The Stasi Records Archive. From Repression to Revolution to School for Democracy

by Dagmar Hovestädt

When on October 3, 1990 the “Special Commissioner for the Records of the State Security Service of the former German Democratic Republic” was installed on the day of German reunification, a revolutionary demand had turned into a bureaucratic institution. Even though that might sound like the manifestation of a stereotype about Germans, it was the beginning of a singular state endeavor and, at the time, a world-wide first. Never before had a nation decided to completely make accessible forty years of secret documentation accumulated by a state actor. But then, never before had a Cold War come to an end, and never before had a nation divided by a war it had created been allowed to reunite by the powers who had won the war. The times and conditions were unique and out of it came an institutional mechanism to address injustices of the past in a new way: through the act of opening of a secret police archive.

Origins of the Stasi Records Archive

In order to understand the content, complexities and impact of the archival documents at the center of this article (vs. records in other archival and post-conflict situations) it is helpful to look at the historical context and the ideological content of their genesis, which begins in 1945. With the end of World War II and the emergence of a bipolar world order of two super-powers, Germany was geographically at the center of the two spheres of influence. East Germany under Soviet control and West Germany under Western allied control was where the two sides collided - in one nation divided. As for the Eastern part under Soviet control it quickly and thoroughly became dictatorial in nature under the guidance of the Soviet Union. The historian Anne Applebaum shows in her multi-dimensional analysis how the Soviet Union was able to turn the post-war societies of Central Europe into satellite states within only a few years. “The speed with which this transformation took place was, in retrospect, nothing short of astonishing. In the Soviet Union itself the erection of a totalitarian state had taken two decades, and it had proceeded in fits and starts.”\(^2\) But for the post-war world order the Soviets had learned their lessons and taught them to willing disciples and firmly “guided” them through the process. East Germany was founded as a nation on October 7, 1949. By

\(^1\) Spokesperson of the Federal Commissioner for the Stasi Records, Berlin, Germany
\(^2\) Applebaum. 2012. *Iron Curtain.* XXII. (Introduction)
then the Soviet-backed Socialist Unity Party (SED) of East Germany was in power. To establish its reign, control over all sectors of society had been established and now had to be continuously and vigilantly protected. One of the central tools of the protection of communist hold on power was the use of secret police organizations. In East Germany the Ministry for State Security (MfS) was founded in February of 1950, under the supervision of Soviet operatives on the ground. From its inception it considered itself the “shield and sword” of the party, the SED. State Security Minister Erich Mielke, head of the ministry from 1957 to 1989, was particularly fond of the first communist secret police unit established in 1917 to protect the Soviet revolution, the Cheka. Mielke called the members of his ministry Chekists and established a guard regiment in the Cheka’s founder’s name Felix Dzerzhinsky. This illustrates the mind-set of the secret police mentality - a force in the service of the party to protect the communist revolution from all enemies under all circumstance. Its operations and their documentation, the Stasi files, are firmly rooted in this logic and psychology.

For forty years the Ministry of State Security, widely known by its German acronym Stasi, set out to protect the party’s hold on power by treating its own people as the central most dangerous source of instability. As long as people were adhering to the demands of the socialist party and fulfilled their “socialist duties”, as laid out from kindergarten to work place, no trouble followed. But expressions of unwillingness or dissent - from adhering to a religious faith to refusing military education at school, from listening to Western music to reading books critical of the regime - would land you in the sight of the Stasi. The Stasi’s core mission was to gather information as precautionary strategy to prevent anything from turning into a problem that endangered the party’s hold on power. So when in June 1953 an uprising against the SED mobilized over one million people all over East Germany, an existential crisis had come about. Worse, it had caught the Stasi off-guard. Only with the help of Soviet tanks was the SED able to squash the “Volksaufstand”, the people’s uprising. Never again was this supposed to happen. The Stasi now was under pressure to prove that it was able to foresee any such movement, an enormous task. Forms of dissent could be manifold throughout society and untold numbers of people could be defined as “enemies” of the party. It became the Stasi’s prime objective to have eyes and ears everywhere in society. One of its central tools in this endeavor was to use regular citizens as informants.

---

5 Abbreviation of the Russian acronym “The All-Russian Emergency Commission for Combating Counter-Revolution and Sabotage” (see also: Gieseke, 2014)
6 For the multitude of tasks the Stasi was taking on in the course of its existence Schwartz (1994) used the term “lubricating society” and Gieseke named his history of the Stasi in German Der Mielke Konzern – Mielke Incorporated
about 180,000 of these “unofficial collaborators” or IM (inoffizielle Mitarbeiter), as they were called in the Stasi-bureaucracy, were registered in the files. Add to this the over 91,000 official employees of the ministry and the result was the largest secret police apparatus in the Eastern European context of the Cold War⁸.

