

THE MEMORY OF DICTATORSHIP AND THE FUTURE OF DEMOCRACY: THE EAST GERMAN PAST TODAY

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Modern democracies have developed either from colonies, from revolutions or, in an evolutionary process, from monarchies. In the twentieth century, however, a new path for the development of democracies was added: the transition to democracy from a military dictatorship (e.g. Argentina, Chile, Portugal, Spain, Greece) or from a Communist dictatorship. This new path to democracy also created a new problem: How should a post-authoritarian or post-totalitarian democracy deal with its past? For new kinds of questions there are, of course, no established answers. It often takes time before people realize that they are facing a new kind of problem; that we are facing a new problem in this case has now become clear. Comparative studies on how different countries have dealt with this problem are still rare. The topic of this lecture fits into this larger context.

I. Remembrance in a Democracy

Who remembers? Certainly not “democracy”: that is the name of a form of government. The state does not remember and commemorate, even when it issues orders and prohibitions. The state is nonetheless responsible for legal holidays, and it approves memorials for public spaces or builds them itself. It is the public or the nation that remembers.

We usually understand “society” to be the result of the anonymous interactions among individuals living together. But society does not denote a collective identity that can articulate a will. For that reason, talk of a society’s responsibility is not accurate. Appeals along the lines “Society should ...” are wishes or are addressed to the wrong party. But there probably is a responsibility for society. In the Fall of 1989, the demonstrators in Leipzig chanted “We are the people” (*Wir sind das Volk*). It did not occur to anyone to chant “We are society.”

By “state,” we understand the structure of institutions represented by professional functionaries or bureaucrats who set themselves apart from the citizenry as a whole. The state first came into existence in the modern era. For the democrats of ancient Greece, the polis was nothing more than the body of citizens. The state is not and does not have a collective identity. Louis XIV’s putative declaration “L’etat, c’est moi!” is cited as evidence of the eccentricity of absolutism. The line “We are the state!” did not come to the lips of the Leipzig demonstrators. It would more likely have appeared on the posters of the SED. According to Marxist-Leninist theory, the state is supposed to be the means by which the ruling class exercises power and the Communist Party is the representative of the ruling class. The fathers and mothers of the Federal Republic of Germany’s Basic Law, by contrast, originally wrote in the opening article “The state exists for the sake of the people, not the people for the sake of the state.” Borrowing from Jesus’s explanation of the purpose of the Sabbath (Mark 2: 27), they were responding here to the Nazi dictatorship.

The question of commemoration in a democracy raises the question of how far the form of government determines commemoration — of how democracy stands in contrast to dictatorship in this regard. When it comes to 1989, it is a question of the contrast to a communist dictatorship. There are other cases of the contrast between a democracy and an earlier dictatorship, for example Chile, Argentina, Greece, Portugal, and Spain.

In each of those cases, it was a question of the contrast between political freedom and political unfreedom. It is therefore a twofold — and at the same time opposing, bipolar — commemoration, and it is important how the relationship between the two in the different countries balances out, whether the contrast in these countries still looks as it did in 1989 and whether memory of the dictatorship has become more positive and to what extent democracy has disappointed.

It is always *the people* or *the nation* that remembers. According to Ernest Renan’s still applicable description, a nation is a willed community joined together by common memories and the desire for a common future. Nations are actually collective identities. Renan’s description takes into account that nations are not substantive, metahistorical entities such as the *Volksgeist* of Herder or Hegel. The Austrians want to be their own nation today even though, following the collapse of the Hapsburg monarchy, they had printed

“Deutschösterreich” on their postage stamps and wanted to become a part of Germany. The desire for a common nation can weaken or, indeed, dissipate. There are, in fact, separatist movements in Europe, including in Germany, that say a narrower collective identity is shattering the broader collective identity within which it had until now been incorporated.

Some people question the premise that common memories can be constitutive of nations by arguing that democracies are characterized by pluralism and that common memories are thus incompatible with democracy. Pluralism is actually the result of the freedom of belief, opinion, and religion. Freedom of opinion does not mean that all opinions are equal but rather that even mistaken and crazy opinions ought not to be punished. There is also the distinction between opinions that can be permitted to be put into action and those that are punishable if acted upon. Political parties that pursue goals; that is, beliefs; contrary to the constitution by action can be banned in a democracy. When common memory — the memory of the majority — fades, a nation collapses, not pluralistically into individuals but rather into smaller nations that again, are bound by common memory and the desire for a common future.

