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**Autor:** Kepplinger, Hans Mathias

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EVENT ANALYSIS

HANS MATHIAS KEPPLINGER*

# HANDLE THE SCANDAL

## *SOME GENERAL ASPECTS OF SCANDALS AND SOME SPECIFIC REMARKS ON THE TREATMENT OF HELMUT KOHL*

In Novemer 1999 one of the major scandals in Postwar-Germany began. Helmut Kohl, former Chancellor and «father» of Germany's reunification was accused of having accepted 2.1 Million from anonymous donators for the Christian Democrats party (CDU). Because similar practices have been documented for the Social Democrats (SPD) which stimulated no scandal at all, violations of rules are distinguished from scandals. Based upon that distinction the following questions are discussed: Do scandals really bring the truth to light? Why is there no room for doubts in scandals? Which role do the mass media play? What is in best interest of those criticized? What stimulates actions and reactions of the adversaries?

*Keywords*: Scandal, Political conflict, Political communication.

## Moments of truth

Scandals bring the truth to light. Looking at Germany, several examples come to mind; for example, the contamination of Birkel-brand noodles with bad liquid egg in 1985; the flights taken by the Baden-Württemberg Premier Späth which were paid for by industry; the threat to the residents living near the Hoechst plant after the accident involving ortho-nitroanisole in 1993; the ecological repercussions of the sinking of the Brent Spar platform in the North Sea; and the 1999 scandal involving

* Institut für Publizistik, Johannes Gutenberg-Universität Mainz (Germany), kepplinger@uni-mainz.de.

the illegal accounts of the Federal CDU party in Germany and the undeclared donations received by Helmut Kohl. The scandal emerges as an «instrument of detection» in which «the public eye of middle-class society has survived [...] in a multimedia format». (*SZ*, March 18-19, 2000) Scandals punish the guilty parties. Sales of Birkel noodles plummeted and around 500 employees were made redundant. (Lerz 1996) Späth was forced to stand down and then retired from active politics. (Kepplinger et al. 1993: 159-220) Hoechst AG had to make compensation payments which went into the billions of marks and years after the accident was still suffering from the damage to its reputation. Brent Spar was not sunk at sea. Shell had it towed to Norway and paid the extra costs for on-shore disposal. (Deutsche Shell AG 1995) Kohl resigned from his honorary chairmanship of the CDU, the party leadership was changed entirely, and the CDU lost two state elections which had previously been considered sure wins.

Were the scandals truly moments of truth? Were they really based on new facts? Were identified errors corrected? Was it really the guilty parties who were punished and was the punishment commensurate? In some of the cases, the major facts had long been in the public domain. Extensive reports of illegal accounts held by the CDU appeared in *Der Spiegel* (June 12, 1995) as early as 1995 and included names and account numbers. The first report of Späth's flights being paid for by industry appeared in the *Südwest Presse Ulm* in 1980 — 11 years before his resignation. (Kepplinger et al. 1993: 164) In some cases, most of the reports were plain wrong even though the facts were readily available. For example, Birkel immediately refuted — in vain — false claims being made about its products. Although some newspapers did report Birkel's side of the story, by large Birkel could not pierce through the mass of media reports. (Lerz 1996: 43) The information provided by Shell AG was also often much closer to the truth than that of Greenpeace. Disposal at sea, as we know today, would have been not only cheaper, but also safer and better for the environment. (*FAZ*, September 3, 1999) Seen in the light of day, there is often reason to question the 'punishment' of the guilty party. In one case, an innocent company and its employees were punished — Birkel in the liquid egg scandal. In one case, the public consequences were completely disproportionate to the original controversy — as was the case with Hoechst AG. In one case, accessory parties were not punished at all — ESSO AG which remained unscathed even though the company was a co-owner of Brent Spar.

One explanation for the media-relation failures experienced by Birkel, Shell and others is probably the role they played — they were the accused. They were speaking out in their own interest and thus appeared to lack credibility. But while this is true, it circumvents the essence of the matter. Other witnesses to the events, who were not treated with the same suspicion, also failed in their attempts to make exonerating statements. One of those was the head of the Environment Office of the City of Frankfurt, Tom Koenigs, a member of the Greens. He himself contributed largely to the panic among the residents near the Hoechst plant with his claim that ortho-nitroanisole could 'vaporize' in warmer weather. When he corrected himself later — he had confused the melting point of 10 degrees with the boiling point of 273 degrees — the media took no notice of his comments. (Kepplinger 1995: 54ff.) If we stand back from the matter somewhat, it would appear that the truth does not have much of a chance during a scandal. It can only fight its way to the surface after the scandal has come to a close and the flood of accusatory reports has ebbed. This is not to say that new information does not come to light in a scandal. What does become known, though, are usually peripheral facts. For example, after the accident at Hoechst AG, it was learned that, besides the major incident, there had been several smaller ones. Usually these would not have been covered at all — and they had nothing to do with the triggering incident — but nonetheless the impression of a series of accidents was created. (Kepplinger and Hartung 1995: 20)