When in 1989 the people of East Germany and the other Eastern European nations began to rise up against what was essentially Soviet communist rule, it seemed obvious that much of the revolutionary protest and anger would be directed at the parties. For over four decades they had denied access to human rights: freedom of speech, freedom of assembly, freedom to vote, freedom of press, freedom to form unions and particularly, in the German case, freedom to travel - with the installment of the deadly inner-German border and Berlin Wall. And it had been the secret police units who were the enforcers of those denials of access to human rights.

A People’s Demand – Conditions of the Opening of the Stasi Records Archive

In East Germany, after the fall of the Berlin Wall in November of 1989, the people’s new engagement in the affairs of the state they had unlocked from the one-party rule, soon found an urgent call to action against the Stasi. By early November 1989 the Stasi had begun to destroy documents which prompted, beginning on December 4, 1989, East Germans to occupy the buildings of the Stasi all over East Germany in order to stop the destruction of the files. Civil rights activists understood then that these documents should be seen as evidence of human rights violations. When on January 15, 1990 citizens also pushed themselves onto the premises of the Stasi headquarters in Berlin, the power of the dreaded secret police had ultimately been broken⁹.

It was from those actions that citizens’ committees formed to guide the process of how to handle the records, now under control of the people. “To each their own file” had been an often heard demand during the demonstrations. After forty years of being spied upon and living under the rules of the party, East German citizens wanted access to the stored information. As a demand by the people who had just toppled a regime in a peaceful revolution, the opening of the archive was hard to deny in the ensuing process of German unification. Despite skeptical voices and attempts at the opposite, the saved records were made available for the people and the archive actually opened on the day of German unification. For the purpose of this examination of the Stasi Records Archive as a mechanism for transitional justice I would argue that there are three important sets of facts to

⁸ See: Kowalczuk. 2014. Stasi Concretely
be considered from this “origin story” as it relates to the transferability to other post-conflict situation and secret documents:

- The archive was in existence as a clearly defined archive, nonetheless it was never meant to be accessed by anyone outside the secret police apparatus. It was the peoples’ demand to regain control over the information, to “free themselves”10 by breaking the domination over the stolen information, that led to the opening. This mind-set incorporated truth telling, rehabilitation and education about the repressive regime. The Stasi records were opened in an organic development out of historical circumstance including the ideas that are the subject of transitional justice.

- The unification of Germany created a unique situation beneficial to the idea of making a state’s secrets part of the public discourse. The disappearance of the state responsible for the injustices was a central factor enabling the opening of the archive almost instantly after the end of the repressive regime. With East Germany gone the need for the continuation of this intelligence agency also disappeared as did the need to continue using the information gathered11 by the Stasi or its personnel.

- The particulars of German history contributed to the willingness and speed with which the demands of the revolution were turned into an institution establishing legal rights to the documents. After 1945 West Germany had taken a long time to address the responsibilities for the Nazi dictatorship. The shadow of this neglect contributed to the willingness to not look the other way again at the end of the SED dictatorship. Even though West Germany had a different path to the reappraisal of the Nazi regime than East Germany12, it can be rightfully assumed that this historic precedent also contributed to the fact that all political forces in 1990 ultimately accepted the opening of the archive.

These three circumstantial sets of facts explain the rationale, speed and feasibility of the German case. Simultaneously they advance the understanding that the opening of similar archives in other historical contexts will follow their own specific path. There is no one set of circumstance, no one speed, no one course of action, but every case helps to define the factors leading to the use of archives for transitional justice and human rights education.

Basics of the operation of the Federal Commissioner for the Stasi Records

The new agency for the Stasi Records, in essence an archive, carried a rather long title: “Special Commissioner for the Records of the State Security Service of the former German Democratic Republic”. The helm was given to Joachim Gauck, a former pastor and a leader in the opposition movement during the Peaceful Revolution. From his engagement in the revolution he was voted into the last East German parliament, the “Volkskammer”, a parliament in existence only for six months, from March to early October 1990. There he had

11 The citizens’ committees were adamant about denying or at minimum severely restricting access to the Stasi’s information by Western intelligence services, which is reflected in the respective articles in the Stasi Records Act.
12 The East German process of addressing the Nazi past can be roughly described as reappraisal by definition. The SED for once claimed the victorious legacy of Hitler’s opponents, in particular communist fighters. It also equated fascism with capitalism and by proclaiming East Germany a socialist state, it was antifascist “by nature” and thus not attached to the Nazi past anymore. See: Leide. 2005. Nazi-Criminals and State Security
led the first efforts to organize access to the Stasi records. It then took the united parliament “Bundestag” just over a year to write the Stasi Records Act. With its enactment on December 29, 1991 the now “Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic”, in short Federal Commissioner for the Stasi Records or BStU, took up its work. The Commissioner was - and still is - voted into office directly by the Bundestag for a term of five years that can be extended for another five years.13

This particular “construction”, a person chosen by the Bundestag to head the archive on the basis of their biography and critical distance to the SED dictatorship, served an important purpose. Since there was no precedent but already a large awareness of the usability of secret police information for political purposes, it seemed necessary to let the archive be run by an independent, highly trustworthy individual mandated with a direct vote of confidence by the whole parliament. The commissioner in his exercise of office is independent in the handling of his tasks, only bound by the rules set forth in the Stasi Records Act (StUG) 14. This, it was believed, would insure an impartial handling of the access to the documents and further a wider societal debate.

