

**BETWEEN DICTATORSHIP AND DISSENT: IDEOLOGY, LEGITIMACY, AND
HUMAN RIGHTS IN EAST GERMANY, 1945-1990**

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ABSTRACT

Ned Richardson-Little: *Between Dictatorship and Dissent: Ideology, Legitimacy, and Human Rights in East Germany, 1945-1990*
(Under the supervision of: Konrad Jarausch)

The project examines how the idea of human rights developed in East Germany, first as a tool of legitimization of the socialist state, and eventually by East Germans themselves, in citizen-based social movement, to radically alter the Cold War status quo in 1989.

In response to West German attacks against their control over East Germany after the Second World War, the ruling East German Socialist Unity Party (SED) adopted the language of human rights in order to undermine its opponents and legitimize its rule. The deployment of the language of human rights by the East German state went well beyond simple sloganeering: in 1959, the SED created the Eastern Bloc's only state-sponsored human rights organization – two years before the founding of Amnesty International. East German intellectuals loyal to the state developed a unique ideological conception of “socialist human rights,” that reimagined the SED dictatorship as a champion of a superior human rights to those of the imperialist West. These ideas were internalized by the SED leadership, disseminated to the population, and became central to diplomatic efforts to secure support from the developing world.

The SED's appropriation of the discourse of human rights works to explain why a dissident movement that was practically non-existent in 1985 could so rapidly grow as to provide the discursive underpinning of a revolution by 1989. East German human rights activists were not working in an ideological vacuum, but were fighting against an entrenched hegemonic

discourse of human rights to legitimize state socialism and the status quo. Only in the late 1980s did activists re-appropriate the language of human rights for the cause of democratization drawing on inspiration from Western activists, Eastern dissidents, and South American human rights activists, to claim that they – and not the state – were the true champions of socialism and of socialist human rights. The rise of a citizen-based human rights movement in 1980s East Germany was thus not simply the result of Western diplomatic pressure, but of a transnational process that began with the SED appropriation of the mantle of human rights, and ended in the streets of Berlin in 1989 when East Germans finally took it back.

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LIST OF ABBREVIATIONS

ABL	Archive of the Civic Movement in Leipzig (<i>Archiv Bürgerbewegung-Leipzig</i>)
AdK	Archive of the Academy of Art, Berlin (<i>Archiv der Akademie der Künste</i>)
ADS	Archive of Democratic Socialism (<i>Archiv Demokratischer Sozialismus</i>), Rosa Luxemburg Stiftung
AdsD	Archive of Social Democracy (<i>Archiv der sozialen Demokratie</i>), Friedrich Ebert Stiftung
AfD	Alliance for Germany (<i>Allianz für Deutschland</i>)
BArch-Lichterfelde	German Federal Archive (<i>Bundesarchiv</i>), Berlin-Lichterfelde
BArch-Koblenz	German Federal Archive, Koblenz
BEK	Union of Evangelical Churches of the GDR (<i>Bund der Evangelischen Kirchen in der DDR</i>)
BStU	Stasi Archive (<i>Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes (Stasi) der ehemaligen DDR</i>)
CDU	Christian Democratic Union (<i>Christlich Demokratische Union</i>)
CSCE	Conference on Security and Cooperation in Europe (Helsinki Process)
CSU	Christian Socialist Union (<i>Christlich-Soziale Union</i>)
DA	Democratic Awakening (<i>Demokratischer Aufbruch</i>)
EZA	Evangelical Central Archive (<i>Evangelisches Zentralarchiv</i>)
FDJ	Free German Youth (<i>Freie Deutsche Jugend</i>)
FRG	Federal Republic of Germany
GDR	German Democratic Republic
HIA	Hoover Institution Archive, Stanford University
IFM	Initiative for Peace and Human Rights (<i>Initiative Frieden und Menschenrechte</i>)

MLHA-Schwerin	Mecklenburg Provincial Central Archive, Schwerin (<i>Mecklenburgisches Landeshauptarchiv-Schwerin</i>)
MfAA	Ministry of Foreign Affairs (<i>Ministerium für Auswärtige Angelegenheiten</i>)
MfS	Ministry for State Security, Stasi
PA-AA	Political Archive of the Present and Current Ministries of Foreign Affairs (<i>Politisches Archiv-Auswärtiges Amt</i>)
PDS	Party of Democratic Socialism (<i>Partei des Demokratischen Sozialismus</i>)
RHG	Robert Havemann Society (<i>Robert Havemann Gesellschaft</i>)
SED	Socialist Unity Party (<i>Sozialistische Einheitspartei Deutschlands</i>)
SPD	Social Democratic Party (<i>Sozialdemokratische Partei Deutschlands</i>)
SaStA-L	Saxon State Archives, Leipzig (<i>Sächsisches Staatsarchiv-Leipzig</i>)
SaHStA-D	Saxon Central State Archive, Dresden (<i>Sächsisches Hauptstaatsarchiv-Dresden</i>)
ThStA-R	Thuringian State Archives, Rudolstadt (<i>Thüringisches Staatsarchiv-Rudolstadt</i>)
UDHR	Universal Declaration of Human Rights

INTRODUCTION

Unjust differences in wealth will still persist, but *the exploitation of man by man will have become impossible* because it will be impossible to seize the means of production...and make them private property.

-Vladimir Lenin¹

The Exploitation of Man by Man Has Been Abolished.

-Article 2, East German Constitution, 1968²

Capitalism is the exploitation of man by man. Yes? Well socialism is exactly the reverse.

-Anonymous³

As the East German political system was about to collapse in the face of mass protests in September 1989, the *GDR-Committee for Human Rights* celebrated its fortieth anniversary under a cloud of uncertainty. The state-sponsored socialist human rights advocacy group was treated to a speech by Prof. Dr. Frank Berg, a member of the group's Presidium, who lauded the fine work of the East German state and its intellectuals in furthering the cause of socialist human rights, but cautioned that work still had to be done to come to terms with the mistakes of the past. The crimes of Stalinism needed to be examined and laid bare, but he warned the audience of going too far: "The history of socialism would, however, be turned upside down if it was represented as a history of human rights violations."⁴ At that time, Berg could not have known that in less than two months the Berlin Wall would be opened, or that exactly four months later, the

¹ Vladimir Lenin, "The Economic Basis of the Withering Away of the State," *The State and Revolution* (1917), www.marxists.org/archive/lenin/works/1917/staterev/ch05.htm.

² Verfassung der DDR (6 Apr 1968), www.documentarchiv.de/ddr/verfddr1968.html.

³ Paraphrased from an old Czechoslovak joke by spy novelist Len Deighton in *Funeral in Berlin* (New York: HarperCollins, 2009), 145.

⁴ Frank Berg. "Socialist Conception of Human Rights under Discussion," *Bulletin – GDR Committee for Human Rights*, 15:2 (1989), 17.

headquarters of the once feared secret police, the *Stasi*, would be taken over by protestors or that a year later, a treaty for the reunification of Germany would be under consideration in both Bonn and East Berlin. In that short span of time, however, he was proved quite correct about one thing – once East Germans began to view state socialism as the violator of their human rights rather than the architect of their fulfillment, everything would indeed be turned upside down.

More than twenty years after the fall of the Berlin Wall, it is difficult to see how Prof. Berg could have viewed a regime that denied the rights of its citizens to free speech, free assembly, unrestricted travel, and of course the right to vote in competitive elections, as not only compliant with human rights norms, but as an international leader in the field. The tens of thousands of East Germans who took to the streets in fall 1989 with banners demanding “Human Rights and Freedom,” seemed to conclusively demonstrate that these claims were no more than cynical and hypocritical propaganda.⁵ Yet only a few years earlier there had not been a single independent human rights organization in the GDR. While the USSR and other Eastern Bloc states were faced with active resistance from human rights dissidents beginning in the 1960s and even more so in the 1970s, *Sozialistische Einheitspartei Deutschlands* (the Socialist Unity Party, SED) forestalled the emergence of an independent human rights organization in the German Democratic Republic (GDR) until 1986, when *Initiative Frieden und Menschenrechte* (Initiative for Peace and Human Rights, IFM) emerged from the peace movement. In the final years of the GDR, human rights transformed from a discourse used only by those applying to emigrate to the West and small pockets of radical thought within the church to the unifying discourse of a revolution.

⁵ Michael Richter, *Die Friedliche Revolution: Aufbruch zur Demokratie in Sachsen 1989/90* (Göttingen: Vandenhoeck & Ruprecht, 2010), 279.

The triumph of the human rights movement in the GDR is usually attributed to the signing of the Helsinki Accords, an international treaty signed by thirty-five countries from both sides of the Iron Curtain in 1975.⁶ According to this narrative, the SED's decision to affirm the principles of human rights in a binding treaty created an unstoppable combination of diplomatic pressure from abroad and a dissent from within that eventually brought down the Berlin Wall on November 9, 1989 and eventually state socialism altogether.⁷ The obvious brutality and perfidy of the East German state was thus brought down by the hubris and hypocrisy of its short-sighted leaders who cynically gambled on agreeing to human rights provisions that clearly contradicted the elemental structures of East German society. Helsinki simply unmasked the true feelings of the populace, tamped down through threats of force, coercion, and the fearsome retribution of the secret police, the Stasi. The narrative of western victory in the Cold War is thus integrated into broader historical accounts of the history of human rights as the inevitable march towards egalitarian liberal democracy, based on the "bulldozer logic" of human rights that relentless pressed forward towards progress.

Upon closer inspection, however, this narrative raises several questions: How could the SED, and indeed the rest of the Eastern Bloc, been so careless as to have signed on to human rights commitments that would fatally undermined its legitimacy? If such agreements were so

⁶ Daniel Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: Princeton University Press, 2001). For a journalistic account of this narrative, see Ulrich Schwarz, "Die Sprengkraft der Menschenrechte," *Der Spiegel* (2008), 106–109.

⁷ For the main work asserting the discontinuous effect of Helsinki Accords for the Eastern Bloc, see Daniel Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: Princeton University Press, 2001) as well as Michael Ignatieff, *Human Rights as Politics and Idolatry*, (Princeton: Princeton University Press, 2001), 19, which argues that the Eastern Bloc denied the validity of political and civil human rights prior to Helsinki. Works arguing that human rights were irrelevant to East German politics prior to 1975 include Christian Joppke, *East German Dissidents and the Revolution of 1989: Social Movement in a Leninist Regime* (New York: New York University Press, 1995), 116; Jürgen Wüst, *Menschenrechtsarbeit im Zwielicht: zwischen Staatssicherheit und Antifaschismus* (Bonn: Bouvier, 1999), 32; Steven Pfaff, "The Politics Of Peace in the GDR: The Independent Peace Movement, The Church, And The Origins Of The East German Opposition," *Peace & Change* 26:3 (July 2001), 287.

damaging to the regime, why did it then take until 1989 for the system to collapse? In the case of the GDR, why was there not a single independent human rights organization until 1986? Why did East Germans only take to the streets in the thousands in the name of human rights almost a decade and a half after the Helsinki Accords were signed? The idea that the human rights promises of the Helsinki Accords naturally aroused popular rebellion is complicated by the fact that the SED had first claimed fidelity to human rights in 1946. The East German state did not hide from the language of human rights in the early post-war period, but rather embrace the concept as an element of socialist ideology and an element of the legitimizing discourse of SED rule. In 1959, it created the state-directed *Committee for the Protection of Human Rights* that mobilized parts of the East German population in the name of human rights against West German anti-communism and remilitarization. In the case of treaties, the Helsinki Accords were preceded by the SED's commitment in 1968 to sign on to the United Nations Human Rights Covenants of 1966 as soon as the GDR became a member of that international organization. These commitments went beyond simple slogans and propaganda and the regime created a whole philosophy of "socialist human rights" and spearheaded an initiative to create an international "Socialist Declaration of Human Rights" in the 1980s.

While the SED was exceptional in its early adoption of human rights as a discourse of legitimization and propaganda against the West, the East German people were noteworthy for their late adoption of human rights as a tool of dissent. When East Germans did revolt against the SED in June 1953, there was no talk of human rights in the demonstrations and protests that ensued. In 1968, while the Prague Spring rocked neighbouring Czechoslovakia, the SED held a plebiscite on the adoption of a new "Socialist Constitution," which was touted as a step forward for human rights in the GDR and there was practically no backlash from the population. In the 1970s, as a human rights became a global movement, East Germany remained an outlier in the

socialist world as one of the few without an organized human rights movement demanding reform. Those who sought to leave the GDR invoked international treaties, but those who remained did not challenge socialist rule based on the idea of human rights. The prominent dissidents in that decade avoided the language of human rights and some even attacked the human rights movements as reactionary.

In contrast to the “Helsinki Effect” narrative, this dissertation instead argues the eventual arrival of a dissident human rights movement was not a linear process of western ideas inspiring revolution, but a complex social and political process of reimagining human rights through the existing discourses and norms of state socialism. The SED’s commitment to human rights was not just a cynical ploy, but rather it represented a genuine belief on the part of leading party members and loyal intellectuals that state socialism was the true champion of human rights against the forces of rapacious capitalism, imperialism and racism in the west. The concept of human rights was not seen by SED leaders and functionaries as alien to state socialism, but rather an integral aspect of rule. Adopting human rights as part of state ideology provided the SED an important means of legitimizing its rule and attacking opponents both at home and abroad.

Human rights functioned to stabilize and legitimize SED rule until the 1980s, when the decades of propaganda was finally turned against the state by an organized human rights movement. When this dissident human rights movement arose, it did not import its ideas from western activists, but created a unique, syncretic, definition that borrowed elements from both sides of the Cold War as well as the non-aligned world and expressed itself in a local idiom. Many human rights activists in the GDR were initially committed to a socialist vision of a just society founded on the principles of human equality and public good, but argued that this could be achieved only through legally guaranteed political and civil rights. These dissidents claimed

to represent the highest ideals of socialism rather than the repudiation thereof. In 1989, human rights became a ubiquitous rallying cry for the mass opposition to the SED, but this obscured the diversity of the civic movement and the motivations for protests, which ranged from socialist utopianism and reform communism to those seeking immediate reunification with the West and the establishment of a social market economy. As SED officials and the socialist intelligentsia lost faith in their own conception of human rights and conviction in their own legitimacy, most chose to acknowledge the individual rights of their citizens and make a peaceful transition to democracy rather than support extreme violence to maintain control. Protest and opposition in the name of human rights only became self-evident once it had succeeded and in the beginning human rights was a marginal discourse in East German repertoires of dissent and resistance. The emergence of an organized movement for human rights came about only through the re-imagination of human rights by dissidents in a way that brought together the diverse social and political concerns of the population and undermine the legitimizing human rights discourses crafted by the SED.

The East German Dictatorship

At first glance, the history of human rights in the GDR is simply a story of their absence. Popular views of East Germany characterize it in terms of violent repression and the ever present threat of the secret police, the Stasi.⁸ Without the rule of law, open democracy or free movement, how could there be any doubt that the GDR was an inherently unjust state – an *Unrechtsstaat*. One historian of Amnesty International’s activism in the GDR argued that, in spite of international commitments, “in practice the regime violated human rights every day.”⁹ The

⁸ Some examples include Anne Applebaum, *Iron Curtain: The Crushing of Eastern Europe 1944-56* (New York: Allen Lane, 2012); Anna Funder, *Stasiland: Stories From Behind The Berlin Wall* (London: Granta Books, 2011).

⁹ Anja Mihr, “Menschenrechtssituation im Alltag der Diktatur,” in Eckart Conze, *Die demokratische Revolution 1989 in der DDR* (Köln: Böhlau Verlag, 2009), 56.

British scholar Anthony Glees has argued that beyond endorsing human rights for diplomatic gain, the embrace of such terminology and other democratic discourses, points solely to the interest of the state in cynically manipulating the population to cement its own power:

To have laws guaranteeing dissent, criticism and free emigration, and to persecute those who sought to make use of these laws, was plainly intended to make to their subjects a very basic point about the will and nature of the regime, and its total determination to exercise power.¹⁰

Glees has further attacked other historians who fail to explicitly denounce SED rule as a mass violation of human rights and the GDR “as a state in which human rights abuses were institutionalized and were a defining feature of the regime.”¹¹ The failure to condemn in SED with the language of human rights was in itself taken to be a form of apology for the crimes of state socialism.

Such interpretations work within the ‘totalitarianism’ frame that defined the GDR and other communist state as systems of rule rationalized by an all-encompassing ideology, based on the total politicization of society, and control through terroristic subjugation of all opposition. East Germany was, in the words of political scientist Klaus Schroeder, “a late-totalitarian paternalistic-surveillance state,” which was ruled through “coercion and force.”¹² Daily life was dominated by a social-political dynamic dominated by violence, or the threat thereof, with all decisions imposed from the top down. According to this logic, society and culture ceased to truly exist for four decades and in their place existed only a regime-produced facsimile. From such a perspective, the only story worth telling in regards to human rights is their violation by the SED and the secret police, the *Stasi*, and their eventual realization through the end of state socialism. Since any true resistance would contradict the notion of presumption of an all-powerful state and

¹⁰ Anthony Glees, “Social Transformation Studies and Human Rights Abuses in East Germany after 1945,” in Christopher Flockton and Eva Kolinsky (eds.), *Recasting East Germany* (New York: Frank Cass, 1999), 175.

¹¹ Anthony Glees and David Childs, “Debate,” *German Politics*, Vol. 9, N. 2 (Aug 2000), 244.

¹² Klaus Schroeder, *Der SED-Staat: Geschichte und Strukturen der DDR 1949-1990* (Köln: Böhlau, 2013), 648.

the overwhelming reach of the Stasi, the people of the GDR were no more than passive victims living authentically only in the smallest of private niches.

Such an interpretation provides a simple explanation to the paradox of stability and sudden collapse. Human rights were endorsed by the state as a means of taunting the populace; the people did not speak out due to fear or indoctrination. Yet, this version of events fails to account for both the elaborate system of human rights activism and intellectual production by the SED and the mass movement for human rights that emerged in the 1980s. It also fixates on the structures of the state and their differences, albeit crucial, from those of a liberal democracy. But this approach omits the subjectivity of East Germans who truly did believe that socialism was emancipatory in the wake of fascist dictatorship. As Eric Weitz has argued, “however repressive the practices of SED-state, however many personal tragedies traverse its history, the GDR remained linked ideologically to the Enlightenment humanism of the Marxism.”¹³ The totalitarian approach ignores the broad scope of everyday experiences for East Germans that were not defined by terror and violence. It certainly denigrates the popular protest, resistance, and opposition that existed from the beginning of the GDR but also the implicit and explicit loyalty to the system shown by many right until the end. Reducing more than forty years to the continuous violation of human rights does not correspond with the lived experiences of all East Germans, even those who were victims of the worst abuses of the Stasi. Without denying the ubiquity of an undemocratic state, this conception obfuscates the agency of the individual, their role in society, and his subjective experience through an excessive focus on rule from above.

The evolution of the idea of human rights in East Germany illuminates two complicating factors in the totalitarian narrative: the “paradox of care and coercion,” and the necessity of mass

¹³ Eric Weitz, *Creating German Communism, 1890-1990: From Popular Protests to Socialist State* (Princeton: Princeton University Press, 1997), 393.

participation within a system of dictatorship. As Konrad Jarausch has suggested, one should examine East Germany as a “welfare dictatorship” – a classification that “recalls the ideological goals of socialism, and the vision of an egalitarian social reform that it hoped to achieve for the benefit of the lower classes,” while still underscoring “the forced nature of the GDR’s socialist utopia and coercive methods used to achieve its goals.”¹⁴ The social and economic benefits of the system were tied to the SED’s legitimacy and underscored its right to rule. Although it is often argued that socialist states touted economic rights while downplaying political and civil rights, the SED proclaimed a commitment to all forms of human rights.¹⁵ In contrast to traditional forms of despotism grounded in overt state violence and oppression by a small group, the GDR was based on “the mobilisation of the masses [...] and frequently voluntary mass participation in and support for [the regime].”¹⁶ While functioning as a dictatorship, the SED claimed that East Germany held a higher form of democratic engagement that allowed for participation by the people from the factory floor to the highest levels of power. Although political engagement had to occur through carefully prescribed social forms and discursive repertoires, it was nonetheless an important element in the everyday life of East German for both the state and the population.

Turning from structures to processes, recent scholarship has examined the everyday relationship between state and society and non-coercive methods of rule that were employed in order to minimize the necessity of repression. SED propaganda did not simply brainwash the population but rather integrated Marxist-Leninist ideology into local discourses of antifascism, patriotism, and progress. Party officials and police began with the premise that they were

¹⁴ Konrad Jarausch, *Dictatorship As Experience: Towards a Socio-Cultural History of the GDR* (New York: Berghahn Books, 1999), 60.

¹⁵ Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001), 19.

¹⁶ Jie-Hyun Lim. “Historiographical Perspectives on ‘Mass Dictatorship’” in *Totalitarian Movements and Political Religions*, 6:3 (December 2005), 325.

working towards a state of “workers and farmers,” and that once properly educated, the populace would rally to their side. The use of human rights language by the SED was not meant to intimidate the people of the GDR, but was rather part of the larger broader hegemonic “discourse of rule” employed by the state to convince citizens that they were an integral and valued part of the socialist community and that their material prosperity was intimately tied to the continuing success of the socialist project.¹⁷

From the perspective of the population, the division of society between oppressors and oppressed and the possible responses to the state as loyalty or resistance obscures a wide range of roles and practices that existed between these poles. East Germans did not all easily fit into clean categories of perpetrators and victims and contestation of state policies was endemic even if open dissent was rare. Supporting these broader conceptions of the GDR is Alf Lüdtke’s notion of the “thoroughly-ruled society” (*durchherrschte Gesellschaft*), which he argues accommodates the reach of the state without obliterating society in the process: “For the GDR, it is not the success of authority strategies that are conspicuous, but rather the extent to which they served as a reference point.”¹⁸ In comparison to liberal democratic societies, the state was a far greater presence in the everyday, but was nonetheless not wholly dominant. Given the different nature of the state in a socialist country, it follows that the examination of socialist societies would require different standards in understanding similar relationships.

In a series of micro-histories and localized case studies, historians and sociologists have shown how the political dynamic of the GDR can be better understood through detailed examination. In contrast to arguments of a passive or infantilized populace standing by as the

¹⁷ Martin Sabrow, *Geschichte als Herrschaftsdiskurs: der Umgang mit der Vergangenheit in der DDR* (Köln: Böhlau, 2000).

¹⁸ Corey Ross, *The East German Dictatorship: Problems and Perspectives in the Interpretation of the GDR* (London: Bloomsbury Academic, 2002), 49.

state imploded of its own accord, Stephen Pfaff's study of "exit-voice" dynamics in the lead up to the 1989 revolution showed the extensive unofficial networks that had developed, especially over the course of 1980s.¹⁹ Studies of local communities or distinct social groups by historians – such as Andrew Port, Corey Ross, and Jeannette Madarasz's – focus in on the complicated and negotiated social interaction of state structures and the people.²⁰ The image that emerges is one of a regime consistently forced to compromise in order to gain obedience from the "grumbling society" (*Grumble Gesellschaft*), instead of a seething population ready to rebel as soon as the state ceased to be backed by force.²¹ These studies likewise complicate the notion of oppression and resistance: People regularly defied the state without challenging SED rule through what Ross calls "creative accommodation" in a "culture of disrespect."²² What appears in the broad perspective as purely coercive or undifferentiated becomes interactive and diverse upon closer inspection. Opposition to SED rule existed from the beginning of the GDR but as multiple histories of these groups and individuals show, such dissent was not unified around a singular vision of human rights but rather multiple competing conceptions of how to contest state actions and often conflicting understandings of what alternatives should be.²³

¹⁹ Steven Pfaff, *Exit-Voice Dynamics and the Collapse of East Germany: The Crisis of Leninism and the Revolution of 1989* (Durham: Duke University Press, 2006).

²⁰ Andrew Port, *Conflict and Stability in the German Democratic Republic* (Cambridge: Cambridge University Press, 2007); Jeannette Z. Madarász, *Conflict and Compromise in East Germany, 1971-1989: A Precarious Stability* (Houndmills: Palgrave Macmillan, 2003); Corey Ross, *Constructing Socialism At the Grass-Roots: The Transformation of East Germany, 1945-65* (London: Palgrave Macmillan, 2000).

²¹ Port, *Conflict and Stability in the German Democratic Republic*, 115.

²² Corey Ross, *Constructing Socialism at the Grass-Roots*. 8.

²³ Ehrhart Neubert, *Geschichte der Opposition in der DDR: 1949-1989* (Berlin: Ch. Links, 1998); Wolfgang Rüdtenklau, ed., *Störenfried: DDR-Opposition 1986-1989* (Berlin: BasisDruck, 1992); Thomas Klein, *"Frieden und Gerechtigkeit!": die Politisierung der Unabhängigen Friedensbewegung in Ost-Berlin während der 80er Jahre* (Köln: Böhlau, 2007).

Moving beyond this conceptualization of society is the realm of *Alltagsgeschichte* – everyday history – that pulls together “both structures of power and domination *and* social practice and experience.”²⁴ By adopting a more bottom-up approach which takes into consideration both objective structures and their subjective appropriation as well as a pluralistic conception of reality, historians can take into account both the power and reach of the state without denying the people agency. This method relies on the anthropologically based theories of Alf Lüdtke: namely “*Herrschaft als Sozial Praxis*” (domination as social practice) and *Eigen-Sinn* (self-will). According to this practice, society in the GDR should be viewed as an “ensemble of social relations” rather than a civil society in the traditional sense of the term. East German society differed from that of a liberal democracy as

The individual spheres of the living world, the *Lebenswelten*, and the societal order in its entirety were not mediated by a differentiated set of societal sub-systems. Rather, this mediation was performed by a tightly organized, unitary set of political principles, represented and put into practice by the SED on all levels of social interaction, including the sphere of living worlds.²⁵

Through this conception Lindenberger rejects the “niche society” interpretation of totalitarianism as well as the micro-historical emphasis on a continued social vitality, and in the process, blurs the lines between state and society entirely. The pervasiveness of the political sphere meant that the most mundane aspects of society were linked together with high politics.

In creating a legitimizing discourse of human rights, the SED was challenged not just by active dissent but also by citizens who had a “sense of reality, which was different from, though not necessarily contrary to, the intentions and blueprints of the SED’s projects.”²⁶ In the case of

²⁴ Thomas Lindenberger. “Everyday History: New Approaches to the History of the Post-War Germanies.” Christoph Klessmann, ed., *The Divided Past: Rewriting Post-War German History* (New York: Berg Publishers, 2002), 45.

²⁵ Ibid. 54.

²⁶ Thomas Lindenberger, *Herrschaft und Eigen-Sinn in der Diktatur: Studien zur Gesellschaftsgeschichte der DDR* (Köln: Böhlau, 1999), 51.

human rights, the SED leadership often had to contend with varying subjective interpretations of its own discourse of human rights and faced problems even from state officials who conceived of SED human rights policy in a manner not intended by the party leadership. Similarly, the seemingly united sections of the East German population campaigning together in the name of human rights often had widely different understanding of what those rights would mean in practice.

Human Rights in History and Historiography

While human rights was an almost completely neglected topic until the end of the 1990s, since then it has exploded as a subject of inquiry.²⁷ But where does the story of human rights begin? Some scholars have approached human rights as timeless concept stretching back to philosophical principles of justice and equality as found in antiquity. In this reading, the universal morality of the Stoic philosophers of Ancient Greece, the Babylonian legal system in the Code of Hammurabi, and the Persian guarantees of religious freedom for conquered peoples in the Cyrus Cylinder represent the beginnings of a quest to realize human rights, even if the terms itself was not yet in use.²⁸ Others have disputed this lineage as anachronistic and instead traced the idea of human rights to the development of Natural Law theory and the Enlightenment in Europe. For Jonathan Israel, the concept of human rights is the end product of the rational materialist thinking of Spinoza and others in the Radical Enlightenment.²⁹ According to Lynn Hunt, the origins of human rights can instead be traced to a moral awakening caused by a

²⁷ Samuel Moyn, "The First Historian of Human Rights," *The American Historical Review* 116:1 (Feb 2011), 58. On recent human rights historiography, see Devin Pendas, "Toward a New Politics? On the Recent Historiography of Human Rights," *Contemporary European History* 21:1 (Feb 2012).

²⁸ Micheline Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (Berkeley: University of California Press, 2008); Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 2011).

²⁹ Jonathan Israel, *Democratic Enlightenment: Philosophy, Revolution, and Human Rights 1750-1790* (Oxford: Oxford University Press, 2011), 12.

revolution in sensibilities brought about by the mass reading of accounts of torture and epistolary novels. These experiences created “brain changes” that aroused new forms of empathy leading to demands for universal rights.³⁰ Although both the intellectual and empathetic theories of Enlightenment origins are sharply disputed, most scholars agree that the terminology of human rights can be traced back to this era.

While human rights language began with the French and American Revolutions, the connection between these rights and human rights politics of today remains problematic. Dan Edelstein has pointedly argued that rights language functioned to legitimize the Terror and the brutal destruction of the counterrevolution in the Vendée not just freedom, democracy and equality.³¹ Laurent DuBois, among others, has demonstrated the reluctance of the French to apply the concepts of universal equality to its colonial subjects.³² Empathy for the suffering of others did not necessarily lead to a belief in universal equality and democracy but it could also spur on imperialism and interventionism in the name of spreading the ideals of civilization. In the Nineteenth Century, human rights language was applied to the cause of abolitionism, but even this movement rejected the idea of civic equality of Europeans and blacks.³³ In spite of proclamations of human equality, women remained disenfranchised throughout the enlightened world. Although there were some rudimentary international legal structures in connection to anti-

³⁰ Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2008), 19.

³¹ Dan Edelstein, *The Terror of Natural Right: Republicanism, the Cult of Nature, and the French Revolution* (Chicago: University of Chicago Press, 2010).

³² Laurent Dubois, *A Colony of Citizens: Revolution & Slave Emancipation in the French Caribbean, 1787-1804* (Chapel Hill: UNC Press Books, 2004).

³³ Stefan-Ludwig Hoffmann, ‘Genealogies of Human Rights,’ in Stefan-Ludwig Hoffmann, ed., *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2010), 8.

slavery, human rights was a concept that was tied to nationalism and sovereignty rather than supra-national universal morality.³⁴

Turning from the eighteenth century to the twentieth, many scholars have sought the origins of modern human rights with the Universal Declaration of Human Rights. Passed by the United Nations General Assembly in 1948, the place of the Declaration represented the first near-global agreement on a list of specific rights held by all human beings. The meaning of the Declaration, like that of the Enlightenment, is hotly contested: Elizabeth Borgwardt has touted it as a internationalized version of the American New Deal, while Mary Ann Glendon portrays its creation as the expression of a pan-global moral awakening following the horrors of the Second World War.³⁵ It is tempting to cite 1948 as the point of moral breakthrough but this point too is undercut by the *Realpolitik* and contradictions between high rhetoric and low practice. As Mark Mazower has effectively argued, both the United State and the Soviet Union ensured that the Declaration would not have the enforcement mechanism and that it would not threaten their power. The Universal Declaration was simply an arrangement between superpowers to secure a new international status quo at minimum cost to either side.³⁶

In recent years, some historians have changed the question from a focus on origins and discoveries towards a history of political conflict and social construction that seeks to understand what human rights meant to historical figures themselves. In recent years, however, “critical human rights” scholarship has rejected the concept of human rights as a single unified ideal, and

³⁴ Jenny Martinez, *The Slave Trade and the Origins of International Human Rights Law* (Oxford: Oxford University Press, 2012).

³⁵ Elizabeth Borgwardt, *A New Deal for the World* (Cambridge: Harvard University Press, 2007); Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).

³⁶ Mark Mazower, The Strange Triumph of Human Rights, 1933-1950, in *The Historical Journal* 47 (2004) and Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009).

maintained that historians should instead look at the historical contingency of human rights and the diversity of conceptions and practices from a non-teleological, polycentric, and transnational perspective.³⁷ As Jean Quataert argued, “rights are not self-evident, self-policing, or ethically monolithic; they are historical constructs rooted in struggle and are even at odds with one another.”³⁸ One of the main examples of this kind of history is Samuel Moyn’s *The Last Utopia* that traces the creation of present day conceptions of human rights to the late 1970s while acknowledging the long genealogical past of its elements and vocabulary.

Instead of searching for the moment when human rights were invented, this historical approach focuses on how differing groups chose to employ the idea of human rights, how it was implemented, and how it was contested over time. Per Upendra Baxi, “the originary narratives that trace the birth of human rights in the Declarations of the Rights of Man need replacement by a history of human rights struggles for human rights futures.”³⁹ This focuses on what problems, ideas, and topics were specifically connected with human rights and what social, political and cultural function human rights ideas played within the history of the GDR.

The GDR did not invent human rights, but its history illuminates how human rights function as a legitimizing discourse for both state and popular movements. In the broader evolution of human rights, the discourse of the SED is akin to the duckbilled platypus: a seemingly impossible amalgamation of intellectual and political traditions that should not have

³⁷ Samuel Moyn, *Last Utopia: Human Rights in History* (Cambridge: Harvard University Press, 2010). Jan Eckel, “Utopie der Moral, Kalkül der Macht: Menschenrechte in der globalen Politik seit 1945,” *Archiv für Sozialgeschichte* 49 (2009). Hoffmann, *Human Rights in the Twentieth Century*; Akira Iriye, Petra Goedde, and William Hitchcock, *The Human Rights Revolution: An International History* (New York: Oxford Press, 2012); Lora Wildenthal, *The Language of Human Rights in West Germany* (Philadelphia: University of Pennsylvania Press, 2012).

³⁸ Jean Quataert, *Advocating Dignity: Human Rights Mobilizations in Global Politics* (Philadelphia: University of Pennsylvania Press, 2011), 4. On historical contingency and the history of human rights, see also, Stefan-Ludwig Hoffmann, ‘Genealogies of Human Rights,’ in Hoffmann, *Human Rights in the Twentieth Century*, 4.

³⁹ Upendra Baxi, *The Future of Human Rights* (New Delhi: OUP India, 2012), 109.

existed even though it did. Official East German human rights doctrine was formed from elements of German liberalism, Marxism-Leninism, Hegelianism and the rhetoric of anti-imperial protest. The Church spoke not only a language of Christian morality but also that of international politics and even the appropriated, and were itself at times co-opted by – the hegemonic discourse of socialist human rights. Dissidents ranged from those single-mindedly seeking to emigrate to eco-utopians to revolutionary Marxists.

While a specifically East German discourse and politics of human rights existed for more than forty years, it was almost wholly extinguished with reunification. The collapse of this separate world of ideas was so complete that until now it has been written off as little more than mere propaganda by a cynical state and the diversity of dissident thought subsumed into grand historical narratives of Western human rights sweeping through the Eastern Bloc. The history of the GDR, however, connects together within a single country the four main areas of post-WWII human rights politics: Cold War contestations, the problem of decolonization and human rights, global campaigns against pariah states and the end of communism.⁴⁰ The East German state and its citizens engaged with the rise of international human rights as a primary site of East-West diplomatic conflict, as part of intellectual milieu of the Eastern Bloc and as part of the global socialist world in dialogue with the emerging post-colonial states.

Methodology and Theory

In approaching the problem of how to define human rights in the case of the GDR, this project will trace the specific usage of the phrase human rights and international treaties and agreements such as the Universal Declaration of Human Rights and the UN Human Rights Covenants of 1966. In doing so, I make no claims as to an objective definition of human rights but rather seek to examining how the East German state and East Germans understood human

⁴⁰ Hoffmann, 'Genealogies of Human Rights,' in Hoffmann, *Human Rights in the Twentieth Century*, 14.

rights and how they employed the language of human rights in practice. This methodology narrows the scope of the project based on the vocabulary employed by historical sources and subjects and includes all human rights claims by these sources regardless of whether these claims hold up to historical, moral or logical scrutiny. While this approach, as used elsewhere, has been criticized by some as indicative of a “search engine,” mentality that focuses too much on words alone, in the case of the GDR, to begin from a broad definition of human rights rooted in present norms eliminates almost wholly the discourse and practices of the SED, distorts the ideals and ideas of the Church and the dissidents and obscures the important differences between modern human rights usage in liberal democracies and in a socialist dictatorship.⁴¹ What is important in the case of the GDR is that the idea of human rights was ascribed to systems today seen as inherently incompatible – namely state socialism and dictatorship – while at the same time, it was disconnected in popular and even dissident discourse from seemingly self-evident concepts of political democratization and liberalization for a remarkably long period of time.

This approach rejects the idea that human rights are intimately connected to a positive agenda of emancipation and progress but are rather an ambiguous discourse of morality capable of supporting both dissent and dictatorship. The example of the GDR helps to elucidate Costas Douzinas’s argument that “human rights are Janus-like, they carry the dual ability to emancipate and dominate, to protect and discipline.”⁴² The idea of human rights as a discourse of legitimization can act to challenge power but it can also sustain it by appeal to higher moral

⁴¹ Philip Alston, “Does the Past Matter? On the Origins of Human Rights,” *Harvard Law Review* 126(2013), 2077.

⁴² Costas Douzinas, *The End of Human Rights: Critical Legal Thought at the Turn of the Century* (Portland: Hart, 2000), 175.

authority. This dynamic is captured through the examining the conflict between hegemonic state discourses and insurgent claims made by individuals and social movements from below.⁴³

In tracing the evolution of how the international discourse of human rights was integrated into local ideology, discourse and culture of the GDR, I borrow from the work of the legal anthropologist Sally Engle Merry whose work analyzes the “middle level” between the global and the local. Instead of a process of direct transfers of knowledge, she looks at how “translators” link together human rights norms to local vernaculars, pulling them out of the abstract and them with meaning in the every day.⁴⁴ As such, the dissertation focuses on the process and forms through which SED officials, intellectuals, the *GDR-Committee for Human Rights* and dissident made human rights meaningful in the every day including through cultural and narrative forms.⁴⁵

The development of human rights in discourse and practice occurred as a four-part process within the context of the *Herrschaft* (rule) of the SED.⁴⁶ The first segment of the process was the development of the official state doctrine and discourse of human rights; the second was the implementation of this doctrine and its experience as part of the political, legal and social systems of the GDR; the third was the challenge of the idea of human rights by the citizens of the GDR and from outside; the fourth, concerned the reaction and adaptation of the state to these challenges. This perspective acknowledges the dictatorial nature of the regime without denying agency to the people and brings in the top-down emphasis of the human rights discourse in East

⁴³ Neil Stammers, “Social Movements, Human Rights, and the Challenge to Power,” *Proceedings of the Annual Meeting at American Society of International Law* 97 (April 2003): 299–301.

⁴⁴ Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle,” *American Anthropologist* 108:1 (Mar 2006); Mark Goodale and Sally Engle Merry, *The Practice of Human Rights: Tracking Law between the Global and the Local* (Cambridge: Cambridge University Press, 2007).

⁴⁵ Joseph Slaughter, “A Question of Narration: The Voice in International Human Rights Law,” *Human Rights Quarterly* 19:2 (May 1997).

⁴⁶ Lindenberger, *Herrschaft und Eigen-Sinn in der Diktatur*.

Germany while allowing for contestations from below within a restricted social and ideological space.

State doctrine on the problem of human rights was created through a reciprocal relationship between the leadership of the SED and the intelligentsia who acted as “translators,” to use the terminology Sally Engle Merry.⁴⁷ In response to threats to the political power and legitimacy of the SED, intellectuals in the East German academy and members of the *GDR-Committee for Human Rights* developed ideological responses that were then approved at the top. Once party leadership approved new doctrine, the intelligentsia and various organs of the party then further disseminated it to the population. Scholarship on intellectuals under socialist dictatorships has often portrayed them as either wholly willing collaborators or as simple cogs in a larger machine that lack individual character. As Peter C. Caldwell points out, it is necessary to take into account the inherent contradictions of intellectual work in a socialist system: “Marxism-Leninism emphasized the creative, revolutionary power of materialist political thought yet also systematically repressed creativity with the aim of forming a uniform worldview that served the party.”⁴⁸ The demand for doctrine came from party leaders but the system still allowed for some creative thinking, within definite boundaries, when it came to fleshing out these ideas in ideological and practical terms. This created tension within the SED elites, when political imperatives could not be rationalized by appeals to ideology, and when intellectuals found their own socialist beliefs came into conflict with the goals of the SED.

The ideological conceptions of human rights employed in rhetoric by top state officials was published in the national SED newspaper *Neues Deutschland* as well as other local media

⁴⁷ Merry, “Transnational Human Rights and Local Activism.”

⁴⁸ Peter Caldwell. *Dictatorship, State Planning, and Social Theory in the German Democratic Republic*. (Cambridge: Cambridge University Press, 2007), viii.

institutions, in statements at international meetings and summits as well as through internal deliberations over laws, constitutions and treaties. In spite of the discrepancies between the claims and realities of legal instruments, the legal texts provide a rich insight into the self-conception of the SED as a ruling political organization. Below the level of the SED leadership, the extensive propaganda of the *GDR-Committee for Human Rights* along with the internal correspondence and meetings of the organization provides a wealth of official sources. On the side of the intelligentsia, East Germany was home to an extensive, though highly controlled, academic publishing industry including many journals such as *Einheit* (*Unity*, on Marxist-Leninist theory), *Neue Justiz* (*New Justice* on legal affairs), and *Deutsche Aussenpolitik* (*German Foreign Policy*). Here official policy in its full detail was proposed, clarified, and approved. Through the decisions on what was published and what was subsequently cited, one can trace the journey from new idea to officially sanctioned doctrine.

In examining the implementation of these state theories of human rights, one needs to shift from discourses to everyday practices. What were the freedoms that were allowed to citizens, how were they expected to exercise those freedoms and under what circumstances would they be punished for doing so? Although some have argued that the absence of the rule of law under socialism in the GDR meant that it was a system lacking a legal system, this is a gross exaggeration.⁴⁹ The political rituals of the GDR from elections to plebiscites provide a window into the lived realities of rights within the SED dictatorship. The courts in the GDR were not bound to the text of the law as under western legal systems, but the principles of “socialist legality” aimed for a standard of reliability tempered by a consciousness of state goals.⁵⁰ The law

⁴⁹ Detlef Pollack, “Modernization and Modernization Blockages in GDR Society,” in Jarausch, *Dictatorship As Experience*, 27.

