

A Study of the Variation in West German Foreign Policy Concerning the Oder-Neisse Line

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After World War II, one of the most difficult questions the Allies had to address at the Potsdam Conference was the final territorial status of Germany. Though the conference settled many issues and laid the groundwork for the impending Cold War, the future of Germany's eastern border with Poland remained unclear until the Oder-Neisse Line was finalized almost 45 years later. This study intends to identify what international and domestic factors influenced the West German foreign policy relating to the Oder-Neisse Line and prevented the border's formal recognition until German reunification on October 3rd, 1990. The analysis brings to light how the complex interactions between these factors shaped the foreign policy decisions of three crucial chancellorships and emphasizes how the policies under each chancellorship represented the three most important steps towards both reunification of Germany and recognition of the Oder-Neisse Line.

The Oder-Neisse Line serves as the current border between the Federal Republic of Germany and Poland. This border, which was established as the provisional border between Germany and Poland after World War II, continued to be a source of contention and heated debate throughout the Cold War. When the Allies of Great Britain, France, the Soviet Union, and the United States met at the Potsdam Conference in 1945, the final status of the German-Polish border was not concluded. Instead, the Allies established an administrative boundary with certain regions being placed under Polish control. These regions, which had been part of the German Reich¹ (also known as the Weimar Republic) before 1939, included East Prussia, Pomerania, West Brandenburg, and Silesia. As a result, the issue of the border was left open-ended and unsure. Thus, when West Germany was established in 1949, it felt no obligation or pressure to accept the Oder-Neisse Line as the final border of Germany. The Federal Republic of Germany (West Germany or FRG), claiming to be the only German government freely chosen by the German people, believed that it was the only legitimate German government and had the right to sole representation of the German people (Hendriks, 1992, p. 4).

This study focuses on the recognition process that took place in West Germany. Even though many believed as early as the Adenauer chancellorship in the 1950s that there was little hope for a revision of the Oder-Neisse Line, official recognition did not take place until 1990 or 45 years after the end of WWII (Allen, 2003, p. 286). During the Cold War, West Germany's stance on the border went through an evolution that slowly moved towards the final recognition. This evolution and long period of time from

¹ The "German Reich" was the official name of the German state from 1871 to 1945. While German Reich was the name of the German Empire, it can also be translated to mean German realm. "Reich" does not necessarily mean empire or denote a certain government.

creation until recognition is partly due to the Cold War, which had turned former allies into bitter enemies and therefore hindered a chance of cooperation in regards to rebuilding Germany. Another possible explanation for this slow progression is that West Germany experienced a gradual softening of the public stance on the border and that the passing of time was the major determining factor in the recognition process.

This study will attempt to not only show that such an explanation is inadequate in explaining the evolution of West German border policy, but that it only represents a small part of a much more complex picture. This study will further explore and contribute to the study of the relationship between international and domestic influences in the formation of foreign policy. And finally, the question that will ultimately be addressed is what explains the variations in border policy observed between 1949 and German reunification in 1990? What will be presented is the idea that the reunification of Germany and the recognition of the Oder-Neisse Line as well as the international and domestic environments that influenced the policies of the West-German leaders had become intertwined. Only a reunified Germany could legally recognize its border with Poland, while the price of reunification in the eyes of the Allies and the German people, in fact, became the recognition of the Oder-Neisse Line.

The Variations in Policy

During the 45 years of the Cold War, West German policy did not remain consistent nor did it venture too particularly far from a core set of beliefs, some of which were spelled out in the German Basic Law. The preamble in the German Basic Law, which established West Germany in 1949, defended the indivisibility of Germany and emphasized the will of the German people to maintain their national and political unity (Hendriks, 1992, p. 4). German nationality is also described in Article 116 as one who was admitted to the territory of the German Reich within the frontiers of 31 December 1937, which ties German nationality with the Reich's former territories east of the Oder-Neisse Line. Further, the West German government continued to state, up until reunification, that final determination of the border could only be made by a united Germany and through a final peace treaty signed by the four Allies. Therefore, neither West Germany nor East Germany truly had the power to recognize the Oder-Neisse border.

In examining the variations that do take place in West German border policy throughout the Cold War, this study emphasizes the foreign policy decisions of the Federal Republic of Germany Chancellors Konrad Adenauer (1949-1963), Willy Brandt (1969-1974), and Helmut Kohl (1982-1998). These three chancellors are crucial in this study not only because they are the most important individuals in the process of border policy formation in West Germany, but also because their chancellorships represent three major phases in the recognition process. During each chancellorship, the variations in the international and domestic environments defined the changes in West German border policy and the decisions of the respective chancellors. The study will attempt to make sense of the variation in foreign policy decisions under each chancellorship, whether they are treaties, doctrines, or any other official actions (e.g., the role of the

Bonn-Paris Conventions of 1954 from which the West Germany gained sovereignty and membership into NATO).

Adenauer was elected the first German chancellor in 1949 and served as the Federal Republic of Germany's chancellor until 1963. For almost a decade and a half, Adenauer set a resistant tone for West German policy towards the Oder-Neisse Line and sought to block the recognition of East Germany. During Adenauer's time as chancellor, he, and for the most part the West German government, remained fundamentally opposed to accepting the border. For Adenauer, the most important goal was to return full sovereignty to the FRG, because nothing regarding the borders of Germany could be achieved or negotiated from the position of strength that the FRG held in its early years (Anthon, 1976, p. 113). In order to achieve this and hopefully prevent the Western Allies from recognizing the Oder-Neisse Line established during the Potsdam Conference, Adenauer pursued an active *Westpolitik* that emphasized increased integration with the West and better relations with the Western Allies. The reason was that Adenauer believed that the largest determinant of the future of the territories East of the Oder-Neisse Line would be the United States (Frohn, 1996, p. 489). His stance regarding the border revolved around three beliefs:

(1) The forced expulsion of the East Germans from their homes in the former German territories east of the Oder-Neisse Line represented a violation of civilian and human rights and therefore the expellees retained a *Recht auf die Heimat* or the right for them to return to their homes. (2) The negotiations between West Germany and Poland would have to remain peaceful in order to foster a common understanding. (3) Germany would not recognize the Oder-Neisse Line until Germany's east border was settled as part of a final peace treaty whereby a united Germany was present (Frohn, 1996, p. 523).