The Stasi Records Act has at its core the difficult task to balance two opposing basic legal concepts. It wants transparency of government action while maintaining the privacy of those subjected to this action. The StUG intends to “…facilitate individual access to personal data pertaining to oneself which the State Security Service has stored so that the individual can clarify what influence the State Security Service has had on his personal destiny.” 15 While it enables access for individuals to their own data, the BStU is tasked to protect this data from public access. In opposition to this data protection idea the BStU makes records available for researchers and journalists for the purpose of enriching the public’s understanding of the power mechanisms of the SED-dictatorship. Here the idea is to make government action (of the Stasi) transparent and thus deprive it of its secrecy. Thus names of those working officially or unofficially for the Stasi can be read when the documents are given to researchers or journalists, who in turn through their publications render those names widely known. This transparency is intended by the Stasi Records Act to foster public debate about the reappraisal of the past and the mechanisms of repression. Naming names is meant to concretely address responsibility so victims have a chance to identify who did what and a path to reconciliation can be opened. In files given to researchers and journalists information

14 Pietrkiewicz, Burth, 2006. 242; Stasi Records Act. Commentary. All three commissioners have been voted into office with a large majority of the Bundestag; www.bust.de. 2016. Fact Sheet on the three commissioners
relating to subjects of Stasi activity\textsuperscript{16} is redacted, unless the persons concerned gave permission.

Access to the records is also allowed for public and non-public institutions under the purposes stipulated in the Stasi Records Act, among them are rehabilitation and vetting. Here names will be made known in a semi-public sphere between agencies asking for information and the Stasi Records Agency providing them directly with information on persons who are documented in the Stasi files. The publication of that information is in the hands of the party asking. Many public agencies request access also to clarify retirement issues or to support criminal investigations of SED and Stasi crimes\textsuperscript{17}. Lastly the agency of the Federal Commissioner for the Stasi Records itself is tasked by the Stasi Record Act to contribute to the reappraisal of the SED dictatorship. Its job is the “... analysis of the activity of the State Security Service through instruction of the public on structure, methods and mode of operation of the State Security Service.”\textsuperscript{18} To this purpose the Federal Commissioner established a research and education department in 1992. Numerous scientific and general audience publications, exhibitions, school materials and for the last five years also numerous digital and online resources have been made available.

By now, mid-2017, the agency has counted a total of over 7 million requests for access, among those over 3 million requests by individuals, about one million of them repeat requests, and 1.8 million request for the purpose of vetting. With about 111 kilometers of documents, among them 41 million index cards, 1.7 million un-contextualized photographs, 2,800 films and videos, 27,600 audio files and 46 data projects the Stasi Records Archive\textsuperscript{19} is one of the largest archives in Germany.

A process in the making – The Stasi Records Archive and Transitional Justice

When addressing central tenets of transitional justice\textsuperscript{20} in relation to the opening of the Stasi Records, it presents an interesting case study. Looking at the history it can be argued that those tenets were endemic to the process. With the citizens in the Peaceful Revolution actively reclaiming the information gathered by the Stasi, the archive opening was part of the process of regime change. Inseparable from this process were the ideas of truth seeking, accountability, rehabilitation, reparations and education. Conditions for the Stasi archive as a transitional justice tool thus seemed ideal. And yet the nature of the documents dictated a

\textsuperscript{16} The Stasi Records Act avoids the terms victims and perpetrators and speaks of persons concerned and employees of the Stasi.

\textsuperscript{17} The criminal prosecution of SED and Stasi crimes were largely an issue of the 1990s and statutes of limitations have passed for almost all crimes. For further reading: Marxen, Werle, Schäfter, 2007 or Schissau, 2006 or Bästlein, 2002.


\textsuperscript{19} www.bstu.de. 2017. BStU in Zahlen (BStU in Numbers).

\textsuperscript{20} This is in reference to the central issues of transitional justice as defined by the UN in their guidelines of 2010: “ensure accountability, serve justice and achieve reconciliation”; or as enumerated in ICTJ’s mission statement “… to promote accountability, pursue truth, provide reparations, and build trustworthy institutions.”
more complicated course. Forty years of documentation of secret police activity hold an enormous allure as well as a frightful potential. Giving broad access to a gigantic amount of personal data, data often gathered by violating basic rights, as well as access to the mechanisms of secrecy was untested. When the archive started there was no blue print for such an endeavor.

