Legitimation, Repression and Co-optation in the German Democratic Republic

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I. Legitimation and Legitimacy of the SED Rule

The German Democratic Republic (GDR) was created by the Soviet power. Therefore, all efforts to gain acceptance of its own people should be considered as actions to compensate for its general intrinsic lack of legitimacy as a nation state.[1] Moreover, the idea of nationalism in East Germany took on a subversive meaning because of the division of Germany. The Federal Republic of Germany (FRG) claimed to represent all Germans, which made the political leadership of the "Sozialistische Einheitspartei Deutschlands" (SED, "Socialist Unity Party of Germany") seem questionable. The communist Party could only partly rely on national values and was forced to establish substitutes. Furthermore, the permanent rivalry between the two German states and the fact that communists were a minority within the East German society put strong pressure on the SED to legitimize its dictatorship.

1. Normative Justification of the Rule: Communism as the Ultimate Aim

Throughout 1945/46 to 1990, the SED used Marxist-Leninist ideology as the basic justification for its claim to power in all stages of its rule. At the core of this oversimplified historical materialism lay the belief that the communists not only knew the law of historical development but were also able to control social progress. Hence, the constitutionally stated leading role of the SED was legitimized by the idea that the party should act as the executor of the historical law that would lead towards a classless society. This idea allows the designation of the GDR as an ideocracy.

The SED did not announce the construction of socialism openly until the 2nd Party Conference in July 1952. By that time, institutions required for such a massive change in the East German society had been ready for implementation for a long time. The following months of "accelerated construction of socialism" were characterized by entanglement of normative legitimacy and repression. Ideology was used widely to justify expropriations, imprisonments, and political sentences. This phase lasted only 11 months. Subsequently, the SED suddenly – at Moscow's command – changed its policy, which was widely perceived as weakness and

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[1] Cf. David M. Keithly, The Collapse of East German Communism. The Year the Wall Came Down, 1989, London 1992, p. 29 f.; Mary Fulbrook, Anatomy of a Dictatorship. Inside the GDR 1949-1989, Oxford 1995, p. 4.

lead to the uprising in June 1953. After the failed revolt the SED quit the extreme repression of "objective enemies" (but administered harsh punishments to the alleged "ringleaders" at the same time). Establishing a harmonious communist society remained to be the central aim of the SED, which simultaneously served as the legitimization basis of its rule. However, slight modifications were made in the following years.

By the end of the 1950s the SED leadership had started to include technocratic expertise in its political decision-making processes. This tendency became the official party line in 1963. According to Sigrid Meuschel, technocratic ideology was added to normative legitimization as a new strategy. However, the technocratic elements functioned as a "hidden legitimization," because open revisionism was impossible in view of the Iron Curtain.

Nevertheless, there was an enduring tendency to pursue legitimization via reforms. For example, the New Course in 1953, the New Economic Policy in the 1960s, the welfare policy in the 1970s or propaganda for "socialism in the colors of the GDR" in the 1980s all targeted the legitimacy of the SED rule to unify continuity and change.

During the reign of Erich Honecker (1971–1989), the utopia of communism was less important. Instead, the focus was shifted towards "actually existing socialism". Legitimacy was based on welfare policy rather than on pure ideology but included still elements of communist utopia: social justice, homogeneity, and security.[2] The social ideal of harmony joined with aims such as justice, peace and solidarity.[3]

During the Peaceful Revolution of autumn 1989 it became apparent how deeply anchored the communist ideals were, even amongst non-communists. Many initiators of the opposition movement still adhered to the idea of an improved socialist society as an alternative to Western capitalism.[4]

In summary, normative legitimization based on utopia (which could be considered a general feature of all communist dictatorships) granted East German communists a sense of working and fighting for a common good, if not for the highest social ideal. This belief in utopian ideals was important insofar as "the commitment of elites to the system"[5] had a strong effect on the stability of the political regime. However, because true believers constituted a minority, the SED had to develop additional legitimization strategies, considering the specific historical conditions of the Soviet Occupation zone and the GDR.

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[2] Cf. Sigrid Meuschel, Legitimation und Parteiherrschaft, Frankfurt a.M. 1992, p. 26.
[3] Cf. ibid., p. 23.
[4] Cf. Christof Geisel, Auf der Suche nach einem dritten Weg. Das politische Selbstverständnis der DDR-Opposition in den 80er Jahren, Berlin 2005, pp. 228-239.
[5] Mary Fulbrook, The State and the Transformation of Political Legitimacy in East and West Germany since 1945. In: Comparative Studies in Society and History, 29 (1987) 2, p. 241.

2.   Multi-Party System

The Soviet occupying power had already approved several political parties within a few weeks after the end of World War II. Elections were held in 1946, followed by the formation of local parliaments (Landtage) in the re-established German countries that included a remarkable number of non-communist politicians. As a result of the merging of the Social Democrats and Communists in spring 1946 (a process often termed as "forced unification," although this does not entirely reflect historical facts),[6] the SED was faced with two strong non-communist parties: the Christian Democratic Union (CDU) and the Liberal Democratic Party (LDPD). In the relatively free elections of October 1946, these two parties were able to win the majority of the seats in two of the five state parliaments (Landtag Sachsen-Anhalt and Landtag Brandenburg).[7]

The successive formation of a communist party dictatorship seemed to begin with a relatively democratic phase. However, writers such as Karl Wilhelm Fricke understood this to be merely a tactical ploy by the communists to disguise the subtle implementation of a dictatorship. Indeed, the SED staffed many key administrative positions and put pressure on the non-communist parties, often with the help from the Soviet Military Administration (SMAD). Here, the SED could remind the other parties of the principle of consensual decision-making put into place by the Soviet occupational power in June 1945 as a precondition for the approval of the political parties.[8]

This interpretation as a merely deceptive manoeuvre of the communists has remained controversial. For example, Wilfried Loth held a more differentiating view by referring to sources taken from Stalin's immediate circle. It is beyond dispute that the party leader Walter Ulbricht was intent on appropriating crucial positions in the state administration as quickly as possible. Wolfgang Leonhard was right when he described Ulbricht's intention as, "Everything has to appear democratic but we should have everything in our grip." Stalin slowed down the revolutionary zeal of the German communists several times and considered at the end of 1948 the political course of the SED becoming a "Volksdemokratie" ("People's

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[6] Cf. Günther Heydemann, Die Innenpolitik der DDR, München 2003, p. 72.

[7] Cf. Manfred Koch, Landtage, in: Martin Broszat/Hermann Weber (eds.), SBZ-Handbuch, München 1990, p. 330.

[8] Cf. Karl Wilhelm Fricke, Politik und Justiz in der DDR. Zur Geschichte der politischen Verfolgung 1945-1968. Bericht und Dokumentation, Köln 1979, p. 41.

democracy") to be premature. [9] Therefore, one should acknowledge a certain amount of openness and ambiguity in the years 1946 and 1947, even though the chances of an alternative development were small.

A comprehensive and irreversible erosion of democratic structures in the Soviet Occupation Zone did not occur until 1948, in the context of the open acknowledgement of the Cold War. The erosion can be observed on several occasions. At the state level, two satellite parties were founded. The National Democratic Party (NDPD) offered integration to former members of the Nazi party and Wehrmacht, whereas the German Peasant's Party (DBD) attempted to bring a socialist ideology to the rural population. At the local level, municipal self-administration bodies were deprived of their decision-making authority in favor of a central administration.[10] In the economic sphere, special interest groups like the worker's councils and the chambers of industry and commerce were transformed into aid agencies of SED policies.[11]

An impressive example of the interplay between mock-democracy and implementation of a dictatorship is the People's Congress movement (Volkskongress-Bewegung). It emerged as a form of "all-German pre-parliament" in contrast to the Parlamentarischer Rat ("Parliamentary Council") in the Western Allied occupation zones. However, it developed into a proto-structure of the People's Chamber (Volkskammer). The latter was finally constituted in the GDR on October 7, 1949. As an institution of acclamation, the almost powerless People's Chamber incarnated the pseudo-parliamentarianism of the GDR.[12]

The mock-democracy was established ultimately through the so-called "Volkswahlen" ("people's elections"), which were conducted under massive political pressure in 1950. From then on, elections were conducted only for show.