Over time, Adenauer began to realize that the Oder-Neisse Line would become the price for the reunification of the two Germanies but the German public was not yet ready to accept this cost (Frohn, 1972, p. 524). Adenauer thus chose to prioritize the short-term goal of Western integration over the long-term goal of reunification, which was something the world was not yet ready for (Besson, 1972, p. 370). While no commitments were made by the allies in support of West Germany and its border claims, Adenauer had succeeded in orienting West Germany with the West.

In contrast, Willy Brandt's chancellorship (1969-1974) represented an opening to the East, and through his *Ostpolitik* policies, he established a *de facto* recognition of the border. Brandt's policies are crucial in this study for this period of time is more or less a 180-degree turn from Adenauer's policies. By 1968, most West Germans were beginning to accept that the Oder-Neisse Line was in fact final and that the former territories were indeed lost forever (*Economic and Political Weekly* 1968). During his career as Foreign Minister from 1966-1969, Brandt stated that normalization of diplomatic relations could be achieved if the right "formula" could be found (Allen, 2003, p. 257). Part of the drive for improved relations was to ease the tension between East and West and to attempt to improve the security of Central Europe. Willy Brandt took his approach to relations with the East in "little steps" (Allen, 2003, p. 277). His policies differed from Adenauer, (i.e. reunification would be followed by elections and territorial negotiations), in that he

placed recognition of the status quo as the first step towards negotiating reunification and placed emphasis on improving the dialogue between Germany, Poland, and the USSR (Allen, 2003, p. 278). The treaties he signed with Poland and the USSR, however, was not a true "recognition" of the border, but rather was a "joint confirmation" of the territorial reality. The FRG did agree to the inviolability of the Oder Neisse border and renounced territorial claims. This was the case even though West Germany did not border Poland and it did not have the legal grounds to guarantee a border between the GDR and Poland unless it was understood or believed that West Germany represented the will of all of Germany (Hendriks, 1992, p. 6).

Official recognition of the Oder-Neisse Line as the border between Poland and Germany would not be achieved until the international and domestic environments were aligned during Helmut Kohl's chancellorship in 1990. Naturally, it is important to analyze the progression of Kohl's foreign policies for they resulted in both German reunification and recognition of the border. Even with the favorable atmosphere amongst the Western powers and the USSR, Kohl had to fight hard for reunification. He decided to take the risk to go on the offensive by promoting the cause of German reunification. Kohl made it a priority to make frequent personal contact with Gorbachev, who was eventually persuaded by Kohl's initiative and the mutual desire to overcome the painful memory of the war (Fröhlich, 2001, p. 265).

Even during Kohl's chancellorship, the German legal position remained that the German Reich/Weimar Republic had survived the collapse of the German state in 1945 and continued to exist as "a passive subject of international law." According to this stance, sovereignty over the former German territories east of the Line could be handed over by a reunified German state or German Reich. At first many, and especially Poland, were nervous for Kohl had been hesitant and ambiguous in statements about the border (Czaplinski, 1992, p. 164). But eventually, Chancellor Kohl was prepared to accept that the recognition of the border would be the price to achieve German reunification, though Kohl insisted that reunification would come first.

Theory and Explanation

During the course of the Cold War, the German policy regarding the border evolved in a certain way that allowed the border to become not only legitimate in the eyes of the international community, but in the eyes of the German government and German people as well. Yet, the process took 45 years, mostly because of legal complications and the fact that the Potsdam Conference had failed to achieve a conclusion regarding the "German question."² During those 45 years, West Germany slowly moved towards not only recognizing the border but achieving reunification as well. Both reunification and recognition of the border eventually became intertwined because West Germany stated it could not legally recognize the border until it was agreed upon by the German people (reunified East and West Germany) and reunification could not be achieved unless Germany was willing to relinquish claims to territory east of the Oder-Neisse Line. As

² This refers to unsure future of Post-WWII Germany.

Georg Bluhm wrote in *Die Oder-Neiße Frage* and German politicians began to understand, if West Germany truly desired to find a solution to the German question of reunification, it would have to frame the border within the greater context of reunification than simply within the interests of reclaiming the former East German territories (1966, p. 79).

Chancellors Adenauer, Brandt, and Kohl each developed their own unique policy regarding the border and in their pursuit of possible reunification. The variations in foreign policy decisions concerning the Oder-Neisse Line that are observed during each of the chancellor's time in office can be explained as a complex interaction of the "international constellation"³ and domestic factors. If the interaction between the international and domestic environments can be effectively analyzed in the case of West German border policy, then they can provide insight into why each chancellor made the decisions that they did. Table 1 provides a basic look at the international and domestic conditions that existed during each of the three chancellorships. The matrix below shows how the international and domestic environments interacted and determined the outcomes of each chancellor's policy decisions, based on the idea that recognition and reunification were dependent on each other.

The international environment is important to consider for, as Waldemar Besson states, the formation of foreign policy is largely determined by the challenges presented to leaders in the international system (1971, p. 367) and in this study, the international environment acts as a limitation of foreign policy.⁴ As such, the border policy chosen by the chancellors depended first on the international acceptance of a unified Germany. West Germany had little interest in recognizing the border especially in the earlier years because, as the West German government in Bonn pointed out, doing so would "be risking the finality of the two separate German states" and some politicians believed that if West Germany would recognize the border in international law too soon, then it would lose its chance at future reunification all together (Hendricks, 1992, p. 4).

Alongside the international constellation, the domestic environment within West Germany had to be favorable enough to accept the territorial status quo, the Oder-Neisse Line as final, and abandon any hopes for revision of the border. Therefore, the

³ The term "constellation" is used by Georg Bluhm to describe the international environment throughout the Cold War. Such a term captures the complexity of the Cold War political system, which determined the limitations on West German Foreign policy (1967, p. 114).