Within the first three years, 1991 through 1993, over 1.8 million requests were made, over half a million of these by citizens and over one million requests to vet people in public positions\textsuperscript{21}. The agency was growing fast, pushing hard to answer the demand of the moment without time to deeply analyze future consequences. Those first years were characterized by a pioneering spirit of enthusiasm for the extraordinary task, based on the expectation that the archive would be needed for maybe 10 years. The fundamental guidance for the process was outlined by the Stasi Records Act, which proved to be a wise and far-sighted legislative tool given the nature of its subject and the untested grounds\textsuperscript{22}. However, the criminal prosecutions in the earlier half of the 1990s\textsuperscript{23} brought little satisfaction to the victims of the SED dictatorship, even with the Stasi records at hand. To sum up the process there were about 100,000 accused in about 75,000 proceedings. But only 1,737 individuals in 1,021 proceedings were prosecuted. Only half of these cases ended with a verdict. The majority of those verdicts were sentences for probation or monetary penalty. Only 40 individuals were sentenced to jail and spend time in prison\textsuperscript{24}. When contemplating this outcome, often Bärbel Bohley, one of the most prominent civil rights activists of the Peaceful Revolution, is quoted as saying: "We wanted justice and we got the rule of law."\textsuperscript{25} Legal scholar Andreas Zielcke saw this outcome as inescapable without betraying the principles of the rule of law: "It is the paradox of democratic law that it cannot address adequately a lawless state / dictatorial state even though it (the rule of law) is the only adequate answer to injustice."\textsuperscript{26}

With criminal prosecution a disappointing process, addressing the issues of rehabilitation and reparations for the victims also had severe limitations. In the wake of German unification the united nation needed to finance an enormous rebuilding effort in the neglected East. Facing this huge challenge, addressing rehabilitation and reparations for victims of the SED dictatorship was slow in the making despite promising rhetoric by politicians. The corresponding laws fell short of expectations. In 1991, 1994 and 2007 the central laws\textsuperscript{27}

\textsuperscript{22} see: Ullmann. 2003. The Stasi Records Act
\textsuperscript{23} See also: Marxen, Werle. 2009 or Marxen, Werle, Schäfter. 2007 or Drobnig. 1998.
\textsuperscript{25} Bohley n.d.-- in German it has a nicer wordplay:"Wir wollten Gerechtigkeit und wir bekamen den Rechtsstaat."
\textsuperscript{26} Zielcke. 1991. quoted after SPIEGEL 1992
\textsuperscript{27} SED-Unrechtsbereinigungsgesetz I, II and III (SED-injustice cleanup Act I, II and III) addressing criminal rehabilitation, administrative and professional rehabilitation and a victims’ pension
were passed, each with much criticism from the victims and their organizations. Again the access to the Stasi records who could provide much evidence for the judicial and professional rehabilitation did not translate into a satisfactory political process for the victims. In the German case there is one particular stinging comparison to be made from the point of view of a victim of the SED regime in the united Germany. “It is particularly the discrepancy between the considerable additional pension supplements those receive [in the united Germany] that were supporters of the SED-dictatorship and the very late introduction [2007] of the [modest] victims’ pension that massively hurt a sense of justice among the victims.”

Given the difficulties of criminal prosecution and the inadequacies of the rehabilitation and reparations process, a level of frustration among the victims was a continuous theme throughout the 90s and 00s. They could however find solace in the fact that through the ongoing discussions of the content of the Stasi files at least the public dialogue about the past was continuing. Here the open archive became a substitute agent for the inadequacies. Given the nature of the documents, it was a dialogue about the misdeeds of the old regime, albeit associated with one institution only, the Stasi. This focus on the Stasi has led to some of the detours and backlashes in the German process. Regardless of its benefit to the victims, in society at large the public exposure and discussion of Stasi activity was not necessarily regarded as addressing transitional justice defaults but more seen as a spectacle or a historic debate in the aftermath of the Cold War about the winning and losing sides. The public’s understanding of the archive as also a symbolic institution for the benefits of the victims remains minimal.

When in hindsight an over-focus on the Stasi and a resulting lop-sidedness of the process of reappraisal of the SED-dictatorship can be attested, one cannot omit an early attempt to counteract this possibility. In 1991 a second path to address injustices of the past was intensely debated, the idea of a public tribunal. One of its initiators attributed this debate precisely to the opening of the Stasi archive and the inherent danger of narrowing the reappraisal of the East German dictatorship to the Stasi.

Former dissidents of East Germany wanted to hold a tribunal to publicly prosecute the injustices of the East German regime and investigate its character as a way to install democratic values in the former citizens of East Germany. By the end of 1991 a decision was reached to install instead a