⁵⁰ Inga Markovits, *Justice in Luritz: Experiencing Socialist Law in East Germany* (Princeton: Princeton University Press, 2010). Inga S. Markovits. “Civil Law in East Germany. Its Development and Relation to Soviet Legal History

was still influential and the implementation of specific human rights, in particular civil rights that could be claimed against other citizens, still made a difference in everyday life. While rare, when rights pertained to the actions of the defendant, human rights could be invoked by judges and prosecutors.⁵¹ Even though the law could be altered when convenient for the state and citizens could not directly demand rights denied to them by the state, the courts still provided an important forum for the implementation of human rights doctrine in the GDR. Finally, there was the *Eingaben* system – the officially sanctioned complaints system that allowed for East Germans to constructively criticize state policies so long as their contribution was from a place of loyalty. In all of these cases, East Germans did not have legally justiciable rights (rights that they could invoke against the state), but they had a degree of certainty about actions that were permitted and allowed with SED rule. Sources on implementation are accessible through the archives of the Ministry for State Security, popularly known as the Stasi Archive (Stasi Archive (*Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes (Stasi) der ehemaligen DDR*, BStU) as well through the official documentation of the Ministry of the Interior and the Ministry of Justice and *Eingaben* sent to various state offices all of which are held at the German Federal Archives (*Bundesarchiv*) and most party records are primarily held in the *Stiftung Archiv der Parteien und Massenorganisationen der DDR (SAPMO) im Bundesarchiv*).

The contestation of state human rights discourse occurred both horizontally - between East Germany and Western human rights activists and the Federal Republic of Germany – and vertically - between the state and the population of the GDR. The challenges to the SED from the West are available through the campaign material of West German political parties, the

and Ideology,” *The Yale Law Journal*, 78:1 (Nov 1968). Paul Betts, “Property, Peace and Honor: Neighborhood Justice in Communist Berlin,” *Past & Present* 201(Nov 2008).

⁵¹ *Idem*. “Two Truths about Socialist Justice: A Comment on Kommers,” *Law & Social Inquiry*, 22:3 (Summer, 1997).

published material of organized human rights activists, and declarations from the government of the Federal Republic. The use of human rights discourse from below is more theoretically complex: East German engagements with human rights ran the gamut from loyal affirmation, to *Eigen-Sinn* type reinterpretation, to “consentful contestation,” to outright dissent and opposition.⁵² In the early decades of the GDR, East Germans made their opinions on human rights known through sources such as petitions and complaint letters, applications to exit the country, meetings with officials who were surveying public opinion and certain exceptional events like the *Volksaussprache* – a massive series of public events and consultations on the creation of a new constitution in 1968. Collections of the petitions and opinion surveys are scattered throughout the SED archives at the German Federal Archives in Berlin-Lichterfelde. In the case of the *Volksaussprache*, the extraordinary quantity of written material produced by East German citizens is housed at archives across the former GDR included a collection of more than 12,000 letters to the constitutional commission in Berlin and records of town-hall meetings and other events held in regional archives in Schwerin, Rudolstadt, Leipzig and Dresden.

In later years, organizations within the church extensively discussed and debated human rights issues creating internal newsletters and public statements. The dissident movement of the 1980s not only produced homemade newspapers but groups also publicly released statements through western media and held their own protests where banners and posters formed part of the public discourse. While the materials of official church engagement with human rights politics are held in Berlin at the Central Evangelical Archiv (*Zentral Evangelisches Archiv*), smaller peace and human rights groups that operated out of the church are held privately. In recent years, the Robert Havemann Archive in Berlin has collected numerous private collections detailing

⁵² Lindenberger, *Herrschaft und Eigen-Sinn in der Diktatur*; Jeremy Straughn, “‘Taking the State at Its Word’: The Arts of Consentful Contention in the German Democratic Republic,” *American Journal of Sociology* 110:6 (May 2005).

private correspondence of dissidents, deliberations by opposition organizations and collections of public statements and publications. While slightly smaller than the Havemann collections, the Archive of the Civic Movement in Leipzig (*Archiv Bürgerbewegung-Leipzig*) also contains a wealth of documentation on the movement in that city and Saxony in general.

Finally, there is the problem of how SED doctrine and practice changed in response to challenges from within and without? Here we return to the source based of the first level, namely high-level party documents, intellectual journals and the activities and internal deliberations of the *GDR-Committee for Human Rights* but from a different perspective. When did the state view human rights as either a threat or an opportunity and when did it launch new initiatives to deal with challenges to its credibility on human rights? Deliberations and debates between government agencies and ministries held at the German Federal Archives and the archival records of the *Ministerium für Auswärtige Angelegenheiten* (Ministry for Foreign Affairs, MfAA) provide insight into who was responsible for deciding how the SED state reacted to human rights problems. State media also provides a useful source through the examination of the increases and decreases in frequency of human rights as a subject of domestic propaganda. In addition to public pronouncements and propaganda, internal initiatives to shore up ideological consistency within the state apparatus or within the communist bloc, such as Stasi training manuals and diplomatic coordination, are also important sources.

Chapter Organization

In examining the evolution of the idea of human rights in East Germany, this project is divided into two main chronological sections, the first from 1945-1975 and the second from 1968-1990. The first section explores the appropriation of the idea of human rights by the SED from its inception to the signing of the Helsinki Accords in 1975, the highpoint of East German human rights diplomacy. The second section shows the rise of human rights as a tool of exit,

voice, and revolution by the East German people beginning in 1968 and concluding with the first free elections in East Germany in March 1990.

The first section of the dissertation demonstrates how the SED initially adopted the vocabulary of human rights in response to competition for political legitimacy with the *Sozialdemokratische Partei Deutschlands* (Social Democratic Party, SPD). Chapter 1 looks at the fallout to the 1946 citywide elections in Berlin where its rivals, the SPD, which ran on the slogan “No Socialist without Human Rights,” soundly beat the SED. In response, the SED sought to appropriate the language of the SPD – the new party slogan was “No Human Rights without Socialism!” – while at the same time moving away from liberal democratic principles towards the creation of a dictatorship of the proletariat. This rhetorical acquisition deepened in the late 1950s when the SED needed ammunition for its propaganda campaign against the outlawing of the West German Communist Party in 1956.

Chapter 2 examines the creation of the *GDR-Committee for Human Rights*, the Eastern Bloc’s only state-directed human rights organization, which was founded to coordinate the mass mobilization of GDR citizens in protest against mass arrests in West Germany. Founded in 1959, two years before the creation of Amnesty International, the *Committee* organized protest letter writing campaigns to apply pressure on West Germany officials and raised money for the family members of those affected by the state clamp-down on communist organizations and left-wing activists protesting increased militarization. By directly mobilizing East Germans along state-approved lines and by tightly controlling public discourse, the SED was able to mobilize GDR citizens to fight for human rights on behalf of the state without sparking backlash against the state in the name of these same principles.

In the 1960s, the GDR became more concerned with its lack of widespread recognition and legitimacy in the post-colonial world rather than simply amongst Germans and shifted to a

new strategy of engaging the emerging Afro-Asian Bloc. Chapter 3 examines how East German intellectuals created an ideological conception of “socialist human rights” drawing from Marxist ideology but also from the human rights claims of the anti-imperialist activists and political leaders from the developing world. In order to gain diplomatic recognition and membership in the United Nations as definitive means of entrenching GDR sovereignty against West German claims to represent all German people, the SED used the language of human rights to demonstrate that it was a state fit for membership in the international community and one that would support the struggle of the post-colonial states against western domination. The SED used the UN’s International Year for Human Rights in 1968 to promote itself and the GDR to the world as a champion of self-determination. The SED used the adoption of the new “socialist constitution” of 1968 following a nation-wide plebiscite as the primary evidence of the SED’s popular support from the people and official embrace of human rights. While this campaign did little to convince the world community that the GDR was a leader in the field of human rights, it led the SED and loyal East German intellectuals to internalize the notion that they represented the highest ideals of human rights in comparison to the hypocrisy and self-delusion of the capitalist west.

The SED’s internalization of its own propaganda would have drastic consequences in the 1970s with the signing of the Helsinki Accords. The leadership of the GDR had developed its conception of human rights at a time when notions of state-sovereignty, self-determination, and non-interference were paramount due to the new power of the post-colonial bloc in shaping the discourse of international affairs at the United Nations in the 1960s. In negotiating first the Basic Treaty with West Germany and then the Helsinki Accords, the SED worked from the assumption that the norms of the United Nations human rights system were inherently favourable to state-socialism and, interpreted correctly, would further their claims to sovereignty in the face of

Western efforts to interfere in internal affairs. Just as the international human rights discourse was shifting to a focus on individual rights over state sovereignty and anti-communism, the SED saw no threat from committing the GDR to human rights provisions.

The re-appropriation of the idea of human rights by East German citizens is the focus of the second section beginning with the constitutional plebiscite of 1968. As Chapter 4 shows, the SED invited East Germans to comment and make suggestions as to improvement to the new document that would serve as the ideological basis for the GDR. Thousands of East Germans took the opportunity to demand greater rights for free expression, free movement and the right to strike. In particular, East German Christians demanded that the SED restore a number of constitutional protections for religious freedom that were to be eliminated. In adopting the language of human rights, GDR citizens worked within the dominant SED discourse and argued that the inclusion of greater commitments to human rights would provide greater legitimacy on the world stage and allow for the better participation of those citizens who supported socialism as a political and economic system but held different worldviews from those of the atheistic state.

While citizens were willing to use the language of human rights for “voice” within the East German dictatorship when provided a safe opportunity by the state, unlike in other Eastern Bloc countries, the GDR failed to develop a domestic dissident human rights movement. Chapter 5 examines how those who sought to establish the right to travel outside the GDR in the 1960s, turned to demand immediate emigration in the name of human rights when their conciliatory requests failed to produce results. Although Christians were amongst the loudest voices calling for the entrenchment of human rights during the adoption of the new constitution, in the wake of the Helsinki Accords the Protestant church leadership decided to endorse the SED’s position that the GDR was fully compliant with international human rights treaties in order to gain leverage in privately protesting abuses against congregants. Soon the church hierarchy itself, not the Stasi,

took on the task of disciplining clergy who used the language of human rights to demand political and legal reforms. Since so many GDR dissidents still believed in the ideals of socialism even if they had soured on SED rule, supporting US President Jimmy Carter's new human rights stance against the Eastern Bloc was deemed ideologically untenable. East German dissidents who gained international prominence at this time thus neglected to employ the language of human rights, as they believed the concept to be corrupted by its use in anti-communist rhetoric.

In the 1980s, however, human rights in the name of reform returned by way of the peace movement. As Chapter 6 shows, in the 1980s increasingly disillusioned East Germans dropped out of the official social system and created a parallel civil society within the confines of the church. The emergence of an independent peace movement marked the beginnings of an important anti-political mass movement striving towards disarmament, demilitarization, and environmentalism. While these activists sought to eschew politics, the SED's refusal to allow for a social sphere outside of party-approved organizations and the ensuing repression by the police demonstrated to many that political reform was needed even to achieve purely moral goals such as peace. In 1986, a small group of activists created the Initiative for Peace and Human Rights and the idea of human rights rapidly became a rallying point for the disparate groups of dissident and disaffected East German people. These activists invoked human rights not as the antithesis of socialism but as its true core values that had been forgotten and abused by the SED.

At this same time, the ideological bulwark created by the SED was crumbling. As peace activists were coming together under the banner of human rights, Ideology Minister Kurt Hager attempted to create a socialist version of the Universal Declaration of Human Rights that could unify the communist world in the face of western pressure. Despite initial enthusiasm from socialist allies, one country after another pulled out of participating in the Socialist Declaration, scared off by various human rights guarantees contained within. In 1988, when human rights was

becoming the rallying cry for change across the Eastern Bloc, solidarity amongst communist elites on the matter collapsed and the joint effort to combat the growing movement from within and pressure from without was abandoned.

In 1989, the intersection of those demanding human rights for voice – extensive democratic reform – and for exit – to freely depart the GDR – combined to create an interminable crisis for the SED. Chapter 7 shows how the party elites and loyal intellectuals who had once bought into the concept of socialist human rights that legitimized the SED dictatorship turned to the human rights ideals of the dissidents in the hopes of renewing the cause of socialism through the embrace of political and civil rights and the rule of law. Human rights served not just to rally a heterogeneous coalition of dissidents, but also provided an ideological justification for SED officials who dismantled their own power structure and abolished the party's monopoly on power in the face of mass demonstrations and emigration. In planning for a new East Germany, former SED officials worked with dissidents to draft a constitution that would secure liberal democratic rights and freedoms alongside rights that would preserve the ideals of the socialist project including substantive gender equality, strong social and economic rights protections and greater provisions for direct democracy. In 1990, however, these joint hopes of dissident activists and reform communists to reform the GDR through this democratic socialist vision of human rights were dashed as the realities of East German economic collapse turned the population away from new utopian ideas towards realizing human rights through reunification with the Federal Republic. The idealistic anti-capitalism of the dissident elite alienated a population that wanted both democracy and prosperity through human rights. While the dissidents were successful in ending state-socialist dictatorship through their campaign for human rights, they ultimately failed to expand upon what they viewed as the narrow and unsatisfactory human rights system of the capitalist west.

CHAPTER 1: Establishing a Dictatorship of Human Rights, 1945-1958

In the Soviet Occupied Zone in the immediate postwar period, the German Communist Party (KPD) was caught between several contradictory political currents. While the Soviet military had brought the KPD to a defeated Germany and handed them power, the endemic rape and pillage of the Red Army made the occupying forces a liability to power as much as a safeguard.¹ The population over which they were to rule was sharply divided between a radical minority, determined to remake society in order to prevent a resurgence of Nazism, and a passive majority that was still ambivalent in their attachment to the Third Reich.² Finally, KPD leaders were limited in their range of possibilities by the ever-shifting imperatives of their Soviet sponsors who sought to keep their options open rather than charging ahead with a program of unadulterated revolutionary socialism.³ Adding to these complications, the communists lacked the classical characteristics of legitimacy: communism sought to overthrow rather than embrace

¹ Norman Naimark, *The Russians in Germany: A History of the Soviet Zone of Occupation, 1945-1949* (Cambridge: Harvard University Press, 1995), 121.

² Gareth Pritchard, *The Making of the GDR, 1945-53: From Antifascism to Stalinism* (Manchester: St. Martin's Press, 2000), 16–17.

³ Dirk Spilker, *The East German Leadership and the Division of Germany: Patriotism and Propaganda 1945-1953* (Oxford: Oxford University Press, 2006), 5. While Wilfried Loth has argued that the Soviet Union did not seek to create a separate state from the SBZ nor did it seek a socialist Germany, and subsequent scholarship has demonstrated that while SED leaders were influential in the final creation of a socialist German state, Loth's insistence that they sabotaged Soviet foreign policy is exaggerated. On Loth's thesis see, Wilfried Loth, *Stalins ungeliebtes Kind: warum Moskau die DDR nicht wollte* (Berlin: Rowohlt, 1994); Loth, *Die Sowjetunion und Die Deutsche Frage □: Studien Zur Sowjetischen Deutschlandpolitik von Stalin Bis Chruschtschow* (Göttingen: Vandenhoeck & Ruprecht, 2007). On criticism of Loth, see Monika Kaiser, "Wechsel von sowjetischer Besatzungspolitik zu sowjetischer Kontrolle? Sowjetische Einflußnahme und ostdeutsche Handlungsspielräume im Übergangsjahr von der SBZ zur DDR," in Michael Lemke, *Sowjetisierung und Eigenständigkeit in der SBZ/DDR (1945-1953)* (Köln: Böhlau, 1999).

traditional authority; Walter Ulbricht and other senior figures were not charismatic; and a significant party apparatus – let alone a bureaucracy – did not exist yet.⁴

While the coercive power of the occupying Soviet forces was always available, in the day-to-day, the KPD could not afford constant, intractable conflict with a population that had so recently embraced their ideological opponents if they were to rebuild their shattered nation. The threat of violence could secure a superficial loyalty grounded in fear, but the KPD initially sought to gain the actual approval of people in order to truly fortify their position. Instead of proclaiming the defeat of Hitler as a triumph for communism, they aimed to build their legitimacy on a platform of broad-based antifascism. Just as a coalition of bourgeois and socialist political forces had joined together to defeat the Nazi war machine, so too would they work together in peacetime. The creation of a united socialist party through the merger of the KPD and its SPD rivals, thus creating the Socialist Unity Party (*Sozialistische Einheitspartei Deutschlands*, SED) in April 1946 was an essential element in a strategy to claim the mantle of moderation and antifascism rather than revolution. The merger struck a conciliatory pose while at the same time it implemented a radical agenda of expropriation and the centralization of political power under the old KPD leadership alongside reliably pliant allies from the old SPD.⁵

As Eric Weitz has observed, the rhetoric of the KPD and then of the SED was marked by “the uneasy coexistence of two political languages – of gradualism and intransigence;” and in the immediate postwar period the language of gradualism dominated official statements.⁶ In those

⁴ On Max Weber’s characteristics of legitimacy in the German context, see Konrad H. Jarausch and Michael Geyer, *Shattered Past: Reconstructing German Histories* (Princeton: Princeton University Press, 2003), 166.

⁵ On the founding of the SED, see Pritchard, *The Making of the GDR, 1945-53*, chapter 5; Andreas Malycha and Peter Jochen Winters, *Die Geschichte der SED: von der Gründung bis zur Linkspartei* (Berlin: Bundeszentrale für politische Bildung, 2009), chapter 1.

⁶ Eric Weitz, *Creating German Communism, 1890-1990: From Popular Protests to Socialist State* (Princeton: Princeton University Press, 1997), 320.

years, the vocabulary of basic rights (*Grundrechte*) and later human rights (*Menschenrechte*) became crucial for those who advocated intransigence and radical revolution while maintaining a public veneer of gradualism and moderation. While some senior members of the KPD and the SED honestly supported a “German path to socialism” and the creation of a “people’s democracy” rather than a dictatorship of the proletariat, in practice, the democratic facade of SED goals covered for rampant coercion, abuse of power, and eventually the establishment of a second German dictatorship.⁷ As Walter Ulbricht, the future leader of the GDR from 1949-1971 said to a colleague in 1945, “It is quite obvious. It has to look democratic, but we must have everything firmly in our hands.”⁸

In 1949, when the Soviet Zone officially became the German Democratic Republic, its founding constitution and the rights it contained ultimately served to cement the power of the SED rather than to limit it in a system that did not allow citizens to make claims against the state through the courts. As threats to uncontested SED rule evolved, so too did the SED’s discursive response. When criticism came from dissent within the Soviet Zone of Occupation, electoral competition from Western Social Democrats or from the newly formed West German state, the SED adapted its rhetoric to neutralize these attacks as much as possible without actually changing policy or tactics. Over this time, the SED’s use of the language of rights did, in no way, reflect a shift towards moderation or liberalization. As historian Dirk Spilker has noted, the party’s “commitment to bourgeois democratic principles ended where bourgeois democracy is commonly understood to begin – in the face of dissent.”⁹ The language of rights did not reflect

⁷ Peter Grieder, *The East German Leadership, 1946-73: Conflict and Crisis* (Manchester: Manchester University Press, 1999), 9–17.

⁸ Quoted in J. H. Brinks, “Political Anti-Fascism in the German Democratic Republic,” *Journal of Contemporary History* 32, no. 2 (April 1, 1997): 209.

⁹ Spilker, *The East German Leadership and the Division of Germany*, 54.

the reality of SED policy, but it lent the party historical authenticity, created a discursive space to bring together the KPD and SPD factions of the party, and provided opportunities to promote the legitimacy of the GDR on an international scale. From the collapse of the Third Reich into the late 1950s, the SED moved forward with its agenda of revolutionary socialism, while steadily appropriating and co-opting the discourses of rights and democracy from its opponents.

Establishing a Socialist Discourse of Rights, 1945-1946

The KPD arrived in the Soviet Zone of Occupation (Sowjetische Besatzungszone, SBZ) in 1945 speaking not of revolution and ideology but of moderation and a broad-based anti-fascist coalition. The leading members of the KPD sought to convince the German people that they were no longer the ideological firebrands of their Weimar Republic days, but responsible, democratic Germans seeking to undo the damage of the Nazi regime and rebuild their shattered nation. In the “Appeal to the German People from the Communist Party,” issued in June 1945, the language of Marxist revolution and class warfare had disappeared, replaced by a rhetoric of unity, antifascism, and democracy. The KPD claimed that it was uninterested in imposing a Soviet-style system on a nation having so recently been ruled by fascists, and was as such clearly not at the correct stage of historical development for a transition to socialism. As such, it would seek to bring about the bourgeois revolution that had failed to occur in 1848 through the creation of an “antifascist, democratic regime [;] a parliamentary-democratic republic with all democratic rights and freedoms for the people.”¹⁰ From the very outset of the communist project in postwar Germany, the leadership of the KPD had begun to appropriate the language of rights to its cause.

In April 1946, the merger of the KPD and the SPD within the SBZ creating the SED was meant to serve this agenda of unity and progress, but the combined party did not inspire the

¹⁰ Peter Erler, Horst Laude, and Manfred Wilke, “Aufruf des ZK der KPD vom 11. Juni 1945,” in *Nach Hitler kommen wir”: Dokumente zur Programmatik der Moskauer KPD-Führung 1944/45 für Nachkriegsdeutschland* (Berlin: Akademie Verlag, 1994), 309–397.

loyalty of all the members of the old parties with many Social Democrats refusing to take part. While the SED was the largest political party in the Soviet Zone of Occupation, and with the support of the Soviet military administration the most influential, what it had in tangible power it lacked in democratic legitimacy. SED leaders saw provincial (*Länder*) elections planned for October 1946 as a possible turning point for the new party, the moment when their legitimate place as the leaders of Germany's antifascist coalition would be confirmed by the people through democratic means. As Otto Grotewohl, the former Eastern Zone SPD leader and one of the founders of the SED, told the rest of the leadership in June 1946,

This first election is a highly political event of great significance not only for the eastern and other zones of Germany, but throughout the world where the campaign and the election results will be closely followed and politically evaluated. The results in the SBZ will be of the greatest importance for the assessment of political life in Germany and particularly the possibilities for the development of the German labour movement and the SED.¹¹

Most importantly, the election in Berlin – the first and only one to include the Eastern and Western zones of occupation until 1990 – would put the SED in direct competition with the still independent Western Social Democrats. SED leaders thought that the election would provide an opportunity to demonstrate that the united front presented by the newly merged parties was the choice of the German people.

At the center of the SED's electoral campaign was a new manifesto, "The Basic Rights of the German People: The Path to German Unity." Drafted by the legal scholar Karl Polak in cooperation with Soviet authorities and SED co-founder Otto Grotewohl, the manifesto presented the SED as natural heir to the progressive German historical tradition.¹² Opening with

¹¹ Bundesarchiv Berlin-Lichterfelde (German Federal Archive) BArch-Lichterfelde DY 30/IV 2/1/4 Protokoll, 3. Tagung des Parteivorstandes vom 18. bis 20. Juni 1946. 56.

¹² The basic rights manifesto was excerpted from a draft constitutional composed by Polak in August that the Soviet authorities had chosen not to release to the public in full. See Heike Amos, *Die Entstehung Der Verfassung in Der Sowjetischen Besatzungszone/DDR, 1946-1949* (Münster: LIT Verlag, 2006), 42–49. The text of the Manifesto was printed in "Die Grundrechte des deutschen Volkes: Der Weg zur Einheit Deutschlands," *Neues Deutschland*, (22 Sept 1946), 1.

the declaration, “The German people cannot live without the restoration of German unity,” the document promised to “eliminate the remaining vestiges of Nazism” through the expropriation of militaristic great land-holders and war criminals.” It further claimed that the SED would bring about a system of parliamentary supremacy, equality before the law, and rights to free expression, religion, and property.

On the surface, the “Basic Rights” manifesto appeared to endorse a liberal democratic conception of rights and citizenship. It provided for equal rights regardless of sex, religion or race and it made no distinction in benefits between citizens and “toilers” as found in Soviet constitutions.¹³ Although it did not explicitly promise a pluralistic democracy, it pledged that, in light of the current dangers to peace and the democracy in Germany, the SED would welcome an open exchange of views with all “antifascist and democratic parties and organizations.” Chief drafter of the Manifesto Karl Polak claimed, rather immodestly, that it was “to date the most progressive document that has ever been printed in the German language on the basic question of our existence as a state.” and that it was so democratic that Germans from all the political parties could accept it.¹⁴

The contents of the manifesto resembled those of contemporary and historical liberal nationalist appeals, but within the language of moderation there were indications of the SED’s more radical intentions. Although the text avoided the language of revolution, some explicitly revolutionary ideas were present such as Section 13, which promised the breakup of “private corporations, major banks, cartels, and syndicates,” and the legal philosophy “The Will of the

¹³ Benjamin Nathans, “Soviet Rights-Talk in the Post-Stalin Era,” in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2010), 171.

¹⁴ Amos, *Die Entstehung der Verfassung in der sowjetischen Besatzungszone/DDR, 1946-1949*, 56.

People is the Highest Law!”¹⁵ The terms of the manifesto, did however, lay the groundwork for a system of socialist dictatorship. The emphasis on economic reform addressed the key criticism that Karl Marx himself had levelled at the revolutionary rights regimes of the 18th and 19th century, namely that they acted to reinforce the power of capitalists at the expense of the worker while dressing up the interests of the bourgeoisie in the name of humanity.¹⁶ With the break up of major capitalist interests through expropriation as a first step towards the elimination of economic exploitation, the SED could claim to have resolved Marx’s concern. In keeping with earlier documents, “Basic Rights” emphasized the need to deal with crimes of the Nazis and the continuing guilt of Germans instead of celebrating antifascist resistance to Hitler. The German people were implicitly seen as possible threats to democracy due to their recent proclivities towards fascism rather than as a captive population that had been freed. As Jeffery Herf has argued, these documents “conveyed an appeal for an antifascist democracy but also presented a rationale for imposing a nondemocratic government over the Germans.”¹⁷ Although “Basic Rights” lacked the overt “neo-corporate” rights structure of Soviet constitutions, it implied a radically different set of rights for those deemed to be antifascist, compared to those deemed to be enemies of democracy.¹⁸

In adopting some of the language of German liberalism, the SED was not endorsing the political program of individual liberties, but instead the revolutionary and nationalistic ethos with which they were historically bound. Although the drafters of the 1848 Frankfurt Constitution had

¹⁵ “Die Grundrechte des deutschen Volkes: Der Weg zur Einheit Deutschlands,” *Neues Deutschland*, (22. Sept. 1946), 1.

¹⁶ Karl Marx, “On the Jewish Question,” in *The Marx-Engels Reader*, ed. Robert Tucker (New York: Norton, 1972), 38–40.

¹⁷ Jeffrey Herf, *Divided Memory: The Nazi Past in the Two Germanys* (Cambridge: Harvard University Press, 1997), 30.

¹⁸ Nathans, “Soviet Rights-Talk in the Post-Stalin Era,” 169.

preferred the term “Basic Rights” to the French Revolution’s more radically universalistic “Rights of Man,” the philosophical principles of the declaration of 1848 were also more adaptable to the principles of a Marxist-Leninist revolution than it would first appear.¹⁹ As human rights historian Samuel Moyn has argued, “revolutionary-era rights were revolutionary: the justification for the creation or renovation of a citizenship space, not the protection of ‘humanity.’”²⁰ In the case of the Frankfurt Constitution, even more so than with other declarations from the late eighteenth and nineteenth centuries, the demand for rights came from a movement dedicated to their realization through the incorporation of the German people into a nation-state. These rights were to be secured and created via the state; they did not exist outside of it and they definitely were not above it.²¹ While the liberal-nationalist revolutionaries of 1848 sought the creation of a constitutional monarchy under the rule of law, their discourse of revolution could be put to other uses. The nineteenth Century revolutionaries saw the formation of the nation-state as the key act to realize the rights of the German people, while the SED sought a socialist revolution that would end class exploitation.

Far from any kind of turn towards actual liberalization, the invocation of basic rights and nationalist unity promoted by the SED was a calculated political manoeuvre encouraged by the Soviet authorities.²² As SED co-founder Otto Grotewohl said in June 1946 at a meeting of the party’s Central Secretariat, if “we stick firmly and unequivocally to our position that the political unity of Germany is inviolable, all patriotic [and] progressive people in Germany will be pinning

¹⁹ Stefan-Ludwig Hoffmann, “Genealogies of Human Rights,” in *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2010), 9.

²⁰ Samuel Moyn, *Last Utopia: Human Rights in History* (Cambridge: Harvard University Press, 2010), 26.

²¹ Ibid., 28; Peter Caldwell, *Popular Sovereignty and the Crisis of German Constitutional Law: The Theory & Practice of Weimar Constitutionalism* (Durham: Duke University Press, 1997), 30–31.

²² Erich W. Gniffke, *Jahre mit Ulbricht* (Köln: Verlag Wissenschaft und Politik, 1966), 209.

their hopes on us.”²³ Many in the senior ranks of the party recognized the rhetoric of open class warfare or Sovietisation would alienate voters. The SED sought to portray its program as the realization of a centuries long process of German national self-realization, rather than that of a small cadre of communists recently brought to power by an occupying foreign army.

This message became the centerpiece of the SED’s campaign in the 1946 elections. The main slogan of the SED in the election was “Unity, Peace and Socialism,” and the party sought to make the “Basic Rights” manifesto ubiquitous throughout the Eastern Zone.²⁴ As SED co-founder and future GDR President Wilhelm Pieck later said, the manifesto was

In the center of our work during the election campaign to show the masses the way out of the terrible dilemma in which the German people have come to: the risk of ripping apart Germany by the formation of independent national states. As such, we have placed in the foreground that the SED sees the realization of basic rights as the foundation on the path to the respect and safeguarding of German Unity. The fundamental rights have been expressed in articles, posters and leaflets, and especially in the speeches of our comrades.”²⁵

In addition to SED members, the officially nonpartisan, but SED-aligned intelligentsia organization, the *Kulturbund*, worked to support “Basic Rights” as a visionary founding document of the new democratic antifascist Germany through group meetings around the Soviet Zone.²⁶ In spite of a widespread shortage of paper, the SED’s newspaper *Neues Deutschland* spent weeks promoting the elections of October 1946 with numerous extra editions.²⁷ With the

²³ Quoted in Spilker, *The East German Leadership and the Division of Germany*, 100.

²⁴ On the politics of the elections in 1946, see Jürgen Falter and Cornelia Weins, “Die Wahlen in der Sowjetisch besetzten Zone von 1946: Eine wahlhistorische Analyse,” in Hartmut Mehringer, Michael Schwartz, and Hermann Wentker, *Erobert oder befreit? : Deutschland im internationalen Kräftefeld und die Sowjetische Besatzungszone (1945/1946)* (Munich: Oldenbourg Verlag, 1999); Karl-Heinz Hajna and Britta Oltmer, *Die Landtagswahlen 1946 in der SBZ* (Frankfurt: Lang, 2000). An examination of the election in greater detail in Thuringia is found in Robert Steinfeld, “Proletarian, Christian, or Liberal Democracy?: A Rhetorical and Statistical Analysis of Thuringia’s 1946 Fall Elections,” (PhD, The University of North Carolina at Chapel Hill, 1996).

²⁵ BArch-Lichterfelde DY 30/ IV 2/1/10 Bericht des Zentralsekretariats von Wilhelm Pieck, 3.

²⁶ David Pike, *The Politics of Culture in Soviet-Occupied Germany, 1945-1949* (Stanford: Stanford University Press, 1992), 214–15.

²⁷ Paul Steege, *Black Market, Cold War: Everyday Life in Berlin, 1946-1949* (New York: Cambridge University Press, 2007), 78.

full support of the Soviet military authority, which provided resources and also harassed opposing candidates and intimidated voters, the SED leadership was confident that the party would gain a democratically elected majority control of the political bodies across the SBZ.

In Berlin, the SPD reacted to this propaganda with an electoral slogan that directly targeted the SED and its “Basic Rights” manifesto: “No Socialism without Human Rights!”²⁸ Beginning with the creation of the SED in the Eastern Zone, the SPD had adopted the language of human rights to denounce the forced merger of the parties and to respond to a growing threat that Germany was exchanging one dictatorship for another. As one pamphlet urging SPD members to vote against the creation of the SED argued, “dictatorships know no tolerance: human rights and cultural humanity perish [...] homogenized state parties are a plague of our social era.”²⁹ In the speeches of national SPD leader Kurt Schumacher, human rights were primarily a matter of politics. While economic power and the interests of capitalism were essential to the problem for Schumacher, the issue was one of universal equality by means of democracy. He argued that human rights were not simply the rights of citizens in a bourgeois society or the special rights of workers but the universal rights shared by all as inspired by the French Revolution.³⁰ His vision of human rights implicitly accepted Karl Marx’s dismissal of the Rights of Man in a liberal society as the mere rights of the bourgeois citizen. In order to correct this historical failure, Schumacher demanded a system of human rights that would truly honour the principles of “freedom, equality, fraternity and humanity.”³¹ Although social and economic

²⁸ Archive of Social Democracy (*Archiv der sozialen Demokratie*), Friedrich Ebert Stiftung (AdsD), 6/PLKA000150, “Kein Sozialismus ohne Menschenrechte” (20.10.1946).

²⁹ AdsD, 6/FLBL001536, “An die Mitglieder der SPD!” (31.03.1946)

³⁰ “Hauptreferat Schumachers: ‘Aufgaben und Ziele der deutschen Sozialdemokratie’” (9.5.1946) in Kurt Schumacher, *Reden, Schriften, Korrespondenzen 1945-1952* (Berlin: Dietz Verlag, 1985), 414.

³¹ *Ibid.*

rights were essential to Schumacher's conception of human rights, he also held political freedoms to be of greater importance declaring, "while we will fight with great passion and dedication for social benefits, one is only prepared to die for the great idea of freedom."³² All of the economic and social rights that social democracy stood for would flow from the first position of a genuinely democratic society.

While Germany had made progress towards this goal during the Weimar Era, Schumacher argued that the German people had not fought hard enough to preserve this system and the Nazis were able to destroy it. This failure meant that a democratic system had to be reborn stronger than before with a greater commitment by the German people to a parliamentary democracy based on human rights. According to Schumacher's analysis of contemporary politics, the great danger facing Germany was a dictatorship, not in the fashion of the ancient Romans, but through the extreme concentration of power in the executive of the state. Such a dictatorship, as he presumed was being constructed in the Eastern Zone, would result in a failure to "recognize the human rights of the individual," by denying their participation in political decision-making and, de facto, stripping them of their citizenship.³³ Such a system of dictatorship would betray not only the principles of democracy, but also those of socialism. Schumacher rejected entirely the idea that a dictatorship could truly represent the will of the people because "there could be no dictatorship of the proletariat, only a dictatorship over the proletariat."³⁴ Postwar Germany needed to become a pluralistic democracy that accepted opposing viewpoints and political ideas to avoid such a fate. Schumacher defended the existence of the far right-wing German Party saying "yet, we are in the position of any democracy: even

³² Ibid.

³³ "Schumacher in der 3. Sitzung des Hannoverschen Landtags zur Bildung des Landes Niedersachsen" (29.10.1946) in Ibid., 454.

³⁴ "Hauptreferat Schumachers: 'Aufgaben und Ziele der deutschen Sozialdemokratie'" (9.5.1946) in Ibid., 411.

“Neanderthals” can enjoy human rights.”³⁵ In order to ensure the realization of human rights, ideological enemies needed to be defeated through democratic means just as social democratic policies need to be advanced through parliamentary tactics.

The SPD discourse of human rights represented a broad demand for pluralism and liberal democracy, but it also spoke to Germans as victims of Nazism rather than co-perpetrators. While Germans had committed extraordinary atrocities during the Second World War, in the postwar period, most saw themselves as victims who had been subjected to unspeakable horrors, first through the mass bombings of the Allies and then through the hardship of the military occupation.³⁶ The appeal to human rights by the SPD also directly supported the common sentiment amongst Germans that their treatment by the Allies, particularly the Soviets, was fundamentally unjust. Throughout the campaign in 1946, the SPD connected human rights to promises of relief for the suffering civilian population while playing to the population’s fears of Soviet totalitarianism and the general resentment of the occupation. As one campaign leaflet read, “We make no promises on which we cannot deliver. We support nothing that cannot be realized. If the future of Berlin is to be secured, two major tasks of the present must be solved: ensuring the material needs of the population of Berlin and securing human rights for all.”³⁷

In the competition for votes in Berlin and the Eastern Zone, the close association of the SED with the Soviet Union and its occupying forces represented a double-edged sword. The Soviets provided material and logistical support, including intimidation and coercion, in order to support the SED’s campaign. The public perception that the SED was a political tool of the

³⁵ ‘Stellungnahme Schumachers zum Rechtsradikalismus in einer gemeinsamen Sitzung des Parteivorstandes und des Parteiausschusses der SPD.’ (14.3.1950), in *Ibid.*, 996.

³⁶ On German victimhood and the language of human rights, see Lora Wildenthal, “Rudolf Laun and the Human Rights of Germans in Occupied and Early West Germany,” in *Human Rights in the Twentieth Century*, 125-46.

³⁷ AdsD, 6/FLBL001419, “Berliner!” (20 Oct 1946).

Soviet forces not only opened up the party for criticism from the SPD and others that it would seek to create a Stalinist dictatorship, but also held the party accountable for the actions of the occupation authorities. While the Soviets were associated with antifascism and the end of Nazism, voters also harshly resented the hardships imposed by Soviet industrial reparations policy in addition to the epidemic of rape perpetrated by occupation soldiers and as a result, many potential voters turned against the SED.³⁸

On 20 October 1946, the SED was blindsided by a humiliating defeat. In spite of the intense propaganda campaign and the coercion of the Soviet authorities, the SED failed to gain an absolute majority in any province. Worst of all, in Berlin it was routed by the SPD, which won decisive plurality with 48.7 percent in the city as a whole. The SED finished third behind the Christian Democratic Union (*Christlich Demokratische Union*, CDU) with a paltry 20 percent.³⁹ Even in the Eastern Zone of the city where Soviet influence was greatest, the SPD still won 43.6 percent of the vote with the SED trailing behind at less than 30 percent.⁴⁰ While the continued control by Soviet military authority meant that this would change little in practical terms in the Eastern Zone, the event that was supposed to have cemented the party's democratic legitimacy had become a fiasco. *Neues Deutschland* covered for the embarrassment as best it could by focusing on the results from the provinces rather than the capital – the main headline boasted of the “Great Electoral Victory of the SED in the Zone” – but the weak showing in

³⁸ Donna Harsch, *Revenge of the Domestic: Women, the Family, and Communism in the German Democratic Republic* (Princeton: Princeton University Press, 2007), 38; Naimark, *The Russians in Germany*, 120.

³⁹ Arthur Schlegelmilch, *Hauptstadt in Zonendeutschland: Die Entstehung der Berliner Nachkriegsdemokratie, 1945-1949* (Berlin: Haude und Spener, 1993), 393.

⁴⁰ Spilker, *The East German Leadership and the Division of Germany*, 101.

Berlin was a major blow.⁴¹ Instead of supporting the legitimacy of the SED and left-wing unity, the election had actually revealed how shallow the party's support really was.

At a meeting of the SED leadership in the wake of the elections, members were split on the explanation for the loss and how to address it. On one side, Walter Ulbricht and other hard liners blamed their defeat on the slander of the SPD, which suppressed support from the party's natural working class constituency. One Ulbricht ally, Hermann Matern, conversely attributed the superior results for their rivals to the high turnout of "former members of the NSDAP and the degenerate bourgeoisie of the *Kürfürstendamm*," –the prosperous West Berlin boulevard. Essentially, the problem was the electorate, rather than the policies or the message of the SED.

Another group of senior SED officials, primarily former members of the SPD but also including some KPD veterans such as Anton Ackermann, saw the defeat as the result of genuine worker concerns over the problem of dictatorship and human rights. As Ackermann said "It was no coincidence that one of the strongest argument of the Social Democrats in Berlin against us and the fundamental rights promoted by our party was this: why do you not go back to the original source, to the civil liberties of Britain or the Constitution of France? [...] The freedom of personality and the basic rights of man [*Grundrechte der Menschen*] rather than the basic rights of the people [*Grundrechte des Volkes*]."⁴² Richard Weimann, one of the original founders of the SPD in the eastern zone, added that the problem was the continued radicalism of some SED members who were undermining the overall message of moderation. He argued that in spite of public proclamations that the SED would hew a more moderate line, hardliner rhetoric had opened up the party to Western SPD's attacks on human rights that had killed the SED's chances at electoral success. "The Social Democrats won the masses because they had the general

⁴¹ "Großer Wahlsieg Der SED in Der Zone," *Neues Deutschland*, 22 Oct 1946.

⁴² BArch-Lichterfelde DY 30/ IV 2/1/10 Protokoll, 6. Tagung des Parteivorstandes am 24. und 25. Okt 1946. 2,33.

postulates of humanity, human rights and democracy in the foreground and placed them in opposition to dictatorship.”⁴³

On the issue of human rights, the SED was under attack from two fronts. The SPD in the Western Zones was effectively employing the discourse of human rights to undermine the legitimacy of the SED. While the 1946 elections were to presage the creation of a united left across all of Germany, the disastrous results left this plan in shambles. From within the ranks of the SED itself, the electoral defeat also provided leverage to former SPD members who were becoming quickly disillusioned by the realities of the new united left that was increasingly dominated by former KPD members. In the name of human rights, high-ranking party members demanded even greater movement away from revolutionary socialism. It was only a few months into the existence of the SED and human rights already threatened its grip on power and its existence as a unified party.

The Turn towards The Language of Human Rights, 1948-1958

In response to the electoral defeat of 1946, the SED changed its tactics rather than its policies. Without certainty of victory in advance, the party leadership resolved that it would no longer call for elections as a means of gaining legitimacy. This resulted in a general shift towards a reliance on violence and outright coercion to maintain control within the party and the SBZ in general.⁴⁴ In spite of this, the top leadership still sought to reduce inner-party conflict to a minimum by continuing to use a language of moderation and caution while pursuing an increasingly hardline policy on economic expropriation and the consolidation of political power. In order to paper over the internal conflicts brewing even at the highest levels of the SED, hardliners shifted from the earlier invocations of “The Basic Rights of the German People” to

⁴³ Ibid. 2,41.

⁴⁴ Malycha and Winters, *Die Geschichte der SED: von der Gründung bis zur Linkspartei*, 57–58.

embracing the language of human rights. While initially it was the discourse of liberal nationalism that the SED sought to co-opt, with opponents striking at the legitimacy of the SED in the language of human rights, the SED turned to appropriate this discourse as well rather than run from it.

Adopting the language of human rights in order to promote revolutionary socialism was a plan without precedent. While the more liberal-nationalist discourse of “Basic Rights” as borrowed from the Frankfurt Constitution had proven to be a passable, if not widely popular vehicle for the SED, the party did not have a model from German or Soviet history to draw upon for an appropriately socialist conception of human rights. Marxists and Communists had always treated the idea of human rights as a side issue of marginal importance. Karl Marx himself never theorized on the nature of human rights under socialism and his only writings on the subject focus on condemning liberal enthusiasm for the “Rights of Man” as a rhetorical trick of the bourgeoisie to portray their class interests as the rights of all humanity.⁴⁵ Vladimir Lenin was similarly unhelpful, as his writings contained not a single mention of human rights.⁴⁶ Before her assassination in 1919, Rosa Luxemburg, the founder of the German KPD, had endorsed the idea of “bourgeois” democratic rights as an integral part of socialist democracy. However, her attacks on Lenin and the Russian Revolution meant that she was now ideologically unacceptable. Communist activists had fought for democratic rights and freedoms during the Weimar period but human rights were regarded as tools to advance the revolution only within the context of

⁴⁵ Although it is possible to find affinities and similarities between Marx’s ideals and those of the modern human rights movement, Buchanan accurately points out that the text of Marx’s work is silent on the idea of a separate socialist version of human rights following the abolition of capitalism. Allen Buchanan, *Marx and Justice: The Radical Critique of Liberalism* (Totowa: Rowman & Littlefield, 1982), 68.