Nations are not the only collective identity we experience. There is the narrower identity that is called *Heimat* in Germany that builds on first-hand experience. At the same time, identifying oneself as a German by no means rules out seeing oneself as a European as well. A Saxon is delighted to meet a fellow Saxon on the *Zugspitze*; likewise, he is glad to meet a Dutchman in China. These identities can be fit together in concentric circles. Others cannot: we women, for instance, or we Christians, or we doctors. Even in a Europe that is growing together, the nation and the nation state will continue to have a certain weight for the foreseeable future because the national state provides citizens with legal and social security. Europe does not pay old-age pensions. That is in line with the European Union’s subsidiarity principle. It is also thus entirely in order that we take a comparative perspective on commemoration in different democratic states. Looking at 1989/90, we observe differences in the relationship between nation and democracy in the formerly socialist countries. In Poland, the nation freed itself from dictatorship by wringing free elections out of the communist government. The Baltic peoples, on the other hand, freed themselves from the suppression of their nationality, from Russification. There was a risk that the process of

liberation might give rise to an exclusionary nationalism that might collide with basic democratic rights. In Czechoslovakia, the people overthrew a communist dictatorship, but afterwards Czechs and Slovaks went their separate ways. Seventy years together did not suffice to establish a stable, common shared identity. A thousand years of divided history were stronger.

And finally the special case: the German Democratic Republic. The division of Germany had led to the remarkable situation that many West Germans viewed the GDR as a foreign country. The Basic Law, however, committed the Federal Republic to the unity of the German nation. In the GDR, by contrast, the Socialist Unity Party (Sozialistische Einheitspartei Deutschlands, SED) under Honecker had rejected that unity and spoke instead of two nations on German soil, whatever German soil might be. Nonetheless, East Germans were uninvited guests of the West every evening as they tuned into West German television. Those who wanted to leave the GDR wanted to go “over there” (*nach drüben*), and “over there” never meant Austria or Switzerland. As a result, 1989 is remembered with different emphases in East and West. In the West, 1989 is the year the Berlin Wall came down and the opening of the way to German unity. For East Germans, the autumn of 1989 is first and foremost the time of the demonstrations, of conquered fears and civil courage — the time, in short, of the Autumn Revolution. Many of the actors who brought about the Autumn Revolution were quite skeptical about the opening of the Berlin Wall and have maintained that German unity is to blame for the fact that the Autumn Revolution remained an unfinished revolution. They thereby estranged themselves from the East German demonstrators and ensured their own defeat in the free elections for the Volkskammer. However, the call for German unity came first from the East, from Saxony; not from the well-known human rights activists, but from protesters, first in Plauen and then in Leipzig. Shortly after the opening of the Wall, the East German demonstrators chanted the suppressed text of the GDR national anthem *Deutschland einig Vaterland* and then switched from the motto “We are the people” to “We are one people,” (*Wir sind ein Volk*) which many West Germans indignantly interpreted as nationalistic and extremist.

There was considerable conceptual confusion in Germany, unified by surprise, in 1989/90. During the first session of the freely elected East German parliament (Volkskammer) the deputies listened to the reading of a letter from a West Berliner who vehemently warned them to

oppose German unification and to preserve the GDR as a democratic alternative to the capitalist Federal Republic. Of course, that was not the majority view, but there were demonstrations in the West against unification with prominent members of the Greens at the forefront. In the East, the year 1990 was dominated by joy at the fall of the Berlin Wall and unification. But the mood darkened as a result of the bitter experience of the collapse of the East German economy, which was suddenly exposed to the world market without protection and without its traditional markets in the Eastern bloc. Although most of the blame for the collapse lies in the economic policies of the SED, the agency that oversaw the privatization of the East German economy, the Treuhandanstalt, was widely blamed.

The German problem of commemoration can be illustrated by the fight over the national holiday. Together with memorials, national holidays are always the clearest statement of what is most important in a nation's self-understanding. In the GDR, the national holiday was very traditional: October 7, the day of the GDR's founding. Two days after the fortieth anniversary of that event, October 9, 1989, the state capitulated to the Monday demonstrators in Leipzig and thereby opened the way for the end of the GDR. In the old Federal Republic, it was not the anniversary of the state's founding, the ratification of the Basic Law on May 23, 1949, that was celebrated; rather, June 17, the anniversary of the 1953 popular uprising in the GDR that was crushed by Soviet tanks, was celebrated as the Day of German Unity. Aside from a few noteworthy speeches in the Bundestag, June 17 degenerated into an emotionless occasion. Commemorating that day in the East was absolutely taboo. The new national day of commemoration became October 3, the day that German unification took effect, that unified Germany obtained full sovereignty with the ratification of the Two-Plus-Four Treaty, and, consequently, that World War II formally came to an end under international law.