## The time of certainty

A scandal is a time of certainty. There is no room for doubts. If you doubt, either you haven't got a clue what's going on or you're a cynic. Scepticism is not seen as a virtue but rather a lack of comprehension. Expressed beliefs seem to be based on knowledge and show an understanding of the issue. As the scandal surrounding the at-sea disposal of Brent Spar neared its climax, everybody apparently knew what was right. Margarethe Schreinemakers, then a popular talk-show host, declared in *Bild*, Germany's largest tabloid: «As far as I'm concerned, if Shell disposes of the platform at sea, I'll never buy petrol at a Shell station again.» (*BZ*, June 20, 1995) Oskar Lafontaine, one of the top figures in the German Social-Democratic party, demanded: «What we need is a general ban on at-sea disposals of oil platforms», and Rita Süssmuth, the Speaker of the

German Bundestag, warned: «Stop placing our planet and seas at risk. Come to reason and act accordingly.» The wave of public admonition crested at the Evangelical Church Congress in Hamburg, when Ernst Benda, a former chief justice of the Constitutional Court, Germany's highest court, condemned the plan to sink Brent Spar. (*ME* and *AZM* June 19, 1995)

Where did the entertainers and politicians, the legal experts and theologians get their information about what they thought they knew? Where did the unconditional faith in the correctness of their judgment come from? One could surmise that they did not have access to other information. But that is not true. Even before the Brent Spar scandal reached its climax, some newspapers had published level-headed accounts of the planned sinking of the platform and the options. (*FT*, June 15, 1995) Another explanation could be that they were convinced they were fighting for the future of the sea and thus for the future of life on the planet. Hence, the resolve in their judgements could have been conditioned by the extent of the threat. But why were they so sure that the threat was as great as they believed? And why is people's behaviour in scandals where much less is at stake so similar — for example, in the party-financing scandal surrounding Helmut Kohl? Several months after the existence of the anonymous donations became known, nearly everyone was convinced that he did not have a choice — it was his obligation to name the donors. Naming the donors seemed to be the only logical step in the matter. For example, Guido Westerwelle, the secretary general of the Free Democratic Party (FDP), declared in the lower house of parliament that Kohl's refusal to name the donors was a «reckless and serious infringement of the German Constitution». (*FAZ*, March 16, 2000) Friedhelm Hengsbach, a Jesuit priest, compared Kohl to the «biblical King Herod who promised a dancer anything she wanted and kept his promise even when she asked for the head of the prophet». (*FAS*, February 20, 2000 and March 19, 2000) In Cologne, the owner of a student pub strung up straw puppets with Kohl's face painted on them — they were to burned on Ash Wednesday. (*Focus*, March 6, 2000)

Did Kohl really violate the Constitution by refusing to name the donors? Reputable legal experts do not think so. The Constitution stipulates that the parties «must give a public account of the origin of their funds». According to the renowned Constitutional law expert Josef Isensee, this provision is not targeted «directly at the parties but rather at the legislators whose job it is to turn this programmatic standard [...] into

law». (*FAZ*, January 28, 2000) Nor is the fact that the rights of conscientious objectors do not arise directly from the Constitution a contradiction of this opinion, according to the legal philosopher Günter Frankenberg. (*FAZ*, February 22, 2000) Such a line of reasoning fails to distinguish between rights and obligations. The Constitution directly accords certain rights to individuals but does not directly impose any obligations. The legislators had considerable leeway when codifying this constitutional requirement with regard to declarations of party income. That is one reason why all donors need not be named under the Party Financing Act even though this is implied in the Constitution. Only donations of more than DM 20,000 have to be made public. This rule, therefore, would apply in the case of the donations received by Kohl, which means that his silence is an offence under the Act. But he is not in violation of the Constitution any more than a journalist is who contravenes the Youth Protection Act, even though the Constitution expressly states that the Youth Protection Act is a restriction of the freedom of the press.

Was Kohl's silence elevated to a breach of the Constitution because it called into question one of the basic principles of the political system, namely the incorruptibility of politicians? If so, regardless of the legal situation, there should have already existed a political-moral obligation to name the names of all people making large political donations. It would follow that all anonymous donors should be named. However, there are examples of the contrary in the none too distant past. In the early eighties, the SPD reported an anonymous group donation of DM 6.3 million in the Federal Gazette. (Müller: *FAZ*, December 4, 1999; Bannas: *FAZ*, February 10, 1999) The money had been collected before 1982 by the party's treasurer, Nau, who passed away before the donations were declared. He forwarded the accounts to his successor, Halstenberg, and instructed him to keep the donors' names secret. At that time, nobody asked about the origin of the money nor demanded that the donors be named — even though the issue was raised in 1984 during the work of the parliamentary committee looking into the Flick affair. This would lead to the conclusion that anonymous donors do not necessarily have to be named.