⁴ *"Abweichend davon wird im folgenden an einigen für die Struktur der Adenauerschen Außenpolitik besonders relevanten Kapiteln von der Prämisse ausgegangen, dass die außenpolitischen Entscheidungen wesentlich durch die Herausforderungen bestimmt werden, die das internationale System für den neuen westdeutschen Akteur bereithielt."* (Notwithstanding that, it is assumed in the following chapters, which are particularly relevant for the structure of Adenauer's foreign policy, that foreign policy decisions are significantly determined by the challenges that the international system had in store for the new West-German actor.)

The author refers to his own arguments explaining the specific challenges facing West German foreign policy, amongst which were conflicting goals as can be seen between both attempting to integrate with the West and challenging the border established by the Allies at Potsdam.

domestic environment provides incentive for each chancellor to make certain policy decisions especially when they are approaching elections. Both the international and domestic environments had to ultimately be aligned in order for the West German people to accept the border and for the four allies to concede to allow a reunified Germany.

Method

Table 1 provides a visual representation of the study and how each chancellor’s policies were steps towards the final recognition of the border and their own foreign policy decisions were products of the international and domestic environments they encountered. The policies of each chancellor represent the major dependent variables of the study which were measured by doctrines, such as the Hallstein Doctrine, which was established during the Adenauer chancellorship and meant to prevent recognition of East Germany, treaties such as those signed under all three chancellorships, speeches, personal memoirs, letters, and negotiations that were written *during* the each chancellorship. All together, these factors paint the picture of the overall border policy adopted by these three leaders.

Table 1: Interaction of the International and Domestic Environments

	High International Acceptance of a Reunified Germany	Low International Acceptance of a Reunified Germany
High Public Support/Incentive for Recognition of the Border	Helmut Kohl: Recognition After Reunification	Willy Brandt: De Facto Recognition
Low Public Support/Incentive for Recognition of the Border	Not possible due to FRG political system	Konrad Adenauer: Opposition

The independent variables of this study are grouped into two categories. The first of these two is the international environment. The two parts of this category are the West German relationships with the West (more specifically the United States) and the East (Soviet Union and Poland). Though these factors are more qualitative than quantitative measures, the condition of German relations with both the East and West is best measured through treaties, declarations, doctrines, letters, and private letters. Such documents give insight into the state of West Germany’s foreign relations and thus provide a context from which to conclude whether or not the international “constellation” favored German reunification and as a product, recognition of the Oder-Neisse Line.

The second set of factors fall within the domestic environment. The factors that are the most important to this study are the expellee population and the general West German constituency. The expellee population refers to the roughly 9 million Germans who had been forcefully displaced from lands East of the Oder-Neisse Line by the Polish and Soviet governments or those Germans who had chosen to flee the Red Army and move further west. This group made up an important part of the German voting population and formed a powerful and influential lobby that remained an integral part of each chancellor's foreign policy decisions. The rest of the German constituency is still important as well for shifts in the constituency's stance on the border helped to shape the border policy of West Germany. The influence of the expellee population and the overall German constituency can be measured through the collection of voter data, organization membership, analysis of party platforms. Further, memoirs and biographies of the chancellors are important in understanding the decision making process for each chancellor and in understanding how they perceived not only the domestic political environment but also the international environment and West Germany's place in the world.

Origins of the Border: Uncertainty at Potsdam

Just before the end of World War II, the three Allies including the Soviet Union, Great Britain, and the United States met in Yalta to discuss the future of Europe after the fall of Hitler's Nazi Germany. One of the most important questions was about the future of Germany and her borders in the post-war order. Discussions regarding the border remained somewhat open-ended and inconclusive. Stalin made it clear, however, that he favored not only a weakened Germany but a Germany whose borders would be pushed as far West as possible in order to secure Soviet security interests. This goal was also fueled by a desire to make sure Germany would no longer be a threat, and partially to accommodate the Poles for the massive Eastern Polish territory and industrially rich city of Lwów that was annexed by the Soviets based on the Curzon Line.⁵ It became mostly understood that the former German territory of Northern Prussia around the city of Königsburg (today Kaliningrad) would go to the Soviet Union and Southern Prussia would be given to Poland. Further, the city and region of Oppeln, which was part of Silesia, would be given to the new Polish state.⁶

It was at the Yalta Conference between February 4 and 11, 1945 when Stalin first proposed the Oder-Neisse Line. Along with the territories stated above, the German border would be pushed to the Oder and Lausitzer (Lusatian) Neisse River and in the North, the Polish border would extend beyond the Oder River to include the cities of Stettin (historical port of Berlin) and Swinemünde in order to give Poland control of the Oder River. Roosevelt and Churchill, however, were not so keen on making such drastic changes to Germany's borders for doing so would involve serious upheaval and the transfer of millions of Germans from their homes. The greatest uncertainty revolved

⁵ See Wilpert 1966

⁶ See Lehmann 1979: 97.

around the regions of Pomerania, East Brandenburg, and Silesia. During Yalta, the United States and Great Britain also offered suggestions for different borders based off of the Oder and Bober Rivers and the Oder and Queis rivers.⁷ Yet, the Allies were unable to come to any conclusive agreements and thus for the most part, border negotiations were delayed until the war was over and the allies could meet at a final peace conference (Allen, 2003).

After the defeat of Nazi Germany, the Allies once again met outside of Berlin and took part in what was to be the Potsdam Conference. This conference lasted from 17 July to 2 August 1945 during which the “Big Three” addressed the many issues facing post-war Europe. Again, one of these issues was solving the German question. This included the division of Germany into four zones, the possibility of reunification of Germany, and, of course, determining the borders between Germany and its neighbors. However, before the Allies could come to any agreements regarding the border, the Soviet Union and the Communist Lublin Government in Poland (later the People’s Republic of Poland) had begun unilaterally expelling the German population remaining within the former German territories east of the Oder-Neisse Line and the Soviet Union placed these territories under Polish administration.