The objection is often raised that October 3 represents a bureaucratic action and is a day that arouses no emotions. November 9, the day of the opening of the Berlin Wall, would be a fitting national holiday, but it is also the day of the 1938 "Kristallnacht" pogrom, an event that marked a major escalation in the persecution of the Jews under the Nazis. It is precisely because of this ambiguity that former Foreign Minister Joschka Fischer recommended November 9 as the national holiday, because it was characteristic of Germany's history. That is certainly true, but it is simply not possible to be happy and to mourn

simultaneously. Nobody can celebrate ambivalently: it would be like putting Christmas and Good Friday on the same day.

Since October 3, 1990, Germany has been living within universally recognized borders surrounded by friends. If that is not reason to celebrate, what is? In 2013, some people renewed the call for making June 17 the national holiday once again. That day, they maintained, represents the East Germans' desire for freedom, and German unity had actually been among their demands in 1953. But no nation should choose to identify with the date of a defeat, of a suppressed uprising. The Serbs did themselves no favors by linking their national identity to the date of their defeat at the hands of the Turks at Kosovo.

Memory in the democracy that arose in 1989/90 is, as noted above, bipolar. There is, on the one hand, the memory of the toppled communist dictatorship; on the other, the memory of the toppling of the dictatorships, the revolution of 1989, which was, with the exception of Romania, by and large peaceful. What is the relationship between these poles? The German government's 2013 report on the *Aufarbeitung* (historical examination) of the SED dictatorship lists seven memorials and historical sites devoted to Germany's division and twenty-eight devoted to surveillance and persecution in the GDR. The report does not list any sites dealing with opposition and resistance to the SED or with the freely elected Volkskammer and government because none exist. However, under the heading "Monuments and Memorial Sites" (*Denkmäler und Mahnmale*) three memorials to freedom and/or unity are mentioned, namely the memorials in Plauen, Berlin, and Leipzig. The *Aufarbeitung* of the SED dictatorship is thus strongly skewed, which I would explain by pointing to an inability to take joy in freedom that is widespread among us Germans.

But why should we remember the dictatorship and its dark, even horrifying side? Wouldn't it be preferable to forget it?

II. Why Remember?

In his 2010 book, *Das Gebot zu vergessen und die Unabweisbarkeit des Erinnerns*, Christian Meier noted that since the conclusion of peace between Athens and Sparta in 404 BC, in the aftermath of wars and civil wars it has been demanded that all the horrible things that happened during the conflict be forgotten. Sometimes, even mentioning atrocities was made a punishable offense for the sake of peace. An amnesty of that sort was included in the Saar treaty of 1956: "No one

should face repercussions for his position on the Saar question in the past.” Annex 1 to the treaty stipulated that even bodily assault fell under this amnesty.

The connection between amnesties and peace treaties was probably first dissolved with the Treaty of Versailles, which accused the Germans, or more precisely the Kaiser, of war crimes (Part VII, Art. 227-230). The old idea that the desire for justice should be set aside in favor of the desire for peace and pacification was abandoned in favor of the idea of punitive justice, which, however, was pursued in a very one-sided manner. The Versailles treaty, with its new and scandalous terms (incalculable reparations, for instance), failed to achieve the goal of pacification.

Christian Meier defends the old strategy of “peace through amnesty before justice” in principle. But he sees in Auschwitz — in the Nazis’ genocide of the Jews — a crime so monstrous that amnesty and forgetting would be entirely inappropriate. I agree. The genocide of the Jews was neither a war crime nor an atrocity committed during a civil war. For that reason, it cannot be addressed by a peace treaty.

Maier asks why forgetting was not chosen as a strategy after the end of the GDR, and he offers three reasons. First, the Autumn Revolution was peaceful; with no casualties, there was no reason to fear revenge. Second, the rulers of the GDR were so completely stripped of power that they could be ignored. And finally, the West German approach to remembering the Nazi era served as a model. Meier concludes, however, with the observation that “the ancient experience whereby such events are better forgotten and suppressed than allowed to function as active memories, has by no means been superseded.”