The indignation of the Germans with regard to Kohl's silence is even more puzzling when compared to the reactions from abroad. For example, although Kohl's secret fundraising activities were generally criticized in France, the newspapers of all political colours were amazed at the way that the German public was treating the issue. *Le Point* wrote that Ger-

many could be compared to a «slaughter-house» in which the «archangels of virtue [were indulging] with relish in attacks against Kohl». *Figaro* called the attacks against Kohl a «manhunt» undertaken for reasons which remained obscure, and *Marianne* wrote that Kohl was practically being «lynched». (*FAZ*, February 19, 2000) A glance into the past shows that scandals are also handled very differently within the same country. For example, it is almost impossible to understand the indignation generated by the speech given by a former speaker of the Bundestag, Jenninger, which led to his resignation. In this context, the angry reactions to the planned sinking of Brent Spar appear almost embarrassing today. And nobody seems to want to remember the hysterics in Germany which arose from the radioactive contamination of milk products after the reactor accident in Chernobyl. No new details were made available which could explain these discrepancies. In each case, all information required for a sober judgement of the situation was available and had been published in the media. It was hardly used, though, and had no influence on the tenor of the portrayal of the events or on how they were perceived by the population. The differences between the reactions then and retrospective studies cannot be explained by cultural particularities. We are forced to look at how judgements are formed.

## Dealing with uncertainty

The social psychologist Muzafer Sherif carried out a famous experiment on how judgements are formed in situations involving high levels of uncertainty. It can also provide a model for the formation of opinions in scandals. Sherif based his experiment on the «autokinetic effect». A fixed point of light is projected in front of an observer sitting in a dark room. The light appears to move, presumably a result of the movement of the eyeball itself. Different observers see different movements, e.g., horizontal and vertical fluctuations. After repeated sessions, though, the descriptions of the movements provided by all observers became more and more similar because they unconsciously develop norms or judgement schemata which help them to «logically» derive congruent judgements which thus appear reasonable. When several people in a group describe the 'movement' of the light one after the other, they quickly adapt their judgements because a group norm is established — a shared judgement schema. The members of the group see the convergence of their judge-

ments as proof of the «correctness» of their judgements. This perception turns into certainty once the group norm has become so cemented that all come to the same judgement. This process can be observed even if the members of the groups expressed differing judgements in earlier individual experiments. When questioned about their behaviour afterwards, most declared that they had formed their judgement on their own — at their own discretion, so to say. They saw themselves as autonomous persons. When asked to judge the movement of the light a short time later, they described the «movement» of the point as the group had. The judgement schema of the group is retained for a while and can affect the judgements made outside of the group. (Sherif 1966: 89-112)

The public's judgements in a scandal are more complex but they form their opinions according to the same principles. As in the above experiment, a scandal involves objective facts — the existence of contaminants in Brent Spar or anonymous donations to Kohl. These facts represent a controversy about which truthful information is available. It is not possible, however, to verify the correctness of the information immediately: In the experiment, this is because the subjects were not allowed to go up to the light point, and in a scandal because the details or professional knowledge needed to make the judgement are lacking. For example, in the scandals mentioned above, it remained unclear for a long period whether the figures named were right or not. For that reason, a norm was formed in a process involving the interaction of numerous sources of information. These schemata steered the perception of the situations which were magnified to a greater or lesser extent — all depending on the figures involved.

At the outset of a scandal, the majority still forms its opinions based on individual norms. That's why different observers make contrasting statements at this stage. As the rhetoric heats up over the course of the scandal, a collective norm tends to displace the individual norms. That's why the judgements made over the course of a scandal by the actors, reporters and recipients become more and more alike — until eventually only one standpoint exists. This shows a development towards collective norms that affect how the objective facts are perceived and how these facts are subjectively evaluated. In the end, it leads to harmonized global statements. The notions people have of the given facts as well as of the necessary evaluations merge until they can barely be distinguished. In this process, people do not form their opinions based on the facts but end

up comparing the facts to their opinions. People believe those facts which fit their opinions.

Both in scandals and the experiment, all those involved believe that they are describing the issue itself with their statements — the «movement» of the light, the extent of the environmental damage, or the degree of political misconduct. In reality they have fallen victim to an essential fallacy. What they think is a judgement on the nature of an issue is in reality an expression of a group or regional standpoint. Their judgements characterize less the object of the statements than the norms of the speaker. Of course, they vehemently deny this. For example, when the journalists at *Stern* called the fire at Sandoz in Basle the «Chernobyl on the Rhine» (*Stern*, November 13, 1986), they were quite convinced that the two accidents were comparable. In reality, they were only expressing the apocalyptic view which had emerged in Germany after the reactor explosion in Ukraine and which was confirmed by the dramatic pictures of the fire in Basle. The fact that the proponents of the established standpoint are quite convinced that they are not just expressing subjective opinions, but are really describing the true nature of an issue means that they are ignoring or downplaying facts which contradict the norms — and are doing so with great self-confidence. The sense of being in the majority strengthens them in this feeling. They are expressing public opinion, which as Noelle-Neumann (1984) has shown, tolerates no contradictions.