---

28 See: Vollnhals. 2016. Rehabilitation and Reparations of the Victims of the SED-Dictatorship
29 Ibid. 155
30 When the current Commissioner for the Stasi Records announced during his inaugural speech in March 2011 that out of respect for the victims of the Stasi he would try to find ways to resolve the conflict of former Stasi employees still working at the archive (a fact widely made known in 2006 and a debatable decision of the early days), he faced an enduring backlash in the press. While he was accused of being revengeful and unlawful, the Bundestag amended the Stasi Records Act at the end of 2011 to make a previous employment for the Stasi incompatible with work at the BStU. From 47 former MfS-employees at the BStU in 2011, 11 are left in 2017. Victims’ organizations have been supportive and grateful for this initiative while the public at large did not see its merit.
31 Bock. 1995. 1175. Quoting from an interview with Markus Meckel.
parliamentary commission of inquiry (Enquete Kommission). The commission “On the reappraisal of the history and consequences of the SED-Dictatorship in Germany” started in 1992, ended its work in 1994 and continued with a second commission of inquiry in 1995 until 1998. It examined in public and closed hearings all aspects of the East German regime and was comprised of parliamentarians and experts chosen proportionally by the parties in parliament. Even though the ideas of the tribunal were associated with the Enquete process, it ultimately did not deliver on the promise of addressing injustices in a cathartic way. “The difficulty with the public hearings though was precisely the failure to make contestation central. The Enquete hearings were touchingly didactic. … But the compromise meant that victims and agents rehearsed the story of East German repression with less catharsis than supporters of the procedure had promised. The Enquete established an indictment for a trail that was not to take place.” It however created a lasting legacy in the form of a foundation. The Foundation for Reappraisal (Stiftung Aufarbeitung) began its work in the fall of 1998 and is by now an established institution funded by the federal government. It continues the original idea of the Enquete, the inquiry into the East German state and communist rule over Eastern Europe, through funding of many academic, civic and educational activities. As the second federal actor created for the process of reappraisal of the SED-dictatorship it contributes notably to paint the larger picture of the East German communist rule.

Personal Access, Vetting, IM Exposure, and Truth Telling

When looking, after 27 years of its existence, at the achievements of the open Stasi archive, personal access to the records has to be mentioned as the central success. Over two million people requested access to their files, an additional one million did so repeatedly. Their stories created headlines and publications, they were the basis for documentaries, movies, novels and TV-shows. But they are also largely untold as they remain part of a private reappraisal of personal history and injustice. When looking back at the state’s influence on one’s life in East Germany, one must be willing to retell his/her own biography. Access to the information gathered secretly about oneself empowers the victim and shifts the balance between “the state” and the “the citizen”. It is a liberating experience. It can be healing and instructive as much as it can put your life’s story upside down. It can tear apart friendships or even families and rupture the foundation on which you thought your life’s path is built. It can

33 The title was Enquete Kommission zur Überwindung der Folgen der SED-Diktatur im Prozess der Deutschen Einheit (commission of inquiry on the overcoming of the effects of the SED-dictatorship in the process of German unification).
34 Deutscher Bundestag. n.d.
35 Maier. 1997. Dissolution. 326
36 www.bundesstiftung-aufarbeitung.de/index.html
take a heavy toll. It can even be disappointing when the expectation of a huge file on one’s life is met with a few pages or none. But all of it clears up the supposition, suspicion and secrecy from the past. This is the true achievement of the open archive. Also the process of vetting of employees in the public sector can be seen as achievement. About 1.8 million requests have been made up to mid-2017 to screen employees and expose secret collaboration with the Stasi. In that sense, by the sheer numbers, the goal of installing trust in public institutions has been met. And yet the vetting process contributed to an unintended consequence of the course of reappraisal as it codified Stasi association as an IM (unofficial collaborator) into short-hand for a condemnable activity in East Germany. In her analysis of the vetting processes of the early 1990s, political scientist Christiane Wilke finds a convincing rationale for the inherent dynamics which contributed to the focus on the Stasi in the process of reappraisal. “The excerpts from the Stasi files were the single most used and reliable source for the vetting process. As a consequence in addition to a few higher-level SED functionaries, most of the persons who were dismissed had worked for the MfS. Prompted by this practice, public discussions about culpability, collaboration, and suitability for public office narrowed down to the question of whether someone had been an “IM” … or not. This was an unintended consequence of the Stasi Records Act, which put vetting on a sound evidentiary basis at the expense of narrowing it down to just one category of misconduct. As it happened, this narrowing of the focus coincided with attempts of various political groups to exculpate themselves at the expense of the Stasi.”

The larger group of former SED party members in the public sector and the “silent majority” of the population did not complain about this zooming in on Stasi and Stasi IM. It took away the need to examine their own behavior under the old regime and their suitability for the new job. Even though the vetting processes did not account for much of the enormous waves of dismissals in the over-staffed public sector workforce of the former East as part of the unification process, “… it introduced some measure of moral equity into the downsizing process.” And with that much further discussion seemed unnecessary. The hope then that the vetting process would also contribute to truth telling did not come to fruition. “… in a situation of increasing competitiveness and job insecurity, open discussion about responsibility for past injustices did not take place.” The very nature of the process, a matter of personnel to be handled confidentially, made any concrete discussions of the misconduct impossible. Neither former party members nor exposed IM talked to broaden the

38 For the purpose of her analysis Wilke focusses on the vetting of public sector employees only since she argues that consequences are less drastic for people voted into public office, since “they cannot be recalled or impeached for prior non-criminal misconduct.” (Wilke. 2007. Vetting the East German Public Sector. 350)
39 Wilke. 2007. Vetting the East German Public Sector. 356
40 ibid. 381
41 ibid. 382
discussion about the system. Partly out of this process\(^42\) the Stasi records agency consolidated a reputation as an institution that predominantly enables the “outing” of secret informants, the IM. Unmasking the neighbor, colleague, friend or a politician, athlete or actor as a Stasi IM, be it through an employer’s vetting process on a smaller scale or through journalists’ publications often on the national stage, proved a sure-fire sensation\(^43\). It filled headlines and made the top of the news time and time again throughout the 1990s. In fact outing IM became so synonymous with the Stasi Records agency that by the mid-90s the last name of the Federal Commissioner Joachim Gauck became a verb: “gaucken” was used to describe the process of vetting someone against the Stasi records.