The GDR's multi-party system was little more than a relic of the past, particularly since the SED explicitly rejected the Western parliamentary model as a covered-up rule of the capital and instead adhered to Lenin's leadership model of "democratic centralism." An interesting question is why the SED maintained a multi-party system. There are several possible answers. First, it made clear to the West that the sovereignty of the people constituted the basis for legitimate rule, even in the GDR. The SED even idealized the GDR's political system as "true democracy." Second, regular elections were one of the many rituals of acclamation, alongside

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[9] Cf. Wilfried Loth, Stalin's Unwanted Child. The Soviet Union, the German Question and the Founding of the GDR, London 1998.

[10] Cf. Thomas Großbölting, SED-Diktatur und Gesellschaft. Bürgertum, Bürgerlichkeit und Entbürgerlichung in Magdeburg und Halle, Halle 2001, p. 62 f.

[11] Cf. ibid., p. 423.

[12] See Heydemann, Innenpolitik, p. 70.

with organized mass demonstrations on May 1, meetings of the youth organizations, the "Turn- und Sportfest" ("Gymnastics and Sports Festival"), and the SED party conferences. As such, they helped to display the alleged unity between party leaders and ordinary people. Despite the staged nature of this "democracy," mass mobilization could, at least partly and particularly in younger people, foster belief in legitimacy, or turn mere loyalty into a belief in legitimacy.

Furthermore, the existence of bloc parties performed not only a transmission function to communicate the political intent of SED-leaders to parts of the population that could not be directly reached otherwise, but also an alibi function, because it enabled non-communists to be politically active without being forced to deny their basic convictions.[13]

3.   Anti-Fascism

In 1945 all political forces in the Soviet Occupation Zone considered anti-fascism to be the mandatory basis of rebuilding the German state. As coded by the allies in the "Potsdam Agreement," a war should never again emanate from German soil; this was the official political consensus. At the same time, anti-fascism justified the Communist Party's grasp on power both towards the remaining previous elites and towards the present competitors. In this way, the communists could refer to their heroic resistance movement against the Nazi regime, which totalled a very high number of victims. At the beginning of the 1950s, the SED reinforced the exploitation of anti-fascism in domestic and foreign policy and caused a fundamental change in the function of anti-fascism. Instead of the previous self-organization of the affected parties, the state now appropriated the politics of memory by linking humanistic ideals with the dictatorial aim of controlling all activities. Rather than being an incorporation of a pluralistic commemorative culture, anti-fascism became the central symbol of legitimacy in the GDR.[14]

While presenting itself as the "better and uncompromised anti-fascist state," the GDR also offered integration to most East Germans that had not committed crimes but had supported National Socialism. The only condition was to support or at least accept the existence of the SED regime. Herfried Münkler pointed out that this combination of exculpation and duty of

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[13] Cf. Friedrich-Ebert-Stiftung (ed.), Parteien in beiden deutschen Staaten, Bonn1983, p. 53 f.

[14] Cf. Jürgen Danyel, DDR-Antifaschismus: Rückblick auf zehn Jahre Diskussion, offene Fragen und Forschungsperspektiven. In: Annette Leo/Peter Reif-Spirek (eds.), Vielstimmiges Schweigen. Neue Studien zum DDR-Antifaschismus, Berlin 2001, p. 14.

loyalty made many people morally dependent on the socialist state.[15] Obviously, this offer was accepted widely and had a concurrent "widespread sense of departure."[16]

Externally, anti-fascism served the SED state as a legitimization strategy against the Federal Republic, particularly in the 1950s and 1960s. Anti-fascism contained an understandable fear of former Nazi elites regaining political influence in the Federal Republic of Germany (FRG). This fear was compounded with the communist definition of fascism, formulated by Georgi Dimitroff in 1935. According to this definition, fascism represented an "open terrorist dictatorship of the most reactionary, chauvinistic, and imperialist elements of finance capital."[17] In the context of the communist ideology, the successive abolishment of private ownership as the means of production in the Soviet Occupation Zone/GDR also eliminated the economic roots of fascism. Therefore, anti-fascism and communism appeared to be identical in essence.

Domestically, denouncing critics and opponents of the communist dictatorship as fascists provided the SED with a means of rule and repression.[18] For example, it was used after the uprising on June 17, 1953, which was defamed as an "attempted fascist coup." In 1961 the Berlin Wall was officially referred to as the "Anti-Fascist Barricade" ("antifaschistischer Schutzwall") and its function was rhetorically perverted.

Nevertheless, it is inadequate to reduce the function of anti-fascism in the GDR to sheer exploitation designed to justify the SED dictatorship. There was a temporary but strong connection between anti-fascism and the national cultural ideals of civic humanism.[19] The ability of anti-fascism to create an East German socialist identity derived mainly from two issues. First, the SED tried to embed anti-fascism in a long historical process and to establish a historical line of revolutionary ancestors that began with the peasant wars of the 16th century and continued with the failed revolutions in 1848 and 1918 to the present day. Second, anti-fascism was associated with a conservative aesthetic judgment: Weimar Classicism and Socialistic Realism instead of Decadence and Formalism, particularly in the 1950s.[20] This reference to the "good" and "healthy" national tradition enabled anti-fascism to become the "primary, identity-creating foundation myth"[21] of the GDR that tied a great many of the intelligentsia and artists to the SED. Their literature and films were also disseminated widely

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[15] Cf. Herfried Münkler, Antifaschismus als Gründungsmythos der DDR. Abgrenzungsinstrument nach Westen und Herrschaftsmittel nach innen. In: Manfred Agethen et.al. (eds.), Der missbrauchte Antifaschismus. DDR-Staatsdoktrin und Lebenslüge der deutschen Linken, Freiburg i.Br. 2002, p. 87.
[16] The original German term is „Aufbruchmentalität," in Heydemann, Innenpolitik, p. 14.
[17] Kleines Politisches Wörterbuch, Ost-Berlin 1973, p. 229.
[18] See Münkler, Antifaschismus, p. 87.
[19] Cf. Meuschel, Legitimation und Parteiherrschaft, p. 25.
[20] Cf. ibid., p. 79 f.
[21] Falco Werkentin, Politische Strafjustiz in der Ära Ulbricht, Berlin 1995, p. 168.

in the Federal Republic where issues such as Nazi-backgrounds or crimes were broached rarely but instead collectively concealed in the Adenauer era.

For quite a long period of time participation in the resistance movement against National Socialism provided leading functionaries of SED, not least Erich Honecker, with certain esteem and legitimacy.[22] The same applied to the dissident Robert Havemann: the SED did not dare imprison the former member of the anti-fascist resistance; they instead imposed house arrest in 1976.

Until the end of the GDR, anti-fascism had the potential to inspire loyalty towards the state, even though the "cohesiveness of the propagandized anti-fascist values" [23] diminished remarkably in the 1980s.

4.   "Unity of Economic and Welfare Policy": Performance Legitimacy

The move towards an expansion of welfare policy introduced under Erich Honecker at the 8th Party Conference of the SED in 1971 could be conceived as a transition from normative to functional legitimacy.[24] During the administration of Honecker (1971–1989), the dictatorial welfare state was characterized as much by numerous socio-political measures as by the feverish attempt to gain legitimacy via economic success. For instance, daily news footage on the television depicted industrious workers and peasants in factories and in the fields, working hard to fulfil the plans and preserve the myth that the GDR was one of the ten leading industrial nations in the world.

Other examples of attempts by the SED to justify their dictatorship by performance were projects aimed at enhancing prestige. Most notable example of such a project was the promotion of sports with a special focus on the maximum yield of gold medals. One should by no means deny the widespread enthusiasm for successful athletes, but it would be misleading to interpret this entirely as support for the socialist state.[25] The GDR also managed to send the first German into outer space (Sigmund Jähn) and the SED conducted a long-

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[22] Cf. Münkler, Antifaschismus, p. 97.