The certainty that they are not only representing the truth but also the majority is the reason why even people who are not suspected of acting out of self-interest in a scandal — such as Koenigs in the Hoechst scandal — have no chance of being heard when they try to correct previous statements. It is also the reason why people who usually — and quite rightly so — consider themselves to be tolerant tend to stigmatize and isolate dissenters with a clear conscience during a scandal. Not only do the dissenters have an 'impossible' opinion, they are also ignoring 'reality'. For example, Christoph Böhr, the chairman of the CDU in Rhineland-Palatinate, was pejoratively called «Kohl's faithful page» by the *Frankfurter Allgemeine Zeitung* after he voted against the motion of the federal CDU party which called upon Kohl «to suspend his activities» as honorary chairman until he named the anonymous donors. The newspaper also asked «why he had ignored the chance to distance himself from Kohl» and then finished him off with the rhetorical question of «whether he had just made the most stupid move of his political career». (*FAZ*, January 22, 2000) When Christoph Böhr then went so far as to praise Kohl's

intention of making up for the financial damage he had caused to the party, a journalist at the Mainz *Allgemeine Zeitung* went a step further, ostracizing him and calling him an outsider in the CDU. The newspaper wrote that Böhr «had already in the past riled colleagues in his own party with his unerring support for Kohl». (*MAZ,* March 10, 2000)

## Role of the media

The mass media do not uncover scandals. They denounce certain situations by portraying them as being intolerable, thus making them into scandals. In this manner, they create the norms in people's minds which allow them to perceive the situation as being worthy of their indignation. One prerequisite for a scandal is the existence of a controversial situation. It should be underscored that there is no direct relationship between the triggering situation and the extent of the scandal. There are small incidents which mushroom into huge scandals — for example, the letters of recommendation written by the German politician Möllemann for a business venture of his cousin — and there are serious situations which do not evolve into scandals — for example, the widespread abuse of the social system. A further prerequisite is the existence of a 'vilifier' who points out the reprehensibility of a situation. This role is often assumed by rivals of the person being vilified or by journalists.

There are two types of causes which can lead to the denouncing of a situation by the media — the alignment and opinions of the editors in the leading media as well as the rules of journalism. Almost half of all German journalists (48 %) working in daily media position themselves left of centre on the political spectrum, whereas only one sixth (15 %) classify themselves right of centre. (Kepplinger and Ehmig 1997: 271-292) This is reflected in their party preferences. Nearly half (44 %) expressed a preference for the Social Democratic Party, the Greens or the former East German communist party, the PDS. On the other hand, only a fifth (19 %) preferred the Christian Democrats or the Free Democrats. (Weischenberg, Löffelholz and Scholl 1994: 154-167) The basic political alignment of the journalists also affects their judgements on controversial subjects. For example, in Winter 1991/92, only 72 per cent of the 'right-wing' journalists ranked the environment as more important than economic interests. Of the 'left-wing' journalists, though, this figure reached 86 per cent. The opinions of journalists on an issue have a re-

markable influence on their judgement of the newsworthiness of current events. They consider facts which confirm their opinions to be more important than deviating facts. It was precisely because of the basic political beliefs held by the majority of German journalists and their influence on the newsworthiness of the events that Brent Spar and the party-financing irregularities of the CDU fell on such fertile soil in the media landscape. For the same reason, the concealed financing of the flights taken by leading SPD politicians received comparatively little coverage.

Besides these general reasons, there is one much more specific cause for the CDU party-financing scandal. Throughout the 1998 federal election campaign, most of the media had portrayed Schröder as the new hope of the German nation and Kohl was seen as somebody whose days were numbered. In the months thereafter, however, they watched the Schröder government stumble from one failure to the next and, one year later, a majority of voters would rather have seen Kohl as chancellor than Schröder. This development showed that the majority of the relevant journalists had been very wrong in their predictions and it placed them under considerable pressure to justify their prior opinions. They were given the opportunity to do so by vilifying Kohl, thus making Schröder appear all of a sudden as the lesser evil. The temptation to jump at this belated opportunity to exonerate themselves from having rooted for Schröder during the election was particularly strong for leftward leaning journalists at the more conservative newspapers because they had gone against their usual editorial grain. This was the reason for the especially sharp attacks against Kohl from the more conservative side of the media spectrum. In essence, this had less to do with Kohl's reputation than it did with that of the critics.