Though the United States and Great Britain opposed these population transfers, which they believed should not be enforced until the Allies had concluded a peace treaty at the conference, Poland (PRP) and the Soviet Union continued to forcefully expel ethnic Germans. Some estimates place the number of expelled Germans as high as 10 million (Bock, 1966, p. 8). Though the Poles and Soviets referred to this process as a “transfer” of the German population, many recognized that it was, in fact, an expulsion that cost many Germans their lives and represented a “flagrant violation of human rights” that violated the Geneva Convention’s protection of civilians (Bock, 1966, p. 12). This accusation is justified for these forced expulsions have been estimated to have cost over 2.1 million German civilians their lives as they tried to escape the Soviet Red Army and vengeful Polish citizens to make it into Germany (Bluhm, 1967, p. 47). However, with the atrocities committed by the Nazis during the war still freshly entrenched in the minds of world leaders, little sympathy was given.

While the ethnic Germans and German nationals were being expelled from the East, the Allies were meeting in Potsdam to determine the future of Germany. When it came to the border negotiations, the Soviet Union had insisted that the Communist Polish Government be included. Without being said, the Soviets and the Communist Polish Government were in favor of establishing the Oder-Neisse Line as the official border and had even hinted at pushing the border even further West into Germany to take portions of Mecklenburg, Brandenburg, and Saxony.⁸ While this idea, mostly supported by the Poles, was eventually dismissed, their argument for the Oder-Neisse border was that it would provide Europe with greater security from German revanchism and aggression and the desire to appropriate Poland for the territories East of the Curzon

⁷ See Lehmann 1979: 97.

⁸ See Lehmann 1979: 97.

Line annexed by the Soviet Union. The Communist Polish Government declared that the territories they received from Germany were not taken but reclaimed, for these territories were in fact part of the Polish Kingdom under the Piast Dynasty of 1138 (Allen 2003). For this reason, Poland would refer to these territories as the "Reclaimed Territories."

Even with Soviet unilateral action and support by the People's Republic of Poland (communist government), the United States and Great Britain were not ready to accept the Oder-Neisse border as final. Once again, proposals were put forward by the United States to establish the border based on the Oder and Bober Rivers or the Oder and Queis (Kwisa) Rivers.⁹ Three years later, the United States would even put forward different possible border amendments that would leave more land to Germany and would allow Germany to maintain most of Silesia and Pomerania.¹⁰ During the late 40s, there were even rumors that the Soviet Union would consider agreeing to a border settlement more favorable to Germany if the Soviet Union were allowed to keep the city of Lwów and if Germany were to adopt a more Eastern orientation with a German communist party being allowed to run for elections (Allen, 2003, p. 46). However, these rumors were proved false by Soviet Minister of Foreign Affairs Vyacheslav Molotov's reaffirmation of the Oder-Neisse boundary in response to U.S. Secretary of State James Byrnes' Stuttgart Speech. Molotov stated that the "importance of the Potsdam Agreement on Poland's borders was evident in the acceptance by the powers of the population transfers,¹¹ revealing that they 'never envisaged any revision of this [territorial] decision in the future'" (Allen, 2003, p. 52). This, according to Byrnes, was a victory for the West because it disenchanted some Germans who may have been looking to the Soviet Union as advocates for reunification or the recovery of territory.

Byrnes' speech, which was delivered before Molotov's reaffirmation speech, officially stated that the Oder-Lausitzer Neisse Line was the temporary border between Poland and Germany and the former German territories were to be placed under Polish administration, but any final territorial settlements would have to be made at a later time at a final peace conference:

The Soviets and the Poles suffered greatly at the hands of Hitler's invading armies. As a result of the agreement at Yalta, Poland ceded to the Soviet Union territory east of the Curzon Line. Because of this, Poland asked for revision of her northern and western frontiers. The United States will support revision of these frontiers in Poland's favor. However, the extent of the area to be ceded to Poland must be determined when the final settlement is agreed upon (Speech by J.F. Byrnes, United States Secretary of State Restatement of Policy on Germany Stuttgart September 6, 1946 – U.S. Diplomatic Mission to Germany).

⁹ See Allen 2003: 28.

¹⁰ See Allen 2003: 76.

¹¹ This refers to the transfer of ethnic Germans from the former German territories east of the Oder-Neisse Line.

This was the official status of the border during the division of Germany into the Federal Republic of Germany and the German Democratic Republic. Eventually, the border's status as temporary and to be settled by the Allies at a later time formed the basis of the German argument that they did not have the power to recognize the border and that only the four allied powers could determine the fate of the Oder-Neisse Line. Though agreements had been made regarding the border, its finality and official recognition by not only Germany but also the Western Allies remained unsure. As Konrad Adenauer became the first chancellor of the Federal Republic of Germany, the German recognition process would continue throughout the entire Cold War as both the international and domestic environments changed, interacted, and eventually aligned under Chancellor Kohl in 1990 to allow for the border to be officially and legally recognized by the Federal Republic of Germany as the price for its reunification with East Germany.

Konrad Adenauer: Opposition

Adenauer's chancellorship began on uneasy footing. His party, though in charge of the government, had barely won over their rival party the SPD (*Sozialdemokratische Partei Deutschlands*). The 1949 election had Adenauer's conservative Christian Democratic Union win 115 seats while the rival SPD won 131 (Weber, 1998, p. 121). However, with the help of the coalition formed by two other parties including the Free Democrats and the German Party, the CDU emerged as the more powerful party. By the time Adenauer had been elected, a large number of expellees had fled to West Germany and made up a significant portion of the West German constituency. Before the Adenauer chancellorship, the approximately 9 million expellees began establishing the first organizations in the American and British occupied zones of what was to be West Germany in 1947. These organizations and parties would eventually form an influential lobby in West Germany (Stöver, 2005, p. 899). In the 1953 elections and in subsequent elections, Adenauer was aware of the importance of the support of these expellees who made up 1/5 of the West German population and thus adjusted his own platform to better compete for these votes (Allen, 2003, p. 160). The Bloc of Expellees and Disenfranchised (BHE) managed to win 27 seats or 5.3% in the West German *Bundestag* (Webb, 1998, p. 121).