The argument that the peacefulness of the revolution was one of the main reasons militating against forgetting gains credibility by comparing the German case with the Italian and French approaches to dealing with collaborators after the end of German occupation. Both of these countries experienced brief phases of excessively violent score-settling: it would not be wrong to speak of lynching. Between 10,000 and 15,000 people were killed in Italy and at least 10,000 in France. Amnesties followed that covered the misdeeds of both sides. Joseph Rovin defended this approach as late as 1992, advising that “after the end of a dictatorship, the cleaning-up should be quick and bloody.”

I would like to offer three observations on the peacefulness of the revolutions of 1989. First, these revolutions were possible only because Mikhail Gorbachev revoked the so-called Brezhnev Doctrine and explained that the Soviet Union would not interfere (again) in the internal conflicts in the socialist countries. If the revolutions had turned bloody, the Soviet Union would probably have intervened to ensure the safety of its troops stationed in the countries concerned.

Second, for the demonstrators, the slogan “No Violence” promoted in particular by the churches, legitimated their actions and thus eased their consciences and provided motivation. “We are not counterrevolutionaries as you imagine them.” In theory and practice, nonviolence thoroughly confused the communists and their image of their enemy. That was part of the demonstrators’ success against the heavily equipped security forces, who were prepared for a “counter-revolution” along the lines of the revolutions they had carried out.

Third, we should remember that the consequences of forgetting — of the amnesties — in Italy and France were not entirely positive. The confrontation with the Fascist past in Italy was so feeble that Fascism has become socially acceptable again. Mussolini’s granddaughter is thus able to play a political role because she is his granddaughter. In France, almost everyone claimed to be a member of the Resistance until President Francois Mitterrand broke the silence about Vichy and acknowledged that he too had collaborated.

The connection between pacification and forgetting in peace treaties might make sense because both sides in wars (and civil wars) usually stand accused of injustices and crimes. In a dictatorship, however, the injustice is asymmetrical and one-sided. The Nazis’ “racial enemies” and the communists’ “class enemies” were not also “perpetrators” or somehow complicit in the persecution or discrimination they suffered. They were victims, pure and simple. If there is no basis for a counterbalancing of injustices, large-scale forgetting loses its plausibility.

But when it comes to the individuals, I want to cast my vote with Christian Meier in favor of forgetting. The concept of the statute of limitations is firmly anchored in our legal system, and rightly so. The statute of limitation for manslaughter is twenty years, as it once had been for murder. The Stasi Records Law originally envisioned that for fifteen years individuals applying for civil service jobs or related positions would be investigated for complicity in nonprosecutable

offenses committed during the era of the GDR — in other words, for having cooperated with the Stasi. As a result of two extensions, this period has been extended to thirty years. This seems out of proportion to me. On the individual level, the past has to be forgotten at some point — even for those who unfortunately lack the courage to acknowledge their guilt.

As for dictatorship itself, however, I am opposed to forgetting and drawing a line under the past. Spain and Poland initially opted for the strategy of closing the door on the past because the elites of the dictatorial regimes in both countries continued in office during the transition to democracy; in each case, there was a sort of cohabitation of the revolutionaries or democrats with the *ancien regime*. That had to be tolerated because change had to be carried out gradually, not all at once. But in neither case did forgetting lead to pacification. The question of injustices under the dictatorship arose belatedly.

III. Unpersuasive Justifications

Before I argue why memory after a dictatorship is justified, I would like to address several justifications that I do *not* find persuasive.

“Remembrance is the secret of redemption.” This sentence appeared on a postage stamp issued by the Federal Republic in 1988. It appeared along with a burning synagogue in remembrance of the so-called Kristallnacht pogrom. Despite much effort, I have not been able to make sense of this sentence. It was borrowed from the Yad Vashem memorial site in Jerusalem. There, the author is identified as Rabbi Israel ben Eliesar (1699–1760), known as Ball Schem Tov, the founder of Hassidism. The full sentence reads, “Forgetting prolongs exile; the secret of redemption is remembrance” — remembrance, that is, of the messianic promise of the Jews’ return to Jerusalem, not remembrance of death and destruction. That memory does not *redeem/save*, as we all know, but rather burdens us immensely. But there are reasons to take that burden upon us.

“Those who cannot remember the past are condemned to repeat it.” Thus wrote George Santayana in 1905. Whether that holds true for individuals is open to question, but I do not want to hide my doubts. In any event, it does not apply collectively. The Nazis remembered the First World War — their interpretation of it — and unleashed another

world war. The communists experienced the Nazi dictatorship and suffered under it, then they recreated a dictatorship.