In addition to political factors, the inherent rules of journalism also affect the creation of a scandal. The members of any profession largely look to their own colleagues for orientation. There is no profession in which this happens faster and with greater intensity than in journalism. Both print and television journalists are keenly aware of what it is being said in the other's medium. This strong orientation on their colleagues is even stronger during a crisis, conflict or scandal because, in such times of high uncertainty, the individual newsrooms fall back on the reports of other media to justify their own coverage. The consequence is a high degree of self-referentiality. The media report on what other media are reporting. An example would be the evening news items and special reports broadcast by ZDF on the CDU party-financing affair. On November 26,

1999, the viewers of *heute* — ZDF's main newscast — were shown a cassette recorder playing a WDR radio interview given by Heiner Geissler, an outspoken politician from the CSU, in which he confirmed the existence of illegal bank accounts. On December 4th, a *heute* report on the affair showed an image of a newspaper with the headline «Politicians ruining own reputation». On December 6th, the show included shots of that day's headline in *Bild*, and the cover story of *Der Spiegel*, both on the CDU scandal. On January 18th, ZDF broadcast a special report on the party-financing affair which included many excerpts from earlier radio and television reports on the scandal.

Each of these scenes fulfilled a double function. On the one hand, they were there to document facts. On the other, they helped interpret the issue. Each scene was a consequence of mutual coordination of journalism and also led to the formation of journalistic norms — because other journalists were following the work of their colleagues closely. In this manner, the different media jointly «hype up» an issue during crises, conflicts and scandals based on stories from other journalists. Their criteria are no longer the interests of the reader, listener or viewer but rather the conduct of their colleagues. As a result, at the end of December, only 33 per cent of the people found the coverage of the CDU fundraising affair to be «appropriate», while 56 per cent thought that it was «exaggerated and inflated». (*FAZ*, December 21, 1999) Thereafter in March, 55 per cent declared that the media should «concentrate more on current problems» rather than the anonymous donations. Only 27 per cent (See http://wahlrecht.de/umfragen/dimap.htm) were of the opposite opinion. It was not public interest that was fuelling the debate — it was the media themselves.

By constantly observing the behaviour of their colleagues, journalists sometimes fall victim to viewpoints that they have established themselves. This especially applies to the 'correct' portrayal of events, i.e., the portrayal which conforms to the norms and schemata. Reservations are deemed to be factually irrelevant or are only expressed in rare cases. The speed with which many journalists adopted the 'correct' viewpoint in the CDU party-financing affair is illustrated by a story which appeared on December 24 in the *Frankfurter Allgemeine Zeitung*, a very reputable newspaper. The drop head announced that Thuringia's Premier Vogel was said to «approve of this away-from-Kohl movement». In the story itself, however, Vogel was quoted as having said exactly the opposite, «I do not approve of this away-from-Kohl movement which can be observed here

and there.» In English, it is hard to see how this mistake could have been made; however, in the German text, the word «not» was located near the very end of the sentence. Obviously, the editor was so convinced of what Vogel's opinion must have been that he did not pick up on this blatant mistake. This self-assuredness culminated at a press conference held by the Hesse FDP on February 12. As the leader of the Hesse FDP announced that her party planned to stay in the coalition with the CDU, the journalists in attendance actually booed. This literally removed them from their role as passive observers and transformed them into active participants in the event and made them the object of radio and television news reports.

## Emerging norms

Over a period of several months, the CDU party-financing scandal developed into an extremely complex web of smaller affairs, some of which were related and others which had nothing to do with the donations. The only link was the involvement of individual politicians from within the CDU. In terms of the overall complex, the anonymous donations to Kohl — both from a financial and legal standpoint — were of relatively little importance, but they became a central element in the whole affair. Kohl's conduct in the past and present — his acceptance of the donations and refusal to name the donors — seemed to be at the core of the entire affront. It was usually implied that somebody who had accepted anonymous donations and knew about secret accounts must have been aware of all other donations and accounts. This can be attributed in part to Kohl himself, i.e., the fact that he is a very prominent figure who had kept a tight rein on his party for many years and whose behaviour was not without symbolic value. On the other hand, Kohl had very little to do with the practical side of politics at that point. He no longer occupied any important posts. As a result, it was not possible to clamour for his resignation. In fact, he was not so good a target as he had been in the years before. As a result, Kohl's person and behaviour can only partly explain the fixation on his word of honour.