⁴⁶ Jürgen Kuczynski, *Menschenrechte und Klassenrechte* (Berlin: Akademie-Verlag, 1978), 20.

overthrowing the bourgeois political system.⁴⁷ The closest the SED could find to an ideologically acceptable endorsement of human rights was in the lyrics to the late nineteenth century socialist anthem *The Internationale* that promised to “win the human right” (*erkämpft das Menschenrecht*) – a line unique to the German version likely included only because it rhymed with the preceding verse.⁴⁸

In spite of this paucity of precedent, as the SED rolled out a draft constitution for a German Democratic Republic in November 1946 the legal scholar Karl Polak sought to reconcile the popularity of the idea of human rights with the necessity of centralized party control and socialist revolution. Polak’s influence on the development of the law in East Germany can hardly be overstated – his work in the 1940s and 1950s formed the basis for the theory and practice of law in the GDR until 1989. Polak was a devoted Marxist who saw the idea of the “dictatorship of the proletariat” as the crucial historical insight of modernity – a sentiment that was only strengthened by his time spent in exile in the USSR after he was dismissed from the German civil service in 1933 due to his Jewish ancestry.⁴⁹ While Polak was an ideologue, he was also a skilled propagandist and political operator who could present hard-line communist policy in the language of moderation.

In developing a new system of constitutional rights and freedoms, Polak argued that there were no positive examples or traditions from history that could be followed in order to undo the crimes of Nazi Germany and prevent the recurrence of fascism. The rights enshrined in the Weimar Constitution had already been exploited by fascists to seize control of the German state

⁴⁷ On conceptions of basic rights and human rights in the Weimar Era, see Alexander Schwitanski, *Die Freiheit des Volksstaats: die Entwicklung der Grund- und Menschenrechte und die deutsche Sozialdemokratie bis zum Ende der Weimarer Republik* (Essen: Klartext, 2008).

⁴⁸ Leszek Kolakowski, “Marxism and Human Rights,” *Daedalus* 112, no. 4 (1 Oct 1983): 81.

⁴⁹ Peter Caldwell, *Dictatorship, State Planning, and Social Theory in the German Democratic Republic* (Cambridge: Cambridge University Press, 2003), 93–95.

and there was no reason to think it would not happen again. He similarly rejected earlier revolutionary systems and ideologies such as those produced by the 1789 Revolution in France, and the 1848 Revolution in Germany. While the SED supported the revolutionary character of these events, Polak ruled out a return to the French Revolution's "Rights of Man and Citizen" or the "Basic Rights" of 1848 as anachronistic and antidemocratic. He argued, "What gave 'human rights' the powerful aura that it today still retains, is not their content but their proclamation and implementation. They were revolutionary slogans and therein lies their meaning, not the idea that they were final, eternal truths announced independently of their historical situation."⁵⁰ A declaration of rights appropriate to 1946 needed to be rooted in the present conditions of historical development not in hazy nostalgia for the past. Accordingly, since socialism was the revolutionary ideology of the modern era, "the struggle for the realization of socialism is the struggle for human rights; the path to human rights is the path to socialism; the content of human rights is the liberation from the chains and the prejudices of the capitalist social order."⁵¹

Polak preserved Marx's critique that the Rights of Man was a rhetorical ploy by the bourgeoisie to proclaim their class interests in the name of all humanity, but he expanded on this logic by claiming human rights as part of the superstructure that would be altered through a revolution to the economic base. Human rights did not and could not exist outside of their relationship to the stage of historical development achieved by a society. According to Polak, "socialism is by definition the realization of human rights; and human rights are, if they are not to remain an empty principle, only realized insofar as socialism has been made a reality."⁵² Just as all democratic systems of government from the bourgeois period of history would pale in

⁵⁰ Karl Polak, "Gewaltteilung, Menschenrechte, Rechtsstaat: Begriffsformalismus Und Demokratie," *Einheit* 7 (December 1946): 138.

⁵¹ *Ibid.*, 139.

⁵² *Ibid.*, 139–140.

comparison to the truly democratic society that would exist following the revolutionary cessation of class conflict, so too would the sham human rights of bourgeois society be made real under a socialist order.

Moving to problems of contemporary politics and directly addressing the slogan of the SPD – “No Socialism without Human Rights” - Polak simply declared the exact opposite: there could be “No Human Rights without Socialism!” He denounced efforts to scare the German public with the “boogeyman” of “socialism without human rights” and wrote off such attacks as part of a campaign of “wilful defamation against the Soviet Union.”⁵³ Furthermore, he argued that SPD propaganda was inherently dishonest and sought to hide that its calls for human rights actually meant the failed “bourgeois human rights” of the inferior bourgeois revolutions of the past. Whereas the SPD sought to return to the French Revolution, the SED was moving towards the socialist revolution of the future. For Polak, this meant bringing about, “the expropriation of the expropriators, the overthrow of the capitalist social order and its system of the exploitation of man by man and the overcoming of capitalist oppression and rule through the free association of people.”⁵⁴ Human rights were vital, but they were a second-order problem that would be solved through socialism, not something that could exist prior to the revolution or outside of it.

Polak’s conceptions of human rights provided a discursive bridge between the policies of the SED and the faltering idealism of its membership – both SPD members who now feared that they would be suppressed and KPD radicals who thought that the new party was not sufficiently aggressive in pursuing the cause of revolution. The new discourse also defused, albeit to a limited extent, the criticism of the Western SPD, and changed the focus of the rights discourse from the realization of the bourgeois revolution to the necessity of socialism. Instead of

⁵³ Ibid., 140.

⁵⁴ Ibid., 138.

acknowledging internal dissent and the fears of the people and accommodating these concerns, the SED sought to press ahead and try and solve the problem through rhetorical means. If the people feared revolutionary socialism, they would call it anti-fascist democracy and if they were accused of violating human rights, they would declare themselves champions for the cause.

From 1946 to the founding of the German Democratic Republic in 1949, human rights continued to serve as a site of conflict over legitimacy. When, in 1947, the Western SPD launched a campaign to document the persecution of former Social Democrats in the SBZ called “In Defense of the Basic Rights and Human Rights in the East,” the SED responded by jailing former SPD members who leaked information on internal party activities to their Western counterparts.⁵⁵ Coercive measures stemmed the flow of information to those in the west who could make it publicly available and served as a warning to others who would challenge the party line. While coercion was the primary response, the party also sought to counter these attacks by increasingly framing their positions in the language of human rights and the slogans of Karl Polak. Speaking at an SED party congress in 1947, Käthe Kern, a leading figure of the SED’s women’s organization, the Democratic Women's League of Germany (DFD), argued that there could be “no true human rights without equal rights for women,” – a key element of the SED’s rights rhetoric since the Appeal to the German People in 1945.⁵⁶ That same year, Erich Gniffke, a former SPD member turned senior member of the SED’s Central Secretariat, took to the pages of the West German magazine *Der Spiegel* in order to explain his support for a unified political left and the establishment of a socialist system in the East. Staying on message and following the

⁵⁵ Thomas Klein, “Für die Einheit und Reinheit der Partei”: die innerparteilichen Kontrollorgane der SED in der Ära Ulbricht (Köln: Böhlau, 2002), 36.

⁵⁶ BArch-Lichterfelde, DY 30/ IV 2/17/27, “Keine wahren Menschenrechte ohne die Gleichberechtigung der Frau: Rede Käthe Kerns auf dem Zweiten Parteitag.”

ideological line set by Karl Polak, he wrote, “Only in a socialist state are there true human rights. Thus, the goal of my struggle can only be: Socialism.”⁵⁷

The most active proponent of the new human rights language was future GDR Prime Minister Otto Grotewohl, the former leader of the Eastern Zone SPD and co-founder of the SED alongside Wilhelm Pieck. At party events he often repeated the slogan “No Human Rights without Socialism,” as a refutation to the critics of the SED in the West.⁵⁸ In promoting the proposed constitution for the soon to be founded German Democratic Republic, Grotewohl particularly latched onto the idea of human rights as a means of legitimizing the new state. In a short booklet of essays on the constitutional draft that the SED widely circulated, Grotewohl denounced the western SPD for its claim that human rights could even be possible without the triumph of socialism.⁵⁹ He vowed that rights enshrined in the new East German constitution would be “so much more than mere “individual rights” or judicial claims which the individual has against the state.” Indeed “they are the fundamental principles of the future of German state politics.”⁶⁰

The SED and International Human Rights, 1948-1958

While the SED had found a response to the human rights criticism levelled by the SPD, the United Nations was changing the nature of international human rights discourse. After years of deliberation, debate, and revision, on 10 December 1948, the UN General Assembly approved the Universal Declaration of Human Rights. While the Soviet Union had played a crucial role in the deliberations demanding the inclusion of anticolonial provisions on self-determination and

⁵⁷ Erich W. Gniffke, “Gedanken Eines Deutschen,” *Der Spiegel* no. 44 (1 Nov 1947), 15.

⁵⁸ Otto Grotewohl, *Im Kampf um Deutschland. Rede auf dem 2. Parteitag der SED*, 1947, 33.

⁵⁹ Otto Grotewohl, *Deutsche Verfassungspläne* (Berlin: J. H. W. Dietz, 1947), 68.

⁶⁰ *Ibid.*

state sovereignty, the entire Eastern Bloc ultimately abstained on the vote. Officially, this abstention was to protest the supposedly individualistic bias of the final draft and its potential for legitimizing imperialistic interventions by the west.⁶¹ While the SED was growing increasingly comfortable in deploying the language of human rights in the late 1940s, Soviet action at the UN made it difficult for the SED to claim that its stance was supported on the international stage by ideological allies.

Since Germany was an occupied state without sovereignty, it was not a member of the UN and thus could not participate in the vote on the Declaration, but the SED was forced to account for the Soviet Bloc's decision to abstain in the press. While the UN voted on 10 December, the SED's national newspaper *Neues Deutschland* did not cover the matter until the 12th when it ran a small article on the cover proclaiming, "The Struggle for Human Rights is the Struggle against Old and New Fascism."⁶² The article focused on Soviet delegate Andrei Vyshinski's proposal to include a passage on combating fascism that was voted down by the colonial powers and quickly moved onto the subject of American imperialism in regards to emerging Cold War tensions over the status of Berlin. The actual contents of the Declaration were omitted and only the broader struggle between East and West with human rights serving as yet another ideological battleground.

Over the course of the next few years, through the founding of the German Democratic Republic (East) and the Federal Republic of Germany (West) in 1949, the language of human rights drifted to the margins of East German political discourse, but it continued to develop in

⁶¹ Moyn, *Last Utopia*, 70. In addition to the socialist bloc, Saudi Arabia and South Africa also abstained on the final vote. In an earlier vote in committee, Canada also chose to abstain but ultimately voted for the Declaration. Roger Normand and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice* (Bloomington: Indiana University Press, 2007), 179.

⁶² "Kampf um die Menschenrechte heißt Kampf gegen den alten und neuen Faschismus," *Neues Deutschland*, December 12, 1948.

Western Europe. In the immediate postwar period, the human rights discourse of Western Europe was primarily associated with a program of liberal democratic political rights alongside strong provisions for social rights and economic equality.⁶³ As the English Social Democrat George Orwell had written shortly before the conclusion of the war, “the idea underlying Fascism is irreconcilably different from that which underlies Socialism. Socialism aims, ultimately, at a world-state of free and equal human beings. It takes the equality of human rights for granted.”⁶⁴ In response to this trend, Western European conservatives sought to push back against the association of social democracy and human rights by promoting human rights as Christian revivalism and the institutionalization of “traditional” human rights (political and civil rights), to the exclusion of broader conceptions including economic, social and cultural rights.⁶⁵

By the 1950s, however, human rights as a discourse was becoming an important element of anti-communism shared by left and right alike. In West Germany, earlier Social Democratic emphasis on rebuilding democratic systems to achieve human rights shifted to campaigning against the abuses of communism, particularly in East Germany.⁶⁶ Conservatives moved away from explicitly Christian revivalism to focus on broader issues of religious freedom in the

⁶³ On the “social democratic rights moment” in postwar history and the conservative backlash, see Marco Duranti, “Curbing Labour’s Totalitarian Temptation: European Human Rights Law and British Postwar Politics,” *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 3:3 (2012).

⁶⁴ George Orwell, *The Lion and the Unicorn: Socialism and the English Genius* (New York: Penguin, 1990), 76.

⁶⁵ On the creation of the European Convention on Human Rights of 1950 as a conservative backlash, see Marco Duranti, “Conservatism, Christian Democracy and the European Human Rights Project, 1945-1950” (PhD, Yale University, 2009). Samuel Moyn has argued that Christian conservatives dominated the postwar human rights discourse of Western Europe. In Germany this stream of thought existed but it was also challenged by competing discourses focused on reclaiming lost national territory and the realization of Social Democracy. See Samuel Moyn, “Personalism, Community, and the Origins of Human Rights,” in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2010), 85–106; Samuel Moyn, “The First Historian of Human Rights,” *The American Historical Review* 116: 1 (1 Feb 2011). On non-Christian conceptions of human rights in postwar Germany see Wildenthal, “Rudolf Laun and the Human Rights of Germans in Occupied and Early West Germany”; and Ned Richardson-Little, “Human Rights, Pluralism and the Democratization in Post-War Germany,” in Jarausch and Wetzell, *The Good Germans? New Transatlantic Perspectives* (forthcoming).

⁶⁶ Lora Wildenthal, *The Language of Human Rights in West Germany* (Philadelphia: University of Pennsylvania Press, 2012), 43.

atheistic East. While neither East nor West Germany was a member of the United Nations, the Federal Republic began commemorating the UN's proclaimed International Human Rights Day (10 December), held every year on the anniversary of the vote on the Universal Declaration.⁶⁷ In addition to this state activity, nongovernmental organizations such as the reconstituted League for Human Rights, focused on assisting refugees from the East and opposing communism rather than seeking to democratize at home.⁶⁸ Nonpartisan civil society organizations with broad support across the political spectrum, such as the Curatorium for an Indivisible Germany (*Kuratorium Unteilbares Deutschland*), which was devoted to the reunification of Germany, began to submit complaints over human rights abuses in the East to United Nations human rights organs, even though they did not accept such petitions, even from member nations.⁶⁹ While these petitions did not produce any official consequences, the mere fact that they were sent to the UN prompted West German media to publicize the accusations of human rights abuses against the GDR. By the late 1950s, any petition sent to the human rights commission led to a flurry of press activity that served to embarrass SED and undermine its claims to legitimacy.⁷⁰

Once again, in the face of outside propaganda, the SED sought to match the tactics and rhetoric rather than reform. In this case, the party amplified its rhetorical commitment to the ideals of human rights and also sought to use the UN as a means of symbolically besting its West German rivals on the international stage. While in 1948, the Soviet Bloc had abstained on the

⁶⁷ German Federal Archive (*Bundesarchiv*), Koblenz, BArch-Koblenz B136/3003, "Tag der Menschenrechte (10.12.1951) Bundeskanzleramt: Feiertage, Gedenktage, Gedenkstätten, Beflaggung, Zeitbestimmung."

⁶⁸ Lora Wildenthal, "Human Rights Activism in Occupied and Early West Germany: The Case of the German League for Human Rights," *The Journal of Modern History* 80:3 (2008).

⁶⁹ On West German activities, see Markus Gloe, *Planung für die deutsche Einheit: der Forschungsbeirat für Fragen der Wiedervereinigung Deutschlands, 1952-1975* (Wiesbaden: VS Verlag, 2005), 181. On UN regulations, see Moyn, *Last Utopia*, 100–01.

⁷⁰ The East German foreign ministry carefully tracked West German media coverage of these petitions. See, Politisches Archiv-Auswärtiges Amt (PA-AA), Ministry of Foreign Affairs (*Ministerium für Auswärtige Angelegenheiten*) MfAA-A18271.

matter of adopting the Universal Declaration of Human Rights, in the 1950s, the Soviet Union increasingly made use of the declaration to attack human rights violations in the West and sought to play a role in the creation of the legally binding Human Rights Covenants under discussion at the UN.⁷¹ The socialist bloc in general was discovering that human rights could be a useful weapon, not because UN institutions were effective, but because they were not. As Jan Eckel has argued, “In the 1950s and 1960s, the organization primarily constituted an arena for symbolic politics.”⁷² But in the competition for legitimacy between East and West Germany, symbolism was of the utmost political importance.⁷³

One of the venues for symbolic human rights politics at the United Nations was the annually published Yearbook on Human Rights that collected information on the passage of laws relating to the Universal Declaration. In 1952, the UN sent a letter to the Soviet Control Commission, still officially operating in the newly founded GDR, requesting information on East German policy.⁷⁴ The Soviet’s political counsellor, Vladimir Semyonov, enthusiastically passed along the request to Prime Minister Otto Grotewohl. Semyonov believed that the FRG could submit a contribution and, if they did so, it was important that the SED do the same. He suggested that they highlight the achievements of the economic five-year-plan and

⁷¹ Jennifer Amos, “Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights, 1948-1958,” in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2010), 150–153. On the drafting of the UN Human Rights Covenants also see Daniel Whelan, *Indivisible Human Rights: A History* (Philadelphia: University of Pennsylvania Press, 2010).

⁷² Jan Eckel, “Human Rights and Decolonization: New Perspectives and Open Questions,” *Humanity* 1:1 (October 2010): 123.

⁷³ On the competition over actual symbols between East and West Germany, see Margarete Myers Feinstein, *State Symbols: The Quest for Legitimacy in the Federal Republic of Germany and the German Democratic Republic, 1949-1959* (Brill Academic Publishers, 2001).

⁷⁴ BArch-Lichterfelde, NY 4090/ 467 UN Secretary General Trygve Lie to the Chairman of the Soviet Control Commission (9 May 1952).

constitutionally guaranteed rights such as the right to work, to education and health care.⁷⁵

Semyonov was not only correct that the Federal Republic would also contribute, but the West Germans also sought to prevent the GDR entry from being published as part of its larger strategy to deny East Germany any diplomatic recognition.⁷⁶

The GDR bureaucracy went much further than Semyonov's suggestion and in the end the report included information on almost ninety laws that had been passed since the creation of an independent East Germany. In soliciting submissions from various state agencies, the Ministry for Foreign Affairs simply asked for any material relating to any of the human right contained in the Universal Declaration of 1948 and as a result, the final product contained reports on improvements in fields ranging from daycare spaces to workplace gender equality to coal production.⁷⁷ Anything that could be tied to the improvement of human welfare was deemed to be a triumph of human rights for the GDR. The report reflected Polak's argument that human rights were the product of socialism – in this case, human rights were deemed to be the literal results of socialist rule in all aspects of the society and economy.

While statistics on coal production were a far cry from the expected milestones of success in the field of human rights anticipated by the drafters of the Universal Declaration, there were no negative consequences for the GDR in submitting such a self-serving and propagandistic account to the United Nations human rights division. At this time, the human rights bureaucracy of the UN was so divided by Cold War tensions that there existed no internationally accepted let alone legal definitions of what specific rights meant in practice. Although the Yearbook on

⁷⁵ BArch-Lichterfelde, NY 4090/ 467, "Semyonov an Grotewohl," (3 July 1952).

⁷⁶ Mathias Stein, *Der Konflikt um Alleinvertretung und Anerkennung in Der UNO: Die deutsch-deutschen Beziehungen zu den Vereinten Nationen Von 1949 Bis 1973* (Göttingen: V&R unipress, 2011), 71. Fn. 403.

⁷⁷ PA-AA, MfAA-A5829, "Beitrag der DDR zum UN-Jahrbuch für Menschenrechte 1953 und Gesetzmaterialien über den Schutz der Menschenrechte in DDR."

Human Rights was meant to chart the progress of the international human rights project, it actually served as an uncritical conduit for national propaganda. When numerous GDR state bureaucracies submitted reams of paperwork to demonstrate the SED's fidelity to human rights principles, on the other end there was no evaluation of their response and all submissions were printed without question – though the GDR submission was significantly edited down for the sake of space.⁷⁸ While the UN system could provide little for those seeking an accurate portrayal of the state of human rights in various nations, it did serve as a valuable function for states seeking to demonstrate their international legitimacy.

The symbolic value of the UN's human rights system meant that even seemingly innocuous acts could become points of international contention. A case in point, in 1956, the GDR took part in an international effort to honour in the 10th anniversary of the founding of the UN through commemorative postage stamps. The GDR League for the United Nations commissioned the East German Post Office to create a set representing the idea of self-determination and racial equality.⁷⁹ The result was series of three stamps, each showing a picture of one of the “the white, black and yellow races.”⁸⁰ League members begrudgingly accepted the design in spite of qualms that its human rights message only made sense when all three stamps were together as a group and that even then, its political message was weak.⁸¹ No one involved appears to have noticed the unfortunate symbolism that the stamp portraying the “white race” had the highest value of the series.

⁷⁸ See entry for the GDR, United Publications, *Yearbook for Human Rights for 1953* (United Nations, 1955), 89-91.

⁷⁹ BArch-Lichterfelde, DM 3/ 4054, Document No. 104-05.

⁸⁰ *Ibid.*, Document No. 137.

⁸¹ *Ibid.*, Steiniger to Lieber, Document No. 141.

While the series was released in the GDR to little fanfare – there was an article in the SED’s youth journal in the section devoted to stamp collecting – in West Berlin, a group of anti-communist activists took notice.⁸² In order to undermine the original message, an anonymous group altered the 5 Pfennig stamp from the 1956 human rights series: Rather than the original message, “Human Rights Day – German Democratic Republic” it now read, “Day of Humans without Rights – Germans Are Slaves of the Soviets.”⁸³ Even in the realm of commemorative stamps, the discourse and symbolism of human rights was fiercely contested across the new German-German border.

The SED press initially ignored International Human Rights Day, following the Eastern Bloc abstention in 1948. Rather than acknowledge the international event, in 1953 they even held a conference on peace in Germany to rival it. By the 10th anniversary of Universal Declaration of Human Rights in 1958, however, Vyshinski’s objections at the United Nations were long forgotten and it too was incorporated into SED propaganda. In the USSR, reticence about the concept of human rights had also faded and Soviet officials were now employing the language domestically as well as in foreign propaganda.⁸⁴ Once again, the GDR post office released a commemorative stamp series showing the equality of the races to mark the occasion and on 10 December 1958 *Neues Deutschland* covered the anniversary on the front page as a major international event that self-evidently legitimized the SED and the rest of the socialist bloc.⁸⁵ The East German foreign ministry sent a message to the General Assembly commending the Universal Declaration and its contents as a “highpoint in the fight of the nations for democratic

⁸² “Tag Der Menschenrechte,” *Junge Welt* (12 Dec 1956).

⁸³ “Fälschungen: Die Widerstands-Philatelie,” *Der Spiegel* no. 6 (6 Feb 1957).

⁸⁴ 1958 also marked the first commemoration of International Human Rights Day in the USSR. Amos, “Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights, 1948-1958,” 163.

⁸⁵ BArch-Lichterfelde, DM 3/4088 "10 Jahre Tag der Menschenrechte."

rights and freedoms,” and “an achievement of the antifascist and anti-colonialist struggle.”⁸⁶ Not letting an opportunity to attack West Germany go to waste, the message also pledged that the GDR only sought the peaceful and democratic reunification of Germany in contrast to the “Hitlerite” policy of rearmament pursued by the Federal Republic.⁸⁷ Nearly a decade into the existence of the GDR, the SED identification with of human rights as a legitimizing discourse both at home and abroad was complete.

Rights in Practice in the SBZ/GDR, 1945-1958

The GDR was formally founded on a system of rights, but one that allowed the SED alone to determine who could exercise their rights and how. In practice, the constitution served as a means of restricting free speech, public dissent, and democratic participation instead of protecting it. As the SED moved towards a more and more dictatorial system of government, the usage of the language of human rights intensified. In the face of human rights based criticism, the SED had not moved to increase individual liberty or place restrictions on state power but had instead co-opted the very language of its critics and used it in turn to justify its existing plans for the creation of a dictatorship of the proletariat.

In practice, the application of rights in the GDR actually resembled the systems advocated by some constitutional theorists of the mid-nineteenth century who sought to use the law to support an “organic popular state” (*organischer Volksstaat*). In such a system rights did not belong to the individual but were rather “norms for state power, which the state gives to itself; they form limits for administrative authority, they secure for the individual his natural freedom of action within a certain parameter, but they do not establish subjective rights of the

⁸⁶ PA-AA, MfAA-A18273, Document No. 28.

⁸⁷ Ibid., Document No. 31.

citizens.”⁸⁸ The SED replaced the “organic popular state” with the “people’s democracy” but the function of rights remained very similar. Rights did not empower individuals but rather set out goals and general principles of rule that the state, as the representative of the people, could override when deemed necessary since the rights had been created by the state itself. Rights could not exist outside of state power and judicial oversight and review was not considered necessary or wise.

While Otto Grotewohl and others promoted the human rights of socialism as more than mere “individual rights” it was clear from the SED’s constitutional deliberations that legally guaranteed individual autonomy would play a very minor role in the new political order. In appearance, the new GDR Constitution resembled its Weimar Era predecessor, but in practice it would function very differently with the result that the state, and not the individual was always given greater power. Rights in this new order would not be guaranteed by judicial oversight but instead fulfilled through state and party action. On the subject of the right to free speech, the educator Dr. Heinrich Deiters, representative of the intelligentsia association the *Kulturbund*, claimed that the first duty of the state was to protect from the “misuse or suppression” of this basic right, but also to “provide the means to allow citizens to exercise these rights effectively.” His solution was to place control of all major media and forms of communication in the hands of the state.⁸⁹

In the SBZ and then the GDR, rights thus served to legitimize state power and to create a system of contingent benefits. In spite of the numerous guarantees of basic rights proclaimed by the KPD and then the SED, there existed no system of legally guaranteed rights for individuals in

⁸⁸ German constitutional theorist Paul Laband (1838-1918) quoted in Caldwell, *Popular Sovereignty and the Crisis of German Constitutional Law*, 31.

⁸⁹ BArch-Lichterfelde, NY 4090/ 643, Deutscher Volksrat, *Informationsdienst* (1.Jahrgang, Aug 1948 Nr. 3), 20.

the GDR. This is not to say that East Germany operated wholly to the whim of party officials. State regulations and laws normalized and systematized rule in the GDR to a certain extent: if citizens followed the rules as set out by the state, they could count on the state apparatus to provide basic necessities and respond to limited criticism of poor living or working conditions.⁹⁰ At the same time, the SED wholly rejected the idea that the law could bind the party when circumstances demanded the law to be overridden or ignored. For citizens in this system, rights functioned as designations of benefits that would be accrued in exchange for the fulfillment of duties. For the state, they were a broad statement of ideals that would be implemented according to the principles of Marxism-Leninism and democratic centralism. In practice, this meant that rights served more as tools and mechanisms of rule than as protections, immunities, or guarantees for the individual. Those that sought to challenge the state in the language of rights or to undermine the SED's official discourse of rights were severely punished.

Although the 1949 Constitution enshrined participation in the community and national affairs of the GDR not only a right, but also a duty, it was made clear from the arrival of the KPD onwards that this was no open invitation to those who would promote Nazism or other ideologies deemed fascistic.⁹¹ The policy of preventing Nazis from once again taking power, however, was used extensively to justify the suppression of dissent. While the public supported the reinstatement of the rights they once had under the Weimar Republic, many were genuinely concerned that elements of the NSDAP could use these rights to once again seize power. While all citizens were technically equal according to SED propaganda, they did explicitly make exceptions for committed Nazis. At the debates over the GDR Constitution, one member of the

⁹⁰ On everyday legal practices in the GDR, see Inga Markovits, *Justice in Luritz: Experiencing Socialist Law in East Germany* (Princeton: Princeton University Press, 2010).

⁹¹ Article 3, Section 2, GDR Constitution, 1949, *Die Verfassung der Deutschen Demokratischen Republik* (7 Oct 1949), www.documentArchiv.de/ddr/verfddr1949.html.

Society for the Victims of Nazi Persecution (*Vereinigung der Verfolgten des Naziregimes*) elaborated on the quote of the French revolutionary St. Just, “No freedom for the enemies of freedom!” to declare, “No democratic rights for the enemies of democracy!”⁹²

Such concerns that democratic rights would once again be abused by antidemocratic forces were widespread in West Germany as well, but when more details of this policy were discussed, it revealed a much broader category of citizens who were not deemed unfit to have rights.⁹³ Again speaking about the new constitution, Otto Grotewohl elaborated that there would be “No basic rights for those who seek to destroy basic rights themselves, who pursue a policy of undermining the political, social, and governmental foundations of the state.”⁹⁴ Not only enemies of democracy, but anyone who threatened the fundamentals of social and political relations as determined by the SED would be ineligible for full rights-bearing citizenship. Protection against abuse by antidemocratic forces was subtly transformed into a ban on opponents of socialism and SED rule.

While the SED did have a firm grip on power, supported by the Soviet occupation authorities, a small number of political parties were permitted to continue their existence as part of a National Front but they were effectively neutered of real power. Rather than facilitate the expression of alternative viewpoints, the “block parties” served to bring otherwise reluctant groups into the fold through state patronage without threatening the actual monopoly of the SED.⁹⁵ Each was geared to a specific demographic that was not positively inclined towards

⁹² BArch-Lichterfelde NY 4090/ 643 Deutscher Volksrat, *Informationsdienst* (1.Jahrgang, Aug 1948 Nr. 3), 22.

⁹³ In West Germany, similar fears of a resurgence of Nazism led to the banning of the Socialist Reich Party in 1952 and the Communist Party in 1956. See Norbert Frei, *Adenauer's Germany and the Nazi Past: The Politics of Amnesty and Integration* (New York: Columbia University Press, 2002), chapter 11. Patrick Major, *The Death of the KPD: Communism and Anti-Communism in West Germany, 1945-1956* (Oxford: Oxford University Press, 1997).

⁹⁴ Grotewohl, *Deutsche Verfassungspläne*, 69.

⁹⁵ Peter Lapp, *Die Blockparteien im politischen System der DDR* (Melle: Knoth, 1988).

Communism: the Christian Democrats (CDU) for conservative Christians, the Liberal Democrats (LDPD) for small business owners, the Democratic Farmer's for rural communities and the National Democrats (NDPD) for former Nazis. When leaders of these parties, such as the CDU's Jakob Kaiser, bucked the SED line they were replaced until an appropriately docile candidate was found.⁹⁶ Elections to the East German parliament, the *Volkskammer*, were neither free nor secret but the formal trappings of democracy helped to sustain the sense that the SED respected the political rights of the citizenry.⁹⁷

Although the SED specifically emphasized the social and economic rights of the constitution during its promulgation and in everyday propaganda in the GDR, these rights were always dependent on a quid pro quo.⁹⁸ Access to food rationing, housing, and day-care was conditioned on participation in the labour market rather than citizenship. Unlike the Stalin Constitution of 1936, which explicitly listed duties alongside rights, the duties required to gain social benefits in East Germany were determined ad hoc and on a local basis.⁹⁹ For those too young for full time employment, the “right to recreation, the right to education and the right to joy and happiness [*Freude und Frohsinn*]” were to be realized through participation in the state-run youth organization the *Freie Deutsche Jugend* (Free German Youth, FDJ).¹⁰⁰

⁹⁶ Caldwell, *Dictatorship, State Planning, and Social Theory in the German Democratic Republic*, 64. On Kaiser specifically, Werner Conze, Erich Kosthorst, and Elfriede Nebgen, *Jakob Kaiser: Politiker zwischen Ost und West 1945-1949*, (Kohlhammer, 1967).

⁹⁷ Amos, *Die Entstehung Der Verfassung in Der Sowjetischen Besatzungszone/DDR, 1946-1949*, 329.

⁹⁸ For propaganda relating to basic rights in East Germany, see Kai Artinger, ed., *Die Grundrechte im Spiegel des Plakats: 1919 bis 1999* (Berlin: Dt. Historisches Museum, 2000), 91–94.

⁹⁹ Nathans, “Soviet Rights-Talk in the Post-Stalin Era,” 171. On the day to day negotiations over benefits in the workplace, see Andrew Port, *Conflict and Stability in the German Democratic Republic* (Cambridge: Cambridge University Press, 2007); Jeannette Z. Madarász, *Conflict and Compromise in East Germany, 1971-1989: A Precarious Stability* (Houndmills: Palgrave Macmillan, 2003); Peter Hübner, *Konsens, Konflikt und Kompromiß: soziale Arbeiterinteressen und Sozialpolitik in der SBZ/DDR 1945-1970* (Berlin: Akademie Verlag, 1995).

¹⁰⁰ BArch-Lichterfelde, NY 4090/ 643, Deutscher Volksrat. Informationsdienst (J.1N.6) Hermann Gericgk (FDJ), 19.

In the case of women's rights, the implicit reciprocity was made even clearer, particularly in relation to problems of reproduction. In 1946, the Soviet Occupation authority issued Order Nr. 253 that prohibited wage discrimination on the basis of age or sex and in 1947, Order Nr. 234 required factories to provide laundry, sewing, medical, and child care services to allow for the full integration of women into the workforce.¹⁰¹ Although these measures to create gender equality and promises of economic benefits were popular with women, the main battle for rights fought by women in the early postwar period hinged on efforts by the KPD and then the SED to restrict access to abortion. Many women's rights activists were shocked when the new leadership sought a total ban on access to abortions in order to promote population growth. SED leaders now denounced suggestions that the party return to its Weimar Era rallying cry, "Your Body Belongs to You!" as "vulgar" "anarchistic and individualistic."¹⁰²

While some elements of both the KPD and SPD sought to maintain the pro-abortion access policies of both parties from the Weimar-era, especially in the case of victims of rape, Walter Ulbricht rejected this outright and without explanation. He issued an order stating "We would like to make it clear that examinations of women are necessary in cases of sexual diseases, but otherwise we are against abortions; after a while we will state our reasons openly."¹⁰³ This policy of total prohibition resulted in a widespread rise in medically unsafe abortions and, in turn, a skyrocketing number of deaths from unsanitary or botched procedures. Following a huge

¹⁰¹ Harsch, *Revenge of the Domestic*, 45.

¹⁰² On the Weimar Era KPD's efforts to attract female voters including this slogan, see Julia Sneeringer, *Winning Women's Votes: Propaganda and Politics in Weimar Germany* (Chapel Hill: University of North Carolina, 2002), 149. Quotes from SED officials rejecting a return to Weimar Era policy from Harsch, *Revenge of the Domestic*, 145; Atina Grossmann, "Pronatalism, Nationalism and Socialism," in *Between Reform and Revolution: German Socialism and Communism from 1840 to 1990*, ed. David Barclay and Eric Weitz (New York: Berghahn Books, 1998), 451.

¹⁰³ Naimark, *The Russians in Germany*, 123.

number of deaths in 1946 (more than 6,000 alone in Berlin), the SED began to allow for medical abortion in certain cases involving social and medical conditions as well as in cases of rape.¹⁰⁴

This easing of access, did not however, imply any acknowledgement that women had a right to bodily autonomy. Maxim Zetkin, the SED's chief medical officer, explained that under socialism there could be no such thing as a right to an abortion. "We do not believe in natural rights: the law is a social category. And we recognize the right of society to determine the fate of mother and child, but under *one* condition: that society guarantees them at least the minimum tolerable conditions of existence."¹⁰⁵ Although Zetkin's explanation appears to be a cynical retreat from the promises of the past in the face of contemporary pressure to increase the East German population, he was correct that the KPD had always justified abortion rights in terms of the exploitation of the capitalist system where a working woman could not "combine her economic role as producer with her biological function as reproducer."¹⁰⁶ The triumph of socialism meant that this contradiction was gone and women no longer had need of abortions. By solving the problem of production, the new socialist system could demand that women devote themselves wholly to reproduction.

In keeping with other systems of rights on the national level, the SED's vigorous support for the minority rights of the Sorbs, a Slavic group living predominantly in Saxony, was also about gaining loyal socialist citizens rather than empowering the disadvantaged. Beginning in the late 1940s, the SED advanced a program for the "rights of the Sorbian national minority," including the promotion of cultural production through the creation of a Sorbian-language theatre in the city of Bautzen and Sorbian radio programming on Radio Dresden as well as the

¹⁰⁴ Ibid.

¹⁰⁵ BArch-Lichterfelde DY 30/ IV 2/17/ 28 Zetkin an den Vorstand der SED (2 Oct 1946).

¹⁰⁶ Cornelia Usborne, *Cultures of Abortion in Weimar Germany* (New York: Berghahn Books, 2007), 58.

establishment of bilingual schools and workplaces in regions with a large minority population.¹⁰⁷ Following the lead of Soviet policy on minority nations, the SED viewed Sorbian culture as backwards and pre-modern and thus vulnerable to reactionary ideologies.¹⁰⁸ In order to gain the loyalty of the Sorbs, the SED would grant them special rights so that they could be fully included in the larger project of socialist modernization. Expressions of minority culture could exhibit differences with the German majority so long as the ideological contents were firmly socialist in nature. Some of these programs spurred on grumbling from ethnic Germans about special rights and treatment, but SED officials held to programs as an imperative in creating a socialist East Germany. One report from a Dresden union representative in charge of implementing a bilingual Sorbian language program at a factory argued that such efforts were necessary in spite of the negative reactions since “the realization of equal rights is above all a political-ideological task.”¹⁰⁹ Promoting the minority culture of the Sorbs served to further the political aims of the state so that they became part of the larger socialist community, not so they could exist separately from German society.

Overall, the language of rights was far more common as a discourse of punishment and state coercion, rather than state benefits or democratic participation in this period. In the immediate postwar era, dissenting voices were suppressed using to Article 3 of Control Council

¹⁰⁷ Cora Granata, “The Ethnic ‘Straight Jacket’: Bilingual Education and Grassroots Agency in the Soviet Occupied Zone and German Democratic Republic, 1945-1964,” *German Studies Review* 29:2 (May 1, 2006).

¹⁰⁸ On Soviet minorities policy and theory, see Francine Hirsch, *Empire of Nations: Ethnographic Knowledge & the Making of the Soviet Union* (Ithaca: Cornell University Press, 2005). Aside from the openly multi-national Yugoslavia, other Eastern Bloc countries also viewed minorities, the Roma in particular, as “backwards” and sources of possible reaction, see Celia Donert, “Charta 77 and the Roma: Human Rights and Dissent in Socialist Czechoslovakia,” in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2010), 191–214.

¹⁰⁹ Sächsisches Hauptstaatsarchiv-Dresden (Saxon Central State Archive, Dresden) SaHStA-D Bestand 12465 FDGB-Bezirksvorstand Dresden 0629. Maßnahmen des FDGB Bezirksvorstandes Dresden zur Verwirklichung der Beschlüsse des Sekr. des FDGB Bundesvorstandes vom 23.12.52 und vom 2.9.57 über die Hilfe der Gewerkschaften bei der Wahrung der Rechte der sorbischen Kollegen (18 Nov 1957).

Directive 38, which prohibited behaviour that “endangered or possibly endangered the peace of the German people or the peace of the world through propaganda for National Socialism or militarism or by the invention or diffusion of tendentious rumours.”¹¹⁰ Following the passage of the GDR Constitution, the legal instrument of choice in stifling criticism became Article 6 of the Constitution, which prohibited “incitement to warfare and boycott” of democratic institutions.¹¹¹ This provision was used by the SED to legally prosecute supposed enemies such as the dissident intellectual Walter Janka whose show trial in 1957 attracted international attention and by local police forces to justify the disciplining of those who spoke poorly of the Soviets or publicly criticized state policy.¹¹²

Those who did use the language of rights to challenge or criticize the SED were severely punished and within the SED party apparatus as well as amongst loyal intellectuals, the usage of the idea of rights was carefully policed. Even high-level members were not immune to harsh retribution when they undermined the party line. While in 1947, Erich Gniffke had been promoting his belief that socialism and the SED would bring about a state based on human rights, he quickly fell from grace by following through on such rhetoric in ways that challenged the party’s privileged position. In October 1948, while speaking on behalf of the SED, Gniffke publicly promised British occupation authorities that no party would hold a monopoly on power in the new Germany and that all citizens would be guaranteed their rights to vote, assemble, and associate. In response, Walter Ulbricht and other hardliners in the SED leadership expelled him from the SED and pushed him to leave the Eastern Zone. Shortly before immigrating to West Germany that same year, the disillusioned Gniffke denounced Ulbricht and his former party

¹¹⁰ Herf, *Divided Memory*, 73.

¹¹¹ On the use of these legal tools in the East German justice system, see Markovits, *Justice in Luritz*, 103–104.

¹¹² On the prosecution of Janka and other dissidents, see Brigitte Hoefl, *Der Prozess gegen Walter Janka und andere: eine Dokumentation* (Reinbek bei Hamburg: Rowohlt, 1990).

colleagues and backed the establishment of a "bourgeois democracy" and German reunification.¹¹³

A similar fate befell Max Fechner, the SED's Minister of Justice, when he improperly responded to the worker's uprising that took place in Berlin and other cities across the GDR in June 1953. When asked by a reporter from the SED's own national newspaper, *Neues Deutschland*, on how rebelling workers would be dealt with, Fechner said that violations of the law would be punished but he added that "the right to strike is guaranteed by the constitution. The leaders of the strikes will not be punished for being members of a strike leadership committee."¹¹⁴ In response, the SED Politburo denounced Fechner as an enemy of the state and he too was stripped of his party membership. Within two weeks of the publication of his comments, he was jailed and eventually sentenced to eight years imprisonment. Although he was actually released from prison in 1956 and had his party membership reinstated in 1958, the message sent by the Ulbricht was clear: even top ministers could be expelled and jailed for undermining the position of the SED.¹¹⁵

In addition to high-level SED members, academics and intellectuals were also at risk of major punishment if they advocated even the theoretical possibility of legally binding individual rights under socialism. The most dramatic instance of party backlash against loyal but troublesome intellectuals came at the Legal Academy in Babelsberg, just outside Berlin in 1958. While the legal profession was dominated by the work of Karl Polak, a new generation of scholars worked through the 1950s to rationalize the meaning of the law in a system where political necessity reigned supreme. When some of the academics in Babelsberg began to claim

¹¹³ Grieder, *The East German Leadership, 1946-73*, 20–21.

¹¹⁴ Quoted in Klein, *Für die Einheit und Reinheit der Partei*, 202.