Therefore, Konrad Adenauer and his party were unwilling to make any political moves that would anger such a large portion of the West German constituency, but neither was any other party in West Germany. This prevented the West German political parties from considering the recognition of the border as a possible part of their platforms for a long time. Further, the German constituency had voted consistently for Adenauer and seemed to rarely criticize his decision to pursue Western integration at the cost of relations with the East (Webb, 1998, p. 121-126).

At its establishment, the FRG had believed it to be the only legitimate German government and claimed to be the government of all Germans and German territory including those east of the Oder-Neisse Line because it had been freely chosen by the German people. The domestic environment in West Germany was not yet prepared to recognize the border for the Oder-Neisse Line as this was still an emotional issue for

those who had been forced from their homes. It was also a difficult legal situation, for no West German politician felt it wise to accept the border for the ramifications it might have on West Germany's chance to reunify with the West and possibly amend the Oder-Neisse Line in a more favorable manner.

In regards to the international environment, none of the Allies were particularly interested in a reunified Germany. The state of post-war Europe consisted of a memory still blighted by the destruction wrought by Nazi Germany. The Bonn-Paris Conventions that took place between 1952 and 1954 (signed 23 October 1954 and coming into effect on 5 May 1955) did, however, grant the FRG its sovereignty and membership in NATO (Anthon, 1976, p. 113) and stated "a definitive settlement of the German frontiers would have to be postponed until a peace treaty had been negotiated." Since all four Allies were currently preoccupied by the tensions of the Cold War and West German sovereignty and power to conduct fully independent foreign policy was only recently obtained, reunification and thus recognition of the border seemed to be out of the question. Besson also writes that based off of Adenauer's memoirs, the chancellor had to limit the number of West German claims and demands in order to hold on to the relative independence that it enjoyed within the Western Sphere (1972, p. 369). In his memoirs, Adenauer explained that he was also warned by Churchill not to bring up the border too soon. For Adenauer, building trust with the West was crucial: "We also had to recognize that after the defeat we were without power. We therefore had to start from the assumption that in all our negotiations with the Allies for greater political power the psychological element would play a very great part. We could neither demand nor expect full confidence at the outset."¹²

Adenauer recognized this and focused his efforts on improving relations with the West. Adenauer remained mostly on good terms with France and the United States and often referred to his personal friendships with Charles De Gaulle and U.S. Secretary of State John Foster Dulles. In many ways, Adenauer's policies to integrate West Germany further into the Western powers proved to be a successful part of maintaining Western Allied support against the Oder-Neisse Line and the existence of two German states. Eisenhower expressed support for Adenauer and stated "the US policy towards Germany was based on West Germany's integration into Western Europe and on the 'ultimate unification of Germany'" (Allen, 2003). Adenauer declared on 26 June 1964, after his chancellorship, that the "right to exercise self-determination, which should lead the reunification of Germany in peace and freedom, remained a foundational objective of the three [Western allied] powers" (Bock, 1966, p. 11).¹³

Apart from Adenauer's success in delaying the Oder-Neisse Line's recognition, gaining Western support, and the treaties signed with the Soviet Union to moderately improve relations, the most notable product of the Adenauer Chancellorship in regards

¹² Adenauer, K. (1966). *Konrad Adenauer: Memoirs 1945-1953*. (B.R. von Oppen, Trans.). Chicago: Henry Regnery Company. (Original work published 1966)

¹³ "Die Ausübung der Selbstbestimmung, die zur Wiedervereinigung Deutschlands in Frieden und Freiheit führen soll, bleibt ein grundlegendes Ziel der drei Regierungen" (Deutschlanderklärung vom 26. Juni 1964)

to the border was the Hallstein Doctrine. Adenauer, in the face of stagnant reunification talks, focused more on keeping the Cold War status quo from becoming fixed or changing to the disadvantage of West Germany by attempting to fight the recognition of the DDR. The Hallstein Doctrine was meant to help accomplish this goal for it stated that West Germany would not establish or maintain diplomatic relations with any state that recognized the DDR. It was more or less put into effect in December of 1955 and was maintained by the belief that non-recognition of East Germany was a necessary prerequisite for reunification (Kilian, 2001, p. 26-30). This doctrine remained an important influence on German foreign policy regarding the Oder-Neisse Line and relations with the Soviet-Block countries until the implementation of Willy Brandt's *Ostpolitik*. Thus as can be seen in Table 1, the international and domestic environments had aligned themselves under the Adenauer chancellorship in a way that influenced Adenauer's policies to remain in opposition to the border. When Adenauer left office in 1963, the fact remained that the West German people were not ready to accept the border and the Allies were not prepared to allow a unified Germany.

Willy Brandt: De Facto Recognition

Brandt had stated in 1968, during his career as the Foreign Minister, that if not recognized, the border should at least be respected (Hendriks, 1992, p. 6). When Willy Brandt came to the chancellorship in 1969, the domestic political environment in West Germany had shifted. While Chancellor Willy Brandt still encountered an international environment that was not ready to allow Germany to reunify, by 1968, most West Germans were beginning to accept that the Oder-Neisse Line was in fact final and that the former territories were indeed lost forever (*Economic and Political Weekly*, 1968). Polls began to show that West Germans were coming to terms with the territorial status quo and were interested in normalizing and opening up to the East. In the Allensbach poll, compiled by the Allensbach Institut in West Germany, 3/5 of the representative sample believed that former Chancellor Kurt Kiesinger (1966-1969) would not be considered a traitor if he were to recognize the Oder-Neisse Border. A further poll showed that 62% of West Germans believed that the former German provinces of Pomerania, Silesia and East Prussia were in fact lost forever (*Economic and Political Weekly*, 1968). Given the fact that the West German population was opening up to the possibility of recognizing the border to some extent, Willy Brandt's chancellorship occupies its given quadrant in Table 1.