In retrospect this development can be acknowledged as a detour on the way to an all-encompassing and differentiated reappraisal of the past. Given the enormous pressure on the agency to provide access for millions, the dynamics of the moment as well as the fundamentals of human nature – being curious about secrets and the emotional reaction to betrayal – the process often became a sensationalized narrative. Even though the release of information in the spirit of the Stasi Records Act was to start a dialogue about responsibility for injustices, it hardly happened. Instead of an educated exchange \textit{before} coming to a conclusion about past behavior, the two letters IM became the end of the discussion. To affix the label \textit{was} the story. In this dynamic an ever widening chasm developed: The more the Stasi-IM were defined as the main culprits, the less they wanted to talk. The more they kept silent or defensive, the more the victims and the public became frustrated and this furthered a desire to just expose them and find that in and of itself enough.

The very fact that the Stasi records were available and so alluring in their nature, dictated a narrower course of the reappraisal of the past along the dynamics that developed - much to the chagrin of historians\(^44\) and the people who grew up in East Germany. By the later 90s a fatigue of dealing with East Germany as a dictatorial and repressive state set in, combined with a disappointment in the unification process. “… as the full economic scale of unification … began to be felt in the former East, [West Germans] were often apportioned blame for rendering East Germans the victims and losers [of the process].”\(^45\) The conditions were set for a new phenomenon called “Ostalgie” or \textit{Eastalgie}, a “sentimental reminiscing about the past”, not conducive to a critical confrontation with the actual facts of life in East Germany.

\(^42\) The outing of informants had been associated with the Stasi Records Archive before it became an agency. On the heels of the \textit{Peaceful Revolution}, before the first free parliamentary election in East Germany on March 18, 1990, several prominent candidates had been outed as Stasi informants through early access to records. See: Der SPIEGEL.1990 or Jahn. 2016.

\(^43\) Much of the public perception and acceptance of this mechanism of IM exposure is owed to two enormously reported cases from the early 1990s relating to two hugely popular politicians from the East, Manfred Stolpe and Gregor Gysi. (Stolpe was minister president of the new state of Brandenburg, Gysi was head of the then-PDS, the follow-up party of theSED, and member of the Bundestag). Both had a documented history with the East German Stasi and defended their activities who were examined in both cases by parliamentary special bodies. They never stepped down and became subject of years of reporting and story chasing. (see also: Neubert. 1994; Fulbrook. 1995; Maier.1997; Deutscher Bundestag. 1998; Miller. 1999; Sa’adah. 2009; Espindola. 2015)


\(^45\) Miller. 1999. \textit{Narratives of Guilt and Compliance}. 105
“For this reason, the less rosy aspects of life in the GDR are often conveniently forgotten in order to allow full indulgence in a shared sense of victimization and in a mourning for what has been lost.”

In light of these developments, to many who had lived in East Germany as supporters of the system or passive followers ignoring its political realities as best as possible, the Stasi Records agency had taken on the role of a judge on their past. “The handling of the Stasi files started what I would call a ‘Stasi-Syndrome’. … It served on the one hand to criminalize the whole state and its servants … which eased the liquidation of them. On the other hand one received through the files a new instrument of reign: As needed biographies could be put out in the open and those exposed were pilloried.”

The fundamental ideas of transitional justice associated with the open Stasi archive - giving justice to victims, holding accountable responsible parties for crimes and injustice, starting a process of truth telling to learn and heal, strengthening trust in the new institutions of the united Germany and ultimately achieving a measure of reconciliation – from the perspective of the believers in a Stasi Syndrome, they were not shared or even understood. For a more open embrace of the idea of truth telling through files would have also involved an active questioning of one’s own role in the dictatorship.

For if one would accept the victims’ prerogative to be heard and would really listen, it would lead to a reminder of one’s own behavior under the same circumstance. It would inevitably show one’s complicity in a regime that employed a myriad of strategies to turn citizens into conformists. Few wanted to do the work. Eastalgia was an easier way out. The 2000s in this respect might also be considered a period of stalemate in the public discussion about the East German past.