“We must learn from history.” This is, of course, is always true in some respects. The loss of memory renders both individuals and groups incapable of acting. This is true for individuals, but also for peoples, because their relationship with one another is considerably informed by historical memory. Without a knowledge of history people are blind, especially to fears arising from painful memories. A knowledge of history allows for consideration and tact in interactions with other peoples. Nonetheless, historical knowledge does not make anyone a prophet; even with a strong understanding of history the future remains uncertain.

The ancient saying *Historia magister vitae* — history is the teacher of life — rested on the assumption that there is nothing new under the sun. The elderly were once respected for their experience of life. That is still true in many respects, but unfortunately my grandson is often right: “Grandpa, you don’t understand.” Since the beginning of the industrial era, there has been constant and inexorable change. History does not repeat itself. The next danger facing us is usually a different one from the preceding one. Those who concentrate too much on what happened in the past are likely to recognize new developments too late. An example from recent Germany history: focusing on the left-wing terrorism of the Red Army Faction (Rote Armee Faktion, RAF) blinded some to the right-wing terrorism of the National Socialist Underground (Nationalsozialistischer Untergrund, NSU).

“The better we understand dictatorship, the better able we are to build democracy.” This is the motto of Roland Jahn, Germany’s Federal Commissioner for the Stasi Records (Bundesbeauftragter für die Stasi-Unterlagen). This formulation, too, does not clarify the idea of learning directly from history for me. The implied connection is largely fictitious. Studying dictatorship can, it is true, communicate a tangible impression of what it is like to live under unfree conditions and to be deprived of basic human rights. But democracy as we understand it and as it is anchored in the Basic Law is more than the absence of dictatorship.

Democracy and dictatorship were not always regarded as opposites. From Aristotle to Kant, the word “democracy” had negative connotations. It was understood as simple majority rule. Kant thus counted democracy among the forms of despotic government. Aristotle saw

in democracy an absence of law. The tyranny of the majority is still a form of tyranny. The word “democracy” took on more positive associations after the principle of majority rule was limited by the recognition of basic rights that are not revocable by majority vote, by the rule of law, and by the division of powers. Nobody would come up with those principles solely from the study of dictatorship. Understanding the SED dictatorship does not necessarily make a person a good democrat. It is possible to become lost in trivial details and lose sight of the forest for the trees.

The communists believed that they had drawn the true lesson from history, namely the logic of reversal or inversion: Who does what to whom? Do you want to be the hammer or the anvil? After the collapse of the Nazi dictatorship, they established a dictatorship of their own with the best of conscience. They derided parliamentary democracy as a pseudo-democracy and celebrated the “dictatorship of the proletariat” — what Marx understood as the majority’s absolute rule over the minority — as a true form of democracy, unrestrained in its use for power. As Lenin explained “the scholarly concept of dictatorship means nothing more than power, unlimited, unrestricted by any laws or rules, that uses violence directly to support itself.” In this way, Lenin prepared the way for Stalin.

This confusion of concepts has had a lasting influence. Even today, many people in East and West alike criticize representative parliamentary democracy as inadequate, as insufficiently democratic. True democracy, they believe, is direct democracy: ideally, everybody should decide everything. That however, would result in the tyranny of the majority or totalitarian democracy. Such confusion cannot be cleared up by studying dictatorship. On the contrary, only a sound understanding of democracy allows for a well-founded critique of dictatorships. After all, no one has argued that we need to understand planned economies in order to better organize market economies. It is evident that those who administered planned economies were usually failures in market economies.

IV. Reasons for Remembering the GDR Dictatorship

We need better reasons for remembering the dictatorship. One powerful reason is the need to combat the immediate consequences of dictatorship and to eliminate them if possible. This includes prosecuting so-called governmental criminality, rehabilitating the politically persecuted and political prisoners, providing counseling

for individuals still suffering from the effects of persecution, and restoring illegally seized property to its rightful owners. That is a finite task that has been largely accomplished in Germany. Checking the backgrounds of individuals in parliament, in the civil service, and in a few other fields also falls under this heading. It is intended as way to determine an individual's suitability for a position, not to punish him or her. Background checks are intended to prevent the formation of cabals and harm to the standing of the civil service. This, too, is a finite task. It was necessary during the transition period, but it has lost much of its original importance with the passage of time.

A second reason is the need to make up for the GDR's lack of an open public sphere in the GDR. Wolf Biermann captured this deficiency in a song with the line: "In this country, we live like strangers in our own home." ("In diesem Land leben wir wie Fremdlinge im eigenen Haus.") We citizens of the GDR were very poorly informed about what was going on in our country. The situation only began to improve somewhat when West German television journalists began reporting from the GDR. We learned about East German opposition figures by watching West German television.