¹¹⁵ Caldwell, *Dictatorship, State Planning, and Social Theory in the German Democratic Republic*, 65–66.

that the law could exist as something more than a tool of political power and that the party could be bound and restricted by the law, this was deemed to be beyond the pale. At the urging of Karl Polak himself, Ulbricht demanded that the rector of the law school organize a conference that would deal with the matter. Most of the proceedings of the Babelsberg Conference were devoted to the public denunciation of supposed “revisionism” as a means of simultaneously cementing a new orthodoxy and making it clear what would occur if intellectuals strayed from the appropriate line. Walter Ulbricht personally took the lead in denouncing Hermann Klenner, a young legal theorist whose later works would form the core of East German human rights ideology and eventually represent the GDR at the UN Human Rights Commission. In order to teach Klenner and the other “revisionists” about the realities of politics, the party stripped several of their academic positions and sent them to act as administrators in small villages in the countryside.¹¹⁶ Although not as harsh as the punishment meted out to Gniffke or Fechner, this act also had longstanding consequences as East German intellectuals learned never to challenge the political supremacy of the SED, even in theory. To suggest that the power of the SED was limited by universal human rights, constitutional rights or even the law was unacceptable.

The Soviet authorities and the SED also ensured that independent human rights organizations would not be formed in the SBZ and the GDR. While members of the Weimar Era League for Human Rights sought to reconstitute the organization in the occupied zones, they posed little threat to the political domination of the SED. Several of the former members had even joined the SED as a sign of their commitment to antifascist unity and the desire for opposing political parties to work together to rebuild Germany. Many claimed to be apolitical

¹¹⁶ Ibid., 90–93.

with their only interest the material well-being of refugees and displaced people who had streamed into the occupied zones from the East.¹¹⁷

In spite of these seemingly harmless goals, the SED still had no interest in allowing for independent civil society organizations to take root in the East, particularly if they involved human rights activism. In keeping with its broader strategy of supporting human rights rhetorically while building dictatorship, the SED played a double game of publicly supporting such groups but preventing the establishment of any such independent organizations in the Eastern Zone. Immediately after the war, the KPD leadership took note of the initial re-establishment of the League for Human Rights in the Western Zone at a meeting in June 1945 and in that same year a branch of the organization was founded in Dresden.¹¹⁸ In October 1945, only a few months after its creation, the Soviets forcibly dissolved the group.¹¹⁹ According to Dresden League's founder, Wolfram von Hanstein, Col. Sergei Tiul'panov of the Soviet military authority offered that he would go unpunished so long as he ceased all public activities.¹²⁰ This offer was accepted and the organization disappeared.

Although the initial efforts of the League had been foiled in the Eastern Zone, in February of the following year, a Western branch of the League based in Dortmund wrote to future SED leader Wilhelm Pieck requesting permission to set up shop in the SBZ. The Dortmund group claimed to represent no political party and "to follow no party-political aims" but only sought the peaceful reunification of Germany and to assist with the terrible social crises

¹¹⁷ Wildenthal, "Human Rights Activism in Occupied and Early West Germany," 542.

¹¹⁸ BArch-Lichterfelde NY 4036/ 631 Tätigkeit des ZK der KPD (13 Apr 1945).

¹¹⁹ Andreas Hilger, Ute Schmidt, and Günther Wagenlehner, eds., *Sowjetische Militärtribunale* (Köln: Böhlau, 2001), 401.

¹²⁰ BArch-Koblenz Z 35/ 351 Deutsches Büro für Friedensfragen. Vermerk. (27 Jan 1948).

of mass homelessness and dislocation.¹²¹ When the matter came before the Central Secretariat of the SED in June 1946, it determined that the League required no permission from the Party to begin their work.¹²² By claiming it lacked the authority to regulate such matters, the SED was able to appear sympathetic to the League without providing it any protection from the Soviet authorities that had already demonstrated a readiness to suppress any activities within the SBZ.

In the Western Zones of Occupation and later the Federal Republic, the SED also pursued a two-pronged strategy of encouraging like-minded civil society organizations and sabotaging groups that would criticize SED rule. On the one hand, the SED supported antifascist and peace organizations that would criticize democratic failings of Adenauer's CDU government. Through groups such as the *Central Council for the Protection of Democratic Rights and the Defense of German Patriots* and the *Congress for German Understanding and a Just Peace Treaty*.¹²³ These groups publicized manifestos from arrested left-wing activists and held meetings dedicated to propagating propaganda on the threat to peace posed by the FRG.¹²⁴

The other half of the strategy in the 1950s lay in the hands of the newly formed State Security service, the *Stasi*. In order to subvert organizations that were not sympathetic to the SED and the Soviet Union, the Stasi infiltrated and undermined the efforts of the *League for Human Rights*. The main agent for these activities was none other than Wolfram von Hanstein,

¹²¹ BArch-Lichterfelde RY 1/I 2/5/ 44. Letter from Püschel and Göbel to Pieck (7 Feb 1946).

¹²² BArch-Lichterfelde DY 30/ IV 2/2.1/16 Protokoll Nr. 19 Sitzung am 24. Juni 1946.

¹²³ In the original: *Zentralrat zum Schutz demokratischer Rechte und zur Verteidigung Deutscher Patrioten* and the *Kongress für deutsche Verständigung und einen gerechten Friedensvertrag*.

¹²⁴ Works published by the Zentralrat zum Schutz demokratischer Rechte include: H. Schröder, *Bedrohte Freiheit* (Krefeld: Ackermann, 1952); H. Mertens, *Die Rechte des Bürgers Gegenüber Polizei und Gericht* (Detmold: Munich, 1952); Karl Hartmann, *Briefe Aus Dem Gefängnis 1953* (Hamburg-Altona: A. Petri, 1954). Some works published by the Kongress für deutsche Verständigung include: Friedrich Maase, *Einheit, Frieden, Freiheit: Kongreß für deutsche Verständigung für einen gerechten Friedensvertrag*. (Hagen: Pacht, 1952); Max Graeser, *Ist eine Verständigung möglich?: Deutsche unter sich* (Kongress für deutsche Verständigung - für einen gerechten Friedensvertrag, 1952).

who had earlier founded the Dresden branch of the League. Having been arrested by the Soviet authorities in 1951 and sentenced to death for espionage the following year, von Hanstein had been released in 1955 and was recruited by the Stasi.¹²⁵ After immigrating to West Berlin, he rose quickly through the ranks of the local branch of the League for Human Rights as well as several other anti-communist organizations, and he used his positions to funnel information to his Stasi handlers on incoming refugees and planned escapes from the GDR.¹²⁶ He even appears to have founded the Research Institution for Questions of Human Rights in 1957.¹²⁷ After years of suspicions, in 1959, he was exposed as a spy and imprisoned for espionage once more, this time by West German authorities.¹²⁸

The language of rights formed an important discourse of control in the Eastern Zone and then later in the GDR and the SED went to great lengths to maintain its discursive power. The idea of rights was used to both legitimize state power and to co-opt key elements of the population. Those that challenged this discourse, be they SED ministers such as Max Fechner, legal scholars like Hermann Klenner, or human rights activists such as those who formed the League of Human Rights, were all silenced. In practice, the use of the language of rights furthered the SED's grip on power. Rather than provide a means for the population to protest the centralized control of the party, it facilitated and justified the expansion of SED control.

¹²⁵ Wildenthal, "Human Rights Activism in Occupied and Early West Germany," 550.

¹²⁶ Ibid., 551.

¹²⁷ Wolfram von Hanstein, *Forschungsinstitut für Fragen der Menschenrechte* (Köln: Dt. Liga für Menschenrechte, 1958). Aside from this pamphlet, there is no other available documentation on the organization's activities or other supporting evidence for its existence.

¹²⁸ Von Hanstein eventually escaped to the GDR in 1964 and died the following year. Wildenthal, "Human Rights Activism in Occupied and Early West Germany," 552.

Conclusion

From 1945 to 1958, as the SED consolidated power and created a dictatorship of the proletariat – a system of SED dominated “democratic centralism” – the party also increasingly adopted the language of human rights to legitimize its rule at home and abroad. Initially, party propaganda sought to portray the SED as the successors to the liberal-nationalist revolutionaries of 1848 but when this failed to bring them mass support, they moved to appropriate the language of human rights. As opponents within the SBZ and the west took up the language of human rights to denounce SED rule, the party hardliners only amplified their rhetorical commitment to the idea that there could be “No Human Rights without Socialism!” Although initially ignoring the United Nation’s human rights system, in the mid-1950s the SED moved to incorporate international human rights norms into its propaganda and began to use UN events and organizations as sites for symbolic political conflict with West Germany.

The celebration of the Universal Declaration of Human Rights in the GDR still referenced basic rights and reunification, but it justified these goals in the vocabulary of the international human rights discourse with its emphasis on universalism, racial equality, and peace. Over the course of more than a decade of political conflict, the leadership of the SED had steadily adapted its language of rights, first by appropriating the historical language of German liberal nationalism and then by co-opting SPD criticism and later even emerging international discourse of human rights. This rhetorical shift did not, by any means, coincide with a liberalization of policy and ideology. Quite the opposite, the language of rights was used over this same period to stamp out dissent and consolidate the power of the hardliners within the SED leadership.

Although the SED embraced the language of human rights due to external pressure, many in the SED appear to have genuinely internalized the idea that they represented the ideals of

international human rights. Karl Polak's work rationalized the seeming contradictions between rhetoric and practice so that the SED could first respond to attacks from the SPD and then, later on, elaborate on these initial propaganda efforts at the international level. Far from preventing the establishment of dictatorship in East Germany, the discourse of human rights actually smoothed the path of the SED in taking power and consolidating control of the Soviet Zone of Occupation and later even legitimizing their rule to the United Nations.

CHAPTER 2: Creating an Antifascist Discourse of Human Rights, 1959-1966

By 1958, the SED had succeeded in eliminating internal dissenters and consolidated its political control over East Germany. This did not, however, mean that the Party's position was wholly secure. The 1953 workers' uprising showed that the party was still vulnerable to internal opposition and the renewal of tensions in 1958, including the beginning of the Second Berlin Crisis, demonstrated the precarious situation of the GDR in international affairs.¹ Although SED Chairman Walter Ulbricht had vowed in 1958 that the GDR would overtake the economic output of West Germany, it was soon clear that the East German economy was in no position to do so and its ability to provide enough basic foodstuffs – let alone consumer goods – was deteriorating rapidly in comparison to the Federal Republic.² As more and more East Germans chose to emigrate in reaction to economic hardship and political repression, West German anti-communists began to step up their efforts to delegitimize the “Pankow Regime”³ of the “Soviet Occupied Zone” both within the two Germanies and at the United Nations.

While the SED had established its power in East Germany, it continued to suffer from a deficit of legitimacy that was only exacerbated by the failure to match the economic growth of the Federal Republic. Faced with domestic unrest, the SED leadership could not provide greater

¹ On the Second Berlin Crisis, see Richard Williamson, *First Steps Toward Détente: American Diplomacy in the Berlin Crisis, 1958–1963* (Lexington Books, 2012); Kitty Newman, *Macmillan, Khrushchev and the Berlin Crisis, 1958-1960* (Taylor & Francis, 2007); Kara Fulcher, “Walling in and Walling Out: The Politics and Propaganda of the Second Berlin Crisis, 1958-1962” (PhD, Princeton University, 1997).

² On SED plans to overtake Western economic production and plans for the expansion of consumer goods production, see Eli Rubin, *Synthetic Socialism: Plastics and Dictatorship in the German Democratic Republic* (Chapel Hill: UNC Press, 2009).

³ The “Pankow Regime” referred to the neighbourhood in East Berlin where most senior SED officials lived.

economic benefits, but they were also unwilling to relinquish any of the political control they had spent so long to establish. Rejecting the possibilities of either political liberalization or economic bribery, the SED leadership turned instead to propaganda. It decided to launch a major campaign highlighting the continued presence of Nazis in high-ranking West German government offices and portraying East Germany as the bulwark of antifascism standing against the rising tide of militarism in the FRG. One showpiece in the build-up of the SED's propaganda machine in 1959 was the creation of first human rights group in the socialist world: the *Committee for the Protection of Human Rights against Militaristic Arbitrariness and Class Justice in West Germany* – soon after, shortened to the *Committee for the Protection of Human Rights*.⁴

Founded two years before Amnesty International, the *Committee* was the first, and until the late 1980s the only, effort of any communist country to institutionalize human rights activism under state direction. Originating out of the ad-hoc prisoner support groups that sprung up after the banning of the West German KPD in 1956, it moved beyond this narrow mission to become an important source of human rights propaganda for the GDR and an organizational tool to mobilize East German workers against the West German Republic in the name of antifascism and human rights.⁵ The *Committee* did not offer a coherent theoretical conception of human rights as an alternative to the liberal democratic human rights discourse of the west, but it did begin the process of translating the concepts of human rights into a more elaborate and locally rooted conception of East German antifascism.

⁴ The original title for the group was, *Das Komitee zum Schutz der Menschenrechte, gegen militaristische Willkür und Klassenjustiz in Westdeutschland*.

⁵ Between 1953 and 1958, West German authorities conducted 46,476 political investigations leading to charges against 1905 individuals, most of who were communists. See Patrick Major, *The Death of the KPD: Communism and Anti-Communism in West Germany, 1945-1956* (Oxford: Oxford University Press, 1997), 282.

The Founding of the *Committee for the Protection of Human Rights*

Although part of a broader propaganda campaign, the *Committee's* immediate origins were sparked by the banning of the Communist Party in West Germany. Following the legal ban on the far-right Socialist Reich Party in 1952, the West German government next put the Communist Party (KPD) on trial.⁶ The courts found that a party based on the tenets of Marxism-Leninism, even one that officially renounced revolution, was incompatible with the “free democratic basic order,” of the Federal Republic.⁷ Not only KPD members but also the leaders of more than eighty other groups – including the women’s auxiliary, the DFD, the Free German Youth (FDJ) and even the *Central Council for the Protection of Democratic Rights* – were arrested as enemies of the constitutional order.

The ban on the KPD provoked alarm amongst left-wing West Germans and even the Western Allies, concerned that this drastic action threatened the very principles of liberal democracy it was meant to protect. As Patrick Major has argued, this period of judicial anti-communism did not compare to the political oppression meted out by the Nazis or the mass surveillance conducted in East Germany, but it did represent a violation of the principles the West German state claimed to represent.⁸ He writes, “there were so many judges of Nazi vintage still passing sentence in the FRG that it is very difficult to talk of an unprejudiced judiciary in the 1950s and 1960s,” and it took a bout of liberal reform in 1968 to end “a period of political justice which did not reflect credit on the Federal Republic’s legal system.”⁹ The SED exploited this

⁶ On the interconnections between the ban on the RSP and the KPD see Norbert Frei, *Adenauer's Germany and the Nazi Past: The Politics of Amnesty and Integration* (New York: Columbia University Press, 2002). Dominik Rigoll goes even farther and connects these events to bans on radicals from the Imperial Period to the 1970s, in Rigoll, *Staatsschutz in Westdeutschland: Von der Entnazifizierung zur Extremistenabwehr* (Göttingen: Wallstein, 2013).

⁷ Major, *The Death of the KPD*, 292.

⁸ *Ibid.*, 277–78.

⁹ *Ibid.*, 281–82.

genuine concern on the ground to attack the democratic claims of the West German state and attempt to take the moral high ground.

After years of publicly demanding reunification and national unity on socialist terms, the SED shifted to a program of separation and demarcation from the West (*Abgrenzung*). The Berlin Crisis of 1958 had heightened tensions with West Germany and stamped out the hope that Germany could still peacefully reunite. The door had also closed on the possibility of bringing about a merger with the Social Democrats in the West. In 1959, the SPD passed the Godesberg Program, which renounced Marxism and the goal of ending capitalism. In their move towards the political center, the SPD made it clear that they were a different kind of socialist party than the SED, accusing them of “radically suppressing freedom” and “raping [*vergewaltigen*] human rights.”¹⁰ Without the economic means to placate the demands of East Germans and unwilling to liberalize politically after a decade of struggle to achieve a monopoly on power, the SED turned to an ideological solution.¹¹ In 1959, they launched a major propaganda campaign with the goal of delegitimizing the West German state as a continuation of the Third Reich in a democratic disguise, while promoting the GDR as the true champion of antifascism and the paramount representative of the values of the anti-Hitler coalition. The campaign focussed on former Nazis who now held prominent positions in the Adenauer government, such as the Chancellor’s notorious right-hand man Hans Globke who had worked on the development of anti-Semitic legal codes during the Third Reich.¹² Although such figures were the main thrust of East German propaganda, human rights activism was integrated into its larger ideological structures.

¹⁰ “Godesberger Programm, November 1959,” www.hdg.de/lemo/html/dokumente/DieZuspitzungDesKaltenKrieges_programmGodesbergerProgramm/.

¹¹ Michael Lemke, “Kampagnen gegen Bonn: Die Systemkrise der DDR und die West-Propaganda der SED 1960-1963,” *Vierteljahrshefte Für Zeitgeschichte* 41:2 (Apr 1993), 2.

¹² A memorable product of this campaign was a detailed documentation on former Nazis working for the West German government, National Council of the National Front, *Brown Book: War and Nazi Criminals in West*

In May 1959, the SED institutionalized the mobilization of East Germans on behalf of imprisoned activists in the west and the production of human rights propaganda through the creation of the *Committee for the Protection of Human Rights*.¹³ At the opening meeting, a founding member, legal scholar Dr. Gerhard Kühlig spoke of the need for an organization to combat the rising tide of militarism in the west and its associated violations of human rights:

Militarism and the policy of aggressive war must inevitably encounter the resistance of all peace-loving forces and necessarily extinguish human rights, because these people have rights under the principles of the anti-Hitler coalition in the fight of all peace-loving people have a intrinsic democratic content – they include such vital human rights as the right to advocacy for peace and the right to advocacy for the most basic vital interests of all working people. The breach of human rights is therefore an essential part of the militarist system.¹⁴

The goals of the organization clearly served the propaganda and foreign policy priorities of the state. In a speech outlining the plans of the organization, Chairwoman Friedel Malter (1902-2001), a veteran KPD functionary who had survived the concentration camps, declared the priorities were to support the ratification of a just peace treaty that would “include human rights, democratic freedoms of the population in West Germany,” to combat the West German judges who “trample upon human rights” (*die Menschenrechte mit Füßen treten*)¹⁵, to practice solidarity

Germany (Berlin: National Council of the National Front, 1965). See also, Michael Lemke, *Einheit Oder Sozialismus?: Die Deutschlandpolitik Der SED 1949-1961* (Köln: Böhlau, 2001), 435; Lemke, “Kampagnen Gegen Bonn: Die Systemkrise Der DDR Und Die West-Propaganda Der SED 1960-1963,” 4. Jeffrey Herf, *Divided Memory: The Nazi Past in the Two Germanys* (Cambridge: Harvard University Press, 1997), 183–185. On the case of Hans Globke, see Jürgen Bevers, *Der Mann hinter Adenauer: Hans Globkes Aufstieg vom NS-Juristen zur Grauen Eminenz der Bonner Republik* (Berlin: Ch. Links, 2009).

¹³ No archival records exist that document the internal rationale for the creation of the *Committee* and the turn to the language of human rights. Minutes from SED leadership meetings at the time provide no evidence of whether the decision to create the *Committee* was considered at high levels.

¹⁴ BArch-Lichterfelde DZ 7/ 68 22. Protokoll über die konstituierende Sitzung des "Komitees zum Schutze der Menschenrechte gegen "militaristische Willkür und Kassenjustiz in Westdeutschland, am 21. Mai 1959 in Berlin. Rede Kühlig, 1.

¹⁵ This phrase originates from Ludwig van Beethoven denouncing Napoleon Bonaparte, “Nun wird er auch alle *Menschenrechte mit Füßen treten*, nur seinem Ehrgeize frönen; er wird sich nun höher als alle andern stellen, ein Tyrann werden!” in Franz Gerhard Wegeler and Ferdinand Ries, *Biographische Notizen über Ludwig van Beethoven* (Koblenz: Bädeker, 1838), 78.

with the families of the victims of class justice, and to expose the West German system of “judicial terror” in all areas of civil life.¹⁶

While the twenty initial members of the *Committee* were almost exclusively intellectuals and academics, the organization quickly broadened its membership base. Chairwoman Friedel Malter and Secretary Siegfried Forberger actively recruited prominent East Germans to serve as members.¹⁷ Some of their early recruits in the 1960s included such socialist luminaries as author Stefan Heym, actor Erwin Geschonneck, and Rosa Thälmann, the widow of the much-mythologised Weimar Era KPD leader Ernst Thälmann whose death in a concentration camp made him an antifascist martyr.¹⁸ The bulk of official members were representatives from GDR factory and union groups who could connect the *Committee* to the grassroots. Whereas the intelligentsia served to create the *Committee*’s material, factory and union representatives were to concentrate on dissemination and mobilization.

The founders of the *Committee* saw it as the heir to both the Weimar-era German League for Human Rights (*Deutsche Liga für Menschenrechte*) and the proletariat-communist mutual aid society Red Aid (*Rote Hilfe*).¹⁹ Following in the footsteps of the League for Human Rights, the *Committee* was to act as a nonpartisan antifascist social organization that could bring together

¹⁶ Malter would serve as Chairwoman of the organization from its founding until her retirement in 1989 shortly before the fall of the Berlin Wall. BArch-Lichterfelde DZ 7/ 68 22. Protokoll über die konstituierende Sitzung des "Komitees zum Schutze der Menschenrechte gegen "militaristische Willkür und Kassenjustiz in Westdeutschland, am 21. Mai 1959 in Berlin, Rede Malter, 1-4.

¹⁷ Akademie der Künste (AdK) Geschonneck Archiv 71 Malter an Geschonneck (6 Jan 1960) and AdK Pauls Wiens Archiv 2349 Malter to Wiens, (6 Jan 1960). AdK Max Butting Archiv 440 Forberger to Butting (12 Aug 1960.)

¹⁸ BArch-Lichterfelde DZ 7/ 67. Mitglieder des Komitees. On the memory of Ernst Thälmann, see Russel Lemmons, *Hitler’s Rival: Ernst Thälmann in Myth and Memory* (Lexington: University Press of Kentucky, 2012).

¹⁹ Siegfried Forberger, *Das DDR-Komitee für Menschenrechte: Erinnerungen an den Sozialismus-Versuch im 20. Jahrhundert; Einsichten und Irrtümer des Siegfried Forberger, Sekretär des DDR-Komitees für Menschenrechte von 1959 bis 1989* (Berlin: Self-Published, 2000), 26.

political, legal and cultural figures in the name of peace.²⁰ Accordingly the *Committee* spoke not as an organ of the state but with the voice of a concerned assembly of citizens. In its direct action, however, the *Committee* more closely resembled the partisan-minded Red Aid, which raised funds for imprisoned activists, helped the children of communists when parents were ill or too busy working to raise them, and demanded an end to the use of the justice system as a tool of class warfare. The *Committee* actually adopted many of Red Aid's slogans such as its attacks on "class justice" (*Klassenjustiz*) and its calls to members to "Practice Solidarity!" (Übt Solidarität!)²¹

While the organization portrayed itself as a collection of concerned citizens, it was clearly working according to the directives and towards the priorities of the SED. The *Committee* reported to Albert Norden of the Western Department (*Westabteilung*) of the Central Secretariat of the SED and regularly received requests for specific propaganda material from the Ministry for Foreign Affairs (*Ministerium für Auswärtige Angelegenheiten* - MfAA).²² Yet, according to Siegfried Forberger (1925-), the *Committee*'s Secretary who had been recruited immediately after his graduation from the "Walter Ulbricht Academy for Legal and Political Science" in Potsdam, the *Committee* was granted a great deal of leeway from the official state apparatus and

²⁰ On the Weimar Era Deutsche Liga für Menschenrechte and its leading members, see Otto Lehmann-Russbüdt, *Der Kampf der deutschen Liga für Menschenrechte: vormalig Bund Neues Vaterland, für den Weltfrieden 1914-1927* (Belrin: Hensel, 1927); István Deák, *Weimar Germany's Left-wing Intellectuals: A Political History of the Weltbühne and Its Circle* (Berkeley: University of California Press, 1968); Richard A. Cohen, "The German League for Human Rights in the Weimar Republic" (PhD, State University of New York at Buffalo, 1989); Lothar Mertens, *Unermüdlicher Kämpfer für Frieden und Menschenrechte: Leben und Wirken von Kurt R. Grossmann* (Berlin: Duncker & Humboldt, 1997); Arthur Brenner, *Emil J. Gumbel: Weimar German Pacifist and Professor* (Boston: BRILL, 2001).

²¹ On the activities of Rote Hilfe, see Sabine Hering and Kurt Schilde, *Die rote Hilfe* (Opladen: VS Verlag 2003); Nikolaus Brauns, *Schafft Rote Hilfe!: Geschichte und Aktivitäten der proletarischen Hilfsorganisation für politische Gefangene in Deutschland (1919-1938)* (Bonn: Pahl-Rugenstein, 2003); Heinz Jürgen Schneider, Erika Schwarz, and Josef Schwarz, *Die Rechtsanwälte der Roten Hilfe Deutschlands: Politische Strafverteidiger in der Weimarer Republik - Geschichte und Biografien* (Bonn: Pahl-Rugenstein, 2002).

²² BArch-Lichterfelde DY 30/ IV 2/13/ 577 Kurze Niederschrift über die Kommissionssitzung am 25.1.1960.

party records do show that it received minimal supervision.²³ The only substantial feedback from SED officials after the first six months was that their propaganda needed to use the term “human rights” more often in order to appeal more to West Germans.²⁴ The support of Gotthard Feist, a key figure at the state-directed Free German Trade Union Federation (FDGB), and father-in-law of future SED chairman Erich Honecker, granted the *Committee* secure funding and a minimum of micromanagement from above.²⁵ While the *Committee* initially recruited members of the non-SED block parties and non-affiliated notables from the cultural community, the key members who defined the agenda and practices of the organization were invariably reliable party veterans such as Malter or individuals who were educated in the new GDR and could be counted on ideologically. As such, the SED had nothing to fear from an organization that saw the furtherance of state goals and the realization of human rights as one and the same.

The *Committee* for the Protection of Human Rights in Action

In many ways, the *Committee for the Protection of Human Rights* functioned similarly to Western human rights organizations: Senior members of the *Committee* set about building a membership and donor base as well as standardized methods for choosing subjects of campaigns. Staff chose specific victims of human rights abuses, publicized these cases and organized mass responses to assist those affected through donations or to level pressure on authorities through letter writing campaigns. Beyond the organizational parallels, however, they also served a role in

²³ Forberger, *Das DDR-Komitee für Menschenrechte*, 25.

²⁴ BArch-Lichterfelde DY 30/ IV 2/13/ 577 Kurze Niederschrift über die Kommissionssitzung am 25.1.1960 and PA-AA, MfAA-C1580/76 Informationen über die Verletzungen der Menschenrechte in der BRD 1961-1962.

²⁵ Forberger, *Das DDR-Komitee für Menschenrechte*, 33–35.

the propagation of the human rights discourse by translating the language of international human rights into everyday terms that would resonate with the local population.²⁶

While anthropologists of human rights tend to examine this process of “vernacularization” in terms of how established power is challenged through the adoption of the language of human rights, in the case of East Germany, this process was used to solidify the political power of the SED and further legitimize its rule.²⁷ Instead of linking together local claims and concerns with international norms to change the system, the *Committee* grafted the language of human rights onto the ideology and propaganda of the SED. This process preserved the vocabulary of international human rights while imbuing the discourse with meaning entirely composed of East German political and cultural norms. In coordination with the Ministry of Foreign Affairs and the Western Section of the Central Secretariat, the *Committee* developed a new language of human rights that could be effective for campaigning, propagandizing, and mobilizing against the West.

As Friedel Malter had already proposed in 1959, the primary efforts of the *Committee* would center on campaigns for the release of political prisoners in West Germany. When members of East German organizations such as the SED’s youth movement, the FDJ, or the GDR’s central trade union, the FDGB, were arrested in the Federal Republic on the pretext of being threats to the West German constitutional order, the *Committee*, primarily Secretary Siegfried Forberger, would swing into action. The *Committee* would draft press releases for the national newspaper *Neues Deutschland* as well as the East German news wire service (ADN)

²⁶ Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle,” *American Anthropologist* 108 (Mar 2006). Mark Goodale and Sally Engle Merry, *The Practice of Human Rights: Tracking Law Between the Global and the Local* (Cambridge: Cambridge University Press, 2007), 247–250.

²⁷ On the uses of human rights to sustain rather than challenge power see, Neil Stammers, “Social Movements, Human Rights, and the Challenge to Power,” *Proceedings of the Annual Meeting of the American Society of International Law* 97(Apr 2003).

that would in turn carry the message to various regional newspapers, which would pick up the story if the victim were local. *Committee* members associated with various factories and worker's organizations would spread the word. In some cases they would coordinate the writing of letters of protest from friends and colleagues of the imprisoned as well as other workers seeking to demonstrate solidarity. The *Committee* would then act as a liaison between the family members of the prisoner and the lawyers defending them in the West, as well as coordinating financial assistance to the families from the state apparatus. When prisoners were released, the *Committee* would coordinate the press coverage of their triumphant return to East Germany.

The campaign for the release of Adolf Metzner illustrates the *Committee's* methods. On 5 February 1961, Metzner, a "worker functionary" at a fish processing plant in the town of Sassnitz on the Baltic Sea island of Rügen, was arrested by West German authorities on charges of having "anti-constitutional intentions" (*verfassungsfeindliche Absichten*) while meeting with representatives of the postal workers union in Frankfurt.²⁸ In order to assist, *Committee* member Friedrich Karl Kaul, a famed East German lawyer and part of the defense team during the original court case resulting in the banning of the KPD, was sent to represent Metzner in court.²⁹ The *Committee* then coordinated communication between Metzner and his family in the GDR.

In publicizing the case, the *Committee* sought to shock East Germans with the terms of Metzner's imprisonment and demonstrate the discriminatory treatment towards a "peace-loving German patriot." According to the *Committee's* press releases, Metzner was purposely placed in a cell with dangerous criminals who were contagious with tuberculosis. Adding in lurid detail:

²⁸ BArch-Lichterfelde DZ 7/40 Anlage zur Presseinformation über Adolf Metzner, 1.

²⁹ On the role of Kaul in East German legal propaganda, see Annette Roskopf, "Anwalt antifaschistischer Offensiven: der DDR-Nebenklagevertreter Friedrich Karl Kaul," in Irtrud Wojak, *Gerichtstag halten wir über uns selbst: Geschichte und Wirkung des ersten Frankfurter Auschwitz-Prozesses* (Frankfurt: Campus, 2001).

The height of discrimination and vulgarity against the upright antifascist fighter for peace Adolf Metzner must be that he was sentenced to share a cell with the sex killer Zigli, serving a life-sentence for molesting and killing an 8-year-old boy. Only with difficulty could he keep at bay this homosexual at night. Only after vigorous protests was he transferred to another cell.³⁰

The report went on to ask if the West German doctors who certified Metzner as medically fit for prison work had conspired to destroy his health on orders from the state: “Was this treatment of Adolf Metzner on the orders of Adenauer Bonn Gestapo? Such methods are known to us.”³¹

Shortly before Metzner’s trial in January 1962, the *Committee* coordinated with his fellow workers in Sassnitz where a local committee organized a concert to raise awareness of his arrest and collect funds to support his family in his absence. The *Committee* encouraged the writing of protest letters to the prosecutor’s office in Frankfurt (am Main) while East German protestors in turn read letters from Metzner procured – and possibly written by – the *Committee* that had been published in the press. From prison, Metzner told his supporters, “I can assure you that I have the strength to get through all of this [...] Not for a moment will I betray the interests of the working class and all peace-loving forces.”³² The *Committee* quoted a report from the American news wire service Associated Press stating that the Frankfurt court had received over 4,000 letters of protest, prior to the trial.

While there is no evidence to suggest that these letters had any impact on the conduct of the trial, the eventual release of Metzner was attributed to the assistance of his fellow East German workers. Sentenced to time already served, Metzner was released and sent back to the GDR in February 1962. One headline read “Solidarity Opens the Dungeons” and the article now

³⁰ BArch-Lichterfelde DZ 7/40, Anlage zur Presseinformation über Adolf Metzner, 1. The exploitation of homophobia in human rights activism was not unique to the GDR in this era. In a report on East German prisons by Amnesty International in 1966 remarked, “The ex-prisoners interviewed have been unanimous in stating that the worst feature of their imprisonment was the enforced close association with criminals of all kinds, including homosexuals, sex criminals and murderers.” Amnesty International, *Prison Conditions in East Germany: Conditions for Political Prisoners: A Factual Report* (London: Amnesty International, 1966), 49.

³¹ BArch-Lichterfelde DZ 7/40, Anlage zur Presseinformation über Adolf Metzner, 2.

³² BArch-Lichterfelde DZ 7/40 “Ein Brief aus dem Kerker” *Junge Welt* (24 Jan 1962).

claimed that the efforts of the *Committee* had resulted in more than 30,000 letters of protest being sent to the prosecutor's office in Frankfurt.³³ At a homecoming event in the neighbouring town of Stralsund near Rügen, *Committee* member Rudi Spektin announced to the crowd "this disgraceful trial against Adolf Metzner is also a trial against the interests of the German working class." Metzner himself was given an opportunity to thank the crowd for its support and call upon them to continue the fight to free others still imprisoned in the West.³⁴ As much as the horrors of the West were a focal point for the propaganda, the *Committee* also recognized the value in successes and providing supporters with a sense that their actions had made a difference in the world.

Most of the *Committee*'s work focussed on direct campaigning, but its international propaganda function took on increasing importance following the construction of the Berlin Wall on August 13, 1961. West Germans of all political stripes responded to the division of the city by attacking the SED in the language of human rights. Willy Brandt, the Social Democrat mayor of West Berlin and future Chancellor of West Germany, argued, "above all we must seize the initiative in order to denounce this flagrant violation of international human rights."³⁵ The Federal Ministry for All-German Questions produced pamphlets with titles like "Violations of Human Rights: Unjust Acts and Incidents at the Berlin Border" to document the abuses stemming from the border fortifications. The right-wing civil society organization, The Council for Central German Culture, used the building of the wall as a starting point for a broader

³³ BArch-Lichterfelde DZ 7/40 „Solidarität öffnete Kerker" Berliner Zeitung (12 Feb 1962).

³⁴ BArch-Lichterfelde DZ 7/40 "Adolf Metzner stürmisch gefeiert" *Tribüne* (13 Feb 1962).

³⁵ "Rede des Regierenden Bürgermeisters von Berlin vor dem Deutschen Bundestag, 18. August 1961." *Das Parlament*, Vol.11. Nr. 35 (23 Aug 1961), 3.

indictment of SED rule in publications such as “Human Rights and the Soviet Occupied Zone.”³⁶ Adding to this pressure was the creation of the West German chapter of Amnesty International in 1961 and the stabilization of the Frankfurt-based German League for Human Rights following a decade of little activity due to internal divisions and mismanagement.³⁷

While most historical accounts of the United Nations have dismissed this era as largely irrelevant due to the human rights commission’s inability, and unwillingness, to act on petitions and reports of human rights abuses, the UN continued to serve as an important focal point for international propaganda.³⁸ Just as West German anti-communist organizations had generated media publicity for their cause in the late 1950s by officially submitting their work to New York, so too did the *Committee* in the early 1960s. Most of the propaganda was aimed at both West German and international audiences and sought to demonstrate that it was actually the Federal Republic that violated human rights on a vast scale. The danger in West Germany stemmed from the continued prominence of former Nazis in the state apparatus indicated a stealth resurgence of fascism. East German actions were framed as defensive measures against western aggression.³⁹ As such, blame could be shifted to West Germany, which was accused of standing outside the

³⁶ Bundesministerium für Gesamtdeutsche Fragen, *Verletzungen Der Menschenrechte: Unrechtshandlungen Und Zwischenfälle an Der Berliner Sektorengrenze Seit Errichtung Der Mauer (13. August 1961-15. August 1962)* (Bonn: Bundesministerium für Gesamtdeutsche Fragen, 1962); Kurt Rabl, *Die Menschenrechte und die SBZ* (Bonn: Mitteldeutscher Kulturrat, 1965). The term “Central Germany” was used by the right to describe the GDR as “East Germany” was deemed to still be the lands transferred to Poland and the USSR at the end of the Cold War. See Konrad Jarausch, *After Hitler: Recivilizing Germans, 1945-1995* (Oxford: Oxford University Press, 2006), 61.

³⁷ Lora Wildenthal, “Human Rights Activism in Occupied and Early West Germany: The Case of the German League for Human Rights,” *The Journal of Modern History* 80:3 (2008), 517.

³⁸ Samuel Moyn, *Last Utopia: Human Rights in History* (Cambridge: Harvard University Press, 2010), 56.

³⁹ SED and Stasi officials legitimately believed this accusation and maintained that the uprising of 1953 was a plot by the West Germans to overthrow the socialist order. East German officials often referred to supposed FRG plans to eventually invade the GDR under the ominous code name “Day X”. Karl Fricke and Roger Engelmann, *Der “Tag X” und die Staatssicherheit: 17. Juni 1953; Reaktionen und Konsequenzen im DDR-Machtapparat* (Bremen: Edition Temmen, 2003).

norms of the international community and threatening world peace through its continued intransigence on the matter of East German recognition.

The *Committee's* focus on antifascism is evident in this period, but there are subtle variations on the main points in pamphlets and petitions submitted to the targeting specific audiences. For West Germans, the message of the propaganda was two-fold: Chancellor Konrad Adenauer is the new Hitler and he poses a dire threat to both socialists and liberals alike. The *Committee's* petitions and pamphlets on alleged political prisoners in West Germany presented this case immediately through inflammatory titles such as “Under Hitler in the Concentration Camps, under Adenauer in Prison.” Other words explicitly sought to link the persecution of non-communists to the banning of KPD as a sign of things to come.⁴⁰ Other pamphlets linked together the persecution of leftists and liberals, primary referencing the “Spiegel Affair” of 1962. When the magazine *Spiegel* ran an article on the lack of readiness of NATO forces in Europe based on leaked documents, Defence Minister Franz Josef Strauss accused it of treason. The offices of the magazine were raided and the author of the article and the magazine’s editor Rudolf Augstein were arrested. Augstein would spend 103 days in prison before he was cleared of wrongdoing by the courts and the ensuing public uproar forced Strauss out of Adenauer’s cabinet.⁴¹ The *Committee* responded to these events with the pamphlet, “From Schabrod to Augstein: 22 months political justice in the German Federal Republic” used the “*Spiegel Affair*”

⁴⁰ Komitee zum Schutze der Menschenrechte, *Unter Hitler Im KZ, Unter Adenauer Im Gefängnis; Die Verfolgten Von Gestern Sind Im Bonner Staat Die Verfolgten Von Heute. Eine Dokumentation.* (Berlin: Komitee zum Schutze der Menschenrechte, 1963).

⁴¹ On the Spiegel Affair, see Ronald Bunn, *German Politics and the Spiegel Affair* (Baton Rouge: Louisiana State University Press, 1968); David Schoenbaum, *Ein Abgrund von Landesverrat: die Affäre um den “Spiegel”* (Wien: Molden, 2002).

to promote their case.⁴² According to the *Committee*, the arrest of Rudolph Augstein was part of the same system of repression that had also jailed KPD chief Karl Schabrod. Many of the *Committee*'s works showed direct comparisons of the persecution of individual antifascists under the Nazis and their overall similar treatment by the West German state to demonstrate continuity.⁴³

The other half of the message for international audiences had a different twist: Chancellor Konrad Adenauer is the new Hitler and threatens both the international order and world peace. Rather than focus simply on political actors, the *Committee* at times also emphasized the idea that socialists were being persecuted in West Germany due to their opposition to rearmament. According to these petitions, the FRG sought “to create a graveyard atmosphere in internal politics permitting undisturbed nuclear rearmament, to prevent if possible the spreading of truth about its aggressive and revenge-seeking plans, and to cripple the rightful resistance of the people to these plans.”⁴⁴ Just as the Nazis had first squelched domestic opposition before building the German war machine, so too did the new West German state seek to destroy proponents of peace in order to smooth the path to war. These works contrasted the extreme punishments of individual anti-rearmament activists in comparison to the coddling of former Nazis to demonstrate the West German commitment to reconstituting a militarized fascist state.⁴⁵

⁴² Komitee zum Schutze der Menschenrechte, *Von Schabrod bis Augstein: die Bilanz von 22 Monaten Justizterror: 642 Demokraten und Atomkriegsgegner abgeurteilt und eingekerkert: eine Dokumentation* (Berlin: Komitee zum Schutze der Menschenrechte, 1962).

⁴³ Komitee zum Schutze der Menschenrechte, *Unter Hitler im KZ, Unter Adenauer im Gefängnis*.

⁴⁴ Committee for the Protection of Human Rights, *Memorandum of the Committee for the Protection of Human Rights of the German Democratic Republic on the Violation of Human Rights in West Germany* (Berlin: Committee for the Protection of Human Rights, 1961), 6.

⁴⁵ Committee for the Protection of Human Rights, *West Germany 1961, Alarming Facts: A Document on the Persecution of Nuclear War Opponents* (Berlin: Committee for the Protection of Human Rights, 1961).

In each case, the UN Human Rights Commission rebuffed the submissions of both the *Committee* and western anti-communists on the grounds that they could not accept any petitions.⁴⁶ Yet both the West and East German Ministries of Foreign Affairs continued to encourage their proxy civil society groups to submit more of these petitions, as they were useful in generating publicity. While West German news coverage of the *Committee*'s work at the United Nations was almost uniformly derisive, the SED's antifascist message would nonetheless receive a broad hearing amongst West Germans.⁴⁷ The *Committee*'s international propaganda did not succeed in delegitimizing the Federal Republic by creating a widespread notion that West Germany was a fascist threat to world peace. It did, however, provide a useful means to hit back against the human rights claims of the West German foreign office and anti-communist activists who would have otherwise dominated the inter-German discourse on human rights.

Antifascist Narratives and Human Rights

Instead of speaking from the perspective of ideological socialism, the *Committee* rooted their human rights activism in the discourse of antifascist narrative. The *Committee* could not work from a liberal democratic discursive framework without exposing the GDR to even stronger accusations of hypocrisy. As such, the *Committee*'s work centered more on narrative rather than ideology and story lines instead of linkages between defined legal norms and their transgressions.⁴⁸ The discourse of human rights thus functioned as an extension of East German cultural norms, rather than legal or political theory.

⁴⁶ PA-AA, MfAA-A18292 Huang to Malter, (28 Oct 1963) and Bruce to Malter, (3 Apr 1963).

⁴⁷ BArch-Lichterfelde See collections DZ 7/8-11.

⁴⁸ On the use of narrative by liberal-democratic human rights activists, see Joseph Slaughter, "A Question of Narration: The Voice in International Human Rights Law," *Human Rights Quarterly* 19:2 (May 1997). On the uses of narratives in shaping human rights politics and activist agendas, see Winifred Tate, *Counting the Dead: The Culture and Politics of Human Rights Activism in Colombia* (Berkeley: University of California Press, 2007).