[23] Danyel, DDR-Antifaschismus, p. 18. Cf. Jürgen Danyel, Die unbescholtene Macht. Zum antifaschistischen Selbstverständnis der ostdeutschen Eliten. In: Peter Hübner (ed.), Eliten im Sozialismus. Beiträge zur Sozialgeschichte der DDR, Köln 1999, pp. 67-85.

[24] Cf. Christoph Boyer, Die Sozial- und Konsumpolitik der DDR in den sechziger Jahren in theoretischer Perspektive. In: Boyer et.al. (eds.), Repression und Wohlstandsversprechen. Zur Stabilisierung von Parteiherrschaft in der DDR und der CSSR, Dresden 1999, pp. 37-48; Cf. also Beate Ihme-Tuchel, Die DDR, Darmstadt 2002, pp. 71-73.

[25] Cf. Molly Wilkinson Johnson, The "Friedensfahrt": International Sports and East German Socialism in the 1950s. In: The International History Review, 29 (2007) 1, pp. 57-82.

lasting propaganda campaign regarding the production of a megabyte chip (side-stepping the fact that the GDR was not at the forefront of micro-electronic technology).

One of the key slogans of the SED was the "Unity of Economic and Welfare Policy," which was defined as the increasing satisfaction of the needs of the populace on the basis of improved economic performance. In political practice the relation was inverted: the SED granted unconditional, far-reaching social benefits hoping that this would stimulate motivation; a calculation that turned out to be false.[26] Admittedly, the welfare expenses (compared with those for defence, the police and the secret service) were not excessively high, but due to an increasing habituation the "social achievements" were only partly able to increase the acceptance of the regime.[27]

Nevertheless, the party was able to sustain legitimacy in the GDR for much longer than the communists in Hungary or Poland, in particular by guaranteeing stability and social security. This was possible despite, or maybe because of the fact that the SED leadership favored political aims over economic considerations.[28] This even proved the case during the temporary supply crises in the GDR. Disgruntled workers demanded that the SED fulfil their welfare promises without calling into question the general rule of the party. Such critiques made in petitions could be interpreted as affirmations of a tacit social contract.[29] The contract is often described as an exchange of political loyalty and everyday co-operation for social security and welfare.[30]

However, by the second half of the 1970s, when it became clear that the SED was unable to increase living standards as promised, the "Janus-faced character"[31] of the social-political strategy of stabilization became apparent. For a long time, since the abatement of the upheaval of June 17, 1953 and the subsequent compromise with workers, the SED was very aware that every attempt to enforce a higher output of production by political means would endanger its legitimacy, but the relaxation of this rule had the same effect by diminishing economic performance.[32]

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[26] Cf. André Steiner, Zwischen Konsumversprechen und Innovationszwang. Zum wirtschaftlichen Niedergang der DDR. In: Konrad H. Jarausch/Martin Sabrow (eds.), Weg in den Untergang. Der innere Zerfall der DDR, Göttingen 1999, p. 155 f.

[27] Cf. Alexander Burdumy, Sozialpolitik und Repression in der DDR. Ost-Berlin 1971-1989, Essen 2013.

[28] Cf. Meuschel, Legitimation und Parteiherrschaft, p. 9.

[29] Cf. Paul Betts, Within Walls. Private Life in the German Democratic Republic, Oxford 2010.

[30] Cf. Christoph Klessmann, Workers in the Workers' state: German Traditions, the Soviet Model and the Magnetic attraction of West Germany. In: Christoph Klessmann (ed.), The Divided Past. Rewriting Post-War German History, Oxford 2001, p. 14 f.; Gerd Meyer, Gesellschaftliche Widersprüche und demokratischer Aufbruch in der DDR. In: Andrea Pabst/Catharina Schultheiß/Peter Bohley (eds.), Wir sind das Volk? Ostdeutsche Bürgerrechtsbewegungen und die Wende, Tübingen 2001, p. 14.

[31] Peter Skyba, 'An sich müssten wir Pleite anmelden.' Konfliktlinien in den Entscheidungen der SED-Spitze zur Sozialpolitik in den siebziger Jahren. In: Horch&Guck, 20 (2011) 73, p. 13.

[32] Steiner, Konsumversprechen, p. 158.

Discontent increased and tens of thousands applied for an exit permit. During interrogation nearly half of the emigrants named material dissatisfaction as one of the main reasons for emigrating.[33] As the rapid demise of the GDR in 1990 demonstrated, its social achievements proved too weak to support the legitimacy of the rule[34] after the most important mechanism of repression, the Wall, came down.

5.   Further Strategies to Claim Legitimacy

In order to establish a socialist nation, the SED extended the range of the GDR's national heritage remarkably. The 1980s witnessed a revival of Prussian traditions, the reissuing of Karl May's Wild West novels, the publication of Sigmund Freud's works on psychoanalysis and, most notably, the state-organized celebration of Martin Luther King's anniversary in 1983, which coincided with more cooperative state-church relations.

Furthermore, in the Honecker era "the domestic and international aspects of legitimacy were closely interlinked."[35] The SED could hope that growing international recognition would improve their acceptance at home. By presenting different kinds of aid to the Third World as more or less altruistic, the internationalist solidarity of East Germany was expected to promote the image of a better German state. How successful was this strategy? The GDR claimed moral legitimacy partly due to solidarity with Nicaragua, Angola, and Mozambique. Probably the biggest achievement of the SED was granting political asylum to several thousand emigrants from Chile, whose lives were endangered during the dictatorship of General Pinochet.

The GDR presented itself as a peace-loving state on the international scene, particularly in the 1980s, and also conducted cultural campaigns such as a yearly music festival "Rock for Peace" ("Rock für den Frieden") at home. The one-sided demands for disarmament in the West made those efforts not entirely convincing. Finally, in the last two years of its existence the GDR created elements of a constitutional state, which for the first time permitted juridical action against government decisions. An appellate court was established at the Supreme Court and a law enabled administrative judicature, but it did not come into force until summer 1989.

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[33] Richard Hilmer, Übersiedler aus der DDR (Tabellen). In: Materialien der Enquete-Kommission, Aufarbeitung von Geschichte und Folgen der SED-Diktatur in Deutschland (12. Wahlperiode des Deutschen Bundestages), vol. VII/1, Baden-Baden 1995, p. 446.

[34] Cf. Hans Günther Hockerts, Soziale Errungenschaften? Zum sozialpolitischen Legitimitätsanspruch der zweiten deutschen Diktatur. In: Jürgen Kocka/Hans-Jürgen Puhle/Klaus Tenfelde (eds.), Von der Arbeiterbewegung zum modernen Sozialstaat. Festschrift für Gerhard A. Ritter zum 65. Geburtstag, München 1994, pp. 790-804.

[35] Gareth M. Winrow, The Foreign Policy of the GDR in Africa, Cambridge 1990, p. 218.

That trend could be understood as a late attempt of legitimization towards Western democracy. However, the attempts remained half-hearted, and the judicature continued to be "subordinate to the policy of the party."[36]

II.   Repression

1.   Measures of Repression of Soviet Occupational Power and the SED

After the end of Second World War it was the Soviet occupational power that exerted political arbitrariness and terror, whereby the justifiable penalization of war criminals and the use of repression to secure political rule interfered with each other. Certain instruments of repression that the allied forces devised jointly, such as the internment camps or special laws, were overexpanded or even abused in the Soviet Occupied Zone.

The only purpose of detention in special camps was to ensure the isolation of potential enemies as a political preventative strategy. The high death rate—almost a third of the nearly 150,000 German inmates in the Soviet special camps did not survive detention—was mainly the result of poor food supply, cold, and diseases. It is not possible to detect any deliberate intention on the part of the Soviets to kill camp inmates.[37]

After several mass releases the detention system came to an end with the Waldheim trials in 1950. During accelerated proceedings courts of the newly founded GDR condemned the last of approximately 3,400 camp inmates. By processing the Waldheim trials as fast as possible and adopting the preliminary work of the Soviet intelligence in a schematic way, the judiciary of the GDR passed its first big practical test in the face of the occupational power, which continued its own military tribunals against the Germans in the GDR until 1955.