Another reason for remembering the East German dictatorship is the need to correct the official history written by the SED. That history was based in part on omissions. SED history was silent about Stalin's show trials and the gulag, the imprisonment of some German communists who had fled the Third Reich, the special camps the Soviet security forces maintained after 1945 (often in former Nazi concentration camps), the June 17, 1953 uprising, and much more. These gaps were filled by distortions, by the false information one encountered in every museum, aside perhaps from those devoted to natural history. To summarize, we want to know what actually happened. All considerations of how limited and dependent on one's position any examination of the past is does not change the fact that the question of what actually happened is legitimate and, in many areas, can be answered conclusively. If there are no bare facts, *bruta facta*, that does not mean there are no facts at all and that everything is simply a matter of perspective.

In the context of the task of getting the historical record of the GDR right, let me say a few words about the Stasi and the Stasi records law. We GDR citizens generally knew who the SED functionaries, the army officers, and the professional Stasi agents in our everyday environments were. School children typically learned who was who

from their parents or fellow students. What we did not know was who the “unofficial collaborators” (*Inoffizielle Mitarbeiter*) of the Stasi — the informers in our midst — were. That is why, in the fall of 1989, so many East Germans asked the question “Who has been spying on me?” and demanded access to the Stasi’s records. The Stasi Records Law enacted by the last, freely elected, East German Volkskammer in 1990 was, however, excluded from the Unification Treaty at the insistence of the West German government. Faced with massive protests in the East, just before the Volkskammer was scheduled to vote on the Unification Treaty, the West Germans agreed that the Bundestag would pass a Stasi Records Act that addressed the issue of protecting privacy while allowing people to view documents related to them. All in all, the regulations on access to the Stasi files have worked well.

The concentration on informers and the Stasi files is understandable, but it has led to unwelcome consequences. The GDR long seemed, and to some extent still seems, to have been “the Stasi state.” It was, however, the SED state, and the Stasi, as its logo declared, was the “sword and shield of the party.” The focus on the Stasi has had the consequence that the SED’s misdeeds remain hidden behind those of the Stasi. Thus investigations often focused exclusively on collaboration with the Stasi even though many SED functionaries and members of the so-called *Blockparteien* (the officially sanctioned, non-socialist allied parties of the SED) had much graver offenses to answer for than the run of the mill Stasi informer.

Four tasks will potentially never be fully accomplished and are therefore infinite. First, the memorialization of the victims. Others would make them nameless and we must stop that from happening. Second, there can, of course, be no end to teaching coming generations about our history, including the history of the GDR. Third, the debate about what was wrong with the rule of the SED will never be settled because it is a debate about the criteria of evaluation. Fourth and finally, there is potentially no end to historical research. Not only because new material comes to light but also because new questions lead to new findings. One area of inquiry that has yet to be exhausted is the comparative study of dictatorships encompassing all of the formerly socialist countries. A glance toward North Korea and Cambodia or at the Cultural Revolution in China and Stalin’s reign shows that, under the SED, we East Germans did not have to endure the worst that dictatorship might bring: to a certain extent, we were lucky in our misfortune. Another comparison of dictatorships, namely of the

two dictatorial regimes that arose on German soil, still provokes strong feelings that extend into everyday politics. When the SED state is called an *Unrechtsstaat* (unlawful regime/ unjust regime), some people consider this a malicious denunciation of the GDR; others consider it a trivialization of the Nazi dictatorship, which they think is the only German state that deserves to be so labeled. I believe that a state that explicitly used the law as an instrument of power exerted by the ruling class deserves the polemical attribute *Unrechtsstaat*.

It is safe to say that the GDR is now probably the most thoroughly researched chapter of German history because the great majority of its records have been open since 1991. The Stasi files are only partially accessible on account of privacy protections, but the fact that secret police files are open to research is without precedent. Findings that will suddenly change the way we see everything are no longer to be expected. We know enough to arrive at a historical assessment of the SED dictatorship.