The expellee lobby was beginning to lose its strength for two major reasons: First, the passing of the older generation of refugees and expellees and second, the increasing recognition of the status quo of Europe (Kulski, 1979, p. 65). Another explanation for the weakening of the expellee lobby was the weakening of the argument for German *Heimatrecht* or right of their expellees to return to their homes. Though this argument remained influential in the 50s, the *Heimatrecht* argument began to lose influence in the mid-60s as 2.5 million Poles had been born in the former territories and by that logic, also had a claim to these territories as their homeland (Allen, 2003, 242).

As Hermann Bock points out, though an injustice had been done to the 9 million or so German expellees, it was not the will of the Polish settlers, who were forced to leave their homes in the East, to move into former German territory. So, where could Germany derive the right to force these people out once more and deny these new settlers their rights of self-determination (1966, p. 25)? Bock further warned that Germany should not allow itself to become caught up in a “Teufelskreis” or vicious circle of disregard towards human rights that Hitler began and Stalin continued to practice (1966, p. 35).

The meaning of the *Heimat* or home had also begun to take different forms to include every German’s right to find a home in West Germany or the memory of home that the expellees held onto as they established themselves in West Germany. *Heimkehr*, or the return home, may have in fact become part of the expellee memory rather than actual territory (Demshuk, 2012, p. 531). During this time, the *Heimatfilme*, which portrayed the beauty, comfort, and peace found in the homeland became very popular since it provided a nostalgic and pastoral escape not just for the expellees who were homesick and homeless, but also for regular Germans who were struggling to rebuild a war-ravaged country. Through film, poetry, and other outlets, expellees reminisced on the idealized past before the war. Demshuk even notes that many may have not even wished to return to their homes, if they could, because for them to see their generational homes in ruin and in the possession of a foreign power would have been too traumatic and would only serve to ruin the “warm memories” of home (2012, p. 531). As one woman stated in an interview, “I would like to remember my homeland the way it is familiar to me now”¹⁴ (Lehmann, A, 1993, p. 113).

Sympathy for the plight of the expellees or *Heimatvertriebene* also began to erode. In *Der Spiegel*, one columnist stated that the *Recht auf Heimat* represented the desire and the danger of a violent upheaval and the preservation of hatred in Europe. All of this together played against the expellee lobby and left them in a much weaker position during the Brandt years than they had enjoyed during previous chancellorships.

Religious leaders were also beginning to weigh in with their own opinions towards the border. By 1968, 149 prominent West German Catholics had officially backed the foreign policy of Willy Brandt, which marked a distinct change in attitude for the Church had supported the policies of Adenauer and the CDU for a long time (Thawing of the Oder-Neisse Line, 1968, p. 476). As early as the later years of the Adenauer Chancellorship, the Protestant Church had already been calling for reconciliation and recognition of the border and on February 24, 1962, eight Protestant leaders had signed a memorandum stating such (Anthon, 1976, p. 126). This trend of religious institutions supporting the peaceful resolution of the Oder-Neisse dispute and the recognition of the border continued up through the end of the 70s and until reunification (Kulski, 1979, p. 67).

Neither Cold War alliance was prepared to allow German reunification, thus preventing an official settlement of the border. Reunification remained unlikely because

¹⁴ “Ich möchte meine Heimat so in Erinnerung behalten, wie sie mir vertraut ist.”

of the poor relations between the West and the Soviet Union, but Brandt saw the normalization and improvement of relations with the East as a necessary step towards eventual reunification. Bluhm argued that clinging too tightly to the former territories of the 1937 German Reich, which by the 1960s had undoubtedly become integrated as Polish territories, only served to hinder progress towards a solution of the German question and hinder relationships between Germany and other European states both West and East of the border (1966, p. 83). Therefore, if by “accepting” or respecting the border, at least *de facto* recognition, West Germany could perhaps improve its chances of reunification, the border would be a worthwhile sacrifice. In two separate treaties, one signed with the Soviet Union on 12 August 1970 and one signed with Poland on 7 December 1970, West Germany normalized relations with the two communist states, renounced the use of force as a political tool, and recognized that the existing borders including the Oder-Neisse line could not be violated by any party (Bromke and Riekhoff, 1971, p. 2). Further, as part of its treaty with the Soviet Union, West Germany gave up its claim to speak for the whole of Germany and allowed other Western nations to recognize East Germany. While West Germany still refused to recognize the GDR, this represented the official end to the Hallstein Doctrine (Marshall, 1997, p. 70).

Though the expellee lobby and organizations continued to vocally disapprove of recognizing the border, *de facto* recognition of the Oder-Neisse Line had been a necessary step for Chancellor Brandt in achieving the more important goal of normalizing relations with the East. As such, we not only see recognition of the border becoming a price for a larger West German foreign policy goal, but we observe one big step towards final recognition of the border. However, as long as the two Germanies remained apart, the official West German stance remained that the border would only become truly legitimate once it had been approved by a reunified Germany and a freely elected German parliament. Rather than *recognizing* the border, the treaty was a *joint confirmation* of the territorial reality though the FRG did agree to the inviolability of the border and renounced territorial claims (Hendriks, 1992, p. 6). In an address by Brandt from Warsaw Television in 1970, Chancellor Brandt defended the treaty with Poland by explaining that:

[The Treaty] does not surrender anything that was not gambled away long ago and gambled away not by us who hold and have held political responsibility in the Federal Republic of Germany, but gambled away by a criminal regime. ... This treaty does not mean that we acknowledge injustice or justify acts of violence. It does not mean we give legal force to subsequent expulsion...this treaty...is not a substitute for a formal peace settlement (Hendriks, 1992, p. 6)

Helmut Kohl: Reunification and Recognition

With the fall of the Berlin Wall in 1989, the increasingly liberal policies of Gorbachev, such as Glasnost and Perestroika, and the weakening of the Soviet Union, the winds in Europe began to shift. During the chancellorship of Helmut Kohl, the international environment and domestic environments were finally aligned for the recognition process to be completed and for Germany to reunify (as seen in Table 1). Various factors,

both within and outside of Germany, had provided the opportunity for radical change in the European political landscape. As made obvious after Kohl and Gorbachev's meeting in the Caucuses on 16 July 1990, the Soviet Union no longer had any realistic chance of stopping the reunification. Thus the four Allies were prepared to meet for the final negotiations regarding the future of the two Germanies. The West German and East German people had also shown a strong desire to reunify. The 'Alliance for Germany' union in East Germany, which supported reunification, won 47.9% of the votes in the first free East German *Volkskammer* parliamentary elections in 1990 (Webb, 1992, p. 126). With both the West German *Bundestag* and the East German *Volkskammer* parliaments' foreign policy becoming synchronized under the leadership of Chancellor Kohl, the domestic stage had been set for reunification.