Presumably, the most important reason for the fixation on Kohl and his word of honour was neither his behaviour nor the alignment of the journalists but rather the rhetoric of leading CDU politicians, with Angela Merkel, Heiner Geissler, Christian Wulff and Wolfgang Schäuble at

the head. They sought to deflect the scandal from themselves by slipping into the role of the accuser. Four lines of argumentation were observable. One line of argumentation was the ***damage discussion***. One of the things it was based on was the demand formulated by the party's executive council on December 22, 1999, that Kohl should name the donors because there was seemingly no other way *to avert further damage from the party*. (*FAZ*, December 23, 1999) On the same day, Angela Merkel wrote in the *Frankfurter Allgemeine Zeitung* that this not only referred to *financial damage* «running into the millions» but also to *intangible damage* — «caused to the credibility of Kohl,... to the credibility of the CDU,... to the credibility of all political parties». This considerably expanded the damage discussion and elevated it to new heights. At the same time, Merkel faced the widely published suspicions that her statements had led to the opening of a legal inquiry against Kohl for breach of trust. (*BZ*, December 28, 1999) She denied this and was backed up by assurances given by the public prosecutor which corroborated her version of the story. (*BZ*, December 29, 1999 and *FAZ*, December 30, 1999) After it became clear that Kohl was going to make good the damage he had caused by starting a new fundraising campaign, the discussion bifurcated. On the one hand, leading CDU politicians such as Schäuble, Merz, and Merkel emphasized that the intangible damage, for which Kohl was also responsible, could not be made up for with new donations. (*SZ*, March 10, 2000 and *FAZ*, March 11, 2000) On the other hand, the CDU's overall deficit of DM 100 million became more and more of an issue. In this manner, the party leaders, without uttering a direct accusation, cultivated the impression that Kohl was chiefly responsible for the CDU's financial problems.

A second line was the ***resignation discussion***. It was based on the previously mentioned newspaper story by Mrs Merkel, in which she had written that it would not «be too much to ask [of Kohl] that he should resign from all offices which he still holds, promptly, and retire from politics.» So the demand that Kohl resign from «all offices» was made early — the only thing still missing was a date. Step by step, both aspects were to become more concrete. In the first step, Luther, the deputy leader of the CDU/CSU, suggested to Kohl in early January that he give up his seat in the *Bundestag*. Angela Merkel indicated that she did not share Luther's opinion. (*FAZ*, January 5, 2000) In a second step, on January 19, the CDU executive committee called upon Kohl «to suspend his activities» as honorary chairman of the party until such time that he named the donors. In a third step, a member of the Berlin city parliament, Thoben

Kohl, called upon Kohl to give up his seat in *parliament* if he refused to name the contributors. (*FAZ*, January 20, 2000) On February 12, in a fourth step, Eylmann, a member of the Bundestag for the CDU, escalated the process further by demanding that Kohl not only give up his seat in parliament, but that he should be expelled from *caucus*. (*FAZ*, February 13, 2000) In the fifth, and for now last step, the CDU executive committee discussed on January 24 a possible expulsion of Kohl from the *party*. This was turned down but it meant that the CDU had accepted this as a topic of public discussion. (*FAZ*, January 25, 2000)

The third line of argumentation was the ***incrimination of Kohl***. It started out very slowly and developed gradually. On November 20, Angela Merkel was still characterizing the briefcase which Kiep had accepted as a «*dubious donation*». (ZDF, November 20, 1999) In late November, Geissler gave an interview to WDR in which he spoke of «*illicit accounts*» (ZDF, November 26, 1999) held by the CDU. In mid-January, Eylmann declared that Kohl was meanwhile «*in permanent breach of the Constitution*». (*FAZ*, January 18, 2000) A few days later, Geissler said that Kohl's silence was arousing suspicion that the CDU was somehow committing *organized criminal acts*. (*FAZ*, January 20, 2000) On February 4, Mrs Merkel claimed that the «*cartel of silence*» (*FAZ*, February 5, 2000) had been broken, after the former CDU employees Weyrauch and Lüthje issued statements to the executive director of the federal CDU. On the following weekend, when asked by the *Süddeutsche Zeitung* whether she thought that Kohl had blackmailed Schäuble, Merkel replied, «Yes, I think so. Kohl always did try to exhaust any *potential for blackmail* (*SZ*, February 5-6 2000; *BZ*, February 7, 2000 and *FAZ*, February 8, 2000) he had against other people.» Subsequently, the CDU denied that Mrs Merkel had made such a statement. (*FAZ*, February 7, 2000) On the same weekend, the deputy chairman of the CDU, Wulff, claimed that individual CDU members had done damage to the party by acting in a manner reminiscent of «*an illegal secret society*». (*FAZ*, Februar 7, 2000) Some weeks after that, Schäuble, who had previously been caught in a lie before parliament, claimed that his resignation — he did not mention Kohl directly — was the consequence of an «intrigue... with criminal elements». He said further, «more and more tricks were taken from the manual of conspiratory disinformation» and brought into play. (*FR*, April 3, 2000)

