic was in fact used by some theologians and the Nazi regime was seen as authorized and legitimated by God – not merely by the infamous German Christians (Deutsche Christen) but by others. The Holocaust itself was causing some theologians to question if God was really present everywhere (and if so, in what way present?) – if indeed there were no blank spots on God’s map – yet this kind of theological reflection is curiously absent when one examines the discourse concerning the East German church’s relation to the state. Ultimately, the idea that Christ is Lord over all; that everything is in God’s hands; cannot be used as justification to say that what the regime is doing is serving God’s interests.


4 But I would go beyond this to suggest that any idea or ideology that posits alternative sources of authorization and legitimacy – including Marxism-Leninism – displaces the liberal democratic idea(l) that legitimacy should come from free popular elections. If legitimacy is at least in part based on faith and belief in a system, then an idea of legitimacy based solely on democratic procedures reveals itself as too limited. Faith in democracy becomes a faith among others, itself a cultural and historical product.

5 For example, even in 1987 when a peace group brought a proposal before the Protestant Church Federation synod calling for an end to the state’s policy of delimitation (Abgrenzung), Pastor Klaus-Peter Hertzsch argued against it by a reminder of German history: “That a division runs through Berlin, through Germany and through all of Europe – that, we cannot deny, goes back to German guilt. It is important to me that we not lose sight of this fact, and that we not only ask what we want to demand for the sake of the individual in our country, but also what we want to offer to the peoples of the world in light of the fact that we still have to carry the guilt of our fathers, namely this question of the division of our world.” Anke Silomon, Synode und SED-Staat. Die Synode des Bundes der Evangelischen Kirchen in der DDR in Görlitz vom 18. bis 22. September 1987 (Göttingen, 1997), p. 94.

6 The “Letter from Lehnin” of 15 February 1968, signed by all the bishops except Mitzenheim, petitioned the state to restore the specific constitutional rights of the churches and freedom of belief and conscience, but acknowledged that, “As citizens of a socialist country we see ourselves as placed before the task of realizing socialism as a form of a more just communal life.” Quoted in Demke et al., Zwischen Anpassung, p. 359. This notorious phrase quickly came under attack, but it has often been misquoted to hint that the bishops were claiming that socialism was ‘the more just form of community.’ This is the wording used in Gerhard Besier and Stephan Wolf, eds., Pfarrer, Christen und Katholiken. Das Ministerium für Staatssicherheit der ehemaligen DDR und die Kirchen (Neukirchen-Vluyn, 1992), p. 82. Eberhard Jüngel writes of this, “Already on 15 February 1968 the bishops of the GDR declared in a letter to the chairman of the state council: ‘As citizens of a socialist state we see ourselves as placed before the task of realizing socialism as a form of a more just community.’ That was without a doubt a declaration of loyalty; nevertheless, it offered the church the possibility of connecting the [SED’s] real existing socialism ‘with the active hope of an improvable socialism’ that Provost Heino Falcke of Erfurt later called for at the 1972 Federation synod in Dresden.” Eberhard Jüngel, “Wege und Aporien der evangelischen Kirchen in der DDR” in Materialien der Enquete-Kommission “Aufarbeitung von Geschichte und Folgen der SED-Diktatur in Deutschland”, vol. VI, no. 1 (Frankfurt am Main, 1995), p. 17.


Schönherr later wrote, “we were led by the following main thoughts… 1. As a lesson from the Kirchenkampf of the Nazi period, to protect unconditionally the freedom of the church to carry out its commission; 2. To use our own freedom to take a stand for the freedom of all; 3. To be a lobby for those who had no lobby; 4. To proclaim the relevance of the gospel in all areas of life; 5. To disprove by our praxis the Marxist critique of religion; 6. To maintain and expand the capabilities of parishioners and the entire church; 7. To maintain communication with the EKD and the ecumenical church as closely as possible; 8. To find possible levels of dialogue with those in power and to improve these; 9. To not forget that Christ died not against the Marxists, but rather for all people; 10. To not forget that socialist countries are not blank spots on God’s map.” Albrecht Schönherr, *Gesprochen zur Zeit und zur Unzeit. Reden, Aufsätze, Predigten 1937-1994* (Berlin, 1995), p. 323.

Forck said in an interview with the West German magazine, *Der Spiegel*: “I consider our state to be capable of learning. I believe that a system – though it may present itself as highly rigid – does not have to remain so rigid; it can change itself. This conviction is founded in my faith. If I confess that Christ is Lord of the world, then I see him also as Lord of the state functionaries. And then anything is possible.” *Der Spiegel*, 18 May 1987.