Fröhlich lists three important points in the environment leading up to the reunification. The FRG's involvement with the West (referred to *Westbindung* under Kohl), beginning with the *Westpolitik* under Adenauer meant that reunification was supported strongly by France, Great Britain, and the United States. Kohl seemed to be dedicated to the question of unification and demonstrated excellent intuition in reacting to the atmosphere of the German public and the international circumstances that, for the first time since the War, favored reunification (2001, p. 263-265). Further, effective synchronization between the office of the chancellor and the office of foreign affairs provided for an efficient enactment of policies leading up to reunification.

Though the conditions for reunification were favorable, Kohl remained somewhat hesitant and ambiguous regarding the border. Expellee organizations and conservatives who were not in favor of loss of land still made up 15% of the potential vote and Kohl did not want to alienate them. The German legal position also continued to state that the German Reich had survived the collapse of the German state in 1945, which included the territories held by Germany during the Weimar Republic (Czaplinski, 1992, p. 164). Germany had not been present at the Potsdam Agreement and therefore was not bound by it and still claimed that sovereignty over the former German territories could only be transferred to Poland by concluding a peace treaty with the reunified German Reich (Germany as of 1937). According to this stance, Poland only had administrative authority over these territories and that neither the Treaty of Görlitz (1950) nor the Warsaw Normalization Treaty of December 7, 1970 were official treaties recognizing the border nor binding to a reunified Germany. Article 23 of German Basic Law treated the former German territories as part of the German Reich of 1937 and these territories were thus entitled to join the Federal Republic of Germany (Czaplinski, 1992, p. 165).

For the time being, this Basic Law shall apply in the territory of the Länder of Baden, Bavaria, Bremen, Greater Berlin, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Schleswig-Holstein, Württemberg-Baden, and Württemberg-Hohenzollern. In other parts of Germany it shall be put into force on their accession (Article 23 of the German Basic Law, 1949).¹⁵

¹⁵ Dieses Grundgesetz gilt zunächst im Gebiete der Länder Baden, Bayern, Bremen, Groß-Berlin, Hamburg, Hessen, Niedersachsen, Nordrhein-Westfalen, Rheinland-Pfalz, Schleswig-Holstein,

This article made it legally binding for the German government to allow the accession of any "German" state to declare its accession to Germany at a later date. These "German" states included former East Germany and could have applied to those territories that were incorporated into Poland after WWII. Poland was understandably wary about this article.

Even in the face of these setbacks, Kohl told President George H.W. Bush in private that the Oder-Neisse border had become a reality that most of Germany acknowledged, had little chance of being amended, and that even though those 12-14 million expellees and the 2 million that were killed were innocent and victims of Nazi war crimes, the border was seen as part of German reparations for the War (Allen, 2003, p. 286). While the other leaders of Europe were growing impatient with Kohl's stance on the border, President Bush remained confident that Kohl would eventually accept the border. In any case, as Bush's Secretary of State James A. Baker declared on July 17, 1990, a united Germany would "consist of the Federal Republic of Germany (West Germany), the German Democratic Republic (East Germany), and Berlin – no more, no less" (Frohn, 1996, p. 486).

Kohl had quickly realized the official German recognition of the border would be the price for reunification, for France, and more importantly the United States, had already recognized the border and any chance for revision of the border no longer remained. Kohl continued to state that the Oder-Neisse border represented the status quo and could not be altered and even pledged, while at Harvard in June 1990, that the Oder-Neisse border would remain inviolable after Germany's unification, referring to the 1970 treaty signed under Willy Brandt (Allen, 2003, p. 288). Poland and some of the other eastern nations remained nervous about Kohl's seeming lack of commitment and Poland attempted to gain official recognition before German reunification. Though Poland was unsuccessful in this request, they did gain an invitation to the final German treaty. Once the Treaty on the Final Settlement with Respect to Germany, also known as the Two-Plus-Four Agreement, had been signed on September 12, 1990 guaranteeing German reunification, West Germany finally legally recognized the Oder-Neisse Line. The parts of the treaty regarding the border were spelled out in Article One:

The united Germany shall comprise the territory of the Federal Republic of Germany, the German Democratic Republic and the whole of Berlin. Its external borders shall be the borders of the Federal Republic of Germany and the German Democratic Republic and shall be definitive from the date on which the present Treaty comes into force. The confirmation of the definitive nature of the borders of the united Germany is an essential element of the peaceful order in Europe.

The reunified Federal Republic of Germany signed a separate treaty with Poland on

Württemberg-Baden und Württemberg-Hohenzollern. In anderen Teilen Deutschlands ist es nach deren Beitritt in Kraft zu setzen (Artikel 23 Grundgesetz für die Bundesrepublik Deutschland).

14 November 2013. This treaty was signed after German reunification as a way to reassure Poland that the newly reunified Germany would respect the existing borders. Provisions included the inviolability of the border and the respect of each other's sovereignty and territorial integrity as well as the renunciation of any territorial claims.