The fourth line of argumentation, and the true catalyst in the whole discussion, was the demand that Kohl should ***name the anonymous donors***. On December 5, Geissler called upon Kohl in an article pub-

lished in the *Frankfurter Allgemeine Sonntagszeitung* to provide details on the «origin and reason for being of these accounts». (*FAS*, Dezember 5,1999) This demand quickly became a key issue with the CDU leadership. They even stayed by their guns after the SPD threatened, albeit very briefly, to have Kohl remanded into custody to force him to name the donors. (*BAS*, December 19, 1999) After December 22nd at the latest, when the CDU leadership called upon Kohl — in the absence of 8 members of the party committee — to «reveal the names of the people from whom he had received donations for the party», (*FAZ*, December 23,1999) that formulation became a staple of the demands made by leading CDU politicians. Kohl was no longer called upon to name the contributors, but to «reveal their identities». Publicly repeating this demand quickly became an obligation, which even politicians like Vogel, (ZDF, January 18, 2000) who had shown restraint until then, could no longer ignore. Did the public demands uttered by Geissler, Merkel, Wulff and others show success? Obviously not. Was it realistic to expect success after Kohl had publicly stated that he would not name the contributors? Certainly not. Instead of making a positive contribution to clearing up the issue, those people within the CDU who wanted to liberate themselves from Kohl had played into his hand since it had become evident that Kohl was not willing to sacrifice his past for their future. That says something about their political clout and explains a good deal of their indignation when Kohl was not ready to betray one of his convictions to facilitate their transition to power.

## Best interests

By accepting the anonymous donations, Kohl broke the party-financing law and also committed a serious political error. In light of the negative experience in the Flick affair and the relatively small sums involved, his motivations are difficult to understand. At best, they may be explained by the ardour and heavy workload of the years in question. Once the donations became public — especially considering they were handed over to Kiep in a black 'briefcase' — there would have been a scandal in any case. This is even more true in the case of the secret foreign accounts kept by the Hesse and federal CDU. In retrospect, if one were to evaluate the conduct of the CDU leadership, the question should not be whether the scandal could have been avoided but rather whether the CDU executives

acted in the best interests of the party. The key question is what benefit was gained from denouncing Kohl? The vilification of Kohl drew attention to his misconduct and other aspects of certain ills. This can be seen as a success which was in the interest of the CDU. On the other hand, the party's own leaders were largely responsible for aggravating the scandal with their decision to audit accounts from before 1993, even though the parties are not obliged to keep records going back that far under the Party Financing Act. (*FAZ*, January 28, 2000) This engendered a discussion of other issues — although it was obvious from the outset that they could not be cleared up because the necessary documents no longer existed. The Party leadership was evidently a little too quick to follow a request formulated by the Speaker of the Bundestag.

The devastating drop in confidence to nearly 30 per cent which the CDU suffered, mainly in January and February, was not halted by the vilification of Kohl. Rather, one must assume that the Kohl's vilification contributed to the public's abandonment of the CDU since the movement away from the party was especially strong during the period in which they were multiplying their attacks against Kohl. One explanation of why the number of people distancing themselves from the party grew at this point could be that the attacks against Kohl not only caused the more critical CDU advocates to turn their back on the party — but also had an effect on loyal CDU supporters. Incessantly repeating the demand that the anonymous contributors be named was not enough to eradicate the doubts about the willingness of the CDU to bring clarity to the financing scandal. Data collected by the *Forschungsgruppe Wahlen* showed that in February only 19 per cent of respondents believed «that the CDU was willing to bring complete clarity to the scandal» whereas 79 per cent had doubts. Even amongst the party's own followers, only 45 per cent expected the issue to be cleared up. At the same time, more than half of the general public (59 %) were convinced that the CDU leadership «had made things worse with their conduct» and almost half (42 %) had the impression that some CDU leaders had attempted «to place the entire blame on Kohl to distract from their own mistakes». (*FAZ*, February 23, 2000)

In light of these and a series of similar findings, the only epithet which fits the crisis management of the CDU leadership is disastrous. It was not their political opponents or the hostile media that transformed serious mistakes and wrongdoings of leading CDU politicians into a full-blown scandal. It also appears to be of little consequence that, according to the

*heute* newscast on December 4, 1999, the public relations officer of the Greens, Gunda Röstel, was one of the first to accuse Kohl of violating the Constitution. Ultimately, it was not the SPD or the Greens who doggedly reinforced this viewpoint — that was the work of the CDU. The intangible damage in particular — which the change in leadership at the party convention in Essen was supposed to remedy — was caused in part by the new leaders and their failure to reintegrate immediately all persons involved in the scandal. It was also caused by the dramatic language during numerous television appearances and by their vilification of Kohl, a man who had secured the support of a relative majority of the German population in four elections running.