The Soviet Military Tribunals (SMT) provided the occupational power with a second important means of repression. As a rule, the occupational power used a two-pronged approach: former Nazi functionaries were detained in special camps,[38] whereas civilians who committed offences in the present were prosecuted by the Tribunals.[39] Between 1945 and 1955, the SMT convicted ~35,000 German civilians. The very fact that 72 percent of the sentences were passed for "counter-revolutionary crimes" such as espionage, sabotage, or

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[36] Johannes Raschka, Justizpolitik im SED-Staat. Anpassung und Wandel des Strafrechts während der Amtszeit Honeckers, Köln 2000, p. 260.

[37] Cf. Bettina Greiner, Verdrängter Terror. Geschichte und Wahrnehmung sowjetischer Speziallager in Deutschland, Hamburg 2010, p. 13.

[38] Cf. ibid., p. 131.

[39] The Soviet Military Tribunals against German prisoners of war are excluded here.

membership in an underground organisation, indicates that these trials could be considered as "judicial terror" [41] to secure power. Even offences such as possession of firearms, theft, or illegal trespassing of the demarcation line were treated as "counter-revolutionary" intentions by the occupying forces; as a result, barely any non-political offences remained. The penalties imposed—often 10 or 25 years detainment but also nearly 2,000 death sentences—resulted from the careless application of Soviet norms to the everyday life of occupied Germany. This highlights the inexorability of the persecution.[42] At the same time, recent research suggests that the SMT did not act as a means of implementing the dictatorship until 1948, when the number of sentences increased and the penalties became harsher.[43]

Right from the beginning German auxiliary policemen supported the Soviet persecution institutions. When the GDR was founded, a formal division of tasks was scheduled.[44] In the first half of the 1950s it was the occupational forces that exerted the most extreme kinds. The number of death sentences between 1950 and 1955 serves as an obvious example. While German courts imposed death sentences on 160 individuals, ~100 of which were executed, the SMT sentenced ~1,150 Germans to death according to clemency appeals during that time.[45]

2.   Repression in the GDR's Consolidation Phase (until 1962)

With the announcement of the accelerated implementation of the foundations of socialism at the 2nd Party Conference in July 1952, the SED unleashed a period of extreme repression that lasted for nearly a year. On the one hand, oppressive tactics were used against "objective enemies." In several regions of the GDR, militant actions of expropriation were carried out against the middle classes, and there were incipient stages of forced collectivisation. At the demarcation line, the green border between East and West Germany, a forced displacement campaign against allegedly dubious inhabitants was inflicted. In the course of an open

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[41] Fricke, Politik und Justiz, p. 55.

[42] Cf. Andreas Hilger/Mike Schmeitzner/Ute Schmidt (eds.), Sowjetische Militärtribunale, Band 2: Die Verurteilung deutscher Zivilisten 1945-1955, Köln 2003, pp. 21-24.

[43] Cf. Klaus-Dieter Müller, Bürokratischer Terror. Justitielle und außerjustitielle Verfolgungsmaßnahmen der sowjetischen Besatzungsmacht 1945-1956. In: Roger Engelmann/Clemens Vollnhals (eds.), Justiz im Dienste der Parteiherrschaft. Rechtspraxis und Staatssicherheit in der DDR, Berlin 2000, pp. 59-92, see table p. 87.

[44] Cf. Ibid., p. 60.

[45] Cf. Andreas Hilger/Nikita Petrov, "Erledigung der Schmutzarbeit"? Die sowjetischen Justiz- und Sicherungsapparate in Deutschland. In: Andreas Hilger et.al. (eds.), Sowjetische Militärtribunale, Band 2: Die Verurteilung deutscher Zivilisten 1945-1955, Köln 2003, pp. 59-152; Falco Werkentin, Souverän ist, wer über den Tod entscheidet. Die SED-Führung als Richter und Gnadeninstanz bei Todesurteilen. In: Engelmann/Vollnhals (eds.), Justiz im Dienste der Parteiherrschaft, pp. 181-204.

confrontation with the evangelical church, several dissident clergymen were arrested and the Christian youth ("Junge Gemeinde") was criminalized.

On the other hand, tightened repression was directed towards the "ordinary people." In particular, the SED intended to force a socialist owner consciousness on workers, with harsh penalties for minor offences ("Law for Protection of People's Property").[46]

Immediately after the SED (under pressure from Moscow) had withdrawn the decisions made at the 2nd Party Conference, the June uprising broke out. Only the intervention of the Red Army could rescue the East German state on June 17, 1953 (while Western powers remained passive that day). The counter-insurgency of the uprising again showcased the limited sovereignty of the GDR.

Subsequently, the SED politics regarding punishment were contradictory. On the one hand, the party implemented the decrees of the "New Course" announced in the days before the uprising. As a result, thousands of sentences were revised and ~24,000 prisoners were released early. On the other hand, 1,240 participants of strikes and demonstrations were convicted. Only 16 percent of the persons arrested in connection with the upheaval were sentenced,[47] and ~42 percent of these got off with a light sentence of one year or less. Only a few leaders of the protest (named as ringleaders) received severe punishment. Werkentin assessed the intensity of repression compared with the manner of sentencing in previous political trials as "unusually restrained."[48]

At the same time, the SED reacted to the upheaval by pushing ahead the establishment of so-called "Betriebskampfgruppen" (civil guards in factories), which were supposed to act as paramilitary forward posts in the industrial enterprises. Therefore, in addition to the harsh punishment of individuals, the SED also developed new repression structures.

When speaking about terror during the Stalinist period of the GDR, several hundreds of abductions of persons from West-Berlin to the East must be mentioned. In most cases criminals paid by the Stasi ("Ministerium für Staatssicherheit") committed these offences. Some of the victims of abductions were employees and collaborators of the opposing secret services, as well as dissidents and traitors within their own ranks.[49]

Another feature of repression in the early years of the GDR was harsh penalties for economic crimes ("Wirtschaftsverbrechen"). In the middle of the 1950s the number of prisoners

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[46] See Werkentin, Politische Strafjustiz, p. 51.
[47] Cf. ibid., p. 158 f.
[48] Cf. ibid., p. 162.
[49] Cf. Susanne Muhle, Auftrag Menschenraub. Entführungen von Westberlinern und Bundesbürgern durch das Ministerium für Staatssicherheit der DDR, Göttingen 2015.

sentenced because of economic crimes remained consistently above 5,000. Werkentin believes that a remarkable number of these could be categorized as political prisoners.[50]

A decisive break in the practice of juridical persecution took place around 1956/57. The changes began in March 1956 at the 3rd Party Conference. The SED leadership bashfully initiated a process of de-Stalinisation, which proved to be fairly sustainable. Until that time, the SED had considered all crimes directed against the socialist order in principle to be an expression of a hostile attitude or inspired by the class enemy. From 1957 on, a new supplementary law ("Strafrechtsergänzungsgesetz") distinguished political offenders ("Staatsverbrecher") from other criminals.[51]

Nevertheless, another phase of more rigorous repression occurred in 1960 when the SED forced all peasants to join the collective farms. That ideologically motivated action took place within weeks, often creating a climate of psychological terror, and was one important cause of the increasing number of refugees that year.

The building of the Berlin Wall, which encompassed the definitive closure of the German-German border in Berlin and the subsequent establishment of a deadly border system, has to be regarded as the most severe aspect of repression in the history of the GDR. According to Hope M. Harrison, Soviet Leaders gave their permission to build the Wall after Ulbricht's pleading. That fact underlines the vital interest of the SED leadership in establishing the wall.[52] It was not so much the number of fatalities—136 people died at the Berlin Wall[53]—but rather the permanent existence of the wall as an unavoidable condition and absolute boundary that shaped life in the GDR.

In autumn 1961, backed by the reality of the wall, the Politburo encouraged party comrades in the state institutions and party-dependent mass organizations to carry out "openly terrorist practices"[54] against unmanageable young people, former illegal border crossers, and real and imagined passive resisters. Offences such as verbally attacking the regime, attempted escape from the Republic, or receiving Western radio and TV programmes, were dealt with harshly. As Falco Werkentin stated in a sarcastic comment, two new instruments for the socialist administration of justice were brought into play during this short period of conflict: the primitive laws of the jungle and labour camps following the example set by the Soviets.