In regards to the question as to whether it was the conditions at the time in 1989 or the policies of Kohl that deserved credit for reunification, Fröhlich points out that it had to be a combination of both favorable conditions in Germany and in the international environment and the political and diplomatic leadership of Chancellor Kohl (2001, p. 285). As the author states, the situation in Central Europe was a strange case and nobody could truly receive credit for successfully predicting the world-changing events that would unfold in the next few years. Few, before 1989, could claim to have predicted that Germany would reunify. Various factors, both within and outside of Germany, had provided the opportunity for radical change in the European political landscape and under the leadership of Chancellor Kohl, the reunification of Germany and the final recognition of the Oder-Neisse border had been achieved.

The Unoccupied Quadrant: The Power of Public Opinion

The part of the matrix presented by Table 1 that did not include a chancellor is the one that aligns high international support for reunification and low domestic desire to accept the border. This part is unoccupied for two reasons. First, though reunification was a major goal of all German chancellors, accepting the border would almost have to be accompanied by international support for German reunification. Since in this study it is assumed that the domestic environment and the importance of the West German voters are equally important as the international environment and factors, it is also assumed, even if the four allies had given Adenauer the opportunity to reunify with the Soviet-occupied zone in Germany (East Germany), that a domestic environment unwilling to accept the Oder-Neisse border would hinder West German recognition of the border and thus reunification. This can be observed in the early days of border negotiation after the Potsdam Conference. At no time during the recognition process did this alignment actually happen until chancellor Kohl's chancellorship, during which there was sufficient international support for West and East Germany to unify.

Conclusion

The formation of foreign policy within a democracy is, without a doubt, a very complex process. Much like Robert Putnam's Two-Level Game theory¹⁶, both international and domestic factors are crucial in the outcome of any political leader's decisions. Yet, it seems that some issues, more than others, require policies to be more aligned with the international and domestic environments. Lindsay, Sayrs, and Steger support the realist approach to foreign policy, which states that it is the international environment that

¹⁶ Putnam's work discusses the logic of two-level games and presents the idea that neither domestic nor international factors can alone account for foreign policy decisions. He uses the 1978 G7 Summit in Bonn as a foundation for his research.

mostly determines presidential and, in this case, chancellor foreign policy decisions while the domestic environments provide incentive for leaders to change the tone of their policies (1992, p. 20). Though this does not necessarily contradict this study's thesis that the international environment was limiting while the domestic environment provided incentive, the thesis argues that both were equally important in the Oder-Neisse recognition process.

Davis also believes that there was a "disjuncture between public opinion and government policy during the Cold War" because of the threatening environment in Europe and the constant threat of the Soviet Union. Again, the domestic environment is pushed to the side as being less important, if not irrelevant. However, both of these studies deal with the broader concept of foreign policy. It is very well possible that both authors are correct, yet in terms of specific aspects of foreign policy, such as the West German policy towards the Oder-Neisse Line, it can be argued that the domestic and international environments are equally crucial.

This study might even go as far as to make the international environment less important in this specific case. Though it is a limiting factor, recognition of the border relies more heavily on public approval than other foreign policy fields. This was observed during the Adenauer chancellorship, even an opportunity for reunification with East Germany was out of the question if it did not also include at least those territories handed over to Poland. Due to the fact that the FRG emphasized and placed a high value on the democratic process and consistently had a voter turnout of 78% or higher, the importance of appeasing the German voter is much greater in Germany than in other nations (Webb, 1998, p. 121). Therefore, based on the nature of the German democratic system and the German constituency, it can be said that even if West Germany had been offered reunification earlier, with the terms that it would have to recognize the Oder-Neisse border, it would have refused for the political incentive would not have been sufficient. It is further unlikely that recognition of the border would have been the only concession that West Germany would have had to make to achieve reunification and at no time other than during the late 80s and 90s did the international environment even favor German reunification.

Not only does this analysis provide the opportunity to better understand how Germany was able to reach a point in which it was ready to drop its claim to its former and historical territories and accept the Oder-Neisse line as official and legitimate, but it also provides a more specific look at the interactions between international and domestic factors in policy formation. This study can also contribute to the study of the process of border legitimization in the midst of historical territorial disputes such as the ones currently existing in the Middle East and East Asia. In essence, this study could be viewed as a specific case in these broader processes and the analysis of the three chancellors' policies can provide three specific scenarios where the interactions between international and domestic factors can be better understood and analyzed to see how they play a role in any case of policy formation, especially in regards to territorial pursuits and border legitimization.

Continuing from the analysis of territorial disputes, this analysis of the Oder-Neisse

line can further contribute a specific case study in regards to the formation of territorial status quos. A similar case that could be included in this study would be the territorial status quo established between Ireland and Northern Ireland after the "Troubles." When armed conflict broke out in Northern Ireland, it was predicated on the existence of Northern Ireland as part of the United Kingdom. Arguments over the legitimacy of Northern Ireland, the leadership in its government, and conflict between Catholics and Protestants compounded into a conflict that left many concerned about the future of this small yet volatile region. However, a compromise was eventually established and much like Helmut Kohl did in his treaty with Poland, the Republic of Ireland struck its constitutional claims to Northern Ireland in order to establish peace after over 40 years of conflict. While it is sometimes dangerous to take lessons learned from single studies and apply them broadly to other conflicts, studying the Oder-Neisse Line has the potential to provide a diverse range of political science studies a wealth of information and examples from which lessons can be learned and perhaps even, to an extent, applied to similar conflicts.

Bluhm had recognized in 1967 that the future of German reunification and the recognition of the border were linked. He stated that a peaceful and long-standing system of cooperation could be built upon the successful reunification of Germany, but only once the reality of the Oder-Neisse border were to be recognized by the people of Germany and their government. For a long time, the border's significance was based on historical territorial struggles, lost homes, a desire to return Germany to what it had once been, and all together a source of contention and hatred. Legal technicalities, over 9 million frustrated expellees, passion from both sides of the border, and a European memory marred by German aggression all hindered the international constellation and domestic incentives from aligning for reunification and recognition. However, by the end of the Cold War, both Germany and Poland realized that the Oder-Neisse border had gained both a new domestic and international significance; one that forged a common destiny and a chance of fostering mutual benefits through trade and cooperation within a new European order.

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