V. Shortcomings and Dangers in the Public Memory of the GDR Dictatorship

I see three shortcomings in the way the SED dictatorship is being remembered and discussed. First, opposition and resistance in the GDR are greatly overshadowed in public awareness by the division of Germany and the repressive nature of the regime. Second, the final year of the GDR's existence, the period from the fall of 1989 to October 3, 1990, is undervalued. When people speak of the fall of 1989, they are usually referring to the opening of the Berlin Wall on November 9, 1989, and what followed and completely disregard the earlier sequence of events that led to Erich Honecker's resignation in mid-October and to the opening of the Wall. The reason for this is that West Germans first encountered the East Germans in the processions of exhaust-spewing *Trabbis* that followed the opening of the Wall. But by that point, the most difficult point of the revolution, namely, the demonstrators' confrontation with the security forces, had already past. Remembering the extraordinary civil courage and prudent nonviolence that characterized the East German protest movement that resulted in the fall of the wall would do relations between East and West Germans enormous good and would correct some Western prejudices. Likewise, the work of the freely elected Volkskammer in the last year of the GDR plays almost no role in public memory because Westerners like to believe that

the West German government was responsible for bringing about German unification. Some say this with pride; others charge that the West took over or colonized the East. Both sides forget that only the freely elected Volkskammer, not the Bundestag, could decide on the GDR's acceptance of the Unification Treaty, so that only with the Volkskammer's approval could the treaty take effect.

The third major shortcoming is that there is not enough awareness of the economic situation of the GDR in the 1980s. A direct consequence of this shortcoming are the legends which claim that the Treuhand destroyed the East German economy. These legends, beloved in both East and West, gloss over the failure of the SED's economic policies — policies that SED functionaries at the time, above all SED planning head Gerhard Schürer, had sharply criticized internally. They gloss over the fundamental deficiencies of the centrally planned economy and scapegoated the West for allegedly plundering a clueless East. It is deplorable that there have been few scholarly studies of the Treuhand thus far because its records are effectively off limits to researchers. As a result, conjecture rules.

That brings me to several dangers in the way the SED dictatorship is being treated in contemporary Germany. First, there is still a danger of trivializing the SED dictatorship, especially when granddad tells stories about “the old days.” To be sure, GDR citizens who never took a critical stand and went along with everything did not have to endure repression. When someone says today, “I never had a problem with the Stasi,” he might be telling the truth. But everyone knew that, for whatever minor reason, things could take a turn for the worse with the Stasi, that a person could suffer some other disadvantage or form of harassment. The danger of this form of trivialization is self-evident. Karl Schroeder conducted a poll of high-school students from two western and two eastern German states. The children from Bavaria had the best knowledge about the GDR. They had received their information from well informed teachers, while in the East many teachers and parents are hesitant to speak about their thoughts and actions during the GDR. This problem is an inherent part of post-totalitarian situations. Thankfully, as a result of unification, this problem is less severe than it was after 1945.

Less readily apparent is the contrary danger, the exaggeration of the GDR's evils. I have in mind, for example, the controversy over IKEA that has been going on since 2012. Many people think that IKEA made use of forced laborers in the GDR and profited from doing so. In fact,

however, this was impossible given the organization of the GDR's economy and foreign trade. IKEA did not have an East German subsidiary, nor did it contract directly with any East German manufacturer; rather, it dealt solely with a foreign trade agency, which charged Western customers prices that had little relation to production costs in the GDR. One accusation can be raised here: Western firms that traded with the GDR could never be certain whether prisoner labor was being used in production. We GDR citizens could also never be certain about that, but we did know for sure that prisoners were used in mining brown coal. East-West trade in general was therefore morally questionable. But even without it, however, there would not have been prisoner-free production; there would have been only very limited German-German contracts, and perhaps the GDR would not have collapsed.

No less misleading is the accusation that 50,000 GDR citizens were used as guinea pigs by Western pharmaceutical companies. Thinly supported speculation has been treated as if it were fact. To date, as far as I know, no evidence has been put forward indicating that, with the approval of the East German authorities, experiments were conducted on patients without their consent. The laws and relations on testing medications were no laxer in the GDR than in the West. In the context of the division of labor between socialist countries, the GDR exported its resources for developing new drugs; as a result there was greater capacity in the GDR for medical tests. Because of a lack of foreign currency in the GDR, there was no western medicine available for purchase (other than in government pharmacies); therefore these tests were, in fact, the only chance for East German patients to obtain western drugs. Since the protocols of the East German trials had to be presented to the West German pharmaceutical licensing authorities, they had to meet Western standards. Those who started this disinformation campaign were most likely targeting not the GDR, but the hated pharmaceutical industry. In the process, they overlooked that they are accusing hundreds of doctors of having grossly violated medical ethics. The danger in exaggerations and scandal-mongering is that they play into the hands of those who would trivialize the SED dictatorship. If the exaggerations can be exposed as false, they suggest, all accusations against the SED must be exaggerations.