Fränkel’s speech is reprinted in *Kirchliches Jahrbuch* 1973, pp. 182-190.

Falcke said in an interview with me, “We were a bourgeois Church. Our social background was the bourgeoisie, and therefore there were great emotional and political reservations about anything that smacked of communism or socialism… So in the church membership there was a great reservation about accepting this situation, there was a principal rejection of the state, not for Christian reasons, but for reasons of social milieu and political orientation.” Interview with Heino Falcke, 27 March 1999, Erfurt.


Timothy Garton Ash has noted how for the former communist states of Central and Eastern Europe, the idea of “Europe” differed significantly from that in Western Europe and North America. Like the idea of “socialism” among East German clergy and dissidents, “Europe” was not identified with the realities of the present, but with an ideal, a goal, a vision of the future. Of course, whereas belief in the ideals of “socialism” usually entailed a distaste for Western “capitalism,” “imperialism,” and “militarism,” so too did the idea of “Europe” often correspond with a distaste for Soviet dominance and communism, but certainly not for capitalism and the luxuries of economic growth.


Of Krusche, who shared many of Falcke’s views and was his superior in the Church Province of Saxony, the Stasi wrote in 1973: “Krusche is the most active proponent of the social democratic concept in the East German church. Under his leadership and responsibility the concepts of ‘improvable socialism’ and the ‘pressure of the
performance-oriented society’ were developed. He also promotes a ‘critical cooperation’ of the clergy and seeks in this way to reorient societal engagement in order to disrupt socialist development.” BStU MfS AP 21816/92, p. 106. This negative view of Krusche continued up to his retirement in 1983. In a report of that year analysing the Church Province of Saxony the Stasi wrote: “Under the leadership of Bishop Krusche the Church Province of Saxony has developed in its church-political position into one of the most negative Protestant churches within the Federation of Protestant Churches in East Germany… Bishop Krusche himself is to be regarded as an enemy of our socialist state and social order.” BStU MfS-JHS 22139, p. 117: Die Kenntnis der Evangelischen Kirche der Kirchenprovinz Sachsen – Voraussetzung für eine wirksame politisch-operative Arbeit. Falcke and Hamel were likewise targeted by the Stasi and isolated within the church.

18 Interview with Heino Falcke, Erfurt, 27 March 1999.
19 Manfred Stolpe, Schwieriger Aufbruch (Berlin, 1992).
23 De Certeau notes: “we should recall that any reading of the past – however much it is controlled by the analysis of documents – is driven by a reading of current events. Readings of both past and present are effectively organized in relation to problematic issues which a historical situation is imposing.” De Certeau, The Writing of History, p. 23.
24 De Certeau writes, “Perhaps, too, by holding to the idea of discourse and to its fabrication, we can better apprehend the nature of the relations that it holds with the other, the real. In this fashion, doesn’t language not so much implicate the status of the reality of which it speaks, as posit it as that which is other than itself?” De Certeau, The Writing of History, p. 21. Elsewhere, he writes: “Those who cling to continuity think they can escape death by taking refuge in the fiction of a permanence that is real. Those who box themselves inside the solid walls of the discontinuous systems believe they can keep death an external problem, confined to the absurd event that brings an end to a particular order; they avoid the problem posed by the system of order itself, a problem which first appears in the image of the internal ‘limit.’” Michel de Certeau, “The Black Sun of Language: Foucault,” in Heterologies (Minneapolis, 1986), p. 181. Similarly, Jacques Lacan says of the impossibility of reaching the réel: “How is one to return, if not on the basis of a peculiar discourse, to a prediscursive reality? That is the dream – the dream behind every conception of knowledge. But it is also what must be considered mythical. There’s no such thing as a prediscursive reality. Every reality is founded and defined by a discourse… There isn’t the slightest prediscursive reality, for the very fine reason that what constitutes a collectivity – what I call men, women, and children – means nothing qua prediscursive reality. Men, women, and children are but signifiers.” Jacques Lacan,

Nishida Kotaro’s relativization of subjectivity and objectivity is useful here. He writes “Subject and object do not exist separately, for they are the two relative sides of one reality. Our subjectivity is the unifying aspect, whereas objectivity is the unified aspect; the self is always the entity that unifies reality, whereas things are the entities that are unified… The self is an infinite unifier and can never be made the object of comparison and unification.” Nishida Kotaro, *An Inquiry into the Good* (New Haven/London: Yale University Press, 1980), p. 64f. This reminds us of de Certeau’s recurring complaint that Foucault does not carry his analytical process further and *historicize himself*. Such a project would impossible for an individual, but not for a community of individuals.