[50] Cf. Falco Werkentin, Das Ausmaß politischer Strafjustiz in der DDR. In: Ulrich Baumann/Helmut Kury (eds.), Politisch motivierte Verfolgung: Opfer von SED-Unrecht, Freiburg i.Br. 1998, pp. 59-61.
[51] Cf. Raschka, Justizpolitik im SED-Staat, p. 36 f.
[52] Cf. Hope M. Harrison, Driving the Soviets up the Wall. Soviet-East German relations 1953-1961, Oxford 2003.
[53] Cf. Hans Hermann Hertle, Die Todesopfer an der Berliner Mauer 1961-1989. Ergebnisse eines Forschungsprojektes. In: Deutschland Archiv, 43 (2010) 4, pp. 672-681.
[54] Werkentin, Politische Strafjustiz, p. 250 f.

Furthermore, after the definitive closure of the border a second campaign of forced resettlement took place in the border area. During the so-called "Aktion Festigung" more than 3,000 inhabitants of border districts had to leave their homes within 48 hours.[55] This phase of more severe repression in the GDR came to an end in spring 1962.

3.   Changes in the Functioning of the Repression

While repression in the first years of the Soviet occupation and in the early GDR functioned as a means of establishing the rule, from 1963 on it rather marked the boundaries of everyday life. As Ernst Richert specified in 1963, terror was included in the toolset of the GDR only as "ultima ratio": "The scale of functions ranges from supervision in the public interest, 'instructions,' 'tireless persuasion work' of the authorities, and more or less pedantic 'control over the executions' to creation of an atmosphere of 'vigilance' and the potential omnipresence of the state power through spot checks and warnings, up to direct pressure and brutal violence."[56] Seemingly, the SED leaders realized that they could reach their goals only with, and not against, the masses. Therefore, the party directed state institutions mainly towards achieving "approval, co-operation, order, voluntary subjugation."[57]

After the SED had officially announced the moderation of repressive violence in favor of reinforced educative measures in 1960, the declared support for terroristic functions of the GDR justice system—the open profession as well as justification of legal terror—finally ended in 1963.[58]

Henceforth, the rendition of the GDR's justice was characterized by a high portion of penalties without imprisonment; the quota reached 60-70 percent. According to Johannes Raschka, "it was mainly about educating the offenders of less serious crimes, especially in the workplace, and not about punishing for the offence." [59]

Around the same time that the criminal justice system was liberalized and economic reforms were initiated in the GDR (1963), numerous artists could also act more freely, albeit temporarily. The 11th Plenum of the SED's Central Committee, a conference that went down in history as the so-called "Clear Cutting Plenum" ("Kahlschlagplenum"), put a sudden end to

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[55] Cf. Inge Bennewitz/Rainer Potratz, Zwangsaussiedlungen an der innerdeutschen Grenze. Analysen und Dokumente, Berlin 2002.

[56] A resumption and theoretical continuation of that observation: Mary Fulbrook, Reckoning with the Past: Heroes, Victims, and Villains in the History of the German Democratic Republic. In: Reinhard Alter/Peter Monteath (eds.), Rewriting the German Past. History and Identity in the New Germany, New Jersey 1999, pp. 175-196.

[57] Cf. Ernst Richert, Macht ohne Mandat, Köln 1963, p. 234 f.

[58] Werkentin, Das Ausmaß politischer Strafjustiz, p. 71.

[59] Raschka, Justizpolitik im SED-Staat, p. 43.

the liberal phase of cultural politics by imposing a range of bans at the end of 1965. Nevertheless, the SED was unable to win the defensive battle against Western cultural influences, particularly regarding the youth. In contrast to the harsh rejection of Rock 'n' Roll and Beat in the 1950s and 1960s, rock music became part of the socialist culture in the 1970s. Concurrently, the use of political repression gradually shifted from the judiciary to the Stasi, which now acted as the investigation authority for all political proceedings. A total of 23,517 investigation proceedings took place during the 1960s, reflecting the fact that the secret police was not only responsible for state security in the narrower sense, but also for any instance "that affected the core stability of the GDR in any way,"[60] including felony cases. As a result, the number of investigational proceedings of the Staatssicherheit was remarkably higher than in the 1970s.

4.   Transition of Repression in the 1970s

Shortly after Erich Honecker had assumed power the prisons became full. This was less due to political repression than due to the stringent persecution of certain forms of "asocial" behaviour. Generally, the judicature tended to be milder in the Honecker era than in the previous decades. However, a nuanced picture should be drawn because the alleviation of repression was not a continuous process. Initially, the change in leadership from Ulbricht to Honecker made the artists in particular sit up and take notice. The new leader pledged that there would be no taboo issues in the future as long as the artists operated from a socialist standpoint and in subsequent years several writers including Ulrich Plenzdorf and Volker Braun took Honecker at his word.

The liberal period lasted five years and came to an abrupt end when the dissident singer and songwriter Wolf Biermann was denaturalized in 1976. After this the SED showcased its range of repressive practices against dissidents, including the severe eight-year sentence against Rudolf Bahro (who was released in the FRG after one year), the house arrest imposed on Robert Havemann, and the forced exit of Rainer Kunze. However, the SED generally backed away from extreme measures against prominent critics in their own ranks due to concerns about the damage to the GDR's international reputation. This did not apply to people

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[60] Clemens Vollnhals, „Die Macht ist das Allererste". Staatssicherheit und Justiz in der Ära Honecker. In: Engelmann (ed.), Justiz, p. 245.

protesting against the expatriation of Wolf Biermann locally; here, the criminal law was enforced mercilessly.[61]

Since the mid-1970s a new group of potential offenders became the focus of attention for the SED state: applicants for permanent emigration. To persecute their "offence"—the claim of the right to leave the country—several articles of penal law were reformulated. Between 1977 and 1988, ~20,000 investigative proceedings took place against applicants for permanent emigration. The implementation of the extended criminal law was believed to discourage applicants, but many of them risked possible imprisonment because they were waiting for a subsequent paid release by the government of the FRG.

Owing to the politics of detente and the Final Act of the Conference on Security and Co-operation in Europe (CSCE), the GDR improved the conditions in prisons to meet the international standards. In 1977, the disciplinary punishments of "severe execution" and "strict arrest" were abolished, and the lawfulness of "measures of direct duress" was restricted.[62] Together with the payments by the FRG for the release of political prisoners—practice that began in the 1960s—these reforms further improved the situation for victims of the SED's justice. The number of political prisoners decreasing since the mid-1960s reached a relatively constant level by the 1970s, and did not decline any further.[63]

A move towards a more lenient political justice occurred around 1981/82, which coincided with the detoriated economic relations of the GDR and the USSR.[64] After the Soviet Union had reduced its oil delivery to the GDR, the SED strengthened economic relations with the FRG. At the same time, the SED voluntarily reduced the "enthusiasm of persecution."[65]

However, repression did not recede altogether in the 1980s. One characteristic of the Honecker period was the shift by the Stasi from "mainly repressive to preventive measures,"[66] which had already begun in the 1970s. The methods of surveillance were applied on a greater scale. Combatting of dissidents by creating mistrust (disruption, or "Zersetzung") became increasingly important. The changed strategy required more staff. This is one of the reasons why the number of official members of the Stasi increased from 45,000 to 91,000 between

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[61] Examples in: Udo Grashoff, Erhöhter Vorkommnisanfall. Aktionen nach der Biermann-Ausbürgerung im Bezirk Halle, Halle 2001.

[62] Cf. Johannes Raschka, Politische Hintergründe des Strafvollzugsgesetzes von 1977. Widersprüche der Rechtspolitik während der Amtszeit Erich Honeckers. In: Leonore Ansorg et. al. (eds.), "Das Land ist still – noch!" Herrschaftswandel und politische Gegnerschaft in der DDR (1971-1989), Köln 2009, p. 64 f.

[63] Cf. Annette Weinke, Strafrechtspolitik und Strafrechtspraxis in der Honecker-Ära. In: Ansorg et.a.l (eds.), „Das Land ist still – noch!", pp. 37-55.