## Hidden causes

The greatest problem experienced by all 'targets of criticism' in a scandal is the enormous strain generated by the public accusations. Politicians — even though they are used to public attention — are not exempt from this stress. In the words of Hans-Jochen Vogel, who was SPD Chairman for many years, even the initial reports that a negative story is about to appear in *Der Spiegel* exercise a «certain pressure» because you are forced to read everything that has to do with the issue. Vogel ascertained that, because of this pressure, mounting a successful defence boils down to «having enough energy and strong nerves». According to Vogel, you need «a strong physical and psychological Constitution in order to persevere during such a campaign until the other side exhausts itself». One consequence of this unusual level of stress are the false reactions which are typical in scandals, i.e., the abrupt about-faces from a defiant position of denial to a panicky submission to the presumed expectations of the public. Shell's conduct is one example of this. After the company initially refused to enter into a dialogue with Greenpeace, it all of a sudden announced that it would fulfil the demands of the organization. If Shell had proposed a six-month moratorium and invited all parties to inspect Brent Spar so that they could construct their own opinion, the protest would probably have died down quickly.

Certain members of the CDU leadership displayed a similar conduct during the party-financing scandal which hit the CDU. Initially, the party leadership rebuffed the wide-ranging accusations and attempted to position the accusations in a general discussion on party financing. As the

public pressure grew, some CDU politicians attempted to escape vilification by slipping into the role of the vilifier and they began pillorying Kohl. In both cases, the vilified party adopted and gave credence to the standpoint of its attackers. This acknowledgement of the accusations by the affected party itself leads to the conclusion that they must be true. This conduct is far from serving the interests of the vilified party, as has been shown in the two aforementioned examples.

Stress, however, was probably not the only factor behind the conduct of the CDU politicians in their dealings with the party-financing scandal. In all probability, there were personal motives involved, some which were rooted far in the past. In 1989 Helmut Kohl stripped Heiner Geissler of his power in the party after an attempt by Geissler, Späth, Süssmuth and Albrecht to topple him. What is more, Geissler not only lost his party office — he was general secretary at the time — he also forfeited any opportunity to shape the foundation for German unification. For example, if Geissler were to have become Interior or Foreign Minister under a Chancellor Späth, he probably would have chosen the so-called «third path» — a new Constitution incorporating elements of West Germany's 'basic law' cum Constitution and East Germany's Constitution.

For many years, Christian Wulff was considered a 'young rising star' in the CDU ranks in Lower Saxony. Many thought he was destined to follow in the shoes of Schröder, and later Glogowski, as Minister President of Lower Saxony. When Gabriel was surprisingly elected as the successor of Glogowski, Wulff was suddenly an 'outdated falling star'. He had no future in Lower Saxony so he sold himself as a reformer of the federal CDU party at the expense of Kohl.

Wolfgang Schäuble lost the use of his legs in an assassination attempt which was essentially motivated by his membership in the CDU — one could say he sacrificed his health for the party. In 1998 Kohl deprived him of the chance to become Chancellor by not stepping down — although it is doubtful that Schäuble would have won the elections even if he had been the chancellor candidate. On the other hand, if Kohl had resigned in 1996, Schäuble would have had a realistic chance. Kohl defended his decision to stay in office with the necessity of pushing through the introduction of the Euro. This may have been right but does nothing to change the fate of Wolfgang Schäuble. Merkel's political convictions were shaped during her work in the opposition in the first and last elected parliament of the former GDR as well as her experience with German unification. She believes that a radical new beginning is possible and necessary

— one that would leave the past behind. This conviction is perhaps strengthened by her positivist belief — Mrs Merkel has a doctorate in physics — that theories must be founded on a 'true' and indisputable foundation. Both of these — as sociology has shown and as has been illustrated by history — are not possible, yet these principles largely determined her rhetoric in the party-financing affair.

These personal reasons, however, can both be tied into a more general trend: For many years now, we have observed a greater willingness on the part of politicians to resort to public attacks on fellow party members in order to advance their own careers at the cost of their colleagues. Politicians have learned that nothing is considered more newsworthy than an attack directed at a member of their own party. This is one reason why politicians have been directing more criticism at their own parties rather than their opponents since the early 90s. (Kepplinger 1997: 178-205) The CDU party-financing scandal is the unique pinnacle of this 'dismantling of politics' by certain members of the political elite. With the help of the media, they are advancing their own careers at the expense of their own parties. For that reason, it is no coincidence that the two largest political parties in Germany are currently headed by candidates — Schröder and Merkel — who were not chosen by the party membership but rather by the opinion-forming media.

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AZM = Allgemeine Zeitung Mainz
BAS = Bild am Sonntag
BZ = Bildzeitung
Der Spiegel
FAS = Frankfurter Allgemeine Sonntagszeitung
FAZ = Frankfurter Allgemeine Zeitung
Focus
FR = Frankfurter Rundschau
FT = Flensburger Tageblatt
MAZ = Mainzer Allgemeine Zeitung
ME = Main-Echo
Stern
SZ = Süddeutsche Zeitung
ZDF = Zweites Deutsches Fernsehen

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