As Catherine Epstein demonstrated in her study of the old Communists of East Germany, political legitimacy in the GDR was intimately connected to an individual's biographical antifascist bona fides. The credibility of the SED leadership rested on their longstanding opposition to Nazism and their personal experiences of combating fascism during the Second World War. In the antifascist state, those who had the most compelling biography held the greatest privileges – until they crossed those of even greater authority. In the summer of 1989 as the GDR was faced with economic crisis and mass exodus, senior members of the SED who had been born in the postwar period did not believe they could act against the declining hard-line SED chief Erich Honecker because of his status as an anti-Nazi activist and survivor of the Mauthausen concentration camp.⁴⁹ Thus antifascism in its many forms cannot be separated from the problem of political legitimacy and power in the GDR.⁵⁰

In practice, antifascism in the GDR functioned less as an ideology and more as a collection of legitimizing narratives founded on the traumas of recent German history. As literary theorist Julia Hell has argued, antifascist narratives in East German cultural production drew on the experiences of catastrophe and defeat that East Germans had suffered and portrayed the GDR as the “victors of history.” The primary message of the hegemonic antifascist narrative was that “the SED, its state, and, ultimately, the citizens of its state are heirs to those who fought *for* socialism and *against* fascism and won the battle of history.”⁵¹ As Jeffrey Herf has argued, in broader scope, antifascism “fostered a bi-polar discourse,” of good and evil with the world

⁴⁹ Catherine Epstein, *The Last Revolutionaries: German Communists and Their Century* (Cambridge: Harvard University Press, 2003).

⁵⁰ See Josie McLellan, *Antifascism and Memory in East Germany: Remembering the International Brigades, 1945-1989* (Oxford: Oxford University Press, 2004) for a study of the changing personal and official narratives of veterans of the Spanish Civil War also shows the precarious position of some antifascists who were deemed a threat to the SED's power monopoly.

⁵¹ Julia Hell, “At the Center an Absence: Foundationalist Narratives of the GDR and the Legitimatory Discourse of Antifascism,” *Monatshefte* 84:1 (Apr 1992): 24–25.

cleanly divided between the “democratic world” and “fascist dictatorship.”⁵² The prototypical antifascist story in East German literature was that of the family novel, where the strong father figure represented the powerful and legitimate authority of the state and the figures of mothers and children representing the continuation of socialism through the generations. The basic arc of these novels is the active, gender-coded male, protagonist triumphing over the forces of fascism in the face of the, gender-coded female, efforts of some to give into surrender and submission.⁵³

Although the main administrative figures of the *Committee* – Chairwoman Friedel Malter and Secretary Siegfried Forberger – had no artistic background, several prominent cultural figures managed crucial issues such as the budget and planned for high-profile events involving foreign dignitaries. Many of the cultural notables who worked to define human rights in the 1960s, were themselves developing popular antifascism as a narrative form through their mass-produced work in the postwar period. The playwright Hedda Zinner, whose play *The Ballad of Ravensbrück* represents the classic antifascist homage to the solidarity of female concentration camp victims, served as a delegate to a meeting of the UN Human Rights Commission in 1965.⁵⁴ Otto Gotsche, author of the novel and later film, *The Flag of Kriwoj Rog* about an antifascist family in a coal mining town surviving the Second World War also served as Secretary of the

⁵² Herf, *Divided Memory*, 13.

⁵³ On the family and antifascism, see Julia Hell, *Post-Fascist Fantasies: Psychoanalysis, History, and the Literature of East Germany*, (Durham, N.C.: Duke University Press, 1997), chapter 1. Further examination of the multiplicity of such narratives in the GDR can be found in Simone Barck, *Anfita-Geschichten (n): eine literarische Spurensuche in der DDR der 1950er und 1960er Jahre* (Köln: Böhlau, 2003). This analysis is also greatly indebted to historians of Soviet predecessors, see Katerina Clark, *The Soviet Novel: History as Ritual* (Bloomington: Indiana University Press, 2000).

⁵⁴ BArch-Lichterfelde DY 30/ 5398 The non-SED member Anna Seghers was preferred by the *GDR-Committee for Human Rights* but was replaced by Zinner at the request of the Secretariat of the Central Committee of the SED.

State Council and represented the GDR at a UN conference on human rights in Budapest in 1966.⁵⁵

The lines between human rights as political and cultural construct were blurred as the *Committee's* propaganda functioned in terms of literary myth. The stories of those actually imprisoned in the West were portrayed through the same heroic narrative of resistance against fascist warmongers as the fictional characters in mass produced novels, and often by the very same writers. The *Committee* leadership was conscious of the importance of these narrative tropes and worked to ensure an aesthetic as well as political consistency to their work when involving victims or volunteers. When one East German wrote to the *Committee* offering an account of his arrest and imprisonment in West Germany, Secretary Forberger rejected the submission on the grounds that it lacked a clear “red thread” (*Roter Faden*) throughout. In his reply, Forberger outlined the key narrative points that their material needed to convey in terms that would be easy for a reader to comprehend:

1. Bonn [West Germany] is against all-German understanding, against Peace and thus against communication between Germans,
 2. Bonn is instead for the reinforcement of the division [of Germany], for rearmament with nuclear weapons, for war,
 3. But this is not the will of the West German population. Bonn is therefore reacting with demagoguery (anti-Soviet agitation, anticommunism, now against the GDR, the People's Republics, etc.) and terror (against fighters for peace, patriots, democrats, draft resisters). The effectiveness of this demagoguery is diminishing because of the growing strength and power of the peace-camp and so there is a reinforcement of terror. Terror as a sign of fear and weakness (here there are many possibilities for the discussion of the facts of your trial)
 4. Confidence that understanding and peace will prevail (Weakness and fear of imperialists).
 5. Necessity of the popular struggle against imperialism and militarism in West Germany, necessity of solidarity with all German patriots and fighters for peace.
- The above points must not be abstractly argued in the specific paragraphs and sections but must be clear from the facts that are presented.⁵⁶

⁵⁵ Hell, “At the Center an Absence.” BArch-Lichterfelde DY 30/ IV A 2/13/ 58 Internationale Tätigkeit des Staatsrates der DDR.

⁵⁶ BArch-Lichterfelde DZ 7/ 22 Forberger to Filling (6 Dec 1960), 1-2.

The personal story of one man's incarceration was thus to be imbued with a complex geopolitical narrative which adhered to the broader Marxist conception of a violent and decaying capitalism lashing out at the forces of progress. The *Committee* acted as a lens through which the specific experiences of East German activists and officials could be focused in order to produce a cohesive narrative thread that indicted the west in specific and structural terms.

When raising awareness of the organization and soliciting donations, the *Committee* highlighted supporters who best represented the ideals of antifascism. In one newspaper article on the annual fundraising drive for the *Committee* at the coal processing plant *Schwarze Pumpe*, the vulcanizer Ernst Kays was chosen to speak on behalf of the cause. Kays was not only a veteran of the 11th International Brigade from the Spanish Civil War, but had also been imprisoned in the Esterwege Concentration Camp during World War II: "International solidarity by the working class springs open cell doors and opens dungeons," said Kays speaking with the authority of one who "learned to practice solidarity sharing his last piece of bread with fellow antifascists" while imprisoned by the Nazis.⁵⁷ Such supporters created a bridge between the mythic past of antifascism and the present-day lending legitimacy to both the cause and the *Committee* itself.

In addition to the broad narrative structures, the propaganda of the *Committee* – through its concentration on family and parental roles, particularly father figures – also reinforced the gendered components of the antifascist narrative. The focus on family roles was not only consistent with antifascist cultural norms, but it also universalized their suffering and allowed for an emotional appeal to those who were not wholly sympathetic to SED goals. When possible, profiles of men arrested in West Germany concentrated on the loss of the father figure for the

⁵⁷ BAArch-Lichterfelde DZ 7/ 06 "Hohes Lied der Solidarität im Kombinat Schwarze Pumpe," *Brandenburgische Neuste Nachrichten* (8 Dec 1961).

family as a whole. In a series of articles on the prisoner Georg Jacobi during Christmas 1964, his role as father took center stage: in the *Märkische Volksstimme* of Potsdam, the headline on his case read “The Third Christmas without Dad.” In *Der Morgen*, the national newspaper of the Liberal block party (LDPD), it ran as “Yet Another Celebration without Father.”⁵⁸ The newspaper *Freiheit* in the city of Halle ran a large photo of his family sadly gathered together reading a letter from prison.⁵⁹ The great sense of loss and sorrow that stemmed from the absence of the missing, usually male, parental figure was matched by a stoic reserve of faith in the efforts of the state to free the prisoner in question.⁶⁰ The conclusion to every case was the reunion of the happy family, the restoration of the natural *unit* through the re-establishment of the antifascist authority figure, often with photos of Friedel Malter or another member of the *Committee* looking on at the scene smiling with satisfaction at another job well done.

In the absence of a cohesive ideological system or philosophy of human rights that could justify a critique of West Germany while ignoring similar abuses at home, the *Committee* integrated their message into the existing narrative structures of antifascist cultural production. Rather than beginning with a conception of specific human rights, the *Committee* and its supporters began with existing moral discourse and grafted on the language of human rights. In this discourse of human rights, international treaties and legal norms were peripheral to the more generalized fight for democracy (the socialist variety) against the forces of Nazism. Rather than seeking to motivate East Germans through an appeal to outrage against the violation of legal norms, they sought to tap into the widespread respect for those who had actively resisted fascism

⁵⁸ “Das Dritte Weihnachtsfest ohne den Vati,” *Märkische Volksstimme* (25.12.1964) and “Nicht noch ein Fest ohne Vater,” *Der Morgen* (9.12.1964).

⁵⁹ “Dem Frieden die Freiheit,” *Freiheit* (9.12.1964).

⁶⁰ On the long-term construction of communist masculinity and the family, see Eric Weitz, *Creating German Communism, 1890-1990: From Popular Protests to Socialist State* (Princeton: Princeton University Press, 1997), 227–29.

and to leverage this legitimate feeling towards the specific political aims of the SED. In this way human rights became a short hand for the antifascist struggle of the present.

The results of the *Committee's* activities in its early years are a mixture of partial successes and failures. From the internal correspondence of the *Committee*, it is clear that their message strongly resonated with committed antifascists. The campaigns to free the prisoners appealed to those who wanted a chance to relive the glory days of the working class fight against the Nazis while for others it was a chance to emulate the actions of those who had heroically stood against fascism and now held positions of economic and political power in the GDR. The *Committee* provided a chance to participate, however vicariously, in the struggle against injustice and to be part of the great antifascist cause. Some took it upon themselves to organize protest letter writing circles or raise money at their workplace while others participated more passively by tracking the progress of campaigns by checking off freed activists from lists of political prisoners in the Federal Republic that the *Committee* issued to members and updated through its newsletter.⁶¹

Although records of individual participation in *Committee* activities are limited, the reports of Paul Fabian, a veteran worker and *Committee* member, provide insight into how the enthusiasm for antifascist solidarity brought some supporters to the cause of human rights. Until 1962, Fabian (b. 1885) had been a metal worker at IG Metall, at which point he was moved to an honorary position at the head office where he worked on issues of solidarity. At monthly meetings of veteran workers he would inform his colleagues of the activities of the *Committee* and each would be assigned a particular “victim of Bonn’s ideological arbitrariness [*Gesinnungswillkür*]” to whom they would write letters of solidarity – one of whom was actually

⁶¹ AdK Pauls Wiens Archiv 2349; BArch-Lichterfelde DY 46/ 394.

the case of Adolph Metzner mentioned above.⁶² The members of the group who were still actively working would then return to their workplace to spread news from the *Committee* and organize further writing of letters of solidarity or protest.⁶³ Fabian saw his generation of workers as crucial to the endeavours of the *Committee*. In a letter to Malter, he wrote, “the continued use of veteran workers is fully justified: It cannot be otherwise, because the veterans have in their working life sufficiently come to know and have practiced solidarity, but frequently our younger colleagues do not pay enough attention when we speak about solidarity.”⁶⁴ For Fabian, the *Committee* represented a means of maintaining a link between the revolutionary traditions of solidarity in the past and the new institutionalized forms of socialist action.⁶⁵

Although the *Committee* received some funding from the state, a significant part of its budget came from fundraising drives at factories, and from cultural events such as their radio concerts.⁶⁶ The *Committee* was directed by a small group in Berlin but was sustained in its earlier years by the participation of workers who donated to their cause or signed mass petitions calling for the release of prisoners. The *Committee for the Protection of Human Rights* was another cog in the propaganda machine of the SED, but it did tap into a popular vein of support for working class solidarity and antifascism. Participation in workplace charity drives was undoubtedly influenced by pressure from party officials and peers but it was still widespread enough to indicate that the *Committee* did garner some popular support.

⁶² BArch-Lichterfelde DY 46/ 3944 Fabian to Forberger (9 May 1962)

⁶³ BArch-Lichterfelde DY 46/ 3944 Fabian to Malter (10 Feb 1964)

⁶⁴ Ibid.

⁶⁵ On the transition of communists from a revolutionary movement to the established power in East Germany, see Eric Weitz, *Creating German Communism, 1890-1990*, 54.

⁶⁶ In the first year, the *Committee* received over 980,000 DM in donations from East Germans. BArch-Lichterfelde DY 30/ IV 2/13/ 577 Vorlage für die Kommissionsitzung am 11. Juni 1960, 2. Records on *Committee* finances in other years are incomplete.

In addition to gaining some genuine support for SED approved human rights activities, the *Committee* had some successes in disseminating its particular brand of antifascist human rights. The internalization of the *Committee*'s message particularly appeared in one unlikely source: reports from the guards at the Berlin Wall. While for western observers, the Berlin Wall represented the clearest symbol of human rights violations in the GDR; those East Germans who manned the Wall saw it very differently. Internal police reports described efforts to get through the wall without official permission as attempted violations of human rights.⁶⁷ Since the “Antifascist Defence Rampart” was a central element in official conceptions of antifascism, the fortifications and their violent protection were also folded into the discourse of human rights. From this perspective, the Wall ensured the continued existence of an antifascist state that was the epitome of human rights; to violate it was to violate the human rights of all East Germans.⁶⁸ This was likely instilled from above as the infamous “shooting order” to East German border guards, justified the use of lethal force against those attempting to depart in order to prevent “a crime against the sovereignty of the German Democratic Republic, against peace, humanity, and human rights.”⁶⁹ Even in the most counterintuitive places, the SED was able to respond to human rights attacks by co-opting the critical language to legitimize its own actions.

Although the *Committee* was successful at linking together the idea of human rights with conceptions of antifascism legitimizing the SED, it was less successful in educating East Germans on the international human rights system. Human rights remained a broad concept of justice and few were able to link this message to specific human rights abuses. When the

⁶⁷ BArch-Freiburg. DVH 58/6004. Materialien über die Verletzung der Menschenrechte durch aggressive Anschläge des Gegners an der Staatsgrenze der DDR zu Westberlin, Zeitraum 13. Aug. 1961-31. Aug. 1963.

⁶⁸ On desire for international respectability, see Patrick Major, *Behind the Berlin Wall: East Germany and the Frontiers of Power* (Oxford: Oxford University Press, 2010), 145.

⁶⁹ A copy of the order from c. 1962 is reprinted in Bernhard Pollmann, (ed.) *Lesebuch zur deutschen Geschichte. Band 3, Vom deutschen Reich bis zur Gegenwart* (1984), 245-46.

Committee issued questionnaires to returning prisoners they had supported in order to gain material for their propaganda, none could answer the question that asked which of their human rights had been specifically violated. While each recounted a story that fit the antifascist narrative where they, as peace-loving socialists, were arbitrarily detained or imprisoned by the militarist forces of the west, most left blank the question regarding specific human rights and legal violations. Of the very few who answered, all simply repeated the key elements of their story: Gerhard Looß, for example, made no mention of rights, constitutional, or human, and reiterated that he had entered West Germany officially and legally, thus making his imprisonment unjust.⁷⁰

While individual prisoners stories were filtered through *Committee* officials who could compensate for a lack of specifics, other parts of the SED state apparatus were also beginning to engage with the United Nations human rights system without much knowledge of international human rights. In 1963, the GDR League for International Cooperation (*Völkerfreundschaft*) sought to follow in the footsteps of the *Committee* and send a petition to the UN Human Rights Commission to denounce the violations perpetrated by the West German government, yet they did not mention a single specific human right that the Federal Republic had transgressed. In making their case for the GDR, the League also simply repeated the message that socialism was the realization of human rights. The League's supervisor, and the editor of the foreign affairs journal *Deutsche Aussenpolitik*, Hans Aust, informed them that they would have to justify their assertions with actual evidence: "In my opinion, the claim alone that the GDR has fulfilled all of the requirement of the UN's Universal Declaration of Human Rights is not sufficient."⁷¹ While

⁷⁰ BArch-Lichterfelde DZ 7/ 39 Fragebogen Gerhard Looß, question 11.

⁷¹ BArch-Lichterfelde DY 13/ 2828 Aust to Daub (7 Jan 1963).

East German officials could discuss the problem of human rights, most were not equipped to do so with the outside world in any convincing way.

Beyond the internal reports at the Wall and some petitions to the United Nations, however, limited official usage of the idea of human rights persisted. Outside of the *Committee*'s publications and correspondence, the language of human rights remained marginal even within official propaganda. Most members of the East German intelligentsia preferred to use the more traditional terminology of socialist protest even while campaigning on the same issues as the *Committee* itself. When in October of 1963, the *Committee* coordinated a campaign for the release of West German socialist publisher Gunter Hofé with the *Kulturbund*, the limited appeal of the language of human rights was clear. The *Committee* and the Ministry for Foreign Affairs declared that Hofé's arrest constituted a breach of internationally recognized human rights and warned, "The government of the Federal Republic will have to bear the consequences of such human rights violation."⁷² Yet, of the 43 protest letters collected by local *Kulturbund* chapters, only four echoed this specific appeal.⁷³ The vast majority attacked the imprisonment of Hofé as a violation of the rule of law, as a great injustice, or as an act of arbitrariness.

Educational and reference material prior to the late-1960s also tended to ignore the subject of human rights entirely. If human rights were mentioned, writers usually fell back onto the ideologically safe territory of Marx's traditional denunciation of the Rights of Man. The *Lexikon A-Z*, published in Leipzig in 1962, still referred to human rights as serving to "protect the ruling classes of the West."⁷⁴ Outside of Karl Polak's basic theoretical work from the 1940s,

⁷² Minister for Foreign Affairs Lothar Bolz quoted in *Der nationale Demokrat* 20(1963), 648.

⁷³ The letters of protest mentioning human rights specifically came from *Kulturbund* chapters in Frankfurt an der Oder, Freiburg, Oranienburg and Halle. BArch-Lichterfelde DY 27 6331 Koordinierung von Protestaktionen gegen die Inhaftierung des Leiters des Verlages der Nation, Günter Hofé, in der BRD.

⁷⁴ Quote in Anja Mihr, *Amnesty International in der DDR: der Einsatz für Menschenrechte im Visier der Stasi* (Berlin: Ch. Links, 2002), 38.

there was no authoritative source on the meaning of human rights in the GDR and the SED leadership did nothing to set out a consistent party line on the meaning of human rights from an ideological perspective. Without clear directives from above, officials chose a conservative path of avoiding the new terminology altogether.

Although the language of rights was almost wholly absent from the petitions of East Germans in the era, it seems that a few GDR citizens did choose to point out some of the blatant contradictions between the rhetoric and policies of the state. The *Committee* received some letters of complaint regarding domestic policy in their early years but those that chose to question the logic of the official human rights discourse touched a nerve. One letter from Frau M. to Paul Wiens, a playwright and member of the *Committee's* Presidium, demanded to know how they could reconcile their promotion of human rights with the severe restrictions on her daughter being able to visit her in the GDR. At the end, she acidly demands, "Please tell me Herr Wiens where can I find the office for human rights (*Menschenrechtsvertretung*) for those who are here and cannot safely leave?"⁷⁵ Instead of replying, Wiens forwarded the letter to the Ministry of the Interior as would become standard policy for all such "provocative" correspondence in later years. This letter was exceptional as an example of an East German citizen challenging the state's policies in terms of human rights, but it provides an early signal of how the SED's own propaganda would eventually be used to challenge their policies and later their monopoly on power.⁷⁶

The Limits of Antifascist Mobilization

This early usage of the discourse of human rights by the SED did not actually spark a domestic backlash of any significance. There was no "boomerang" effect in which the language

⁷⁵ AdK Paul Wiens Archiv 2349 2. Mappe. Frau M. to Paul Wiens (3 Nov 1965), 2.

⁷⁶ On the usage of human rights language to demand rights to travel and exit, see chapters 4-6.

of the SED was then turned against the state outside of a few exceptional cases.⁷⁷ Yet the SED did face a problematic response from how its loyal citizens chose to interpret its doctrine of human rights. Rather than a revolt against SED authority in the name of human rights, in 1966, the passage of *The Law for the Protection of the Citizenship and Human Rights of the Citizens of the GDR* confronted the regime with the far more indefinite problem of citizens' subjective understanding of state policy clashing with the interpretations of the SED – a problem of *Eigen-Sinn*. As Thomas Lindenberger has written, *Eigen-Sinn* (loosely translated as “self-will”) refers to a subject's “sense of reality, which was different from, though not necessarily contrary to, the intentions and blueprints of the SED's projects.”⁷⁸ The adoption of the language of human rights by a significant number of East German citizens to promote their own rights, rather than against the human rights violations of other states, created the difficult situation of the SED ultimately having to disavow its own propaganda claims in order to avoid financial disaster at home.

The weaknesses of relying primarily on cultural norms in a field that was becoming increasingly debated in terms of the law became clear in 1966 during an incident in the ongoing dispute over legal authority and state sovereignty between the FRG and the GDR. As part of the larger strategy of delegitimizing the GDR, the West German government had, since its inception, claimed an exclusive mandate (*Alleinvertretungsanspruch*) over all Germans regardless of geographic locations.⁷⁹ In practice this meant that the FRG claimed that all Germans in the GDR

⁷⁷ On the so-called “Boomerang” effect often suffered by authoritarian regimes that agree to human rights treaties, see Thomas Risse and Kathryn Sikkink, “The socialization of international human rights norms into domestic practices,” in Thomas Risse, Stephen Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge University Press, 1999), 18.

⁷⁸ Thomas Lindenberger, “Everyday History: New Approaches to the History of the Post-War Germanies,” in Christoph Klessmann, ed., *The Divided Past: Rewriting Post-War German History* (New York: Berg Publishers, 2002), 51.

⁷⁹ William Gray, *Germany's Cold War: The Global Campaign to Isolate East Germany, 1949-1969* (Chapel Hill: University of North Carolina Press, 2003), 12.

were actually citizens of West Germany and subject to its laws, including those banning communist organizations as threats to the democratic order. In July 1966, this stance was reinforced by the Federal Republic in anticipation of a planned SED-SPD meeting on the matter of international peace.⁸⁰ While the West German government reiterated that under normal circumstances East German functionaries could be arrested as threats to the constitutional order of the FRG, a limited exception from prosecution was granted to state officials who would be meeting with their western counterparts.⁸¹

The SED responded to the West German law with its own legal countermeasure rather than mere propaganda. On 13 October 1966 they proclaimed The Law for the Protection of the Citizenship and Human Rights of Citizens of the GDR. The law stated that anyone who sought to prosecute East Germans for “the exercise of their constitutional rights” or attempted to enlarge the judicial jurisdiction of the West German state at the expense of an East German citizen could be punished with up to five years imprisonment. In addition to criminal prosecution, individual East Germans could launch civil action to gain compensation for the violation of their rights by filing a complaint to their local prosecutor’s office. It also guaranteed that in the case of a successful prosecution, the GDR would provide compensation if the convicted failed to do so.⁸²

The connection of the law to human rights was tenuous from a legal perspective. The preamble of the law claimed that “these measures reflect the commitment of the German Democratic Republic to humaneness [*Menschlichkeit*], to the realization of international law and

⁸⁰ On the ongoing talks between the Western SPD and the SED, specifically the negotiations over the 1966 meeting, see Norbert F. Pötzl, “Das Streben nach Ausgleich: Post aus Pankow,” *Der Spiegel* 3 (29 Jul 2008).

⁸¹ The text of the West German “Gesetz über eine befristete Freistellung von der deutschen Gerichtsbarkeit” can be found in Ingo von Münch, *Dokumente des geteilten Deutschland: Quellentexte zur Rechtslage des Deutschen Reiches, der Bundesrepublik Deutschland und der Deutschen Demokratischen Republik*, vol. 1 (Stuttgart: Kröner, 1968), 222.

⁸² “Gesetz Zum Schutze der Staatsbürger- und Menschenrechte der Bürger der Deutschen Demokratischen Republik,” in *Gesetzblatt der Deutschen Demokratischen Republik* (Berlin, 1966), 81.

the protection of legal certainty [*Rechtssicherheit*],” and that it stemmed from the international legal principles of the “Potsdam Declaration, the United Nations Charter, the London Charter of the International Military Tribunal of Nuremberg.” The only international agreement on the list that mentioned human rights was the UN Charter, which was legally irrelevant given that neither East nor West Germany was a member of the United Nations. No specific human rights violations were cited, only a general reference to the “serious violations of citizens contrary to international law.”⁸³ Yet, if the law is viewed from the perspective of the antifascist narrative constructed by the *Committee for the Protection of Human Rights*, then the human rights component becomes clear. Since the realization of an antifascist republic in the form of the GDR aided the cause of human rights, West German attacks on this sovereignty through the prosecution of individual citizens were a clear violation of the principles of human rights.

The language of human rights was added to the law quite carelessly and was not actually debated or discussed to any extent by SED officials and in some documents the term was omitted entirely.⁸⁴ In passing the law, the Politburo also appears to have neglected to consult with any experts on the field of human rights and Siegfried Forberger makes clear in his memoirs that the *Committee* was surprised to hear of its promulgation as they had not been consulted or warned that it was being prepared.⁸⁵ While the *Committee* was still responsible for publicizing the law and making the case against West Germany, it played no other role in the whole process.⁸⁶ Although the SED had institutionalized its human rights activism, the higher echelons of the party did not view human rights as a specialized area of knowledge requiring the advice of

⁸³ Ibid.

⁸⁴ BArch-Lichterfelde DY 30/ J IV 2/2/ 1079 Protokoll Nr. 40/66 Sitzung am 4. Oktober 1966. At the Politbüro meeting it was listed simply as “Gesetz zum Schutze der Bürger der Deutschen Demokratischen Republik.”

⁸⁵ Forberger, *Das DDR-Komitee für Menschenrechte*, 22.

⁸⁶ BArch-Lichterfelde DZ 7/ 11 Presseveröffentlichung/Presseauschnitte 1966.

experts. It was rather one more element of socialist ideology for which they, as the leading element of the working classes, were clearly qualified to handle without recourse to help from lower levels of the Party.

The propaganda that accompanied the law did, however, follow the same general narrative line as earlier GDR propaganda on human rights. In a speech to the State Council, Interior Minister Friedrich Dickel denounced the West German actions as a sinister campaign “to make GDR citizens into their subjects.”⁸⁷ The claim to legal jurisdiction by the BRD sought to undermine the very concept of East German citizenship and with it, East German sovereignty. In order to demonstrate outrage of the East German people over this affront to their rights, the Politburo arranged for members of the GDR parliament, the *Volkskammer*, to question the Minister of the Interior and the Minister of Justice on how they would protect East German citizens from West German legal aggression and how they would ensure that peace would not be threatened by these acts of international aggression.⁸⁸

While the propagandistic aspects of the law and its public presentation appeared to be successful with the broader public, the sections of the law promising restitution to victims proved to be problematic. According to an opinion reports collection by the Party Organs Department of the SED’s Central Committee, the public responded positively to the passage of the law. Local party sections reported that those they spoke with welcomed the measures to “reinforce our sovereignty” and to rebuke Bonn for its “persecution of our citizens”.⁸⁹ Although the prospect of financial compensation aroused public support, there were some citizens and Party members who were concerned by this open-ended commitment. One person astutely asked, “Our state is paying

⁸⁷ BArch-Lichterfelde DO 1/ 10296 Dickel Speech (4 Oct 1966).

⁸⁸ BArch-Lichterfelde DY 30/ J IV 2/2/ 1072 Protokoll Nr. 33/66 Sitzung am (16 Aug 1966).

⁸⁹ BArch-Lichterfelde DY 30/ IV A 2/2.028/ 109 Abt. Parteiorgane des ZK. Information über erste Meinungen zum Gesetz zum Schutz der Staatsbürger und Menschenrechte der Bürger der DDR (21 Oct 1966).

out compensation, but where is this money coming from? When will Bonn pay off these debts? What possibilities are there to make this happen?”⁹⁰ If the law was meant to punish West German transgressions, why would East Berlin foot the bill?

The value of financial compensation was serious given the terms set out by the SED in documents accompanying the law. A report from the Ministry of the Interior claimed that 3,217 East German citizens had been detained or imprisoned (robbed of their freedom in the colourful phrasing of some propaganda) between the years 1958 and 1966. Additionally, those East German citizens, who had been prosecuted as enemies of the West German democratic order, had been sentenced to 1,595 months (133 years) of prison time. According to the carefully tabulated list of necessary remuneration accompanying the law, these offences demanded compensation of slightly more than four million Marks.⁹¹ This substantial claim was widely publicized, but no actual legal case was filed against the government of the Federal Republic, or any specific officials. In the West German media, the claims were treated as a little more than a media stunt – the tabloid *Berliner Kurier* openly denounced the claim as a trick to distract from the fifth anniversary of the building of the Berlin Wall. After the initial reaction from the media, the law was promptly ignored.⁹²

It is likely that the SED would have been content to have made its claim publicly and leave matters at that. No bureaucratic preparations were made for any lawsuits or to deal with claims from citizens prior to the promulgation of the law.⁹³ Yet East Germans followed the text

⁹⁰ Ibid.

⁹¹ BArch-Lichterfelde DO 1/ 10296 Schadenersatz – ein rechtliches und menschliches Gebot.

⁹² See coverage „Propaganda mit 13. August“ *Berliner Kurier* (3 Aug 1966); “Über vier Mill Mark fordert ein Zonen-Komitee von Bonn als Entschädigung für die Inhaftierung von ‘DDR Bürgern’ in der BRD” *Die Welt* (3 Aug 1966).

⁹³ BArch-Lichterfelde DP 3/ 3157 Wendland to Funk (20 Oct 1966).

of the law and began to file grievances at their local prosecutors offices. While a few cases from average citizens could have been ignored, one of the first complaints filed came from Johannes Dieckmann, President of the *Volkskammer*. The day after the law came into effect, he wrote to his local prosecutor in Potsdam in regards to an incident from 1961 when a crowd allegedly rushed a stage to attack him and some other GDR officials during a cultural event in West Germany: “What actually happened in Marburg is that I came within a hair of being lynched [...] The attack on the stage caused me no physical harm. Nevertheless I believe I have a valid claim to compensation and herewith I register my complaint.”⁹⁴ Nowhere in his story were there any efforts by West German officials to legally persecute him or to expand judicial jurisdictions. Like the victims of human rights abuse publicized by the *Committee*, however, Dieckmann’s complaint had more to do with a violation of the antifascist norms than with the law. His human rights had been violated because his efforts to convey a message of socialism and peace had been foiled by anti-communists. While his case was legally non-existent, his story was consistent with the narrative structures of human rights violations, as presented by the *Committee for the Protection of Human Rights* over the past seven years.

SED officials at the Ministry of Justice and the Chief Prosecutor’s office had not expected a spontaneous public response to the law (even though it included instructions on how regular citizens could file claims) and they now scrambled to head off bureaucratic chaos. One week after the passage of the law, the Prosecutor’s office sent out belated instructions to local offices on criteria for valid complaints under the law. In spite of the propaganda including incidents from 1958-1966 the Ministry of Justice sought to amend the law so that it would

⁹⁴ BArch-Lichterfelde DP 3/ 3157. Folder 22/67. Dieckmann to the Bezirksstaatsanwalt Potsdam. 14.10.1966.) While Dieckmann’s claims are exaggerated, the incident he describes did occur, Reinhard Hübsch, *Dieckmann raus: Hängt ihn auf! : Der Besuch des DDR-Volkskammerpräsidenten Johannes Dieckmann in Marburg am 13. Januar 1961* (Bonn: Pahl-Rugenstein Verlag, 1995).

explicitly only apply to incidents occurring after the date it was passed, 13 October 1966.⁹⁵ On 15 November, the Minister of Justice, Hilda Benjamin, officially notified the Chief Prosecutor, Josef Streit, that the law was not retroactively valid and that all claims regarding incidents prior to the passage of the law should be rejected.⁹⁶ Although this entirely undermined the previously released propaganda claiming 4 million Marks in damages against the West German state, it would at least prevent a deluge of lawsuits and a huge liability for compensation that the Federal Republic would never pay.

It is possible that this decision would have stymied further demands for compensation from the public were it not for a seemingly minor clerical error two months earlier at a prosecutor's office in West Germany that set off the next bizarre chapter. On 13 September 1966, the Office of the Chief Prosecutor of Cologne sent out a request for the arrest of Kurt Forster, the SED Party Secretary at a miner's lamp manufactory in Zwickau, Saxony. Forster was sought in connection with an incident in 1961 when he stayed at the home of an active member of the banned KPD while visiting West Germany.⁹⁷ The warrant, accusing Forster of representing a threat to the Federal Republic of Germany, was sent out by post from Cologne to the local police station in the small town of Lichtenstein. What no one in Cologne had noticed, was that the town of Lichtenstein was actually located in the GDR. While paperwork on Forster's outstanding warrant was supposed to be copied simply for filing purposes, a photocopy machine error produced a third copy of his documents which a clerk assumed was produced on purpose so as to be distributed to the appropriate police authorities. Forster's last known address, gleaned from

⁹⁵ BArch-Lichterfelde DP 3/ 109. Zur Sicherung einheitlichen Praxis bei der Anwendung des "Gesetzes zum Schutz der Staatsbürger und Menschenrechte der Bürger der DDR" (19 Oct 1966); BArch-Lichterfelde DP 3/ 3157. Folder 22/67. Wendland to Funk (20 Oct 1966).

⁹⁶ BArch-Lichterfelde DP 3/ 109 Benjamin to Streit (15 Nov 1966).

⁹⁷ The letter is located at BArch-Lichterfelde DP 3/ 3154 Gesetz zum Schutz der Staatsbürger- und Menschenrechte der DDR vom 13. Oktober 1966 - Entschädigungssachen Bd. 1.

when he had crossed the border at the time of the incident, was added to the paperwork without anyone noticing that the police in question were East German. It was signed by the Chief Prosecutor, who did not read the details of the form that was in a pile with dozens of other documents requiring his signature.⁹⁸

When the request arrived in the GDR, the police department passed it up the chain of command at the beginning of October: first to the local prosecutor's office and then to the regional prosecutor's office in Karl-Marx-Stadt, and then onto the State Crimes department of the Chief Public Prosecutor's office in East Berlin by the end of the month. On 8 November, nearly two months after it had been originally sent from Cologne, it reached the desk of Chief Public Prosecutor Josef Streit. Although his office was not processing any complaints it had directly received from East German citizens, and the warrant had been sent before the passing of the law on 16 October making it retroactive, the incident was deemed to be such a clear example of West German judicial overreach that his office swung into action to respond anyway.⁹⁹

Launching a full investigation into the incident, the Streit's office contacted Kurt Forster for a full account of his run-in with the West German authorities back in 1961. Forster, who was baffled by the whole situation, claimed that he had visited the home of an acquaintance from Cologne whom he met at a peace festival in the GDR. He received a phone call while in Cologne, at a different address, informing him that the police had raided the home of his friend who had been arrested and that the authorities had seized Forster's suitcase as evidence. Rather than face possible arrest, he decided to immediately return to East Germany, which he did without

⁹⁸ Details of the error were later determined by a reporter from the West Germany and published in "Das dritte Blatt." *Der Spiegel* (21 Nov 1966).

⁹⁹ BArch-Lichterfelde DP 3/ 3154 File 1/67.

incident.¹⁰⁰ In addition to the interview, the West German arrest warrant was sent to the Stasi for typewriting analysis to determine why two machines appeared to have been used by the West German authorities and to decipher some handwriting underneath a scribble.¹⁰¹

The East German Chief Public Prosecutor's office launched a propaganda campaign against this "provocation" by the West distributing information to media in both West and East Germany. A reprint of the letter was published in the GDR's national newspaper *Neues Deutschland*. In West Germany stories on Forster and the arrest warrant ran in the *Frankfurter Allgemeine Zeitung*, *Die Welt*, *Frankfurter Rundschau*, *Süddeutsche Zeitung* and the *Berliner Morgenpost*. In the version distributed by the SED, most of Forster's story remained true to his telling, though there were some exaggerations, such as a claim that he had evaded capture while the raiding police officers were somehow distracted. In response, the Cologne prosecutor's office denied all involvement and described the whole story as "absurd."¹⁰² Finally on 14 November 1966, the GDR's Chief Prosecutor's office filed charges against two officials from Cologne whose names were listed on the arrest warrant.¹⁰³

While the incident as a whole was an embarrassment for the West German legal establishment, the lawsuit was of little lasting value for the SED. On the one hand, the Cologne office and the accused officials never responded to the charges and by February 1967, Streit's office in East Berlin had given up all hope that they ever would.¹⁰⁴ On the other hand, the increased publicity for the Law for the Protection of the Citizenship and Human Rights of the

¹⁰⁰ Ibid.

¹⁰¹ BArch-Lichterfelde DP 3/ 3154 File 1/67. The Stasi report determined that the text under the scribble listed Forster's employment information from 1961 but had nothing substantial to say about the typewriters.

¹⁰² "Angeblich Haftbefehl aus Köln nach Zwickau gesandt" *Tagesspiegel* (11 Nov 1966).

¹⁰³ BArch-Lichterfelde DP 3/ 3154 File 1/67.

¹⁰⁴ BArch-Lichterfelde DP 3/ 3154 File 1/67 Note to Friedrich (10 Feb 1967).

Citizens of the GDR meant that Prosecutors offices were suddenly flooded with complaints from East Germans seeking redress for the violation of their human rights, preferably through monetary compensation according to the law. Although some local prosecutor's offices did just enough to avoid offending the petitioners, other offices, following the guidelines sent out from the head office in Berlin, helped to coach claimants on how to phrase their demands and provided suggestions on how they could maximize their compensation.¹⁰⁵ The local Prosecutor's office in Leipzig even drew up standardized forms to make the process as easy as possible for claimants before forwarding their information to Berlin.

In spite of this work, the Chief Public Prosecutor's office rejected every application from East Germans. When the central prosecutor's office actually bothered to respond to applicants, petitioners usually received a curt letter saying, "This illegal act of persecution has been noted with interest and officially registered. The initiation of special proceedings cannot occur as the law cannot be applied retroactively."¹⁰⁶ None of the reported incidents occurred after the law took effect in October 1966 and many had in fact occurred in the 1950s. Aside from this primary disqualification of timing, many claims had other severe problems. Several of the applications came from those who had still been West Germans residents and citizens when they were arrested prior to emigrating to the GDR, making the claim of western judicial overreach moot. One petitioner was actually imprisoned in Switzerland while working as a spy for the GDR at the time of his arrest.¹⁰⁷ Not only did his activities not fall into the normal range of "exercising constitutional rights," he never even came into contact with West German authorities.

¹⁰⁵ BArch-Lichterfelde DP 3/ 3159 File 6/29.

¹⁰⁶ BArch-Lichterfelde DP 3/ 3155 File 13/1967.

¹⁰⁷ Apparently the applicant was very reasonable in accepting that the law did not apply to those imprisoned outside of the FRG. BArch-Lichterfelde DP 3/ 3159 File 2/69.

The seeming irrelevance of the applications to the actual text of the law stemmed from East Germans interpreting violations of human rights in narrative terms rather than legal principles. None of the claims mention any specific violations of human or actual constitutional rights, but they conformed to the antifascist narrative as disseminated by the *Committee for the Protection of Human Rights*. All of the applicants portrayed themselves, or the family member they were applying on behalf of, as innocent victims, seeking only to promote peace or work for socialism, oppressed by the West German (or in the one case, Swiss) police state. Most of the applications had few details on the actual activities that led to their arrest, but they provided extensively detailed itemized lists of their losses. Some asked for lost wages from their time away from work, others for medical bill reimbursements stemming from illnesses contracted in the West while others only wanted enough to replace personal items that were confiscated by the West German police, such as a pair of gloves or a jacket. In one case, an SED official who had been arrested while living in Kiel asked for more than 110,000M in compensation for his car, house, and furnishings, that he claimed were seized while he was imprisoned from 1960-1962.¹⁰⁸ Such claims were never accepted and none of the applicants even received compensation from the state in any form.

In spite of the blanket refusal to go forward with any lawsuits or to provide compensation, many petitioners refused to believe that their claim was not valid. As one functionary noted after meeting with an applicant, Herr W., “He could not be convinced that he was not entitled to compensation under the law or that the Act has no retroactive force. He wants a store and a senior position there as he [claims he] was promised.”¹⁰⁹ Several wrote back every year or so, if they had received a formal notice of rejection or not, demanding to know when they would

¹⁰⁸ BArch-Lichterfelde DP 3/ 3159 File 2/68.

¹⁰⁹ BArch-Lichterfelde DP 3/ 3159 File 1/69.

receive their compensation. Often they would write to other organizations such as the *Committee for the Protection of Human Rights* to ask for assistance with what they thought was simply a bureaucratic error. In some cases, the Chief Prosecutor's office had to arrange several meetings with the applicant to explain in person that the law did not apply to their case. One applicant, who first filed a complaint in 1975 regarding his imprisonment in 1950, was rejected immediately by the Dresden prosecutor's office and only in 1986 did he finally accept that he would not be receiving any recompense.¹¹⁰

In the end, the only successful legal action associated with the Law for the Protection of the Citizenship and Human Rights of the Citizens of the GDR came in 1988 when an applicant forged some documents to try and claim a larger pension based on his oppression by the West German state. While this particular applicant initially filed a complaint in November 1966, he wrote again to the prosecutor's office shortly before his sixty-fifth birthday in 1987 hoping to receive the monthly pension he would have been eligible for had he paid into his pension over the fifteen months of his West German imprisonment. When his application was once again rejected, he altered the letter he received from the local prosecutor's office to make it appear as though he had been successfully granted a larger pension as a form of recompense for the violation of his rights. The authorities quickly noticed this, since such a situation had never arisen before and no officials were familiar with such bonuses. Following the only court case stemming from the law, the applicant was imprisoned for fraud in 1988.¹¹¹

The tenacity with which applicants continued to press their claims can also be explained by the increasingly favoured social status of the victims of the Nazi period received, beginning in the 1960s. In 1965, those who were officially designated as "fighters against fascism" or

¹¹⁰ BArch-Lichterfelde DP 3/ 3159 File 1/75.