Consideration of the victims (*Opfer*) legitimately plays a large role in public discussions and commemorations of the East German past. But there are pitfalls here, too, notably the ambiguity of the German

word *Opfer*. The German language uses the same word for “victim” and “sacrifice.” The *Opfer* as “victim” (from the Latin *victimus*, the defeated) is the injured party, the person affected, the sufferer of misfortune. It is this sense we have in mind when we speak, for instance, of *Verkehrsopfern* (victims of traffic accidents). To be an *Opfer* in this sense of the word is to experience something that nobody would have chosen to experience. It is neither a meritorious act nor an honor. Nor does it bestow a particular competence. It does, however, demand our sympathy and, under some circumstances, might warrant claims for compensation. But it must not be overlooked that it makes a difference whether a claim for compensation is filed against the party responsible for the injury, as in the case of traffic accidents, or if it is founded on the principle of solidarity, that is if we fellow citizens (and taxpayers) are paying compensation for an injury for which we are not responsible. Strictly speaking, the claim for compensation is fully justified only in the former instance. *Opfer* in the sense of “sacrifice” (from the Latin *sacrificium*, a cultic offering), on the other hand, is an offering or an act of renunciation on someone else’s behalf, which presupposes a choice or decision. “He died for us,” the New Testament says of Jesus Christ; Fontane wrote the same of the helmsman John Maynard. The willingness to sacrifice one’s self that we see, for instance, in firefighters and emergency rescue workers deserves public acknowledgement and our admiration.

In the past, the commemoration of war dead was always the commemoration of *Opfer* in the sense of sacrifice: the fallen gave their lives for us. Commemoration of *Opfer* became the commemoration of heroes. In many cases, though, that was not the case. Many of those killed in wars died wretchedly as victims who had not chosen that end for themselves. Nowadays, we see a similar confusion of the senses of *Opfer*. One example is Peter Fechter. On August 17, 1962, the 18-year-old Fechter was shot as he attempted to climb over the Berlin Wall; as Western witnesses looked on, he was left by the East German border forces to bleed to death in the so-called death strip. A stele on the site of his death honors his memory, rightly so. The Berlin *Senat* has been criticized for having declined to erect a memorial to Fechter. According to the law, the *Senat* can build memorials to pay tribute only to individuals responsible for “outstanding achievements with close connection to Berlin.” The critics of the *Senat*’s decision have overlooked that Peter Fechter was a victim, not someone making a sacrifice.

Another danger is associated with the distinction between perpetrators and victims. It seems clear where an upright person should stand: on the side of the victim. But things are not quite so simple. Victims, too, are not always right. Their perspective can also be one-sided or too narrow. They too have their own interests. This is not an accusation, merely a statement. Victims are by no means immune from criticism.

Nowadays in court, a third party stands alongside the victim and the perpetrator, namely the judge. That is perhaps the greatest civilizing innovation in human history. In the Anglo-Saxon legal system, there are also the jury and the public. There was once a legal system with only victims and perpetrators and no judges, namely the system of the blood feud. While that system tends to excess, there is no danger of this returning to Germany. But the enthusiasm for identifying with victims can seriously cloud people's judgment.

One frequently heard argument for banning symbols of the SED is that their display injures the feelings of the victims. Whether that is true, I cannot consider here. Nonetheless, it is very problematic to argue for the restriction of a basic right on the bases of this or that person's feelings. That type of argument tends toward totalitarianism. In the controversy over cartoons depicting Mohammed, for example, fanatics and Islamists bring in arguments about their religious feelings and "the honor of the prophet" and use those sentiments to justify even the murder of the cartoonists.

When someone claims to speak as an advocate for victims, we are initially sympathetic, especially when it comes to victims who have not had an advocate. But our society often bestows a "victim bonus," and victimhood is worthwhile in the eyes of some because it enables one to make demands. Someone who declares himself or herself an advocate of the victims is thus declaring that he or she is a participant in a conflict and not a neutral party. Not taking sides and nonpartisan judgment has almost come to be discredited by our *Betroffenheitskult*, our cult of identifying with the victim.

In conclusion, commemoration in our democracy should incorporate remembering the dictatorship, and it should also include remembering the *Opfer*, both the "victims" and those who made "sacrifices". But above all, it should recall the establishment of a free political order — because no person and no nation can find encouragement and inspiration solely in contemplating failure and suffering.

Translated by David Lazar

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