[64] Cf. Raschka, Justizpolitik im SED-Staat, p. 304 f.

[65] Cf. Vollnhals, "Die Macht ist das Allererste", p. 268.

[66] Cf. Hubertus Knabe, Die feinen Waffen der SED. Nicht strafrechtliche Formen politischer Viktimisierung in der DDR. In: Baumann/Kury (eds.), Politisch motivierte Verfolgung, pp. 303-329.

1971 and 1989,[67] not to mention the even higher number of collaborators. In addition, state power more often imposed sanctions outside the criminal law. After revision in 1984, the "Verordnung zur Bekämpfung von Ordnungswidrigkeiten" (Regulatory Offences Act) enabled actions against the public collection of signatures.[68]

The re-directing of the Stasi towards undisclosed forms of repression took place against a backdrop of a penal scenario of intimidation. Thus, it was precisely the interaction between the ministry of state security and the criminal justice system that "constituted the specific character of state persecution under late socialism."[69]

Research regarding repression in the GDR has focused mainly on the Stasi and political justice. While these issues are without doubt of great importance, other aspects should not be ignored, such as the existence of a grey area of state coercion, in which legal measures and political repression merged seamlessly. Some examples of such grey area coercion are the compulsory hospitalization of individuals that displayed behavioral problems shortly before major state or party ceremonies,[70] forced adoptions of children, or the application of the asociality-paragraph on recalcitrant youth.

What should also be considered is the almost unavoidable social disciplining that began in kindergarten, continued in youth organisations and during compulsory military service, and found its expression in ubiquitous acclamation rituals and the allocation (or denial) of privileges. The same applies to the hierarchic quasi-military structure of almost all institutions in the GDR that facilitated repression in various fields of everyday life. Bearing in mind unofficial forms of repression such as censorship of the arts, obstruction of career prospects, or travel bans, a broader view of repression should also consider its latent potential that affected wide sections of the population and "gave apparently harmless measures such as a traffic check or face-to-face criticism sessions with a superior their true intimidating effects."[71]

III.   Co-optation

Whereas state repression is well researched, co-optation—the involvement of persons who were politically indifferent or remained outside the centre of power in decision-making

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[67] Cf. Jens Gieseke, Die hauptamtlichen Mitarbeiter des Ministeriums für Staatsicherheit, Berlin 1995, pp. 98-101.

[68] Cf. Thomas Klein, Gegenöffentlichkeit. Oppositionelle Wirkungsformen und staatlichen Abwehrstrategien in der DDR. In: Ansorg et.al. (eds.), "Das Land ist still – noch!", pp. 240-243.

[69] Weinke, Strafrechtspolitik und Strafrechtspraxis, p. 43.

[70] Cf. Sonja Süß, Politisch missbraucht? Psychiatrie und Staatssicherheit in der DDR, Berlin 1999.

[71] Knabe, Die feinen Waffen der SED, p. 308 f.

bodies—has not played such a prominent role in the analysis of the political system of the Soviet Occupation Zone/GDR. This is not necessarily a research gap, since co-optation remained a marginal practice throughout the existence of the GDR and occurred only in a strictly controlled manner. In theory, the co-optation of persons previously distant from political authority could have the effect of transferring new ideas to the centre of power. This possibility is expressed in Peter Ludz's term "consultative authoritarianism."[72] If innovative ideas were introduced, the integration of a "counter-elite" could result in revolutions from above. However, the recruitment of officials in the GDR was, above all, determined by the state's intentions. The new staff, however distant from power or politically indifferent, underwent a process of integration and increasing involvement in the state apparatus.[73]

This is underlined by Heike Solga's interview-based study, which investigated the usual entry into the "socialist service classes" of the GDR. Party loyalty was a crucial factor in the Soviet Occupation Zone and during the first years of the GDR that facilitated massive social climbing of sons of underprivileged strata of the society. This also occurred during the next phase of building and consolidation until the end of the 1970s, when public displays of loyalty to the system (expressed as party membership or the performance of a political function) were more important than social background.[74] The new socialist elite established in the course of this recruitment process was characterised by "homogeneity, consistent behavior and conformity to the system."[75] Furthermore, in the 1980s junior staff increasingly came only from the service classes. Hence, heterogeneity or even changes were rather unlikely to materialize.

In summary, co-optation, understood as the involvement of persons who were distant from power or politically indifferent in decision-making bodies, was a rather negligible factor in the GDR history. However, this general assessment has to be specified, particularly regarding the first years when the communist functionaries operated from a precarious minority position.

1.   Co-optation of Bourgeois Professionals and Politicians in the Post-war Era

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[72] Peter Christian Ludz, Parteielite im Wandel, Köln 1970, p. 324.

[73] My concerns about the limited usefulness of the category of co-optation regarding the GDR also apply to an extended concept of co-optation. Assuming that the contribution of wide sections of the population could be achieved by state allocations, "mass co-optation" is eventually only a synonym for conformity.

[74] Cf. Heike Solga, Klassenlagen und soziale Ungleichheit in der DDR. In: APuZ, B 46/96, p. 25. Therefore, working class sons could access privileged positions despite a lower standard of education, and sons of self-employed parents had good chances of success, when they demonstrated loyalty to the party.

[75] Großbölting, SED-Diktatur und Gesellschaft, p. 430.

After the social breakdowns at the end of the war people with a middle-class or social-democratic background gained considerable influence in politics and in the administration of the Soviet Occupation Zone. In particular, from 1946 to 1948 bourgeois professionals could participate in political life to a substantial degree and were able to apply their expertise acquired during the Weimar Republic, above all in the context of municipal self-administration.[76] Moreover, there were the first signs of the restoration of state of law.[77] The co-operation of communist and non-communist political figures was based upon an "anti-fascist-democratic consensus."

However, the co-optation of the non-communist middle class turned out to be a phase-out model. When bourgeois politicians refused to bow to the policy of the SED they were expelled from their positions and imprisoned for political reasons; several of them paid for their courageous resistance with their lives. Waves of arrests and show trials demonstrated the futility of protest and forced many members of the non-communist parties to flee to West Germany.

At the same time, the non-communist parties suffered from a massive loss of members; for example, the Christian Democratic Party (CDU) forfeited half of its membership between 1950 and 1956.[78] After unsuccessful resistance and mass withdrawals, the CDU and the LDPD ("Liberal-Demokratische Partei Deutschlands") became, together with the DBD ("Demokratische Bauernpartei Deutschlands") and the NDPD ("National-Demokratische Partei Deutschlands"), the so-called fipple flutes in the unitary concert of the "National Front." Its fixed proportions ensured that the SED always held the majority. Admittedly, some functionaries of the bloc parties occupied high posts in the government, mostly in deputy positions but also as ministers. The practical effects of that kind of co-optation were minor. Nominally non-communists, these co-opted functionaries contributed to the functioning of the dictatorship via the overt recognition of the leading role of the SED and far-reaching backing of all decisions. Even tendencies of "gradual depoliticization and the subcutaneous denial at the base"[79] of the CDU and the LDPD did not find expression in any modification of the SED's policies.

As early as the end of the 1940s, the former social democrats began to lose more and more influence within the SED. The principle of equality regarding personnel in leading positions,

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[76] Cf. ibid., p. 62 f.
[77] Cf. ibid., p. 417.
[78] Cf. Michael Richter, Die Ost-CDU 1948-1952. Zwischen Widerstand und Gleichschaltung, Düsseldorf 1991, p. 392.
[79] Heydemann, Innenpolitik, p. 76.

which was introduced after the merger of the KPD and the SPD, was no longer enforced.[80] In contrast, several waves of political purging took place from 1948 onwards during the course of the conversion of the SED into a Leninist party (seizing on the idea of being the avant-garde of the working class).