¹¹¹ BArch-Lichterfelde DP 3/ 3159 File 49/67.

“victims of fascism” were given honorary pensions and in 1966 this was amended so that the children of these groups would also receive special benefits. As Catherine Epstein has argued, “the benefits accorded family members of antifascist resisters thus created something of an East German hereditary caste – one based not on wealth or merit, but on biography.”¹¹² As the rapid advancement available to loyal SED supporters in the early years of the GDR began to taper off as the system ossified, this new law must have appeared as a means of gaining otherwise unavailable special status and benefits. Some of the claimants writing to the Prosecutor’s office mentioned that in spite of their imprisonment in West Germany in the 1950s and 1960s had been previously, and unjustly, denied their rightful status as a victim of fascism. While the *Committee for the Protection of Human Rights* portrayed the prisoners they supported as moral equivalents to those who fought against the Nazis, the SED leadership drew a clear line of distinction between the status of those antifascists who were active before and after 1945. With political legitimacy, and to costly economic benefits, so closely tied to the correct kind of antifascist biography, the SED could not afford to create a new generation of heroes who could challenge their claim to power or drain the nation’s coffers.

The political nature of the East German legal system rendered the application of the law chaotic and put different elements of the SED bureaucracy at odds with one another in the absence of clear ideological directives. While such conflicts over the exact meaning of rights were resolved through the machinery of the legal system in West Germany, the East German judiciary could fulfill no such clarifying role, given its subordination to the whims of the Politburo. The Supreme Court of the GDR eventually dealt with the issue and produced a ruling on the exact meaning of the law in practice, but its opinion was made irrelevant by the directives

¹¹² Epstein, *The Last Revolutionaries*, 192.

of the SED leadership that ensured no compensation would ever be paid.¹¹³ While they tried to claim the mantle of legality in the matter of human rights, the intersection of poorly written law and conflicting interpretations by East German citizens quickly exposed the law as a legally meaningless act of propaganda.

Conclusion

By 1966, with the end of the CDU-run government in West German politics and the easing of inter-German tensions through the creation of the CDU-SPD Grand Coalition, the *Committee's* activities began to lose relevance. There were few politically driven prosecutions by the mid-1960s and the last custody battle originating from the Berlin Wall was finally settled after a ruling by the European Court of Human Rights in 1967.¹¹⁴ The ban on the West German KPD was by this time largely ignored and a successor, the German Communist Party (DKP), was founded without state interference in 1968. As the GDR's international priorities shifted towards gaining international diplomatic recognition and membership in the United Nations, the *Committee's* work pivoted from domestic mobilization and inter-German affairs to reconciling SED rule with international human rights norms and gaining the support of the emerging bloc of non-aligned post-colonial states that were changing the character of the international community.

Although the *Committee* did not succeed in fully integrating the language of human rights into the political culture and ideology of the GDR in these early years, their work did have an appreciable impact on the discourse of human rights in East Germany. Its activities normalized the usage of the language of human rights as a vocabulary of ideologically appropriate protest and mobilization. The absence of a significant backlash from the East German population against the state in the language of human rights meant that both the SED leadership and the rank and

¹¹³ BArch-Lichterfelde DP 3/ 109 Vorlage 2.

¹¹⁴ "Angelika Kurtz wieder in West-Berlin," *Tagesspiegel* (8 Feb 1967).

file had time to become comfortable with this new discourse so as to allow for its further usage.

The *Committee* demonstrated that the idea of human rights could be incorporated into communist propaganda both at home and abroad. While the campaign to delegitimize West Germany on the international stage did not achieve the hoped-for results, it did level the playing field and at times put the Federal Republic on the defensive.

The problem remained that the East German usage of human rights was wholly negative. Human rights for the SED remained anti-imperialist, anti-capitalist, antifascist, and anti-West German. The creation of a separate socialist discourse of human rights grounded in popular antifascist narrative provided some successes within the GDR, but it was limited on the international scene. Already in 1963, SED officials, the MfAA and the Central Committee were concerned that GDR human rights propaganda was too focused on Western flaws rather than providing a positive conception of human rights under socialism.¹¹⁵ As an official with the MfAA complained, “our individual arguments remain defensive because they are merely responses to West German attacks.”¹¹⁶ What the *Committee for the Protection of Human Rights* and the SED in general required was a more coherently developed conception of human rights from a socialist perspective that could function beyond mere propaganda within the terms of the rapidly developing international system of human rights norms.

¹¹⁵ For further discussion of the MfAA and the problem of human rights in the 1960s see chapter 3.

¹¹⁶ PA-AA MfAA-A9706 Aktivierung der Arbeit auf dem Gebiet der Menschenrechte (7 Feb 1963), 1.

CHAPTER 3:

Socialist Human Rights, Self-Determination, and the Road to Helsinki, 1963-1975

There is a price for everything. The East German leadership, expert practitioners of *realpolitik*, none the less did not seem to suspect that what they had signed went against almost every practice of their regime, and most spectacularly against the atrocity that was their fortified Wall through the middle of Berlin.¹

-Frederick Taylor on the Helsinki Accords.

In 1975, thirty-five countries in Europe and North America from both sides of the Cold War, signed on to the Helsinki Accords, confirming the existing borders of Europe and providing guarantees for the free exchange of people and ideas across these boundaries. Included in these guarantees were pledges by the signatories to uphold the principle of international human rights. In recent years, the narrative of the “Helsinki Effect” – the idea that signing of the Helsinki Accords set off a cascade effect inevitably leading to the revolution of 1989 – has become popular in academic and popular works of history.² From this assumption that the agreements sparked the popular movement that would ultimately undermine SED rule have come many corollary arguments. Many accounts of the “breakthrough” of human rights at Helsinki hinge on the assertion that the treaty represented a distinct break from past statements and commitments by the Eastern Bloc and particularly by East Germany.³

¹ Frederick Taylor, *The Berlin Wall: A World Divided, 1961-1989* (New York: HarperCollins, 2008), 381.

² Daniel Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: Princeton University Press, 2001). For a journalistic account of this narrative, see Ulrich Schwarz, “Die Sprengkraft der Menschenrechte,” 2008, 106–109.

³ For the main work asserting the discontinuous effect of Helsinki Accords for the Eastern Bloc, see Thomas, *The Helsinki Effect*, as well as Michael Ignatieff, *Human Rights as Politics and Idolatry*, University Center for Human Values series (Princeton: Princeton University Press, 2001), 19, which argues that the Eastern Bloc denied the

According to this narrative, the GDR and other Eastern Bloc countries were caught off guard and outmanoeuvred by canny western diplomats who managed to insert the language of human rights into the agreement against the will of the communist negotiators who were unprepared to engage with the idea of human rights.⁴ On the SED General Secretary Erich Honecker's behaviour in regards to Helsinki, several lines of interpretation abound: some say the GDR was coerced into agreeing to human rights commitments due to economic desperation while others claim that Honecker simply signed on to the Accords as a cynical ploy to gain international prestige without any intention of living up to its human rights provisions.⁵ Others, such as Frederick Taylor – quoted above – are simply perplexed as to how senior members of the SED could not see the clear truth that their entire system violated the principles of human rights.

Within the context of the longer history of the SED's employment of the discourse of human rights, these assertions are largely untenable. The endorsement of human rights by the East German state in 1975 was in no way revolutionary, nor did it represent a break from past actions in terms of diplomacy, propaganda or ideology. Diplomatically, the GDR had endorsed international human rights norms upon joining the United Nations in 1973 and through the Basic Treaty with West Germany in 1972. It had already endorsed the United Nations Human Rights

validity of political and civil human rights prior to Helsinki. Works arguing that human rights were irrelevant to East German politics prior to 1975 include Christian Joppke, *East German Dissidents and the Revolution of 1989: Social Movement in a Leninist Regime* (New York: NY University Press, 1995), 116; Jürgen Wüst, *Menschenrechtsarbeit im Zwielficht: zwischen Staatssicherheit und Antifaschismus* (Bonn: Bouvier, 1999), 32; Steven Pfaff, "The Politics Of Peace in the GDR: The Independent Peace Movement, The Church, And The Origins Of The East German Opposition," *Peace & Change* 26, no. 3 (July 2001): 287.

⁴ Luigi Ferraris claims that "once having accepted – at the preparatory stage in Helsinki – that the principle of human rights should appear in the list, the USSR and the other Socialist countries found that it was more appropriate not to contest too strongly the legitimacy of the principle, but to formulate instead their own interpretation of it." Luigi Vittorio Ferraris and Mario Alessi, *Report on a Negotiation, Helsinki-Geneva-Helsinki, 1972-1975* (Geneva: Sijthoff & Noordhoff, 1979), 106.

⁵ For the economic coercion argument, see Imanuel Geiss, *The Question of German Unification: 1806-1996* (London: Routledge, 1997), 102. John Schmeidel, *Stasi: Sword and Shield of the Party* (London: Taylor & Francis, 2007), 61. On the side of cynicism, see Charles S Maier, *Dissolution: The Crisis of Communism and the End of East Germany* (Princeton: Princeton University Press, 1997), 127.

Covenants in 1968 before the GDR was eligible to officially become a signatory. As shown in the previous two chapters, the SED had been touting its own conception of human rights since 1946, before East Germany was even a state, and even had its own human rights organization, the Committee for the Protection of Human Rights since 1959. In short, well before the signing of the Accords in 1975 and even the beginning of negotiations in 1972, the SED had gone all in on human rights.

In order to unpack this complicated history, one must examine what the SED understood human rights to mean before analyzing the role of human rights in the history of Cold War diplomacy and its importance in East German domestic politics between 1975 and 1989. As this chapter will show, the underlying ideology of this period was first outlined in Hermann Klenner's 1964 work, *A Study on Basic Rights (Studien über die Grundrechte)*.⁶ Klenner's book pulled together the various strands of East German human rights thought and tied them together with the language of international legal human rights norms and the discourse of self-determination and anti-imperialism emerging from the postcolonial world. This comprehensive human rights ideology, as concocted by Klenner, was quickly adopted as state doctrine and became the centerpiece of the SED's extensive propaganda efforts to celebrate the United Nation's proclaimed International Year for Human Rights in 1968.

The timing of Klenner's work and its adoption and mass dissemination by the SED within East Germany and internationally was crucial for the diplomacy of the 1970s. The SED formulated its ideological conception of rights in a specific era in which the history of human rights that was dominated by revolutionary, anti-colonial voices. While the Universal Declaration of Human Rights (1948) was drafted and approved primarily by Western-oriented

⁶ Hermann Klenner, *Studien über die Grundrechte* (Berlin: Staatsverlag der DDR, 1964).

supporters of colonialism and conservative Christian personalists, the emergence of the postcolonial Afro-Asian bloc revolutionized the system of international human rights.⁷ Gone was the focus on individual rights and the tacit commitment to the continuation of European hegemony and its place was a program centered on the right to self-determination of peoples and an emphasis on the establishment of state sovereignty in the face of imperial oppression.⁸ While this process began in the 1950s, the “post-colonial revisionist” tide in the field of human rights reached its peak in 1968 with the United Nation’s First International Conference on Human Rights in Teheran. The conference was dominated by voices advocating the sanctity of state power and sovereignty in the name of human rights and denouncing the evils of interference in internal affairs of others.⁹

The negotiations on the Helsinki Accords from 1972-1975 took place during a time of radical discursive change in the international sphere. As post-colonial states claims to sovereignty increasingly became a cover for mass abuses by newly independent states, many

⁷ On the politics of human rights and the drafting of the UN Charter and the UDHR, see Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009). Samuel Moyn, “Personalism, Community, and the Origins of Human Rights,” in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2010). On the rise of post-colonial actors in the 1950s and 1960s, see Stefan-Ludwig Hoffmann, ed., “Genealogies of Human Rights,” in *Human Rights in the Twentieth Century*, 16–18. Samuel Moyn, *Last Utopia: Human Rights in History* (Cambridge: Harvard University Press, 2010), chapter 3; Andreas Eckert, “African Nationalists and Human Rights, 1940s-1970s,” in *Human Rights in the Twentieth Century*.

⁸ On the importance of including third world perspectives and global context to the postwar history of human rights see Jan Eckel, “*Utopie der Moral, Kalkül der Macht: Menschenrechte in der globalen Politik seit 1945*,” *Archiv für Sozialgeschichte* 49 (2009). On the post-colonial turn in international human rights politics see Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention* (New York: Oxford Press, 2004); Samuel Moyn, “Imperialism, Self-Determination, and the Rise of Human Rights,” in Akira Iriye, Petra Goedde, and William Hitchcock, *The Human Rights Revolution: An International History* (New York: Oxford, 2012); Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010); Jan Eckel, “Human Rights and Decolonization: New Perspectives and Open Questions,” *Humanity* 1:1 (October 2010). Daniel R. Maul, *Human Rights, Development and Decolonization: The International Labour Organization, 1940-70* (New York: Palgrave Macmillan, 2012); Fabian Klose, *Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria* (Philadelphia: University of Pennsylvania Press, 2013).

⁹ Roland Burke, “From Individual Rights to National Development: The First UN International Conference on Human Rights, Tehran, 1968,” *Journal of World History* 19:3 (2008). Daniel Whelan, *Indivisible Human Rights: A History* (Philadelphia: University of Pennsylvania Press, 2010), chapter 7.

even in the developing world soured on their earlier rhetoric. The mass torture by military regimes in Greece and South America turned attention from problems of imperialism to those of unrestricted state power used to destroy individual human dignity.¹⁰ The massive humanitarian crisis created by the war for Biafran independence in Nigeria galvanized activists to intervene in the name of basic needs and human rights in spite of local demands that Europeans refrain from doing so in the name of self-determination.¹¹ In the West in particular, many who had once hoped that an all-powerful state could realize a kind of utopia through socialism or communism were now becoming disappointed by both the Soviets and “development dictatorships” in the Third World.¹² Part of this process of disillusionment was the explosion of human rights activism in the late 1970s, but this time human rights were grounded in the rights of the individual and the totalitarian state, not imperialism, served as the default enemy of justice.¹³

For SED leaders and intellectuals in the 1960s and early 1970s, the actual idea of human rights – rather than its inferior bourgeois counterpart propagated by the imperialist West – defined non-interference in the internal affairs of self-determining people in sovereign states as an elemental component of the realization of human rights. As such, the commitment to international human rights treaties and agreements would, in theory, pose no threat to SED rule so long as they could gain recognition as an independent sovereign state. The greatest threat to the GDR in terms of human rights was its ambiguous status under international law and its

¹⁰ Barbara Keys, “Anti-Torture Politics: Amnesty International, the Greek Junta, and the Origins of the Human Rights ‘Boom’ in the United States,” in Iriye, Goedde, and Hitchcock, *The Human Rights Revolution*.

¹¹ On conflict between self-determination and interventionism see, Lasse Heerten, “Die Dystopie postkolonialer Katastrophen – Das Recht auf Selbstbestimmung, der biafranische Sezessionskrieg und Menschenrechte,” in Eckel and Moyn (eds.) *Moral für die Welt? Menschenrechtspolitik in den 70er Jahren* (Vandenhoeck & Ruprecht, 2012).

¹² Hoffmann, “Genealogies of Human Rights”; Moyn, *Last Utopia*.

¹³ For an example of this shift on an international level see, Jan Eckel, “‘Under a Magnifying Glass’: The International Human Rights Campaign against Chile in the 1970s,” in *Human Rights in the Twentieth Century*. On the broader shift in the 1970s, see Eckel and Moyn, *The Breakthrough: Human Rights in the 1970s* (Philadelphia: University of Pennsylvania Press, 2014).

failure to gain diplomatic recognition as a sovereign state ruled by a people through the principle of self-determination. Contrary to Frederick Taylor's claim that the SED was unaware that its system violated human rights on a mass scale, the SED actually believed that its system of rule, explicitly including the Berlin Wall itself, in fact represented the realization of human rights.

Decolonization, Self-Determination and Human Rights

In the 1960s, the GDR remained diplomatically isolated and formally recognized only by members of the Socialist Bloc while the Federal Republic of Germany was recognized by the NATO states, most of Latin America, and most of the recently decolonized states. West Germany also continued to claim the right to speak on behalf of all Germans, including those in the GDR and the rest of the Eastern Bloc. For the SED leadership, the affront of West German international stature alongside what it viewed as constant internal meddling in East German affairs by the western powers was intolerable. As mentioned in chapter 2, various efforts to combat FRG claims to represent the population of East Germany led to largely unsuccessful countermeasures such as the "Law for the Protection of the Human Rights and Citizenship Rights of the Citizens of the German Democratic Republic" (1966). In the late 1960s, SED Secretary General Walter Ulbricht thus sought once again to achieve a position of international respectability and to gain for the GDR status as a sovereign nation through international diplomatic recognition from the emerging Afro-Asian bloc of nations.

The character of international diplomacy and the United Nations had changed radically since its inception. In 1948, only a small number of African and Asian countries were in a position to vote on the Universal Declaration of Human Rights, yet the rapid pace of postwar decolonization, in particular the admission of twelve African nations to the UN in 1960, soon made these countries a majority at the General Assembly. This shift in power towards post-colonial states revived the problem of self-determination and its place in the human rights system

of the United Nations. The idea of self-determination of peoples had been a cornerstone of anti-imperialism since the early 20th century when both American President Woodrow Wilson and Soviet leader Vladimir Lenin employed the term as a rallying cry against the oppression of minorities and colonial subjugation.¹⁴ While the idea of self-determination had been central to the Atlantic Charter of 1941 and the UN Charter in 1945, it was excluded from the Universal Declaration of Human Rights in 1948. Western representatives, including the drafters of the Universal Declaration John Humphrey of Canada and René Cassin of France, mounted a strong opposition against the inclusion of self-determination as a threat to the new international order and tool of anti-Western demagoguery.¹⁵ Once the composition of the United Nations had shifted, however, self-determination was reintroduced to the UN's agenda with a vengeance. The ultimate sign of this shift came in 1960 when the General Assembly passed the Declaration on the Granting of Independence to Colonial Countries and Peoples, which essentially criminalized the colonial system itself.

For the post-colonial states, human rights were never the centrepiece of the rhetoric against empire, but these states did employ the language of human rights to legitimize their claims against the European powers.¹⁶ As employed by these states at the United Nations or in newly written constitutions, human rights represented a call for national liberation and the

¹⁴ On the conflict between Wilsonian and Leninist concepts of self-determination in the early 20th Century, see Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (Oxford: Oxford University Press, 2007). On Soviet theory and practice of self-determination and nationhood, see Ronald Grigor Suny and Terry Martin, *A State of Nations: Empire and Nation-Making in the Age of Lenin and Stalin: Empire and Nation-Making in the Age of Lenin and Stalin* (Oxford: Oxford University Press, 2001); Francine Hirsch, *Empire of Nations: Ethnographic Knowledge & the Making of the Soviet Union* (Ithaca: Cornell University Press, 2005).

¹⁵ Burke, *Decolonization and the Evolution of International Human Rights*, 37.

¹⁶ Eckert, "African Nationalists and Human Rights, 1940s-1970s"; Roland Burke, "'The Compelling Dialogue of Freedom': Human Rights at the Bandung Conference," *Human Rights Quarterly* 28:4 (2006). On longer-term efforts by colonial subjects to subvert the human rights claims of imperialists, see Bonny Ibhawoh, *Imperialism and Human Rights: Colonial Discourses of Rights and Liberties in African History* (Albany: SUNY Press, 2008).

creation of sovereign states as opposed to claims for limitations on state power. In practice, this language of self-determination specifically referred to demands for an end to internal interference in the internal affairs of the developing world by the European powers.

While this contrasts sharply with the international human rights system that developed from the 1970s onwards, in many ways, these claims echoed those made by the Declaration of the Rights of Man and Citizen in 1789.¹⁷ The post-colonial discourse was, in the terminology of Samuel Moyn, a “Rights of Man” movement in the tradition of the eighteenth and nineteenth century declarations rather than a “human rights” movement in the modern sense insofar as it focused on the realization of sovereign state structures rather than universalist notions of rights existing outside of the state itself.¹⁸ Such ideas were not monolithic among nonaligned states in the Afro-Asian bloc with some, such as the influential Saudi representative Jamil Baroody placing an emphasis on total state sovereignty, from which individual rights would eventually flow, and others such as the Lebanese academic Karim Azkoul who saw individual rights and sovereignty as equal and interdependent results of self-determination.¹⁹

As the United Nations sought to transform the non-binding Universal Declaration of Human Rights into a legally binding international covenant beginning in the 1950s, the problem of self-determination came to the fore. As conflicting views amongst the member states about the nature of rights and their implementation caused the new document to be split into two – one covenant for political and civil rights and another to cover economic, social and cultural rights – representatives from the Third World steadily pushed for the reintroduction of self-determination

¹⁷ As Julian Go has shown, many of these constitutions explicitly invoked the declarations of the American and French Revolutions in their preambles. See, Julian Go, “Modeling State and Sovereignty: Postcolonial Constitutions in Asia and Africa,” in Christopher Lee, ed., *Making a World After Empire: The Bandung Moment and Its Political Afterlives* (Athens: Ohio University Press, 2010).

¹⁸ Moyn, *Last Utopia*, 85–6.

¹⁹ Burke, *Decolonization and the Evolution of International Human Rights*, 39.

as a founding human right.²⁰ While representatives from Europe and North America argued that the indigenous inhabitants of the colonies were too “backward” to be granted “western” human rights, the changing membership of the UN along with anti-colonial pressure from the socialist bloc succeeded in overcoming this opposition.²¹ In 1966, the General Assembly passed the International Covenant on Political and Civil Rights, which contained as its first article “all peoples have the right to self-determination.” Although self-determination as a human right was not universally accepted at the time, and today the legitimacy of this argument is still hotly contested, in international law it was enshrined as one of the foundational human rights for all of mankind.²²

Self-Determination and Human Rights in the Postwar GDR

In the early postwar period, the SED also employed the idea of self-determination in political propaganda, but it was used in the assertion of German sovereignty. While human rights propaganda focused on the SED’s rivalry with the Social Democrats, self-determination was used to attack the “imperialist” tendencies of the west, which sought to colonize the German people. In a speech before the *Deutsche Volksrat* in 1948, SED co-founder and soon to be Prime Minister of East Germany Otto Grotewohl denounced the interference in German affairs by the imperialistic Americans as a violation of “the declared natural right of all peoples, the right to national self-determination,” and cited the Atlantic Charter of 1941 as the guiding document that supported his claims.²³ Similarly, in July 1949, shortly before the formal creation of the GDR,

²⁰ Contrary to assumptions that the division of the Covenants was based entirely on Cold War tensions, Whelan shows that there were divisions within the Western and Afro-Asian blocs. On the splitting of the UN Human Rights Covenants see, Whelan, *Indivisible Human Rights*, 112–136.

²¹ Burke, *Decolonization and the Evolution of International Human Rights*, 40.

²² On this controversy, see Burke, *Decolonization and the Evolution of International Human Rights*.

²³ BArch-Lichterfelde NY 4090/ 643 Otto Grotewohl Rede vor dem Deutschen Volksrat am 22. Oktober 1948 in Berlin, 14.

the SED Politburo declared that the decisive conflict of German politics was “the struggle for the preservation of the national existence of the German people, for its unity, independence and self-determination,” while denouncing the transformation of the western part of Germany into a “colony of Anglo-American imperialism.”²⁴

The increased use of self-determination in conjunction with human rights claims on the international level was highly influential in West Germany where those seeking to reclaim lost territory in the East sought to claim the legitimacy of this discourse. While the West German government held back from such rhetoric in public until 1959 in order to avoid offending the British and the French, West German activists began using the language of self-determination almost immediately following the war.²⁵ The language of human rights and self-determination formed the basis for claims to a “Right to a Homeland” (*Recht auf Heimat*) for the German people that would legitimize irredentist claims in what was now Poland and Czechoslovakia. Just as the colonial peoples were oppressed by imperialism, many West Germans, particularly refugees expelled from the East, claimed that the German people were oppressed by Soviet imperialism and had been forced from their natural territory.²⁶

The interconnection of the discourses of self-determination and human rights in East Germany developed slowly beginning in the 1950s. Following the creation of East and West Germany in 1949, legal theorist Karl Polak returned to the subject of human rights, this time seeking to legitimize the existence of the GDR as a separate sovereign state. At an international conference in 1953 he praised the Atlantic Charter, which included the idea of self-determination,

²⁴ Also see Michael Lemke, *Einheit Oder Sozialismus?: Die Deutschlandpolitik Der SED 1949-1961* (Köln: Böhlau, 2001), 31.

²⁵ William Gray, *Germany's Cold War: The Global Campaign to Isolate East Germany, 1949-1969* (Chapel Hill: University of North Carolina Press, 2003), 101.

²⁶ See Lora Wildenthal, “Rudolf Laun and the Human Rights of Germans in Occupied and Early West Germany,” in *Human Rights in the Twentieth Century*.

rather than the Universal Declaration of Human Rights, which did not, as the first "world declaration of human rights."²⁷ Similarly, writing in the SED's legal journal *Neue Justiz* in 1954, Polak declared: "Throughout history, human rights have been identical with the freedom of peoples, the chief expression of which is state sovereignty and self-determination."²⁸ Not only was socialism identical to human rights, but now, the ideal of self-determination was added to the equation. Giving power to the people through self-determination would naturally result in the triumph of socialism and in turn the realization of human rights.

This move towards the appropriation of post-colonial human rights discourse did not progress much further in the 1950s as the development of legal theory in general ground to a halt. Polak himself did not return to the subject and instead dedicated the final years of his career before his death in 1963 to enforcing a strict ideological orthodoxy within his profession. While two other scholars, Ernst Bloch and Bernhard Graefrath, did take up the subject of human rights in this decade, one would be in exile in West Germany by 1961 and the other forced into internal exile as part of a re-education program in 1958. Human rights proved to be dangerous territory for East German intellectuals.

The efforts of Ernst Bloch (1885-1977), one of the GDR's most prominent philosophers, to formulate a more complete conception of human rights in this era is indicative of how dangerous original ideas could be in the East German Academy. In a 1952 paper published in the cultural journal *Aufbau*, Bloch who had returned from war-time exile to settle in the GDR in 1949, argued that socialist society needed to salvage what it could from the bourgeois and natural rights traditions: "In consideration of human rights, [the revolution] seeks bourgeois freedom

²⁷ BArch-Lichterfelde DY 30/ IV 2/13/ 442. Deutsche Konferenz zur Vorbereitung der Internationalen Juristenkonferenz 1953 (12 Sept 1953) Humboldt Universität zu Berlin, 26.

²⁸ Karl Polak, "Menschenrechte und Politischer Freiheitskampf," *Neue Justiz* 2(1954), 57.

without the bourgeois citizen.” Paraphrasing both Lenin and the lyrics of *Die Internationale*, he went on to say, “Marxism is all-powerful because it is true just as it is all-powerful because [in the words of] the International, it wins the human right [*erkämpft das Menschenrecht*] in depth and breadth.”²⁹ Although couched in the safety of official terminology, Bloch’s statement could also be read subversively – the truth and power of Marxism could also be judged on whether or not it fulfilled the ideal of human rights, not that it automatically did so.

While Bloch made sure that his works were written in the idiom of Marxist-Leninist terminology, his career was doomed when his colleagues decided that he was ideologically unreliable and hopelessly utopian. He was stripped of his teaching position in Leipzig and isolated from the academic community while his works were removed from East German university curricula.³⁰ Bloch’s further work on human rights and the socialist Utopia would not, however, be published until 1961, and then only in West Germany where he was living in exile in protest against the construction of the Berlin Wall.³¹

On the 10th anniversary of the founding of the UN in 1955, a young law professor, Bernhard Graefrath (1928-2006), produced a slim volume entitled, *The United Nations and Human Rights*. While Graefrath cited speeches by Soviet Foreign Minister Gromyko, his main authority in refuting the arguments of West German human rights academics came from the declarations of the Afro-Asian Conference held in Bandung, Indonesia, in 1955. In the calls from the Afro-Asian bloc for self-determination and an end to racial discrimination and imperialism in

²⁹ The original saying from Lenin is, “The theory of Marx is all-powerful, because it is true,” and the quote from the International is “the International, it wins the human right.” Ernst Bloch. “Marx und Bürgerliche Menschenrechte” *Aufbau* 9:5 (1953), 405.

³⁰ Peter Caldwell, *Dictatorship, State Planning, and Social Theory in the German Democratic Republic* (Cambridge: Cambridge University Press, 2003), 99.

³¹ Ernst Bloch, *Naturrecht und menschliche Würde* (Frankfurt: Suhrkamp, 1961). On Bloch’s place in Marxist rights thinking see Costas Douzinas, “Adikia: On Communism and Rights,” *Critical Legal Thinking* (20 Nov 2010), www.criticallegalthinking.com/2010/11/30/adikia-on-communism-and-rights/.

the name of human rights, Graefrath saw a devastating critique of “the core element of fascism,” a system that represents imperialism “at its most refined and cruelly developed.”³² As activists in the Third World were appropriating the language of human rights against the imperial policies of Western Europe, Graefrath was in turn appropriating this new discourse to denounce the allegedly “imperialistic” policies of West Germany towards its Eastern counterpart.³³

While this argument also held the promise for a more coherent and complex ideological foundation for GDR human rights discourse, it received scant attention from Graefrath’s colleagues in the GDR until much later.³⁴ Shortly after the publication, he was among those sent to work in the countryside as a form of re-education following his censure at the Polak-led Babelsberg Conference of 1958.³⁵ As a result, his theoretical connection between third-world critiques of imperialism and East German anti-fascism would lie dormant in GDR thinking for several years. After serving his time working as an administrator in the countryside, he returned to academic work in 1961 but did not take up the topic of human rights again until the mid-1960s when he was invited to join the *Committee for the Protection of Human Rights*.

While human rights theory in the GDR stagnated in the 1950s and early 1960s, SED officials lamented the weakness of East German arguments on the international stage. As a tool,

³² Bernhard Graefrath, *Die Vereinten Nationen und die Menschenrechte* (Berlin: Deutscher Zentralverlag, 1956), 7.

³³ On the human rights discourse at the Bandung Conference, see Burke, “The Compelling Dialogue of Freedom.”

³⁴ Siegfried Forberger, *Das DDR-Komitee für Menschenrechte: Erinnerungen an den Sozialismus-Versuch im 20. Jahrhundert; Einsichten und Irrtümer des Siegfried Forberger, Sekretär des DDR-Komitees für Menschenrechte von 1959 bis 1989* (Berlin: Self-Published, 2000). Although Graefrath’s book did not find a wide audience in the GDR, it did find a specialized readership with human rights academics in Hungary. In an article on international law the only Eastern European publications on human rights cited were Graefrath’s book and the work of Hungarian scholar Imre Szabo: See, Hanna Bokor, “Human Rights and International Law,” *Socialist Concept of Human Rights*, (Kiado: Budapest 1966), 281 & 288. While Szabo’s writings on human rights from a socialist perspective were prolific in the Hungarian language beginning with “Modern Concept of Human Rights” (*Az emberi jogok mai értelme*) in 1948, language barriers appear to have hindered the dissemination of his work in other countries of the Eastern Bloc.

³⁵ Part of Graefrath’s punishment was to serve as the mayor of the village of Zossen from 1960-61 and he was restored to his former position as a Dozent at Humboldt University in Berlin. See report MfS AP 82.7971/92.

Karl Polak's simplistic slogan "No Human Rights without Socialism" and the general theory that socialism itself was the realization of human rights had limited appeal beyond the Party faithful. The claim to "anti-fascist human rights" promoted by the *Committee for the Protection of Human Rights*, primarily in narrative terms, was not effective outside of the postwar German cultural context. As a 1963 report from the MfAA noted, while the idea of human rights was of great importance because it was so "broadly popular [*massenwirksam*]" the GDR was not capable of fully competing with Federal Republic on an ideological level. Of greatest concern to foreign affairs officials was that "our individual arguments remain defensive because they are merely a response to West German attacks."³⁶ In short, the SED could explain why West Germany violated human rights on a massive scale but was incapable of making a compelling *positive* case for the successful realization of human rights in East Germany. To deal with this problem the MfAA called for greater attention to the problem by various groups within the National Front, including the *Committee for the Protection of Human Rights*, but the problem was one of ideology rather than organization. Propagandists and diplomats had no convincing explanations for how they could simultaneously denounce West Germany's record on human rights when in the GDR there were no free elections, no freedom of speech, and very limited freedom of religious practice.

Although the leading members of the SED normally settled ideological questions, in this case, no solution was forthcoming from the usual suspects. SED founders Wilhelm Pieck and Otto Grotewohl were either dead or dying in the early 1960s, and neither had employed the language of human rights in their public statements since the late 1940s. By this time, Walter Ulbricht had consolidated personal power as head of the State Council and General Secretary of

³⁶ PA-AA, MfAA-A9706 Aktivierung der Arbeit auf dem Gebiet der Menschenrechte (7. Feb 1963), 1.

the SED, but his writings contained only a handful of mentions of the idea of human rights, almost entirely in terms of responding to its use in western propaganda against the GDR and other communist states. Polak, whose early writings on human rights in the 1940s had provided the ideological guidance for GDR officials to this time, died in 1963. The figures in the GDR who had the stature and authority to develop the ideology of human rights within the GDR were becoming fewer in number and the small group who now dominated political life atop the SED was unable or uninterested in developing a coherent response to the problem of what human rights meant in a socialist Germany.

Although the *Committee for the Protection of Human Rights* and other propaganda organizations publicly responded to West German claims that the SED state and the Berlin Wall in particular represented gross violations of human rights, East German academics and intellectuals had little more than sophisticated slogans to offer. In a 1962 article in the legal journal *Staat und Recht* entitled “The Further Development of the Basic Rights of Citizens in the Fight for the Preservation of Peace by Strengthening the Economic Basis of the GDR,” Willi Büchner-Uhder and Eberhard Poppe sought to reiterate that socialism secured the basic rights and human rights of East Germans.³⁷ While even Karl Polak’s tendentious work had sought to engage with “bourgeois” conceptions, histories of human rights and the ideas of the nonaligned movement, Büchner-Uhder and Poppe restricted their sources and their ideas to the safe territory of SED generated doctrine and propaganda. The article quoted primarily from the works of Otto Grotewohl and Walter Ulbricht, in the case of the latter, citing nearly every one of his few mentions of the subject, whether relevant or not.

³⁷ Büchner-Uhder and Poppe, “Die weitere Entfaltung der Grundrechte der Bürger im Kampf um die Sicherung des Friedens durch die Stärkung der ökonomischen Grundlagen der DDR,” *Staat und Recht*, 6:11 (1962).

Like Polak, the authors claimed that the anti-fascist and socialist order of the GDR brought about the rights of its citizens and that the further realization of socialism would in turn offer greater rights for the people. Most of the claims in the article were in broad terms and held little in the way of complex ideological justification. For example, on the subject of the Berlin Wall the authors claimed:

In carrying out our measures to save peace and human rights, as Walter Ulbricht on the 18th August 1961 said, ‘much much less occurred [i.e. harm or damage] as compared to the average Rock-and-Roll event in the West Berlin Sports Palace.’ In contrast, within our state, the fundamental rights of the citizens have been further strengthened since the 13 August [erection of the Berlin Wall]. They can live and work in a manner that is more peaceful, more secure and more purposeful.³⁸

Although this was flattering to the members of the Central Committee, to whom the article was presented, it was hardly suitable as a means of convincing sceptical West Germans or others in the west of the SED’s commitment to human rights. Human rights remained a broad term symbolizing the highest aspirations of the socialist project and measures to ensure the success of socialism such as the Berlin Wall. By citing the leader of the SED as their primary authority, the authors were insulated from accusations of “deviationism,” but such work would be of little use outside the GDR.

Hermann Klenner and the Invention of Socialist Human Rights

This ideological stagnation was finally broken in 1964, not from the efforts of the SED leadership but of a legal academic, Hermann Klenner, who was also a victim of the Babelsberg purges of 1958. Born in the town of Erbach im Odenwald in 1926, Klenner had joined the Nazi Party at the age of eighteen late in the Second World War but had become a dedicated socialist in the postwar period.³⁹ In 1951 he gained his Doctorate at the University of Halle and began work

³⁸ Ibid., 1050.

³⁹ Klenner’s father had been a member of the NSDAP having joined in 1940, but after the war rejected socialism and fled East Germany to settle in Bremen. BArch-Lichterfelde DC 20/9417 Information über die Angelegenheit der Professoren Dr. Mollnau und Dr. Klenner, 3.12.1968. 4. Klenner’s membership in the NSDAP was only revealed in

as a *Dozent* at the prestigious Humboldt University in Berlin. In 1956 at the age of thirty he was already a professor in the fields of legal theory and the history of law.⁴⁰ His rapid rise would be cut short when he was personally called out for censure by Walter Ulbricht and denounced at the Babelsberg Conference held in 1958 to root out deviationism within the legal profession.⁴¹ After serving a short term of re-education as the mayor of Letschin, a tiny village on the new border with Poland, he began to teach again at the *Hochschule für Ökonomie* in Karlshorst and turned his attention to the problem of human rights.

Klenner first began work on the problem of the basic rights of citizens in a socialist society through his teaching and in 1964 wrote “A Study on Basic Rights” (*Studien über die Grundrechte*). On a discursive and intellectual level this work represented a break from Karl Polak’s earlier writings. Klenner’s conception of “socialist human rights” moved beyond the cultural and narrative markers of the *Committee for the Protection of Human Rights*’ propaganda and internationalized the SED’s human rights discourse while grounding it in the legal and intellectual norms of the United Nations. Klenner’s contribution was to take a Polak’s slogan and to make it into a full-fledged ideology. Rather than building a conception of human rights up from local problems as the *Committee* did through its prisoner activism and cultural vocabulary, Klenner blended SED ideology and the language of international human rights to create a hybrid discourse. In doing so, he pulled together the local and the international and placed the inner-German conflict into the larger narrative of anti-imperialism and anti-colonialism through the language of human rights and self-determination. Whereas Graefrath’s 1956 work had drawn

1986 while Klenner was representing the GDR at the UN, Henry Leide, *NS-Verbrecher und Staatssicherheit: Die geheime Vergangenheitspolitik der DDR* (Munich: Vandenhoeck & Ruprecht, 2007), 87.

⁴⁰ BAArch-Lichterfelde DC 20/9417 Information über die Angelegenheit der Professoren Dr. Mollnau und Dr. Klenner, 3.12.1968. 4.

⁴¹ For an overview of Klenner’s legal work in the 1950s, see Caldwell, *Dictatorship, State Planning, and Social Theory in the German Democratic Republic*, chapter 2.

similar connections to third-world ideas, Klenner used the rhetoric of self-determination as the basis for a complete system of human rights thinking.

In “A Study on Basic Rights,” Klenner prefaced his ideological claims with his own history of human rights. According to Klenner, while the dream of human rights was ages old, the Russian Revolution had now ushered in a new epoch in development, in which the forces of exploitation, oppression, and war could finally be eliminated. The abolition of capitalism and the transition to socialism meant that human kind was being “freed from all economic, ideological and political chains,” and as a result, a new form of human rights was to be realized as well.⁴² For Klenner, this historical narrative stretched back to the *Magna Charta* and the demands of feudal lords for rights against the monarchy.⁴³ This feudal era ended when the bourgeoisie overthrew the established order through the great revolutions of the eighteenth century in the United States and France. The American declaration of Independence and the French Declaration of the Rights of Man and Citizen realized a form of human rights -- but they were still only the rights of the bourgeois citizens disguised as universal human rights. In practice, the bourgeois era of human rights was defined by the great flaw of equal rights without consideration for the problem of economic exploitation. The exploited and the exploiter had equal rights under the law and man became alienated by a system of rights against the state that pushed citizens apart and atomized society. Such rights represented progress over the feudal rights of the *Ancien Régime*, but they remained rights within a society based on principles of egotism, exploitation and oppression. Through the claims that such a system of human rights was “self-evident,” such

⁴² Klenner, *Studien über die Grundrechte*, 11.

⁴³ East German efforts to appropriate the entirety of German history for the purposes of legitimizing SED rule were at a peak in the 1960s. See Stefan Berger. “National Paradigm and Legitimacy: Uses of Academic History Writing in the 1960s,” in Patrick Major and Jonathan Osmond, *The Workers’ and Peasants’ State: Communism and Society in East Germany Under Ulbricht, 1945-71* (Manchester: Manchester University Press, 2002).

notions were mystified and internalized as natural, inevitably leading to their further entrenchment in society as a whole. While the bourgeois notion of human rights actually furthered the exploitation of the working class, its proponents came to believe in its sanctity and inviolability.

To this point in the story, Klenner was largely paraphrasing Marx's critique of the Declaration of the Rights of Man and Citizen. Whereas Marx's conclusion was to simply discard the language of rights from his conception of communism, Klenner here took a very different turn. He wrote,

The rights of the victorious proletariat have their first formulation not in the bourgeois catalogues of basic rights but rather they have found them in the programs and statutes of the Party fighting for the power of the proletariat. Socialist fundamental rights are derived from the *necessities* of the economic development of society and the *possibilities* of the dictatorship of the proletariat – the executrix [*Vollstreckerin*] of historical necessity define their very contents.⁴⁴

In short, rights under socialism were not simply the rights that previously existed in the bourgeois epoch of history with better implementation, but instead they would be something new. They would not be created through law books, but rather expressed through the power of the leading party of the proletariat, which represented the force of historical necessity driving forward and liberating the masses.

In explaining the connection between socialism and the realization of human rights, Klenner turned to the language of self-determination. According to his interpretation, the abolition of capitalism and the resulting end of exploitation allowed all to take part in the process of self-governance and thus produced a system truly rooted in the principle of self-determination. The triumph of the working class was actually the triumph of all humanity (unlike the triumph of the bourgeoisie, who claimed the same thing but was actually deluded) and as a result, the distinctions between state, society and the individual had broken down completely. In a socialist

⁴⁴ Klenner, *Studien über die Grundrechte*, 53–54.

system with real self-determination, the interests of the individual and society could no longer be in conflict since they were one and the same. Through such reasoning, the lines between socialism and self-determination became blurred as both came to mean the realization of a state ruled by the leading party of the working class on behalf of all.⁴⁵

How did socialist rights actually function in practice? Unlike in the earlier epoch of history, these rights “are not characterized by a sphere free of the state in which the individual can act with private arbitrariness [*Willkür*] (a petit-bourgeois conception and illusion), but rather through the ever more comprehensive state-organized mastery of lawful social relations of the masses of the people.”⁴⁶ In the place of the freedom to act out of self-interest, basic rights under socialism functioned as a means for the state to mobilize, orient, and organize “the masses onto the path to their own liberation.”⁴⁷ Human rights under socialism now represented a means of expressing social ideals, thus they did not exist to allow the individual to separate from society but rather to fulfil the interests of both the individual and society.