Where does this leave the specific practice of exposing collaborators in the post-conflict Germany as the most visible tool of transitional justice? It led a variety of scholars over the years to research the nature of collaboration and the motives of the IM and the work-life, motivation and responsibility of the on-staff employees of the Stasi. This literature was complemented by (auto-)biographical explorations of former IM to form a body of more differentiated insight into the phenomenon. In his fundamental analysis of the process of IM exposure, political scientist Juan Espindola specifically explores the process along basic ideas of respect, responsibility, and closure in a transitional justice context. He devotes a large part of this study to the analysis of faults in the process and the dangers of public shaming. But ultimately he reconciles the practice of IM exposure with the larger goals of transitional justice. “IM outings are the unwilling exposure of informers to the public but also

46 Ibid.
47 Wagner. 2001. The Stasi-Syndrome. 7
48 For a start on that discussion, see: Jahn. 2014
51 Genin, 2009; Hendel, 2011; Döhring, 2012; Hendel, 2014; Marquardt, 2015,
52 Espindola. 2015. Transitional Justice after German Unification
the voluntary public exposure of the victims who demand recognition. It is on such public recognition that the practices of political forgiveness and respect that concern us at present are predicated." 53 In this view the public exposure shows respect for victims and “…their right to know who contributed to their political oppression. But the practice raises the opposing claim to respect on the part of erstwhile collaborators that exposures are forms of public shaming that affect their ability to flourish in a unified Germany.” 54

Addressing the deficit of respect for exposed IM is where the process of reappraisal of the SED dictatorship finds its new direction. There are no answers yet on the questions of how, by whom and with what criteria past misconduct such as IM collaboration, can be moved passed its status as a dividing issue between citizens. But this is where the next challenge lies in breaking the stale-mate on the dialogue about responsibility for past injustice. For a revived course it is necessary to extract factors of the achievements and deficits of the last two decades. It is also helpful to reconsider the very nature of the East German regime and the role of the Stasi. Many ex-post-facto assumptions about life under SED rule have been counterproductive to the process of reappraisal. The inner workings of a “late socialism” society as Maier (1997) defined it, cannot be measured by standards associated with civic and civil behavior in a democratic society. The secret police, the Stasi, played a defining role, as it “…provided the regime with its … power of mystification and secrecy on which its capacity to corrupt independent action, stifle dissent, and preclude the emergence of a public realm depended.” 55

For forty years in East Germany a civic society could not emerge and the public respect for the individual’s freedom and self-determination was non-existent. The Stasi’s true significance in this context lies not in its real or perceived power. Its significance lies in its moral legacy: “… the Stasi’s most reprehensible feature was not outright brutality but rather moral entrapment. The MfS did not produce corpses. Instead, it created corrupt citizens. … Even today, former MfS official, IMs, and victims palpably live the Stasi’s legacy. Some will never enjoy permanent employment, others will never feel secure in relationships, and yet others will never know what their lives could have been.” 56 This specific quality of the regime, an “institutionalized insidiousness” (Epstein, 2004) and the specificity of the mechanisms of repression have to find a better place in the transitional justice process. They provide the matrix on which victims and perpetrators, supporters and bystanders, conformists and (Western) onlookers can be brought into a relation and a conversation. In the area of public dialogue there is a lot more insight to be gained from the Stasi Records Archive than the exposure of IM and understanding the Stasi’s role and responsibility for

53 ibid. 198  
54 ibid. 241  
55 Maier. 1997. Dissolution. 47  
injustices. In this respect the archive provides a continuous resource to discover new insights into the ongoing process of reappraisal as new questions arise. The goal a quarter century after the fall of the Berlin Wall is to reshape the one-sided focus on the Stasi as the main answer to how the regime worked and to reshape the predominant focus of blame away from the exposed IM, not to last in the interest of the victims whose often felt that their concrete repression has not been adequately addressed.

The future of an instrument for transitional justice – the archive as a permanent source for human rights discussion

Almost 30 years after the fall of the Berlin Wall the Stasi records archive’s immediate relevancy for those who have life experience in East Germany begins to wane. Less and less people will live who have first-hand experience in the communist Germany. For the foreseeable future there are nonetheless many unresolved issues left tied to living victims of the SED dictatorship. Too little dialogue has been fostered between the responsible parties and the subjects of their actions - the “socialist crusaders” and the “enemies” they defined. It is a dialogue about shifting the responsibility, freeing the victims from the judgment and releasing the perpetrators from their guilt. This is what is still left to do, after the large projects of criminal prosecution, public vetting and the rehabilitation and reparations process have reached their potentials\(^{57}\).

This dialogue is also a dialogue about the relevancy of human rights in relation to an ideology and the values of the current society. Much of this dialogue is predicated by a willingness to listen, a skill that has to be actively developed. It needs to expand to the majority of those “in the middle” who have passively endured and by silence and conformity attributed the system its legitimacy. Even though it might seem counterintuitive, but the next stage needs to further the idea of a collective responsibility because it better allows for individual examination. “By bringing more persons into the circle of moral agents, that is, by expanding the number of individuals who should be attributed moral responsibility for their contribution to the actions carried out by the Stasi, collective attributions of responsibility build respect for persons. Addressing a responsibility defect is also addressing a respect deficit.”\(^{58}\) If responsible parties talk, the public also has to accept the idea that they should pay them respect for their honesty. It is on the basis of respect that also a path away from the IM focus can be seen.