The political incapacitation of the non-communist parties and the concurrent disempowerment of former social democrats coincided with the demise of what was left of private entrepreneurship in the GDR. Large estate and firms had been quickly expropriated and socialized, but smaller private companies existed in part for quite a long time. The SED postponed the comprehensive conversion of small firms until the final socialization campaign in 1972. Meanwhile, the official rhetoric of an alliance between the SED and small businesses "always remained propaganda and was counteracted by the exercising of economic policy in practical terms."[81]

In the 1950s there was still limited co-optation of the non-communist educated classes. Bourgeois academics were indispensable for organization of research and teaching at universities. Accordingly, the technocratic intelligentsia occupied key positions in industrial plants. In some chemical enterprises bourgeois managers possessed even greater power than the party functionaries at the plant.[82]

Another specific case of co-optation was the involvement of former military personnel of the Wehrmacht in the establishment of the "National People's Army" ("Nationale Volksarmee," NVA) in 1956. Not only were numerous lower ranks recruited, but officers and even generals also played a crucial part. This was done for pragmatic reasons, and the SED deployed former Wehrmacht commanders as experts ("Nur-Fachleute"). The Stasi classified them as posing a "security risk." By 1957, the SED dismissed the majority of the former Wehrmacht officers from service in response to the uprising in Hungary.[83]

In the Soviet Occupation Zone and during the first decade of the GDR, there was a partial co-optation of bourgeois experts that occasionally had a remarkable influence. However, the early co-optation was a stopgap and phase-out-model. During the 1950s a process of "Entbürgerlichung" (dismantling of the bourgeois class) took place in the GDR. It affected the

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[80] Cf. Christoph Klessmann, Die doppelte Staatsgründung. Deutsche Geschichte 1945-1955, Göttingen 1982, p. 262.

[81] Großbölting, SED-Diktatur und Gesellschaft, p. 421.

[82] Cf. Georg Wagner-Kyora, Vom „nationalen" zum "sozialistischen" Selbst. Zur Erfahrungsgeschichte deutscher Chemiker und Ingenieure im 20. Jahrhundert, Stuttgart 2009, pp. 529-539. Wagner-Kyora observed among managers in Buna und Leuna in the years 1953-65 a transition "from autonomous academic corporatism to semi-autonomous synergy with double hierarchy" whereby power was increasingly shared with SED-Kreisleitung, FDGB (Freier Deutscher Gewerkschaftsbund) and Stasi.

[83] Cf. Daniel Niemetz, Das feldgraue Erbe. Die Wehrmachtseinflüsse im Militär der SBZ/DDR, Berlin 2006, pp. 289-291.

educated middle-class, amongst others, and led to the result that "the updating and passing on of constitutive cultural knowledge was strictly bound to the private sphere."[84]

It is debatable whether these examples showcase the "continued existence of educated middle-class niches in the society of the GDR, which was defined as socialistic,"[85] or whether their activities were integrated into the SED state to a higher degree ("dialektisch aufgehoben"). For example, the church-based Thomas school and Thomaner choir in Leipzig were considered to be "model representatives" of the East German state.

However, the co-optation of non-communists in effectively leading positions of the SED state did not take place. Even revisionist proponents from within the ranks could not influence party policy. In this regard, the 1950s were a "wasted chance" in the GDR.[86] Neither in the wake of the uprising of 1953, nor after the 20th Party Conference of the Communist Party of the Soviet Union in 1956 could reformist politicians gain acceptance in the inner circles of the SED.

2.   Changing of the Party Elite?

By the end of the 1960s a transformation of the SED's exercise of power took place. According to Peter Christian Ludz, the "representatives of the strategic cliques" were confronted with a new generation of "institutionalized counter-elite, party experts, and revisionist ideologists" who launched structural changes.[87] Ludz referred to the economic reforms over the course of the "New Economic System" (NES). Enacted at the 6th party conference at the beginning of 1963, the NES aimed for the programmatic involvement of experts in policy making. Most of the exponents of the so-called "counter-elite" were also party functionaries. Nevertheless, they mainly advocated a technocratic and rational way forward and by doing this they at least partially questioned the previous utopian legitimacy of the party rule. Ludz pointed out to the following changes: shift in the leading principles from political to socio-political and economic principles, partial decentralization, and a tendency towards professionalization.

In addition, the reforms were accompanied by far-reaching changes in the organizational structure of the party. For example, "the leading party bodies were opened up at various levels to unelected party members and even to members of other parties or no party at all", at least

[84] Großbölting, SED-Diktatur und Gesellschaft, p. 424.
[85] Christoph Klessmann, Die Beharrungskraft traditioneller Milieus in der DDR. In: Manfred Hettling et. al. (eds.), Was ist Gesellschaftsgeschichte? Positionen, Themen, Analysen, München 1991, p. 152.
[86] Meuschel, Legitimation und Parteiherrschaft, p. 152.
[87] Cf. Ludz, Parteielite im Wandel, p. 324 f.

in the beginning.[88] Accordingly, implementation of the reinforced co-optation coincided with the definitive end of declared justice terror against enemies of the state.[89]

However, the economic reforms were experiments limited both in range and time. The economic leadership principles were revised in 1968.[90] In addition, despite the partial liberalization the Politburo determined the "fundamental tasks and the essential proportions of distribution,"[91] even in the reform era of the 1960s. With the exception of Erich Apel, chairman of the State Planning Commission,[92] no technocratic experts were co-opted into the inner circle of the SED at any time. The "counter-elite" was a temporary phenomenon at the most; in the 1970s most of the NES proponents implemented Honecker's policies. A study of the department heads in the SED Central Committee clearly supports this impression. The departments of the Central Committee made decisions that the Politburo approved subsequently. During the reforms the heads of departments played a key role in implementing the NES. When Honecker came to power, a "political disempowerment of the institutionalised counter-elite" occurred and the experts withdrew to their area of competence, which was virtually "a self-dissolution of this part of the elite as a politically relevant faction."[93]

3.   Was Co-optation a Last Missed Opportunity for the SED in Autumn 1989?

The basic idea of the appeal "Aufbruch 89 – Neues Forum" drafted on September 10, 1989 could be seen as an invitation for co-optation. The aim of the New Forum was to create "a political platform for the entire GDR." The authors of the appeal, GDR civil rights activists, were convinced that, "This will allow people from all professions, parties and groups to take part in the discussion and resolution of crucial social problems in this country."[94] The SED categorically refused and responded with arrests and intimidation. After the breakthrough of

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[88] Monika Kaiser, Change and Continuity in the Development of the Socialist Unity Party of Germany. In: Journal of Contemporary History, 30 (1995) 4, p. 697.

[89] Cf. Werkentin, Das Ausmaß politischer Strafjustiz, p. 71.

[90] Cf. André Steiner, Weder Plan noch Markt: Bilanz der DDR-Wirtschaftsreform der sechziger Jahre. In: Christoph Boyer et al. (eds.), Repression und Wohlstandsversprechen. Zur Stabilisierung von Parteiherrschaft in der DDR und der CSSR, Dresden 1999, p. 34.

[91] Steiner, Weder Plan noch Markt, p. 30.

[92] The suicide of Erich Apel could be interpreted as a sign of the failure of NES. Technocrat Apel ascended to the position of a candidate of the politbureau and was a key figure during the economical reforms. He shot himself at the day of the signing a commercial contract that implied unfavorable conditions for the GDR that he failed to avoid. Cf. Monika Kaiser, Machtwechsel von Ulbricht zu Honecker, Berlin 1997, p. 117; Udo Grashoff, "In einem Anfall von Depression..." Selbsttötungen in der DDR, Berlin 2006, p. 114.

[93] Rainer Weinert, Die Wirtschaftsführer der SED: Die Abteilungsleiter im ZK im Spannungsfeld von politischer Loyalität und ökonomischer Rationalität. In: Stefan Hornbostel (ed.), Sozialistische Eliten. Horizontale und vertikale Differenzierungsmuster in der DDR, Opladen 1999, p. 67 f., p. 82.

[94] Founding Appeal of the New Forum (September 9, 1989), In: German Historical Institute, German History in Documents and Images (http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=2875), last view: 21.10.2014.

the Peaceful Revolution on October 9, 1989 in Leipzig, Erich Honecker was forced to resign. However, the SED continued to show an unwillingness to co-operate with anyone from outside the inner circle. Not even the supposed reformer Hans Modrow, the SED functionary from Dresden, was given a chance. Instead, Honecker's "crown prince" Egon Krenz assumed all three functions of his political mentor. By doing so he clearly demonstrated that the "Wende" he declared would not affect the leading role of the SED.