Accordingly, all rights were now balanced by concurrent duties to employ one’s rights to the fullest so that the individual and society could realize the greatest benefit.⁴⁸ In a society where the citizen has the right to work or the right to education, he also had the duty to work and the duty to educate himself for his own sake and that of the larger community. This concept was elucidated through Klenner’s descriptions of the three key rights under socialism according to his theory – the right to work, the right to education and the right to political participation. For Klenner, “to interpret the right to work as the right to be lazy or the right to education as the right

⁴⁵ Ibid., 123–28.

⁴⁶ Ibid., 53.

⁴⁷ Ibid., 54.

⁴⁸ Ibid., 78–88.

to be stupid, belongs to the typical bourgeois basic rights conception of subjective idealism,” and was thus wrong.⁴⁹ The right to work was not the right to have the state provide you with a job but instead to cease being alienated from one’s work and to labour on behalf of society as a whole and not for the profit of a capitalist. The right to education was not the total freedom of expression as promoted by bourgeois theorists as this gave equal weight to truth and falsehood. Under socialism, all had the right to learn the truth. Concurrently, these rights came with duties – one had the duty to contribute to society through one’s labour and every citizen had the responsibility to assist in the “struggle against bourgeois ideology, against revisionism and against dogmatism.”⁵⁰ From one perspective, as emphasized by Klenner, an individual had the duty to exercise his rights; from another perspective, however, this meant that he only had the right to fulfill his duties.

In terms of the right to political participation, rather than having the opportunity to vote for a variety of parties, all of whom were in the pocket of capital as in bourgeois society, citizens could now fully participate in the governance of their state through the vehicle of the leading party of the proletariat:

In the past, workers and peasants have through their efforts won from “elites” the inalienable right to take part in governing. It consists above all else of the right to free association in social organizations, the right to assembly and the freedom of demonstration, the right to participate in referenda, the right to actively take part in the work of the parliament and its institutions (including the election and removal of representatives by the citizenry), in the right to the armed defence of the workers’ and peasants’ state and in the right to legality in all actions by the state.⁵¹

In Klenner’s idealized socialist state, one had the right and duty to active citizenship in society and in the institutions of state, both political and military. Since socialism fulfilled the true interests of the people, there could be no right to vote for alternatives to it as a political and

⁴⁹ Ibid., 115.

⁵⁰ Ibid., 114.

⁵¹ Ibid., 118.

economic system as that would not only mean harming the interests of the individual but also of society as a whole. Political rights existed only within the context of the already established socialist system, the terms of which were ordained by “historical necessity” and not up for debate or contestation.

Klenner argued that these basic rights (*Grundrechte*) that a citizen experienced as member of socialist society in the GDR represented the manifestation of broader principles of universal human rights. In doing so, he linked together the domestic system of the GDR to the broader principles of the United Nations and the international discourse of human rights, primarily through his reinterpretation of the concept of self-determination as an underpinning principle of the state-socialist system. On an even broader level, Klenner sought to extend these ideas to the problem of international peace and the Cold War. According to Klenner:

Wherever in the world the people are fighting against the exploitation, ignorance, and oppression brought about by the imperialists, they are fighting a just struggle for their self-determination. Wherever in the world there is the struggle against the threat of war, it is a struggle for the most important human right, the right to a peaceful life!⁵²

On a global scale, the root of conflict was exploitation, imperialism and the absence of self-determination. The path to peace was thus the realization of self-determination through socialism that would in turn bring about universal human rights. In resisting the neo-fascist imperialism of West Germany and establishing socialism on German soil, the GDR was truly leading force in this quest for world peace.

In concluding his work, Klenner brought together the global struggle against imperialism with his philosophical vision of socialist human rights. He hailed the Declaration on the Granting of Independence to Colonial Countries and Peoples from 1960 not as the realization of the UN Charter but as a blow to the bourgeois human rights ideal and an important step towards the

⁵² Ibid., 13.

liberation of all peoples through socialism. Klenner held out hope that when “all the peoples have heard the signal,” and the world has been united through socialism, man would overcome his contradictions, within himself and with nature, and human rights would be realized for all.⁵³ In a fascinating combination of high philosophy, popular socialism, and international affairs, Klenner had equated the idea of post-colonialism with Hegelian mysticism, all written in a play on the lyrics of the *Internationale*.⁵⁴ In doing so, Klenner’s work translated the struggle for anti-colonialism and human rights into the idiom of both high and low East German socialism.

Through all of the intellectual contortions on display in Klenner’s work, it is faith in the transformative power of “the revolution” that ultimately undergirds his thinking. The references to the Hegelian idea of man overcoming his contradictions and realizing true freedom were not just high intellectual gloss on propaganda but rather the essence of Klenner’s worldview. In a comparative study including some of Klenner’s later works, the philosopher Tore Lindholm argues that the red thread running through his arguments is a form of Marxist metaphysics that anticipated the total emancipation of humanity through the eventual triumph of Communism.⁵⁵ The double standard between the socialist world and the capitalist world was politically convenient, but it was rooted in a belief that the GDR had crossed a threshold into a stage of historical development that had fundamentally altered all human relations. Klenner was not alone in this conviction and this basic premise would prove to be a major hindrance to the emergence

⁵³ Ibid., 127.

⁵⁴ The refrain from *Die Internationale* is “Völker, hört die Signale! / Auf zum letzten Gefecht! / *Die Internationale* / erkämpft das Menschenrecht.”

⁵⁵ Tore Lindholm, “Prospects for Research on the Cultural Legitimacy of Human Rights,” in Abdullahi Ahmed An-Na’im, *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (Philadelphia: University of Pennsylvania Press, 2011).

on an independent human rights movement in the 1970s and 1980s as faith in the revolution led many dissident socialists to turn their backs on “bourgeois” human rights.⁵⁶

Klenner’s conception of socialist human rights provided a politically useful double-standard that excused the abuses of the SED dictatorship while still allowing East Germany to criticise the shortcomings of other states in the west in the language of human rights. Since capitalist states were still in the bourgeois phase of history, denial of voting rights or censorship could be attacked as a violation of human rights while these same actions by a communist regime could be justified as necessary to protect the achievements of socialism and the realization of the true interests of the people. Within such states, it was conceptually impossible even to claim that the rights of the individual were being violated as the interests of society and the citizens were inherently the same. In a system where the state represented the pure expression of the will of all of humanity, how could the rights of the individual not be fulfilled? While one could argue that low-level functionaries imperfectly realized the will of the state, the moral legitimacy of the larger political superstructure was unimpeachable. Moreover, Klenner’s logic tied together the causes and vocabularies of anti-imperialism, anti-colonialism, socialism and human rights into a discourse in which all the terms came to be interchangeable and interconnected.

It is also important to note here that while Klenner’s work was rooted in the classics of Soviet Marxism-Leninism, the ideas he published were not drawn from contemporary academic work elsewhere in the Eastern Bloc. While the Soviet Union did warm to the language of human rights in its propaganda, it was limited to claims that the USSR was governed by the principles of “socialist legality” rather than any kind of separate theory of distinctly “socialist human rights”.⁵⁷

⁵⁶ See chapters 5 and 6.

⁵⁷ Jennifer Amos, “Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights, 1948-1958,” in *Human Rights in the Twentieth Century*.

The rights rhetoric in the USSR in relation to constitutional rights differed significantly from human rights discourse as those rights were inherently connected to Soviet citizenship instead of a conception of universal humanity.⁵⁸ Soviet legal scholarship on human rights did not begin in earnest until the mid-1970s in response to the domestic human rights activism and most likely the ongoing negotiations over the Helsinki Accords (1972-1975). The earliest significant work on the subject, according to a study by Christopher Osakwe, was I. Farber's *Freedom and Human Rights in the Soviet State*, which appeared in 1974. While the Soviets would later develop a rich body of theoretical work on the subject of human rights – the USSR began publishing a journal on human rights issues (*Prava Cheloveka*) in 1983 – in 1964, Klenner was not copying from the Soviets but rather creating something new.

Klenner's work quickly gained acclaim among East German intellectuals – when Klenner submitted an earlier draft of the book as his *Habilitationsschrift* in 1964, Siegfried Forberger, the secretary of the *Committee for the Protection of Human Rights* attended and found his work to be “fascinating.” As he would later write of the experience: “For the first time I was hearing a law professor speaking extemporaneously with logical clarity, convincing arguments and publishable formulations on the essential aspects and problems of Marxist human rights theory.”⁵⁹ In 1965, Forberger invited Klenner to give a speech on his theories to a meeting of the *Committee for the Protection of Human Rights* and recruited him as a member. Klenner also found a patron in Hans Schaul, the chief editor of *Einheit*, the SED's theoretical journal, in which Karl Polak's influential papers had been published.⁶⁰ While some more conservative members of the SED's publishing bureaucracy expressed concerns over Klenner's work, Schaul's support ensured that

⁵⁸ Benjamin Nathans, “Soviet Rights-Talk in the Post-Stalin Era,” in *Human Rights in the Twentieth Century*.

⁵⁹ Forberger, *Das DDR-Komitee für Menschenrechte*, 189.

⁶⁰ *Ibid.*, 195.

“A Study on Basic Rights” was published without extensive revision by the censors. His support was also likely the reason that Klenner was able to publish an article length version of the book’s argument in the SED’s international affairs journal *Deutsche Außenpolitik* in 1964.⁶¹

Klenner not only gained influential supporters, but was skilled at presenting his material to wider audiences in the GDR. In contrast to the repetitious slogans and dogmas of existing human rights propaganda, Klenner’s 1965 address to the *Committee for the Protection of Human Rights* employed irony and humour in addition to ideological formulas, and openly advertised his cosmopolitan influences and international perspective. The presentation to the *Committee* brought together Klenner’s new intellectual conception of socialist human rights with the existing appeal to anti-fascism as the basis for the righteousness of the socialist project and the GDR that had been the mainstay of the *Committee*’s propaganda from the start. In his speech, Klenner declared,

We not only have the duty to take stock of the implementation of human rights in Germany today, but we are also legitimized in this task by the fact that we are not on the side of those government functionaries and pensioners who so despise human rights [in West Germany]. On our side, with power in their hands, are those who fought for human rights during the dark night of fascism. The defendants are now the judges. The persecuted of yesterday are with us today as the rulers. And they have built a German *Rechtsstaat* in which human rights are the corner stone of our democracy.

He continued ironically:

To paraphrase Heinrich Heine: catalogues of basic rights do not make a man free just as cookbooks cannot make him full. Thus we find it necessary to appropriate the knowledge of the only force that is capable of realizing human rights. Because we know, that the course of history is unstoppable, because we know that the power of the people is immense, and so we believe and so we know that the age-old longing of man for freedom and peace, for equality and justice will soon be realized across the world.⁶²

⁶¹ Ibid., 190. The article appeared as Hermann Klenner, “Fünfzehn Jahre Menschenrechtspraxis in Deutschland,” *Deutsche Außenpolitik*, 9 (1964) 12, S. 1155-1162

⁶² BArch Lichterfelde, DZ 7/ 26 Aus dem Protokoll der Komiteesitzung am 26.4.1965 “Zwanzig Jahre Menschenrechtspraxis in Deutschland,” 3, 15.

In his presentation, the local project of socialism in East Germany was part of the grand historical narrative of the progress of history towards the realization of human rights and the SED was shown to be the agent of this historical process due to its anti-fascist character. The earlier appeals to a sense of anti-fascist culture and identity remained but they were now part of a larger understanding of human rights that was centered on the norms and texts of the United Nations and international discourses of self-determination.

In 1958, Klenner was a pariah; by 1965 his work rapidly became the orthodoxy of the East German state on the subject of human rights. Soon after joining the *Committee for the Protection of Human Rights*, Klenner displaced Chairwoman Friedel Malter and Secretary Siegfried Forberger as the intellectual force of its propaganda and publicity. Similarly, scholarly articles on rights under socialism now cited his work often and used it as the starting point for their arguments. Although fellow East German scholars did criticize many of his points for their apparent misinterpretations of nuances of Marxist theory (as communist academics are wont to do) Klenner's work was the elephant in the room of human rights scholarship that had to be addressed and engaged. While Willi Büchner-Uhder and Eberhard Poppe had ignored Klenner's earlier work, in a 1966 article in the legal journal *Staat und Recht*, they cited *A Study on Basic Rights* six times as compared to three citations of SED leader Walter Ulbricht and only one reference to Otto Grotewohl or Vladimir Lenin.⁶³

As imprisoned left-wing activists and KPD members in Federal Republic disappeared from GDR propaganda (and indeed from West German prisons) in the late 1960s, Klenner's new voice paved the way for the transition of the *Committee for the Protection of Human Rights* from activist organization dedicated to freeing communists into propaganda organization with a truly

⁶³ Willi Büchner-Uhder, Eberhard Poppe and Rolf Schüssler, "Grundrechte und Grundpflichten der Bürger der DDR: Zur staatstheoretischen und -rechtlichen Grundrechtsforschung," *Staat und Recht* 4(1966).

international perspective. Klenner's work also provided the substance and detail needed to engage with the problem of human rights at the United Nations as the GDR once more pressed to gain full entry into the community of nations and to normalize its diplomatic relations.

The International Year for Human Rights and the Mainstreaming of Socialist Human Rights in the GDR

In January 1968, the Socialist Unity Party's (SED) Secretary General Walter Ulbricht included the following passage in his New Year's Address:

The United Nations has declared the year 1968 to be the "International Year for Human Rights". Our new socialist and humanistic constitution, which is based on respect for human rights and that highest of human rights, the right to peace, which will be the concern of our whole society, is also a fine contribution of the German Democratic Republic to the objective of this "International Year". In West Germany, however, the year of human rights is marked by support by the ruling circles in Bonn for the barbaric US war against the Vietnamese people. It is dedicated to the disenfranchisement and the gagging of the people through the Emergency Decrees, the dismantling of social services and neo-Nazi propaganda.⁶⁴

While Ulbricht had almost never used the phrase human rights in the past, in 1968, it was the central theme of the GDR's plans for domestic reform and international propaganda.

For the SED, 1968 was to serve as a year of transformation - when the GDR would turn from the anti-fascist state of its founding into a true socialist country. The original 1949 Constitution, with its tributes to German unity and bourgeois political structures was to be replaced by a "Socialist Constitution" that would confirm and legitimize SED rule. For Walter Ulbricht, 1968 would demonstrate that the GDR was continuing to advance through the stages of historical development towards pure communism – in 1952, the SED had begun the "construction of socialism" and now the GDR would become a "socialist people's community".⁶⁵ The mass public consultations on the substance of the Constitution and vote on its adoption, the *Volksaussprache*, planned by SED would demonstrate the unity of the people

⁶⁴ Walter Ulbricht, „1968 - Jahr wichtiger Entscheidungen“ (Neujahrsbotschaft). *Neues Deutschland* (1 Jan 1968), 1.

⁶⁵ Andreas Glaeser, *Political Epistemics: The Secret Police, the Opposition, and the End of East German Socialism* (Chicago: University of Chicago Press, 2011), 105.

and make the document the bedrock for a distinctly East German political identity and citizenship.⁶⁶ Internationally, the SED was going to use the International Year for Human Rights to declare its support for the recently passed United Nations Human Rights Covenants in order to gain diplomatic recognition so as to finally secure an equal place to the Federal Republic on the international stage.⁶⁷

While the decolonization meant that the Afro-Asian Bloc was rapidly growing at the United Nations and formed a majority of voting members by 1960, neither of the Germanies was recognized as a member of the UN and most international organizations refused to recognize that they represented separate sovereign nations.⁶⁸ While West Germany had observer status and represented “Germany” at important UN bodies like UNESCO, the GDR was completely shut out. SED General Secretary Walter Ulbricht personally hoped that the changing atmosphere would be enough for the GDR finally to gain entry in spite of western opposition. On February 28th, 1966, East Germany put forward a formal application for membership in the United Nations but they were forcefully rebuffed. UN Secretary General U Thant objected that the application for full membership was inappropriate at the time, even though he was known to personally support the inclusion of the GDR as an observer on equal footing with West Germany. The

⁶⁶ On GDR citizenship and sense of nationalism see, Jan Palmowski “Citizenship, Identity and Community in the German Democratic Republic,” in Geoff Eley and Jan Palmowski, *Citizenship and National Identity in Twentieth-Century Germany* (Palo Alto: Stanford University Press, 2007); Jan Palmowski, *Inventing a Socialist Nation: Heimat and the Politics of Everyday Life in the GDR, 1945-90* (Cambridge: Cambridge University Press, 2009).

⁶⁷ While historical accounts of this era in the GDR often mention the new constitution, the vast archival holdings at the *Bundesarchiv* and regional archives on popular opinions expressed during the *Volksaussprache* have been almost entirely ignored by historians of the GDR. The one notable exception is the regional study of Thüringen by Mark Allinson, *Politics and Popular Opinion in East Germany 1945-1968* (Manchester: Manchester University Press, 2000). To date, no history of East Germany in 1968 or of GDR foreign policy has examined SED activity for the International Year for Human Rights. It appears as though the only historical work to mention that the SED engaged with the Year for Human Rights at all is Anja Mihr, *Amnesty International in der DDR: der Einsatz für Menschenrechte im Visier der Stasi* (Berlin: Ch. Links, 2002), Fn. 11, 259-260.

⁶⁸ This refusal by the international community was most clearly seen at the Olympics where East and West Germany were compelled to compete as a single team in the 1950s and 1960s under a compromise flag of red, black and gold with the Olympic rings in the center. See Allen Guttman, *The Olympics: A History of the Modern Games* (University of Illinois Press, 2002), 95.

western members of the Security Council, whose responsibility it was to accept or deny the application, quickly circulated a note saying the GDR was not eligible to membership as it was not a sovereign independent state. With open opposition from the US, UK, and France, the Soviet Union did not even try to place the matter on the agenda for the Security Council since failure was assured by a western veto. In spite of a concurrent “goodwill” tour to nonaligned states, not one neutral country spoke out in favour of the East German application, due to continuing fears that Bonn would cut off foreign aid and trade deals in retaliation.⁶⁹

Following this defeat, Ulbricht sought to once again go on the offensive against West Germany with a strong ideological campaign, but this was prevented by the USSR on the grounds that it could interfere with the new Soviet efforts to negotiate with the FRG and other western European countries from a more conciliatory starting point.⁷⁰ As a result, the SED had to find a means of asserting its claims through a positive case for its own sovereignty and legitimacy rather than simply attacking the FRG. What emerged in the late 1960s was a campaign to normalize the GDR in the language of human rights that did not shy away from attacking West Germany’s human rights record, but focused primarily on the accomplishments of East German socialism and the solidarity of the GDR with the Third World.

The main vehicle for this campaign would be the International Year for Human Rights. On December 12, 1963 – two days after the 15th Anniversary of the Universal Declaration of Human Rights – the General Assembly passed Resolution 1961 (XVIII) “Designation of 1968 as International Year for Human Rights,” which invited all members to “intensify their domestic

⁶⁹ William Glenn Gray, *Germany’s Cold War: The Global Campaign to Isolate East Germany, 1949-1969* (Chapel Hill: University of North Carolina Press, 2003), 189–190.

⁷⁰ Oliver Bange, “The GDR in the era of Détente: Conflicting Perceptions and Strategies, 1965-1975” in Paul Villaume and Odd Arne Westad, *Perforating the Iron Curtain: European Détente, Transatlantic Relations, and the Cold War, 1965-1985* (Copenhagen: Tusculanum Press, 2010), 58.

efforts in the field of human rights with the assistance of their appropriate organizations, in order that a fuller and more effective realization of those rights and freedoms might be achieved.”⁷¹ In 1966, the General Assembly added to this general request by asking that member nations use the year as an opportunity to sign-on to key UN human rights documents, to have state leaders issue statements as to the importance of human rights, to have other state agencies demonstrate their support for the year through symbolic measures (i.e. commemorative postage stamps) and that the Shah of Iran would host an international conference on human rights in Tehran.⁷²

For the SED Politburo, the Year for Human Rights represented a unique opportunity to demonstrate its credentials on human rights and to delegitimize West German claims to represent all German people. The SED would promote the foreign policies of the GDR and demonstrate its humanistic character by “unrestricted support for the Vietnamese people against the barbaric war of USA imperialism,” solidarity with the Arab people in order to “overcome the effects of Israeli imperialist aggression,” and support for new nations in “realizing the right to self-determination and the liquidation of all remaining traces of colonialism and neo-colonialism.”⁷³ In contrast, the SED would highlight West German support for the American war in Vietnam, its aims to employ nuclear weapons – as “an acute danger to peace and thus a permanent attack on human rights” – and Bonn’s refusal to renounce its “imperialistic” claims to sovereignty over East German territory.⁷⁴ Overall, it was crucial to show the world that “socialist humanism is the embodiment of human rights and to unmask the misuse of the idea of ‘human rights’ that drives the

⁷¹ General Assembly Resolution 1961 (XVIII), Resolutions Adopted by the General Assembly During its Eighteenth Session, www.un.org/depts/dhl/resguide/r18.htm.

⁷² General Assembly Resolution 2217 of 19 December 1966 in Resolutions Adopted by the General Assembly During its Twenty-First Session, www.un.org/documents/ga/res/21/ares21.htm.

⁷³ BArch-Lichterfelde DY 30/ J IV 2/3/ 1404 Protokoll Nr. 43/68 Sitzung am 8. Mai 1968. Inhaltliche Konzeption für Maßnahmen aus Anlaß des von der UNO proklamierten “Internationalen Jahres der Menschenrechte,” 1.

⁷⁴ Ibid, 2.

implementation of West German imperialist class interests.”⁷⁵ The Politburo believed that if the GDR could convince the developing world that its domestic politics were in line with international human rights norms, this would affirm the GDR’s claim to membership in the United Nations.⁷⁶ Whereas the SED’s propaganda of the early 1960s portrayed the conflict between East and West Germany as struggle between the anti-fascist proponents of human rights in the GDR and the mass violators of human rights in the Federal Republic, this new line integrated this conflict into a Manichaeian vision of international Cold War as a fight between capitalist imperialism and socialist anti-colonialism.

The effects of the SED’s embrace of the International Year for Human Rights would be manifold within the GDR. SED efforts to promote its credibility in terms of human rights led to the mass dissemination of the idea of “socialist human rights” throughout the Party and state bureaucracies. This campaign resulted in SED officials internalizing the ideological conception of a distinctly socialist human rights rooted in the post-colonial language of self-determination as developed by the legal scholar Hermann Klenner in his book *A Study on Basic Rights* in 1964.⁷⁷ The actions of the SED also linked together the domestic political and economic with the specific legal language of the UN Covenants on Human Rights. In contrast with the limited impact of the propaganda work of the *Committee for the Protection of Human Rights* from 1959-1966, the SED program of events, propaganda and domestic reform association with the International Year for Human Rights in 1968 mainstreamed Hermann Klenner’s ideas with the result that they became a natural part of the ideological landscape of the GDR.⁷⁸

⁷⁵ Ibid, 2.

⁷⁶ Ibid, 3.

⁷⁷ Klenner, *Studien über die Grundrechte*. See chapter 3, Part 1 for more explanation of Klenner’s theories.

⁷⁸ The actions of the Committee for the Protection of Human rights from 1959-66 are explained in chapter 2.

The Socialist People's Community and the Volksaussprache

The transformation of East Germany into a “socialist people’s community” was to be demonstrated through two key domestic reforms: the adoption of a new criminal code and the promulgation of a new “Socialist Constitution.” The text of the new criminal code claimed that the socialist order “ensures that every citizen can make his life in full compliance with his dignity, his freedom and human rights in accordance with the rights and interests of the socialist society, the state and its citizens.” (Chapter 1, Article 2) and that the “dignity of man, his freedom and his rights are protected under the criminal laws of the socialist state.” (Chapter 1, Article 4)⁷⁹ Echoing the language of the secret “shooting order” issued to Berlin Wall guards that justified the use of lethal force against those attempting to escape in order to prevent “a crime against the sovereignty of the German Democratic Republic, against peace, humanity, and human rights,” the criminal code reserved the death penalty for those who committed “crimes against the sovereignty of the German Democratic Republic, peace, humanity and human rights or serious crimes against the German Democratic Republic”⁸⁰

The introduction of a new constitution and the *Volksaussprache* – the massive countrywide series of meetings to discuss the matter with the people prior to a plebiscite in April 1968 – formed the other plank of the domestic agenda. The crucial innovation of the new constitution was that it now clearly endorsed and legitimized the political reality of SED rule in East Germany. The first article stated:

The German Democratic Republic is the socialist state of the German nation. It is the political organization of the working people of the cities and countryside, who under the leadership of the working class and its Marxist-Leninist Party [the SED], are realizing Socialism.

⁷⁹ *Strafgesetzbuch der Deutschen Demokratischen Republik vom 12. Januar 1968*, www.verfassungen.de/de/ddr/strafgesetzbuch68.htm.

⁸⁰ A copy of the order from c. 1962 is reprinted in Bernhard Pollmann, (ed.) *Lesebuch zur deutschen Geschichte. Band 3, Vom deutschen Reich bis zur Gegenwart* (1984) Pg. 245-46.

Article 2 continued from this premise and claimed that the end of capitalism in the GDR meant “the exploitation of man by man has been abolished forever,” employing a phrase that would become a standard quote in East German human rights propaganda from then onwards. The sixth article also explained that the GDR would abide by the principles of socialist internationalism and would follow the lead of the Soviet Union in these matters. While Walter Ulbricht promoted the “socialist and humanistic constitution” as a document “based on respect for human rights,” the new constitution actually decreased the number of explicit basic rights in comparison with the 1949 Constitution.⁸¹ Although it did include numerous liberal-democratic sounding rights to expression and political participation, the right to strike had been removed to the consternation of many East Germans. Another point of contention was the reduction of religious freedoms: the 1949 constitution had eight articles that explicitly guaranteed freedom of belief and the independence of the churches while the new document mentioned freedom of religion (but not of belief and conscience) only once.⁸²

The call by the SED for suggestions as to how to improve the proposed constitution resulted in an outpouring of letters from East German citizens; most of the population attended consultative and educational meetings on the meaning of the new constitution in the lead-up to the plebiscite. While East German citizens sought to make changes to the constitution and restore guarantees for rights, particularly concerning religious freedom, almost no one used the opportunity to challenge the SED’s claims to political power. There were hardly any letters demanding changes to Article 1 that effectively legalized the SED monopoly on power. While

⁸¹ Walter Ulbricht, „1968 - Jahr wichtiger Entscheidungen“ (Neujahrsbotschaft). *Neues Deutschland* (1 Jan 1968), 1. Propaganda in the media also linked the realization of the socialist constitution to the longer history of the German struggle for human rights. See Hermann Klenner, “Frei von dreifacher Bürde: Eine Betrachtung über die Menschenrechte in unserer sozialistischen Verfassung,” *Neues Deutschland*, (30 March 1968).

⁸² Allinson, *Politics and Popular Opinion in East Germany 1945-1968*, 142–43.

hundreds of citizens invoked international human rights treaties and declarations in the name of asking for change, the officials in charge of drafting the constitution saw this as constructive feedback rather than a cause for concern. Most comments deemed “provocative” by state officials referred to the events of the Prague Spring next door as a positive example for the GDR to follow rather than references to the United Nations.⁸³ In the end, the massive propaganda campaign for the constitution proved to be a success as nearly 95 percent of the population turned out to vote in favour of its adoption. While many who voted yes undoubtedly held objection to aspects of “real existing socialism,” the SED was able to command enough authority to make the population take part in the vote without the need for extensive threats or outright coercion.⁸⁴

Although the constitution and the plebiscite were written off as a propaganda stunt in West Germany, gaining the “approval” of the people was a very serious affair for the SED.⁸⁵ The new constitution and the consultations that leading up to the vote upon it, featured as one of the main rhetorical points of the SED in claiming that the GDR was in line with the norms of international human rights and was a democratically legitimate state. At all international events, the consultations and vote featured prominently. In her opening speech at an international colloquium held by the *Committee for the Protection of Human Rights* in Berlin at the end of March 1968, Chairwoman Friedel Malter emphasized the importance of the referendum that was soon to be held as a marker of East Germany’s commitment to human rights. She asked the delegates, primarily socialists and communists from Western Europe to not only “examine our conception of human rights [found in the constitution], in particular the relationship between

⁸³ See chapter 4 for a full discussion of the results of the *Volksaussprache*.

⁸⁴ Allinson, *Politics and Popular Opinion in East Germany 1945-1968*, 145.

⁸⁵ For an example of the dismissive reactions from the West German media, see “Für immer beseitigt,” *Der Spiegel*, 16(1968), 53.

political and social rights or the system of material and judicial guarantees of human rights,” but to also experience the preparations for the referendum itself as a kind of triumph of human rights.⁸⁶

Not only did the Constitution demonstrate the vitality of human rights in the GDR, but the vote itself showed the sovereignty of the people and the fulfillment of the right to self-determination. In a speech commemorating the 20th anniversary of the UDHR in December 1968, Foreign Minister Otto Winzer touted the role of the new constitution in ensuring peace, proclaiming:

The plebiscite and the socialist constitution of the German Democratic Republic both document before the whole world that, in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, that the principle of popular sovereignty is embodied in the German Democratic Republic.⁸⁷

Similarly, the GDR’s official declaration to the UN’s human rights conference in Tehran, claimed that

The decision of the people of the GDR on a new constitution is convincing proof of the realization of the UN-Charter and of the right to self-determination as fixed by the human rights covenants, by virtue of which the people freely choose their political status.⁸⁸

The declaration then described the participation in numerical terms in order to demonstrate the full extent of popular involvement: 12,454 letters with suggestions for changes were sent to the constitutional commission, which then made 118 changes to the draft text. In the vote itself, 11,536,803 citizens apparently voted in favour of the constitution with 409,733 voting against

⁸⁶ BArch-Lichterfelde DZ 7/ 69 Begrüßungsansprache der Vorsitzenden des Komitees zum Schutze der Menschenrechte, Friedel Malter, an die Teilnehmer des internationalen Kolloquiums am 29./30. März 1968, 4.

⁸⁷ BArch-Lichterfelde DO 4/ 3053 “Die Deutsche Demokratische Republik – Staat erfüllter Menschenrechte: Rede von Otto Winzer, Minister für Auswärtige Angelegenheiten der Deutschen Demokratischen Republik, gehalten auf der Festveranstaltung am 9. Dezember 1968 in Berlin anlässlich des 20. Jahrestages der Annahme der ‘Allgemeinen Deklaration der Menschenrechte’ durch die UNO.” *Außenpolitische Korrespondenz* 51/52 (1968), V.

⁸⁸ BArch-Lichterfelde. DY 30/ J IV 2/2/ 116. Erklärung der Regierung der DDR an die Internationale Konferenz über Menschenrechte vom 22. April bis 13. Mai 1968 in Teheran, 2.

and 24,353 spoiled ballots.⁸⁹ Demonstrating mass participation was as important as showing mass approval in order to support the SED's claims to self-determination for the East German people.

Internalizing Human Rights as Law through the UN Human Rights Covenants

The SED not only equated the creation of the new "socialist people's community" with the realization of self-determination and human rights, but the terms of the GDR human rights discourse shifted from the cultural narratives of the *Committee* to a new legalistic vocabulary. Although this reconceptualization of human rights in legal terms was embedded in the larger anti-fascist narratives that were already established, the primacy now lay in fidelity to the language of the new UN human rights treaties that had been finalized in 1966: the International Covenant on Political and Civil Rights and the International Covenant on Economic, Social and Cultural Rights. When the SED formally announced its commitment to the contents of the UN Covenants in October 1968 and affirmed its readiness to sign them once the GDR was a member of the UN, it represented the end of a nearly yearlong bureaucratic process that touched almost all sections of the East German state. The SED's affirmation of the Covenants was a significant act from an ideological and propaganda perspective, but the more important process occurred behind the scenes as state and party officials of all stripes had to address UN human rights norms to determine if this act would constitute a threat to SED rule. Across the board, this encounter with the UN Covenants resulted in officials finding means of reconciling these ideas with East German socialism, both in its real and idealized form. Rather than provoking self-criticism or reform, the two decades of propaganda equating socialism with human rights intertwined with the new ideological work of Klenner and others to facilitate a mass rationalization of the East German political and economic system by state officials in the language of human rights.

⁸⁹ Ibid.

In November 1967, the Ministry for Foreign Affairs began internal deliberations as to whether the GDR could sign onto the United Nations human rights documents, which SED officials hoped could serve as a central symbolic contribution to the events of the year. Foreign Minister Otto Winzer sent a letter to more than a dozen state departments, party organs, and organizations asking for a review of the International Human Rights Covenants of 1966 and International Convention on the Elimination of All Forms of Racial Discrimination (1965) with regards to whether any terms of the documents conflicted with GDR laws, norms or practices and what changes would be required domestically in order for the SED to sign on to them without contradiction.⁹⁰

The response to this inquiry from the various departments was uniformly optimistic and recommended that the GDR sign on to the Covenants with only minor reservations as to the contents of the documents.⁹¹ As a report summing up the internal review to Walter Ulbricht described it, “the problems and questions raised, however, are not so grave that the affirmation by the GDR of the International Covenants would be called into question.”⁹² The response of General State Prosecutor Josef Streit is indicative of the tone of this departmental feedback. While there existed the possibility of problems arising from rarely used provisions of work as a form of criminal punishment and the absence of complex appeals process for those accused of criminal charges, Streit assured Winzer that in regards to the International Covenant on Political

⁹⁰ The Departments, organizations and state organs contacted included the League for International Cooperation, the Supreme Court, the Ministry of Justice, the Ministry of Health, the Ministry of Education, the Ministry of Culture, the General State Prosecutor’s Office, the State Office for Work, the Ministry of the Interior, the Ministry of Finance, the State Central Administration for Statistics, the Committee for the Protection of Human Rights, the State Office for Job Training, the Ministry of Higher Education and the Ministry for State Security. PA-AA, MfAA C 487/76 Vorbereitung des Anschlusses und Beitrittserklärung der DDR an die Konventionen über wirt. 1967-1968 UN Konventionen.

⁹¹ The full report on the feedback from the various departments was collected in the report “Einzelfragen, die aus der unterschiedlichen Regelung bestimmter Komplexe durch das nationale Recht der DDR und durch die Bestimmungen der beiden Menschenrechtskonventionen resultieren“ (undated) PA-AA MfAA C 487/76.

⁹² BArch-Lichterfelde DA 5/660 Kohrt to Ulbricht (22.Mai 1968).

and Civil Rights, “the practice of law enforcement organs in the GDR has for a long time corresponded to the basic rights as determined by the UN General Assembly and in this Covenant.” Regarding the convention on racial discrimination he argued: “Due to the extermination of the social roots of fascism and the subsequent punishment of those in the territory of the GDR responsible for Nazi racial policy, these provisions are hardly an issue.”⁹³ In contrast to Streit’s evaluation, a 1966 report from Amnesty International on the criminal justice system of the GDR concluded: “It is hard to see how a society which guarantees to its citizens any kind of elementary ‘human rights’ may be developed in East Germany without some radical changes not only in the penal code but also in the whole concept and organization of the judicial system.”⁹⁴ The view from within the bubble of SED ideology was far rosier than it was to outside NGO observers.

In communicating the news of the GDR’s support for the Covenants, officials expressed some concerns that the announcement could be used against the SED, but only due to a failure to properly educate the public as to the real meaning of human rights. A report from the MfAA’s International Organizations Department mentions agreement between it and colleagues in the State and Law Department of the MfAA and the SED Central Committee’s Department of International Information, that propaganda efforts would have to address the articles of the Covenants that were “no longer relevant” as they had been “overtaken by our social development.” The rights that the officials specifically feared could “be exploited by oppositional forces against the GDR” included “the right to emigration, a right to absolute

⁹³ BArch-Lichterfelde DP 3/102 Streit to Winzer (4.12.1967).

⁹⁴ Amnesty International, *Prison Conditions in East Germany: Conditions for Political Prisoners*: A Factual Report (London: Amnesty International, 1966), 51. The three target countries for AI that year, following their policy of reviewing a western, socialist and third world nation, were Paraguay, the GDR and Rhodesia.

freedom of information, [and] the right to strike].”⁹⁵ Such language does not represent a coded admission that SED rule violated international human rights, but is rather completely in line with Klenner’s theoretical claims that human rights evolved in conjunction with the social progress of society as a whole. Such rights were necessary in a bourgeois society to fight against oppression but would only serve to undermine the needs of society following the development of socialism. Why would workers need to strike against themselves or emigrate from the socialist utopia?⁹⁶

The task of explaining these distinctions in regards to the UN human rights covenants fell to the *Committee for the Protection of Human Rights*. In two pamphlets published in 1967-68, the *Committee* sought to show that East Germany was not simply living up to the standards of the UN, but vastly over-fulfilling its specific requirements. Contrary to many claims by historians that socialist nations promoted only their social rights regime or argued that citizens were deprived of political rights in order to realize economic benefits for all, this propaganda material actively proclaimed the GDR to be a true political democracy in which all power was held by the people.⁹⁷ In *Political Civil Rights in the German Democratic Republic*⁹⁸ Hermann Klenner argued:

⁹⁵ PA-AA MfAA C 487/76 Abteilung International Organisation “Bemerkungen zur Vorlage über die Erklärung der Bereitschaft der DDR zum Beitritt zu den beiden UN-Menschenrechtskonventionen vom 16.12.1966” (19 Sept 1968) 3.

⁹⁶ See chapter 4, part 1 on the *Volksaussprache* of 1968 and popular demands for the right to strike in the new East German Constitution.

⁹⁷ For an example of such claims, see Michael Ignatieff, *Human Rights as Politics and Idolatry*, Center for Human Values (Princeton: Princeton University Press, 2001), 19; Aryeh Neier, *The International Human Rights Movement: A History* (Princeton: Princeton University Press, 2012), 85.

⁹⁸ The booklet was published in German, English and French as Hermann Klenner, *Die politischen Bürgerrechte in der Deutschen Demokratischen Republik* (Berlin: Komitee zum Schutze der Menschenrechte, 1967); Hermann Klenner, *Civil Rights in the German Democratic Republic*. (Berlin: Committee for the Protection of Human Rights, 1967). And Hermann Klenner, *Les Droits politiques des citoyens en République démocratique allemande ...* (Berlin: Comité pour la protection des droits de l’homme, 1967). The version cited here is the English edition that omits the mention of the political from the title likely due to the presumed connection between civil rights and political rights at the time of publication due to the American Civil Rights Movement.

In contrast to an authoritarian state doctrine which actually defines the people as those who do not govern, we maintain that the workers and farmers are not only there to vote but also to govern. Democracy is not that kind of rule in which the forming of the government and legislation depend on periodical elections. Democracy is rather a form of rule in which the people are entitled and in a position creatively to shape their own living conditions [...] The basic rights of the collective self-government to which every citizen is entitled consists in the fact that every member of our state has the right as a member of a sovereign people to take a creative part in the exercise of power at any time and in every relevant sphere of social guidance.⁹⁹

Klenner's argument in no way treated human rights as a foreign or dangerous concept and in particular, he did not hesitate to affirm the GDR's success in fulfilling all aspects of the Covenants.

The pamphlets also show the transition to a new reliance of legal vocabulary over earlier *Committee* publications that focussed so strongly on an anti-fascist narrative. *Political Civil Rights in the German Democratic Republic* along with another booklet on the Convention on Economic, Social and Cultural Rights, written by Willi Büchner-Uhder, presented the full texts of the Covenants as an Appendix showing how various East German constitutional provisions and laws fulfilled every article of the UN treaties.¹⁰⁰ Each article of the treaties was shown with corresponding laws promulgated in the GDR that often ran for paragraphs longer than the UN text. If readers were not impressed by the quality of human rights in the GDR, they would at least be impressed by the quantity.

In contrast to Ulbricht's impulsive application for UN Membership, the process of reviewing the Covenants and approving the measure to notify the UN was slow and methodical.

⁹⁹ Klenner and Komitee zum Schutze der Menschenrechte in der Deutschen Demokratischen Republik, *Civil rights in the German Democratic Republic*, 5.

¹⁰⁰ This pamphlet was also published in German, English and French as Willi Büchner-Uhder and Komitee zum Schutze der Menschenrechte in der Deutschen Demokratischen Republik, *Socialist human rights in the German Democratic Republic, on the right to cooperate in the management of the state, economy and culture by all citizens of the GDR*. (Berlin: [Committee for the Protection of Human Rights], 1968); Willi Büchner-Uhder, *Les Droits de l'homme du système socialiste en République démocratique allemande. Le droit de participation à la gestion de l'état, de l'économie et de la culture en R.D.A. pour tous les citoyens ...* (Berlin: [Comité pour la protection des droits de l'homme], 1968); Willi Büchner-Uhder, *Sozialistische Menschenrechte in der Deutschen Demokratischen Republik: zum Recht auf Mitwirkung an der Leitung von Staat, Wirtschaft und Kultur durch alle Bürger der DDR* (1968).

The MfAA began reviewing the documents in November 1967 and only at the end of May 1968 did it confirm to Walter Ulbricht that the GDR was already in almost total compliance.¹⁰¹ Following personal approval from Ulbricht, the vast and byzantine bureaucracy of the GDR swung into action at a very slow pace. On 19 July, the Council of Ministers produced a draft of a declaration and sent it to the Council of State, of which Ulbricht was Chair. On September 9th it was sent back to the Council of Ministers when it was determined that the first draft needed revisions to deal with some ambiguity of language.¹⁰² On 20 September, a new draft was approved by the State Council and signed by Ulbricht and Otto Gotsche.¹⁰³ Finally, the declaration was sent to UN Secretary General U Thant by Foreign Minister Otto Winzer and on 9 October 1968, the GDR formally committed to signing the UN Human Rights Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination, the Genocide Convention and numerous ILO and UNESCO conventions.¹⁰⁴

At the end of this very long and winding road, SED officials at all levels of the state bureaucracy had accepted the concept of human rights as an element of socialist ideology and propaganda. Those same official and functionaries had, almost without exception, approached the United Nations human rights system as natural ally of the socialist cause and considered the affirmation of the Covenants an inherent good in and of itself. While officials may have had a generally positive inclination towards the international human rights system and the discourse of human rights prior to 1967, the process of approving the UN Human Rights Covenants

¹⁰¹ BArch-Lichterfelde DA 5/660 Kohrt to Ulbricht (22 May 1968)

¹⁰² BArch-Lichterfelde DA 5/660 Gotsche to Stoph (9 Sept 1968).

¹⁰³ PA-AA MfAA C 487/76 Beschluß des Staatsrates der Deutschen Demokratischen Republik über die Bereitschaft der Deutschen Demokratischen Republik zum Beitritt zu den UNO-Menschenrechtskonventionen vom 20. September 1968. File number 9-10.

¹⁰⁴ PA-AA MfAA C 487/76 Winzer to U Thant (9 Oct 1968) File number 1-4.

demanded that these functionaries made a positive connection between a collection of specific legal articles in the UN treaties and the norms of East German state socialism. While the SED's motives for affirming the UN Human Rights Covenants were based on the desire to convince the rest of the world that it believed in human rights, the process of approving this action served to convince itself of its own righteousness in the field of human rights and their total fidelity to the norms of the United Nations.