\(^{57}\) Out of the three the rehabilitation and reparations process is still quite active, f.e.x. most recently in the field of victims of state-controlled doping practices of East Germany with a renewed law for a reparations fund but also in continuing improvements to the existing state laws.

\(^{58}\) Espindola. 2015. *Transitional Justice after German Reunification*. 180
Increasingly scholars and historians in Germany address the too narrow focus on the Stasi and the too simplistic idea of the IM as the main culprit. “… hardly anyone was always and for all their life IM, hardly anyone was only IM – the label IM since 1990 constructed a type of personality that is simultaneously out of touch and ahistorical and that at the same time relieves the not incorporated majority of their moral culpability.”59 To move past a narrow definition of culpability in a two-letter-acronym more public discourse has to happen, a discourse that cannot function without the victims. It seems helpful to define conditions and goals that make dialogue possible and to envision a path after the truth has been told. Over two decades of an IM-exposure process have made abundantly clear that there is a void when it comes to the moment after. Instead IM are often measured by this part of their life for decades. Yet only in a respectful treatment of them after the act of revelation lies a path to the next phase.

Over the last years, the current Federal Commissioner for the Stasi Records Roland Jahn has in public forums started to talk to former Stasi IM and even Stasi officers to test this path and its helpfulness to the victims. When such a public discussion is conducted with respect and insight, the necessary transfer of the burden of injustice can happen, as did in a few of those BStU forums. When a Stasi officer publicly admits that his actions were wrong and that the former political prisoners sitting in front of him were right to demand freedom of speech and travel, it creates a rearrangement of right and wrong by the responsible party. This results in a palpable sense of relief60.

So even as the Stasi Records archive itself has become part of history, it is very much alive as it continues to provide the information that can contribute to the resolution of past issues as well as offer contemporary lessons about the relationship between a state and its citizens. Those lessons have to do with the value and importance of human rights, but by the nature of the documents also with the contemporary societal issues of data collection and its usage by state and private actors. These are the fundamentals on which the archive finds its task for decades to come: To pay respect to the victims and to build a bridge to the next generations.

In order to build long-lasting structures for this work, the Federal Commissioner has suggested developing the former Ministry for State Security grounds in Berlin, which hold a large amount of the archive, into a Campus for Democracy61. As formerly a site of repression as well as revolution it is now a site for reflection and reappraisal inviting a constant dialogue about dictatorship and democracy. This idea has been approved by the parliament in their latest effort to find a path to the future of the Stasi records.62 In June of 2016 the Bundestag

---

59 Kowalczuk. 2013. Stasi Concretely. 238
60 www.bstu.de. 2013. “I hated you back then”
61 Schütz. 2016. Stasi Headquarters to be Campus for Democracy; www.bstu.de. 2014. Campus for Democracy
62 Deutscher Bundestag. 2016. To Consequently Continue the Reappraisal of the SED-Dictatorship
also commissioned the BStU to develop a concept on how to transform the archive as its own self-contained entity under the roof of the Federal Archives (Bundesarchiv). Topics such as preservation, digitization and repairs as well as personnel training and property development are subjects of synergy between both institutions while the educational and international role of the Stasi Records Archive will be preserved through the political representation of a “redefined” Federal Commissioner. As the long-term preservation and access to the Stasi Records Archive is secured through the 2016 process, it has its work for the future cut out: Continue to solicit respect and empathy for the victims, broaden the reappraisal of the SED dictatorship, develop a guide on how to find reconciliation after exposure and extend the lessons of the past to the next generations. In its 25 years of existence the Federal Commissioner for the Stasi Records has also become an international model for dealing with the past through access to records. It shares this experience with many national and international visitors who often look for inspiration to address their own legacies of injustice. Out of forty years of repression came a revolution that turned the documentation of human rights violations into an open archive that functions as a “school for democracy”.

63 A redefined Federal Commissioner could also be an ombudsman or spokesperson for a wide variety of victims of East German injustices like state-organized doping practices, punishment of under-age youth in state institutions or other practices of SED injustice unrelated to the Stasi. He/she would also further a national dialogue about the past. See: Deutscher Bundestag. 2016. Report of the Expert Commission on the Future of the Agency of the BSIU.
64 www.bstu.de Notes from the Archive. http://www.bstu.bund.de/DE/Archive/Aktuelles/node.html accessed 07-29-2017
65 Jahn. 2011. SPIEGEL
Monographs


Articles, Online Resources and Other

Bachleier, Heike. 2010. *Feindberührung* (Enemy Contact) DVD. Trufflepig Films.


Bock, Petra. 1995. Von der Tribunal-Idee zur Enquete-Kommission (From the idea of a Tribunal to the installment of a Commission of Inquiry). *Deutschland Archiv* 28 (11) 1171 - 83


Der SPIEGEL. 1990. „Das war ‘ne Top-Quelle“ (He was a top source). March 12