Co-optation was introduced in some places at the local level only in the last days before the Wall came down. The round tables that were established in the last months of 1989 could also be considered as attempts of co-optation. However, these were transitory institutions. The Modrow government approved the round tables in January 1990, but this was far too late. By the end of that month, politicians of the opposition became ministers without portfolio, which was a rather ineffective effort to increase the standing of Modrow's government at that late stage.

IV. Conclusion

In 1945, German communism had a difficult start for several reasons. Communists were already marginalized in the Weimar Republic and they held a low social status. They were able to win respect mainly from the military triumphs of the Soviet Union. At the same time, this implied an alienation from their compatriots because communists were perceived as the "little brothers" of Moscow. The strategies used by the SED to gain legitimacy aimed at establishing dictatorship and integrating non-communists. These strategies were based on mechanisms such as discharging guilty conscience of former National Socialists on condition of their commitment to the anti-fascist GDR, creating a national identity, permitting political activity of non-communists in bloc parties, and satisfying the consumer needs of the populace.

At the same time, the strategies of legitimization were part of the asymmetric entangled history of both German states. All measures such as anti-fascism, pseudo-pluralism, economic reforms, welfare policy, and the beginnings of administrative jurisdiction were also targeted to the Federal Republic. This underscores the pressure to justify its actions that the SED faced permanently.

The terms legitimacy, repression, and co-optation describe the actions of the ruling party. Therefore, this article has focused on the intentions of the SED. This approach could be

considered appropriate because of the obvious fact that the party strived to permeate all aspects of society.[95] However, to what extent did the SED realize their aspirations?

It is extraordinarily difficult to assess the extent of recognition that the SED could actually gain. To categorize the inhabitants of the GDR as either supporting or resisting the regime means to oversimplify the situation, to ignore the fact that individuals behave differently in different contexts and to overlook the superposition of consent and dissent in certain cases.[96] Nevertheless, a long-term study in West Germany applied a complex research design to provide a useful estimate of how effective of the SED's legitimization strategies were. During the 1970s, ~25 percent of the populace endorsed the political system, and another 25 percent rejected the SED rule. Nearly half of the GDR populace were categorized as compliant or indifferent in this study. In the 1980s, the percentage of supporters dropped to 20 percent, and the number of opponents was proportionally higher (ca. 30 percent).[97] The study suggests that the percentage of committed supporters of GDR socialism never exceeded 30 percent, not even in the so-called "golden" 1970s.

The communist utopia generated belief in legitimacy solely among a minority. In addition, the SED could partially justify its rule by defining the GDR as an anti-fascist state, particularly in the Ulbricht era. The provisional beginnings of a parliamentary democracy were gradually hollowed out, resulting in a multi-party-system that attempted to disguise the dictatorial rule of the SED inner circle. In the Honecker era the SED gained legitimacy particularly by providing the population with social security and welfare. Even though welfare spending undermined the long-term economy, the GDR remained stable for much longer than the other socialist states. However, the existence of the East German state was based on repression at all times, including enforced immobilization after the construction of the Wall in 1961. Another specific and at the same time tragic feature of repression in the GDR was that the SED first created a range of offences that were punished subsequently. Private entrepreneurs were stigmatised as "objective enemies", freedom of expression was abolished, and even the desire to leave the country was criminalized.

Over the years the political repression decreased, despite setbacks in 1960/61, 1965 and 1976/77. Liberalizations in 1956, 1963 and 1971 brought irreversible changes in their wake. For example, open terror had not played a role in political justice since 1963. In addition,

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[95] Alf Lüdtke coined the term "Durchherrschung" for the state's grasp from above. Cf. Alf Lüdtke, Die DDR als Geschichte. Zur Geschichtsschreibung über die DDR. In: APuZ B 36/98, p. 3.

[96] Cf. Jeremy Brooke Straughn, Taking the State at Its Word: The Arts of Consentful Contention in the German Democratic Republic.I In: American Journal of Sociology, 110 (2005) 6, pp. 1598-1650.

[97] Cf. Anne Köhler, Marschierte der DDR-Bürger mit? Systemidentifikation der DDR-Bevölkerung vor und nach der Wende. In: Uta Gerhardt/Ekkehard Mochmann (eds.), Gesellschaftlicher Umbruch 1945-1990. Re-Demokratisierung und Lebensverhältnisse, München 1992, pp. 59-79.

death penalty, which had only been rarely enforced since the 1960s and was only retained in the presidential term of Erich Honecker to deter Stasi staff from committing treason, was carried out for the last time in 1981 and abolished officially in 1987.[98]

There were between 180,000 and 250,000 victims of political persecution in the Soviet Occupation Zone and the GDR, whereas the number of inhabitants was 17–18 million. Considerably more people were affected during the first two decades of the GDR. The number of people convicted by political jurisdiction during the Honecker era is estimated to be at most 62,000.[99] This coincides at least partially with a change in the determination of oppositional actions: resistance in the 1950s was often aimed at toppling the SED regime, whereas in the 1970s and the 1980s the ruling party was mainly confronted with an exit movement or opposition that wanted to improve socialism or create a "third way." Accordingly, the early resistance was fought against with much harsher means than the applicants for emigration and the dissident opposition.

Besides legitimacy and repression, co-optation was another means of maintaining the rule of the SED leadership, at least theoretically. However, the initial involvement of bourgeois and educated classes in administrative posts and at universities was a stopgap measure that disappeared during the 1950s, not least as a result of political repression. Similarly, the co-optation of technocrats in economic decision-making during the New Economic Policy was temporary. In the Soviet Occupation Zone, co-operation with non-communist politicians was conducive to establishing SED rule. In the context of the pseudo-parliamentarianism implemented shortly afterwards, the political activity of non-communists in bloc parties stabilized the SED rule in most cases. In addition, the recruitment of new functionaries was subject to loyalty, resulting in homogeneous "socialist service classes".

Of course, the East German state had to organize more than mass demonstrations and bogus elections. The SED claimed responsibility for almost every aspect of everyday life. Thus, there was a mixing of state and individual interests ("Eigensinn").[100] According to Mary Fulbrook's estimate, up to one sixth of the GDR population engaged in state or party institution activities.[101] However, a closer look at the nature of many of these activities reveals their apolitical nature. Examples include popular sport, small gardeners, or promotion of the

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[98] Cf. Falco Werkentin, Die politische Instrumentalisierung der Todesstrafe in der SBZ/DDR. Darstellung der justiziellen Praxis in der SBZ/DDR und Bilanz der Rehabilitierung von Verurteilten und deren Angehörigen nach 1990. In: Deutscher Bundestag (ed.), Materialien der Enquete-Kommission. Überwindung der Folgen der SED-Diktatur, Baden-Baden 1999, pp. 101-192.

[99] Cf. Raschka, Justizpolitik im SED-Staat, p. 308.

[100] Cf. Alf Lüdtke, Organizational Order or Eigensinn? Workers' Privacy and Workers' Politics in Imperial Germany. In: Sean Wilentz (ed.), Rites of Power. Symbolism, Ritual, and Politics Since the Middle Ages, Philadelphia 1985, pp. 303-333.

[101] Cf. Mary Fulbrook, The People's State. East German Society from Hitler to Honecker, New Haven 2005.

Sorb minority. Therefore, on the one hand, the 'normality' of the dictatorship that Fulbrook highlighted is what we find in every political system to some degree. On the other hand, in the GDR even these activities were dominated and controlled by central party politics and ideology. Dissidents, Christians, non-communist workers, and even minor party members were excluded from the inner circle of power. As Peter Grieder pointed out, „the 'creative accommodation' or modus vivendi that they reached with the regime helped to consolidate it, at least in the short and medium term."[102] At the end of the day, the activities of ordinary East Germans did not affect the decisions of the Politburo: these were made in isolation.

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[102] Peter Grieder, In Defence of Totalitarianism Theory as a Tool of Historical Scholarship. In: Totalitarian Movements and Political Religions, 8 (2007) 3-4, p. 572.