The GDR and International Conference on Human Rights at Tehran

By 1968, the use of human rights by many developing nations had evolved from a powerful rhetorical weapon against colonialism into a means of legitimizing dictatorship and domestic oppression following the end of formal colonialism. In many countries, revolutionary hopes that independence and self-determination would naturally bring about democracy and prosperity were dashed as local strongmen used the new state structures to suppress opposing political forces and individual rights in general. These states continued to employ the language of human rights as a means of deflecting criticism both from NGOs genuinely concerned for the well being of local populations and from western states seeking pretexts for intervention to reclaim their influence and control.

The First International Conference on Human Rights in Teheran in 1968 reflected this state of affairs, so much so that the United Nations and human rights activists have largely erased its existence from the history books. Ironically it was hosted by the Shah of Iran, himself a rather brutal "development dictator" who had achieved power through a CIA engineered coup in 1953. More than two-thirds of the eighty-three countries that sent delegates to the conference were run by nondemocratic governments. Western NGOs in attendance viewed the event as useless or even counterproductive for the advancement of human rights as delegates, some of whom had come to power in bloody coups, celebrated such figures as the Haitian dictator François "Papa

Doc” Duvalier as a champion of human rights.¹⁰⁵ As Daniel Whelan has written, the delegates “were not interested in the Covenants, monitoring or enforcement. They were interested in the problems of colonialism, apartheid and racial discrimination [...] as far as civil and political rights were concerned, Teheran was nearly silent.”¹⁰⁶ The official enemies of human rights at the conference were western imperialism, Israel and South Africa, not state socialism.

In such a context, the GDR’s human rights claims stood in the majority. In the company of so many dictatorships claiming to be fighting the forces of imperialism and working on behalf of the people, SED assertions such as, “since its inception, the GDR has worked towards the principles and goals of the United Nations Charter and is prepared to achieve them,” actually reflected a more eager commitment to the international human rights system than others at the conference.¹⁰⁷ While opening the conference from the largely decorative parliament in Tehran, the Shah provided only the most tepid endorsement of the UN’s human rights documents, saying “while we still revere the principles laid down in the Universal Declaration, it is nevertheless necessary to adjust them to the requirements of our time.”¹⁰⁸ As a “welfare dictatorship,” the GDR shared many characteristics of the revolutionary and post-colonial states in attendance at the conference and its rhetoric was actually far more fulsome in its praise of the United Nations human rights norms than even at that of the host. In such an environment, it is unsurprising that the SED saw itself at the vanguard of the international human rights movement.¹⁰⁹

¹⁰⁵ Burke, *Decolonization and the Evolution of International Human Rights*, 92–97.

¹⁰⁶ Whelan, *Indivisible Human Rights*, 151.

¹⁰⁷ BArch-Lichterfelde. DY 30/ J IV 2/2/ 116. Erklärung der Regierung der DDR an die Internationale Konferenz über Menschenrechte vom 22. April bis 13. Mai 1968 in Teheran. 1.

¹⁰⁸ Quote in Burke, *Decolonization and the Evolution of International Human Rights*, 97.

¹⁰⁹ On the GDR as a welfare dictatorship, see Konrad Jarausch, “Care and Coercion: the GDR as a Welfare Dictatorship,” In Konrad Jarausch, *Dictatorship As Experience: Towards a Socio-Cultural History of the GDR* (New York Berghahn Books, 1999).

Echoes of the International Year for Human Rights, 1969-1975

In the interval between the International Year for Human Rights in 1968 and the signing of the Helsinki Accords in 1975, the ideas of socialist human rights and rights talk in general became far more prevalent in the official discourse of the GDR. While the earlier efforts of the *Committee for the Protection of Human Rights* had limited impact on the language employed in state propaganda, official ideology, the law, and education, the vocabulary of human rights now entered the mainstream. This increasing usage of the language of human rights not only reflected a growing interest in the idea from intellectual and political elites, but the proliferation of works discussing human rights also shows how the idea was disseminated to an even larger populace within the GDR throughout the early 1970s.

While the original purpose of the *Committee for the Protection of Human Rights*, namely the campaign for imprisoned communists in West Germany, ceased to be relevant when the ban on the KPD was lifted in 1968, the members of the *Committee* sought to reform the organization to remain relevant to the political needs of the SED.¹¹⁰ Therefore Secretary Siegfried Forberger proposed a new set of guidelines for the *Committee*: the newly renamed *Committee for Human Rights in the GDR (Komitee für Menschenrechte in der DDR)* would campaign for international human rights, self-determination and peace against the forces of imperialism and, at the same time, work domestically to ensure the realization of socialist human rights at home by monitoring state agencies and consulting on new laws.¹¹¹ Such plans for domestic action, as

¹¹⁰ The successor party to the KPD, the Deutsche Kommunistische Partei (DKP) was legally founded in West Germany in July 1968.

¹¹¹ Forberger, *Das DDR-Komitee für Menschenrechte*, 282. Aside from Forberger's memoir there is no documentary evidence to confirm his claims that the Committee sought a domestic prerogative in 1969. While his claims can be seen as a self-serving effort to portray the Committee in a positive light, many East German intellectuals, including Hermann Klenner did express their support for securing "subjective rights" through "administrative law" within a system of "socialist legality" in the 1950s prior to the purges at the Babelsberg Conference of 1958. The Committee was also successful in gaining the authority to deal with domestic claims in 1989, which lends credence to Forberger's claims that this had been a long-standing intention of the organization. This will be discussed further in chapter 4.

promoted particularly by *Committee* Secretary Siegfried Forberger and members Hermann Klenner and Bernhard Graefrath, did not entail a challenge to SED authority so much as a call for a system run on the principle of “socialist legality” in which citizens could hold administrative authorities to account should they fail to follow the rules. Citizens would thus have the right to contest the decisions of state officials in the language of human rights not in the bourgeois sense of separating themselves from the state as egotistic individuals but in the spirit of creating a better socialist society.¹¹²

These suggestions for a new mandate were sent to the National Committee, the organization that technically supervised the *Committee*’s activities, and from there it was passed on to Politburo member and chief of the Western Division of the Central Committee, Albert Norden. After a closed meeting of the Western Division, Norden sent word that a new international mandate would be approved but that the *Committee* would have no domestic tasks outside of disseminating the philosophy of socialist human rights. In addition, he demanded that the new organization be named instead, the *GDR Committee for Human Rights*. Norden evidently feared that the alternative grammatical arrangement could encourage outsiders to see it as a vehicle for citizens in East Germany demanding their human rights against the SED and that it could become a magnet for complaints from GDR citizens and foreigners alike.¹¹³ Given that in the Soviet Union, in that very same month, a group of dissidents had formed the Initiative

¹¹² See Caldwell, *Dictatorship, State Planning, and Social Theory in the German Democratic Republic*; Wolfgang Bernet, “Verwaltungsrecht” in Uwe-Jens Heuer, *Die Rechtsordnung der DDR: Anspruch und Wirklichkeit* (Baden-Baden: Nomos, 1995).

¹¹³ Forberger, *Das DDR-Komitee für Menschenrechte*, 283.

Group for the Defense of Human Rights in the USSR, Norden's concerns were not unreasonable.¹¹⁴

The mandate for *GDR Committee for Human Rights* outlined three major goals: in compliance with the socialist constitution of 1968, the UN Charter, the Universal Declaration of Human Rights and the UN Human Rights Covenants of 1966, the *Committee* would campaign to “secure peace - the highest of all human rights – against imperialist aggression and intervention,” to fight for the “total realization of the right to self-determination” in the face of “Nazism, racism and neo-colonial extortion,” and to work for “international cooperation for the furthering of human rights.”¹¹⁵ One of the explicit aims was the promotion of East German membership in the United Nations. The means by which the *Committee* would accomplish these goals was first, the dissemination of information to West Germany and other foreign countries on “the theory and practice of socialist human rights in the GDR,” and second, the expression of solidarity “through words and actions” with the victims of imperialism and all democrats who strive for the realization of human rights.¹¹⁶

Without imprisoned activists in West Germany to campaign for, the *GDR Committee for Human Rights* turned to a variety of foreign causes, many of which were also the subjects of western human rights campaigning. The U.S. war in Vietnam continued to be a subject of condemnation, but in terms of American politics the primary focus in the early 1970s was the plight of the persecuted African-American communist activist Angela Davis. The *Committee*

¹¹⁴ On beginnings of the human rights movement in the USSR see, Viktor Voronkov and Jan Wielgoths, “Soviet Russia,” in Detlef Pollack and Jan Wielgoths, *Dissent And Opposition In Communist Eastern Europe: Origins Of Civil Society And Democratic Transition* (London: Ashgate, 2004), 103.

¹¹⁵ BArch-Lichterfelde DZ 7/ 71 Ziele, Aufgaben und Arbeitsweise des DDR-Komitees für Menschenrechte. 1-2

¹¹⁶ Ibid 3,5. According to Forberger, the duty to ensure the realization of socialist human rights within the borders of the GDR was originally the third *Hauptaufgabe* of the *Committee* before Norden's revisions eliminated it from the document. Forberger, *Das DDR-Komitee für Menschenrechte*, 281–83.

regularly covered her conflicts with authorities and in 1972 wrote a letter on her behalf to the presiding judge at her trial, proclaiming that “Angela Davis is a symbol for that section of the American population which is coming out against the racist policies of the U.S. Administration both at home and in Vietnam out of a sense of loyalty to the principles enunciated in the United Nations Charter and the Universal Declaration of Human Rights.”¹¹⁷

The *Committee* weighed in on the conflict in South Asia, condemning Pakistani efforts to suppress the Bangladeshi’s right to self-determination and hosted events for Egyptians denouncing Israel in the wake of the 1972 war.¹¹⁸ The *Committee* published small articles, some no more than a few sentences, in the national newspaper *Neues Deutschland* as well as the smaller regional papers in, expressing their concern, shock and outrage at incidents in Latin America, Greece, South East Asia and South Africa.¹¹⁹ One interesting omission from their campaigning (aside from the absence of human rights abuses in the communist world of course) was the Biafran Civil War, which was both the great cause célèbre of the late 1960s and early 1970s for interventionist human rights activists in the west and an excellent example of a people demanding the right to self-determination.¹²⁰ Soviet support for the ruling Nigerian government

¹¹⁷ BArch-Lichterfelde DZ 7/ 27 Friedel Malter to Judge Richard E. Arnason (2 June 1972). On the GDR and Angela Davis see, forthcoming dissertations: Natalia King Rasmussen, "Friends of Freedom, Allies of Peace: East Germany and the African-American Civil Rights Movement, 1945-1989" (Boston College) and Sophie Lorenz, ““Peace, Friendship, Solidarity”? East Germany and Angela Davis, 1965-89” (Universität Heidelberg).

¹¹⁸ For full documentation on these events and campaigns, see BArch-Lichterfelde DZ 7/ 27 Tagungen des Komitees 1970-1973. On human rights and the Bangladeshi War of Independence, see Dirk Moses, “The United Nations, Humanitarianism, and Human Rights: War Crimes/Genocide Trials for Pakistani Soldiers in Bangladesh, 1971–1974,” in Hoffmann, *Human Rights in the Twentieth Century*.

¹¹⁹ For a complete collection of the press clippings related to Committee activities and declarations from the year 1969-1975, see BArch-Lichterfelde DZ 7/ 14-19 Presseveröffentlichung/Presseauschnitte.

¹²⁰ On human rights and the Biafra conflict see, Lasse Heerten, “Die Dystopie postkolonialer Katastrophen – Das Recht auf Selbstbestimmung, der biafranische Sezessionskrieg und Menschenrechte,” in Jan Eckel and Samuel Moyn (eds.) *Moral für die Welt? Menschenrechtspolitik in den 70er Jahren* (Vandenhoeck & Ruprecht, 2012).

and its military campaign against the Biafran rebels likely determined its exclusion from the Committee's agenda.

Outside of the work of the *GDR Committee for Human Rights*, the language of human rights appeared in numerous official sources including general educational material as well. This not only reflected the increased priority of the concept for policy makers and represented another vector through which the idea was propagated and normalized for the citizens of East Germany. Grammar exercises dealing with proper comma usage included such subjects as the assassination of Martin Luther King, "a fighter for the Human Rights of the Coloured People in the USA." In one eighth-grade reading comprehension exercise, students were asked about the absence of human rights in the United States.¹²¹ While such entries had little depth in ideological terms, they reinforced the larger hegemonic discourse that depicted East Germany as a paragon of human rights and depicted the United States as a chronic violator through its endemic racism.

Reference material in the early 1960s had largely omitted the idea of human rights, and other forms of rights, or denounced the idea as mere western propaganda, but state produced dictionaries began to include the new party line in the late 1960s and early 1970s.¹²² In the widely distributed "Small Political Dictionary" the space devoted to the idea of rights doubled between the editions in 1967 and 1974.¹²³ Although the 1965 edition of the "Philosophical Dictionary" did not contain an entry on human rights, the 1974 edition had an extensive five-

¹²¹ Quoted in John Rodden. *Textbook Reds: Schoolbooks, Ideology, and Eastern German Identity* (2005) Pg. 21, 27.

¹²² See chapter 2 on the *Lexikon A-Z* (1962) as an example of earlier reference material.

¹²³ The 1967 edition devoted two pages to the entry on the Basic Rights and Duties of the Citizen (*Grundrechte und Grundpflichten der Bürger*) while the 1974 edition expanded the entry on basic rights and added one on the right to political participation and co-determination (*Recht auf Mitbestimmung und Mitgestaltung*) for a total of four pages. As a point of comparison, the entry on the SED was four pages in both editions. Georg König, *Kleines politisches Wörterbuch* (Berlin: Dietz, 1967), and Waltraud Böhme, *Kleines politisches Wörterbuch*. (Berlin: Dietz Verlag, 1973).

page explanation of the subject.¹²⁴ The *Dictionary of the Socialist State*, first published in 1974, described the recent history of human rights as follows:

After the Second World War – as the result of the struggle against fascism which violated every human right and as part of the struggle for peace – in the UN Charter declared the promotion and protection of human rights as the universal task in the context of peaceful international cooperation on the basis of the equality of all states and the non-interference in the inner affairs of other states.¹²⁵

The reference book also contained separate and cross-referenced entries on self-determination, the right to work, and the right to political participation.

This increasing usage of the language of human rights by the *Committee* and in education and reference texts extended to other organs of state. The East German courts were taking a new interest in the language of rights following the text of the new constitution and its Basic Rights sections. While this did not create a system of subjective rights that could be employed against the state or even used to hold state officials accountable to their rhetoric, the legal system increasingly did begin to use the language of human rights in cases of civil and family law. For example, parents who exercised their right (and duty) to work were more likely to gain custody of children in the case of a divorce. In contrast to West Germany where working mothers were severely discriminated against by the state in regards to child custody, the courts often punished those nonworking parents, male or female alike, by denying or significantly reducing alimony payments and state benefits. The basic rights of a parent could also become a mitigating factor in certain circumstances. In a 1971 divorce case, the decision of a mother to move to another city away from her child in order to attend university was not allowed by the court to prejudice her

¹²⁴ Georg Klaus and Manfred Buhr, *Philosophisches Wörterbuch*. (Leipzig: Bibliographisches Institut, 1965); *Philosophisches Wörterbuch. Bd. 2. Lamaismus bis Zweckmässigkeit* (Leipzig: Bibliographisches Inst., 1974).

¹²⁵ Akademie der Wissenschaften, *Wörterbuch zum sozialistischen Staat* (Berlin: Dietz, 1974), 185.

claims to custody as she was seen to be exercising her right to education. The exercise of one's rights and duties was rewarded while a failure to do so could result in serious consequences.¹²⁶

State security personnel not only saw their mission as that of protecting human rights in broad terms, it appears as though they also had a solid grasp of the ideological terms underlying this new vocabulary. One report from local security agents in the town of Gera on local church activities related to international human rights differentiated between those who sought to achieve real human rights and those who were simply pawns of the imperialists in employing human rights for anti-communist ends.¹²⁷ Similarly, in 1969, the charter of the Stasi was revised and now included in the responsibilities of the feared state security organization was the duty to:

Expose, investigate and take preventative measures against crimes, especially against the sovereignty of the German Democratic Republic, peace, humanity and human rights and against the German Democratic Republic itself.¹²⁸

While to foreign human rights activists, the Stasi and the Berlin Wall demonstrated the East German state's contempt for human rights; the perspective from the other side claimed the exact opposite. The guards at the Berlin Wall perceived themselves to be defending the nation against the threat of human rights violations and the Stasi saw the prevention of crimes against human rights as part of their basic mandate.¹²⁹

¹²⁶ Inga Markovits, "Socialist vs. Bourgeois Rights," *University of Chicago Law Review*, 45(1978), 616. This presaged the creation of a new Civil Code in 1975 that gave citizens new access to legal means to enforce laws against fellow citizens who they believed were encroaching on their private space, see Paul Betts, *Within Walls: Private Life in the German Democratic Republic* (Oxford: Oxford University Press, 2010).

¹²⁷ Thüringisches Staatsarchiv-Rudolstadt (Thuringian State Archives, Rudolstadt) ThSA-R 5-61-1000/7 Bezirkstag und Rat des Bezirkes Gera 17308 "Information zur Diskussion über die Fragen der Menschenrechte in den Kirchen" (1974).

¹²⁸ Quoted in Agnès Bensussan "Einige Charakteristika der Repressionspolitik gegenüber politisch abweichendem Verhalten in der DDR in den 70er und 80er Jahren" in Sandrine Kott and Emmanuel Droit, *Die ostdeutsche Gesellschaft: eine transnationale Perspektive* (Berlin: Ch. Links, 2006), 74.

¹²⁹ See chapter 2 on the "shooting order" of 1962 and the use of the vocabulary of human rights to legitimize lethal force at the Berlin Wall in the name of anti-fascism and the protection of East German sovereignty.

The events of 1968 and the proliferation of human rights propaganda and usage by state organs in the years following shows that the SED, loyal intellectuals, educational officials, the judiciary and the security services had become comfortable with the rhetoric of human rights as an aspect of socialist ideology and doctrine. In particular, three general ideas appear to have sunk in for a majority of state and party functionaries: first, that East Germany was a champion of human rights as defined by the United Nations, especially in comparison to the horrors perpetrated by western imperialism; second, the socialist world enjoyed a kind of human rights that was qualitatively different and inherently superior to the human rights of the bourgeois world; third, the principle of human rights was inevitably interconnected with the principles of self-determination and non-interference with sovereign nations.

This internalization and assimilation of the idea of human rights across the GDR occurred as the SED was engaged in intensive East-West negotiations to gain international diplomatic recognition. Throughout those negotiations, first with West Germany over mutual recognition and then later in the talks over the Helsinki Accords, East German negotiators and the SED leadership approached the problem of human rights through the framework of their own ideological conceptions: they were the victors of history and, in turn, the vanguard of the human rights movement. They did not view the concept of human rights as an inherently liberal democratic set of principles and ideals that favoured the West, but rather saw themselves as the protagonists in the long history of human rights, finally fulfilling a thousand year struggle for the cause.

Human Rights Diplomacy and the Road to Helsinki

In spite of the extensive campaign by the SED to use the UN's International Year for Human Rights to promote its position in the nonaligned world, these efforts yielded limited diplomatic results in the short-term. In 1969, Cambodia, Iraq, Sudan, Egypt and South Yemen all

officially recognized East Germany, but this came from East German promises of extensive loan guarantees rather than simply a sense of ideological solidarity. This small wave of diplomatic exchange did not result in the total normalization of East Germany in the international community as evidenced by a vote at UN in the same year on whether to admit the GDR as a member of the World Health Organization (WHO). Only nineteen countries supported its entry with fifty-nine opposing and twenty-seven abstentions.¹³⁰ The refusal of the Cambodian government, however, to back down from its decision to recognize the GDR in the face of West German warnings of diplomatic and economic consequences heralded the end of the Federal Republic's Hallstein Doctrine that threatened retaliation against developing states for recognizing the GDR.

In the years following, the SED moved away from its efforts to gain recognition from nonaligned states as a means of bringing pressure on the west, to a strategy of engagement and negotiation with West Germany. The SED sought nothing less than full membership in the international community as a universally recognized and legitimate independent state, but without a resolution of German-German tensions, the UN Security Council would block the entry of both the GDR and the FRG into the United Nations. While in 1968, human rights was used as a means of normalizing the GDR in the eyes of the post-colonialist Afro-Asian Bloc, in the 1970s, the language of human rights became a standard element of treaties, covenants and accords, the signing of which would grant the SED the international respectability it demanded. Just as the SED had so thoroughly embraced the UN Human Rights Covenants, in the diplomatic lead up to the Helsinki Accords of 1975, such provisions, so long as they were connected to the UN human rights system, were treated as normal and non-threatening to SED interests.

¹³⁰ Gray, *Germany's Cold War*, 204–205.

The shift in German-German relations did not stem primarily from East Berlin but from the 1969 elections in West Germany that brought an end of the Grand Coalition of the CDU/CSU and the SPD, and ushered in the first Social Democratic-led coalition of the postwar led by Chancellor Willy Brandt. While Brandt had begun work on a more conciliatory policy towards the GDR (what would become the *Neue Ostpolitik*) as foreign minister during the Grand Coalition of 1966-1969, as Chancellor, he strengthened this move towards engagement with the East and “change through rapprochement” (*Wandel durch Annäherung*).¹³¹ This shift put Ulbricht in a difficult position as his plans for an aggressive *Westpolitik* hinged on convincing West Germans that the SED was the true ally of the working classes in comparison to FRG that was supposedly a hive of neo-Nazis, militarists and reactionaries. Willy Brandt’s background as a long time socialist and member of the anti-Nazi resistance during the Second World War provided unimpeachable anti-fascist credentials and his new assuaging stance made it near impossible to claim that he was a leader in line with Hitler or even hard-line CDU Chancellor Konrad Adenauer. As Ulbricht complained to a Soviet representative, the conservatives in West Germany “have a long-term military concept, but the social democratic ministers believe that they can occupy the GDR even without war.”¹³²

From 1969 until his dismissal in 1971, Ulbricht’s position within the SED gradually disintegrated due to internal and external forces. In 1970, Brandt’s new diplomatic posture paid dividends with the signing of treaties between West Germany and the Soviet Union and another

¹³¹ On German-German relations and Ostpolitik, see M. Sarotte, *Dealing with the Devil: East Germany, Détente, and Ostpolitik, 1969-1973* (Chapel Hill: University of North Carolina Press, 2001); Jan Schönfelder and Rainer Erices, *Willy Brandt in Erfurt: das erste deutsch-deutsche Gipfeltreffen 1970* (Berlin: Ch. Links, 2010). On broader implications of Ostpolitik for Cold War Détente and global politics, see Villaume and Westad, *Perforating the Iron Curtain*; Arne Hofmann, *The Emergence of Détente in Europe: Brandt, Kennedy and the Formation of Ostpolitik* (London: Routledge, 2007); Carole Fink and Bernd Schaefer, *Ostpolitik, 1969-1974: European and Global Responses* (Cambridge: Cambridge University Press, 2011).

¹³² Quoted in Oliver Bange, “The GDR in the era of Détente: Conflicting Perceptions and Strategies, 1965-1975” in Villaume and Westad, *Perforating the Iron Curtain*, 63.

with Poland. While East Berlin sought to prevent the signing of the so-called Eastern Treaties (*Ostverträge*) unless they were preconditioned on West German recognition of the GDR, Moscow overruled their request.¹³³ In 1971, Ulbricht's key lieutenant Erich Honecker moved against his long time patron, and with the support of the Soviets, replaced him as General Secretary of the SED. With Honecker's takeover, East German foreign policy shifted from Ulbricht's offensive posture to a new position of "defensive pragmatism".¹³⁴

Along with the general reorientation of foreign policy under Honecker, the international politics of human rights shifted from courting international opinion in the nonaligned world to a human rights politics of engagement with the Federal Republic of Germany and the west in general. Without the support of the Soviet Union for an offensive against the west or even the diplomatic leverage that dealings with the USSR would be contingent on recognition of the GDR, the SED had to fall back to more modest plans to defend against the insidious force of Brandt's *Ostpolitik*. In 1971, the new leadership laid out three primary foreign policy goals: first, the normalization of relations with the west and primarily West Germany; second, the admission of the two German states into the United Nations; third, the active participation in the creation of a European peace and security treaty.¹³⁵ Each of these steps would require significant public commitments to the principles of human rights by the SED, and in every case, the senior leadership continued to tout its commitment to the idea of human rights as expounded by the United Nations and in key UN documents.

¹³³ Hermann Wentker, "Pursuing Specific Interests Within the Warsaw Pact: The German Democratic Republic and the CSCE-Process," in Carla Meneguzzi Rostagni, *The Helsinki Process: A Historical Reappraisal* (Padova: CEDAM, 2005), 47.

¹³⁴ Oliver Bange, "The GDR in the era of Détente: Conflicting Perceptions and Strategies, 1965-1975," in Villaume and Westad, *Perforating the Iron Curtain*, 67–70.

¹³⁵ Federica Caciagli, "The GDR's Targets in the Early CSCE Process: Another Missed Opportunity to Freeze the Division of Germany, 1969-73," in Vojtech Mastny, Christian Nünlist, and Andreas Wenger, *Origins of the European Security System* □: *The Helsinki Process Revisited, 1965-75* (London: Routledge, 2008), 112.

After years of intransigence failing to produce results, the more flexible and conciliatory approach yielded positive results for both Bonn and East Berlin in the early 1970s. In early 1972, East and West Germany signed the Transit Treaty normalizing traffic between the two countries and allowing greater access to West Berlin in particular in exchange for increased loans and direct payments by the GDR. In December 1972, the greatest breakthrough came with the signing of the Basic Treaty – at a signing ceremony in East Berlin, West Germany officially recognized the GDR as a separate and sovereign state.¹³⁶ This mutual recognition agreement cleared the final barriers on the path to membership at the United Nations, as both the USA and the Soviet Union had demanded such an agreement before moving forward. With the Basic Treaty in place, East and West Germany thus joined the UN as full members on September 18th, 1973. This normalization of relations with the Federal Republic and entry into the international community resulted in a wave of diplomatic recognition across the world. Twenty new states chose to recognize East Germany immediately following the conclusion of the Basic Treaty with another 13, including NATO members Italy and the Netherlands, in early 1973. In 1974, even the United States recognized East German independence and sovereignty.¹³⁷

This round of treaties and the entry into the United Nations was contingent on the GDR reaffirming its commitment to human rights. Although West German negotiators aimed to prominently include the problem of human rights in the Basic Treaty, the concept was only

¹³⁶ While this represented a formal recognition of East Germany for the purposes of diplomacy, the SPD and its coalition partner, the liberal FDP, made it clear at home that this in no way represented a moral or political recognition of the GDR. Timothy Garton Ash, *In Europe's Name: Germany and the Divided Continent* (New York: Random House, 1994).

¹³⁷ Heinrich August Winkler, *Germany: The Long Road West: Volume 2: 1933-1990* (Oxford: Oxford University Press, 2007), 286–87.

mentioned once in the final text.¹³⁸ Article 2 of the Treaty stated that both East and West Germany would,

Be guided by the aims and principles laid down in the United Nations Charter, especially those of the sovereign equality of all States, respect for their independence, autonomy and territorial integrity, the right of self-determination, the protection of human rights, and non-discrimination.¹³⁹

The use of the language of human rights in the treaty suggested an interpretation of the term more in keeping with the SED's conception of human rights as an elemental aspect of state sovereignty instead of any kind of super-national recognition of the individual. West German delegates placed top priority on the problem of family reunification, which many deemed a human rights issue, but this problem was dealt with primarily through private negotiations rather than public diplomacy.¹⁴⁰ The mention of human rights served as a mutual signal of respect for the norms of the international community and symbolic recognition human rights as norms of international relations with neither side expecting or demanding practical consequences for the domestic political order of either state.

Upon becoming a member of the United Nations the SED held to their commitment in 1968 that they would sign on to International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.¹⁴¹ The East German commitment to the Covenants did not, however, include signing either the optional "state grievance" article of the Covenants nor its Facultative Protocol that would allow the UN Human Rights Commission

¹³⁸ Sarotte, *Dealing with the Devil*, 153.

¹³⁹ The Basic Treaty (21 Dec 1972), www.germanhistorydocs.ghi-dc.org/print_document.cfm?document_id=172.

¹⁴⁰ Sarotte, *Dealing with the Devil*, 153.

¹⁴¹ Hermann Wentker, *Außenpolitik in Engen Grenzen: Die DDR Im Internationalen System, 1949-1989* (München: Oldenbourg, 2007), 444.

to consider charges brought forward by other states.¹⁴² Having previously subjected the texts of the Covenants to such heavy scrutiny in 1967-1968, the decision to sign on to them in 1973 was uncontroversial within the SED bureaucracy. East Germany had moved from a symbolic affirmation of human rights to a legal commitment without significant internal controversy.

Having finally joined the United Nations, the SED did not let up on its human rights propaganda, as one would expect if it had just been nothing more than a cynical ploy to gain recognition. In a speech to commemorate the 25th Anniversary of the Universal Declaration of Human Rights in 1973, Gerald Götting, now President of the East German Parliament, the *Volkskammer*, declared,

The German Democratic Republic is prepared to work together with the member states of the United Nation in [the area of human rights] on the basis of respect for the principles of self-determination and non-interference. We hold it to be invalid, however, under the pretext of allegedly defending human rights, all attempts to intervene in the internal affairs of the GDR and other socialist countries.¹⁴³

According to Götting, it was up to individual states to determine how they would implement and enforce human rights and in a world with differing socio-economic orders and any other system would be unthinkable. In 1974, the charter of the GDR-Committee for Human Rights was revised once again, to change its duties from helping East Germany become a member of the UN, to representing the GDR at appropriate UN human rights bodies.¹⁴⁴ In the press, numerous stories ran with SED officials proudly expounding on the strengthened position of the GDR in

¹⁴² Ernest Plock, *The Basic Treaty and the Evolution of East-West German Relations* (Boulder: Westview Press, 1986), 101.

¹⁴³ BArch-Lichterfelde DZ 7/ 27 Rede des Präsidenten der Volkskammer der DDR, Herrn Gerald Götting, anlässlich des 25. Jahrestages der Annahme der AEMR durch die Vereinten Nationen, 6.

¹⁴⁴ BArch-Lichterfelde DZ 7/ 71 Arbeitsrichtlinie des DDR-Komitees für Menschenrechte.

the fight for, “peace, international security, the defense of human rights and the abolition of colonialism,” through its new membership in the United Nations.¹⁴⁵

The reaction of the population to the treaties and the GDR’s entry into the UN was more confrontational than the demands made during the constitutional *Volksaussprache* and applications to emigrate or to travel outside the GDR spiked after each event.¹⁴⁶ These applications first jumped in 1972 following the conclusion of the Transit Treaty but the vast majority were rejected.¹⁴⁷ When the GDR became a member of the United Nations the next year, and thus a signatory to the Human Rights Conventions of 1966, the number of applications for exit visas once again shot upwards, with a growing number citing the Accords’ human rights provisions or threatening to appeal to the UN’s Human Rights Commission. Applications that invoked international human rights norms came from citizens who had previously been rejected, sometimes repeatedly. The more worrying aspect of the applications for SED bureaucrats was not their appeal to human rights norms but the threats to take illegal action. Frustration with official intransigence ran so high that 15 percent of applicants in 1973 actually told state authorities that if they were not issued an exit-visa they would be forced to depart the GDR illegally.¹⁴⁸ Although the sharp rise in applications concerned SED officials, no reports saw the

¹⁴⁵ “DDR-Mitarbeit in UNO dient dem Frieden: Botschafter Peter Florin gab Interview für ‘Horizont’,” *Neues Deutschland* (3 Jan 1974), 5.

¹⁴⁶ Patrick Major, *Behind the Berlin Wall: East Germany and the Frontiers of Power* (Oxford: Oxford University Press, 2010).

¹⁴⁷ The third quarter of 1972 saw a 27% increase in written applications to travel to the FRG or West Berlin while in-person applications jumped by 55%. In the fourth quarter of that year, applications climbed another 60%. BA DA 5/ 9026 Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im III. Quartal 1972 and Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im IV. Quartal 1972. The response of East German citizens to these treaties will be examined in detail in chapter 5.

¹⁴⁸ BArch-Lichterfelde DA 5/ 9026 Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im IV. Quartal 1973.

human rights claims as legitimate and there was no discussion of limiting diplomatic options in order to prevent further demands for emigration.¹⁴⁹

Human Rights and the Helsinki Negotiations

The main priority for the GDR delegation at the Conference on Security and Cooperation in Europe (CSCE) in negotiations over what would become the Helsinki Accords, was gaining the international recognition of East German sovereignty, particularly from the West German delegation. Such a recognition of sovereignty required an agreement that would guarantee the status quo in terms of the existing borders and include provisions that would allow the GDR to control the cross-border traffic of people, goods and information. In pursuing these goals, the GDR delegation was not always following the Soviet delegation, but the East German remained throughout the negotiations wholly dependent on the support of the Soviets. All directives for the East German delegations and their assessments of the negotiations “were the result of previous consultations between the Soviet and the East German chief delegate.”¹⁵⁰

While some of the western delegations were set on using the language of human rights to undermine the socialist bloc countries, the SED did not see the inclusion of human rights language, under the right circumstances, as a threat to its position or goals.¹⁵¹ In issuing directives to the East German delegates, the SED leadership was cautious to avoid an agreement that enshrined a “bourgeois” conception of human rights, but they did accept including references to United Nations human rights norms. The earliest Politburo directive to the negotiators that explicitly mentions the problem of human rights in 1973 sought to avoid the

¹⁴⁹ Detailed analysis of the spike of applications in 1973 can be found in chapter 5.

¹⁵⁰ Hermann Wentker, “Pursuing Specific Interests Within the Warsaw Pact: The German Democratic Republic and the CSCE-Process,” in Meneguzzi Rostagni, *The Helsinki Process*, 45–51.

¹⁵¹ See Floribert Baudet, “‘It Was the Cold War and We Wanted to Win’: Human Rights ‘Détente,’ and the CSCE,” in Mastny, Nünlist, and Wenger, *Origins of the European Security System*.

inclusion of human rights in the Basket I¹⁵², Statement of Principles section, but told the delegates that “a reference to respect for human rights and fundamental freedoms in the various states, separate from the Statement of Principles is possible.”¹⁵³ While they opposed a Vatican proposal to include a section on human rights and “freedom of opinion, conscience and belief,” they did authorize the negotiators to include language “in accordance with the draft of the UN Declaration on Religious Tolerance and the ‘freedom of the believers.’”¹⁵⁴

The directives from the next year followed a similar line of argument: mentioning human rights in accordance with UN documents already agreed to by the GDR was acceptable, but not human rights language proposed by the west. A Politburo directive from 15 January 1974 laid out the general strategy for the negotiating team:

With respect to the principle of respect for human rights and fundamental freedoms, continue to adhere to the narrow formulation of the Soviet draft General Declaration. If the western states make their agreement on the general declaration dependent on the inclusion in the Statement of Principles a section on individual rights and freedoms, we could agree to a general mention of the UN Conventions on the Civil and Political Rights and on the Social, Economic and Cultural Rights. The GDR already belongs to the two conventions.¹⁵⁵

Another directive from April of that same year reiterated concerns over human rights statements proposed by the west regarding religious freedom but specified that “a reference to the UN Covenants on Civil and Political Rights and on Social, Economic and Cultural Rights, to which

¹⁵² The text of the Helsinki Accords was split into four “baskets” according to topic: Basket I, questions of European security; Basket II, cooperation in economics, science and technology, and the environment; Basket III, humanitarian and cultural cooperation; Basket IV, follow-up to the conference.

¹⁵³ BArch-Lichterfelde DY 30 J IV 2/2/1444 Direktive für das weitere Auftreten der Delegation der DDR in der multilateralen Konsultation zur Vorbereitung der Sicherheitskonferenz in Helsinki (17 Apr 1973), 155-56.

¹⁵⁴ Ibid.

¹⁵⁵ BArch-Lichterfelde DY 30/ J IV 2/2/ 1486 Protokoll Nr. 2/74 Sitzung des Politbüros am 15. Januar 1974, 4. Bericht über den bisherigen Verlauf der zweiten Phase der Konferenz über Sicherheit und Zusammenarbeit in Europa und Schlussfolgerungen für das weitere Auftreten der Delegation der DDR, 56.

the GDR belongs, in connection with this principle is possible.”¹⁵⁶ Human rights were a potential threat if misused by western negotiators, but if human rights provisions were limited to the inclusion of existing United Nations Covenants and principles, the SED would be safe from harm.

The main concern of the SED delegation was not the reference to human rights, even if they did see certain human rights proposals as a possible trap, but rather the Basket III sections on the increased flow of information and people across borders. While the Basket III provisions are often referred to as “human rights provisions,” they are not referred to as such in the text of the Helsinki Accords and the SED viewed the matters as separate.¹⁵⁷ Siegfried Bock, the chief East German negotiator, reported in 1973 that the western states were trying to undermine the SED’s authority. “According to the west's assumption, the socialist states have to pay the ‘price’ of so-called ‘human relief’ in return for a multilateral recognition of frontiers.”¹⁵⁸ Human rights and the Basket III provisions for reuniting families and allowing greater ease of travel and communication were not viewed as the same point of contention by the negotiating team or the Politburo.

In the context of the SED’s previous commitments, the human rights references in the Helsinki Accords appeared to be a familiar re-tread of past statements and treaty obligations. The final version of the text included a very explicit guarantee of international human rights norms through “Principle VII Respect for human rights and fundamental freedoms, including the

¹⁵⁶ BArch-Lichterfelde DY 30/ J IV 2/2/ 1501 Bericht über die zweite Phase der Konferenz für Sicherheit und Zusammenarbeit in Europa und Direktive für das weitere Auftreten der Delegation der DDR, 3.

¹⁵⁷ The characterization of Basket III as the human rights section of Helsinki rather than part of the Statement of Principles in Basket I is common in the historiography based on the later use of Basket III provisions on travel and information by human rights activists. See Richard Davy, “Helsinki Myths: Setting the Record Straight on the Final Act of the CSCE, 1975,” *Cold War History* 9:1 (2009).

¹⁵⁸ Oliver Bange, “The GDR in the era of Détente: Conflicting Perceptions and Strategies, 1965-1975,” in Villaume and Westad, *Perforating the Iron Curtain*, 70.

freedom of thought, conscience, religion or belief” which held that the signatories would “act in conformity with” the UN Charter, the Universal Declaration and the UN Human Rights Covenants. Reinforcing the seeming safety of the treaty was the location of the human rights provisions in the Declaration on Principles. The section on human rights was sandwiched between “Principle VI Non-intervention in internal affairs” and “Principle VIII Equal rights and self-determination of peoples” both of which contained prohibitions on interference in domestic affairs of the signatories. The text of Principle VIII guaranteed: “By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.” When read in the context of the previous decade of human rights activity by the SED, the text of the Helsinki Accords appears to include distinct protections against outside interference in internal affairs, in keeping with the principles of self-determination, and these appear to be linked rather closely to the provisions on human rights.¹⁵⁹

Outside of the textual evidence, the broader context of the negotiations reinforced the interpretation of the SED leadership. The Soviet delegation firmly believed that the western participants would respect the principle of non-interference in internal affairs. Soviet leader Leonid Brezhnev was convinced by assurances from US President Richard Nixon and Secretary of State Henry Kissinger that the agreement would not be used to foment domestic dissent and discord.¹⁶⁰ Transcripts of conversations between Brezhnev and Honecker from this era show that

¹⁵⁹ The Final Act of the Conference on Security and Cooperation in Europe (1 Aug 1975), 14 I.L.M. 1292 (Helsinki Declaration), www1.umn.edu/humanrts/osce/basics/finact75.htm.

¹⁶⁰ Svetlana Savranskaya, “Human Rights Movements in the USSR after the Signing of the Helsinki Final Act, and the Reaction of the Soviet Authorities,” in Leopoldo Nuti (ed.), *The Crisis of Détente in Europe: From Helsinki to Gorbachev 1975-1985* (London: Routledge, 2008).

the human rights aspects of the Helsinki negotiations were not a major concern and that both thought the agreement would strengthen East German sovereignty.¹⁶¹ The belief of Erich Honecker and others within the SED leadership that human rights and non-interference in the internal affairs of sovereign states were compatible and that the GDR could plausibly assert a claim to international respectability in the field of human rights, cannot be reduced to mere self-serving delusion.

While the SED was confident of its human rights message finding a sympathetic audience in this era, high-level West German politicians in this period also saw the field of human rights as one that was stacked against their efforts to delegitimize the GDR. In 1968, the West German Minister of Justice Gustav Heinemann cautioned against strong interventionist rhetoric by the Federal Republic during the International Year for Human Rights on the grounds that “politics today always stem from the principle of non-interference in the affairs of other states.”¹⁶² In the lead-up to Helsinki in the early 1970s, some West German political analysts actually saw the GDR as holding a superior position on the matter of human rights in the international arena. As one report from the Christian Socialist Union party lamented,

With the change in majorities in the bodies of world organizations - particularly in the [UN] General Assembly - the socialist states have recognized the possibility of politicization of human rights, and the free world has almost cleared off the field without a fight: the US by its human rights abstinence, the Western European countries by their regionalism. Above all, the GDR has incorporated from the beginning and with great aggressiveness its concept of human rights in its foreign policy.¹⁶³

¹⁶¹ Hans-Hermann Hertle and Konrad H. Jarausch, *Risse im Bruderbund: Die Gespräche Honecker-Breschnew 1974 bis 1982* (Berlin: Ch. Links, 2006), 24.

¹⁶² BArch-Koblenz B 137/6441 Gustav Heinemann to Chancellor Kiesinger, 23 Sept. 1968.

¹⁶³ BArch-Koblenz B 137/ 10780. Dieter Blumenwitz. “Selbstbestimmung und Menschenrechte im Geteilten Deutschland aus der Sicht der Konferenz für Sicherheit und Zusammenarbeit in Europa,” 11; Concerns that human rights guarantees from the GDR would be toothless led the West German CDU/CSU to oppose the Helsinki Accords making them the only major political party in Western Europe to do so. The only political group in Eastern Europe to oppose the treaty as forcefully was the ruling Albanian Communist Party that refused to take part in the negotiations from the beginning. In the United State, conservatives also feared that the agreement represented a triumph for communism in Europe and the People’s Republic of China saw the Accords as a threatening improvement in US-Soviet relations. See Bernd Schaefer “‘Europe must not become Greater Finland’ Opponents

Years later, one CDU politician recalled, “we saw things exactly as the Soviet Union did. Neither of us believed it [Basket III and human rights provisions] would lead anywhere.”¹⁶⁴ If many in the SED leadership were fooled into thinking they were on safe ground in asserting the GDR’s right to non-interference from the west in the name of human rights, there were also many in West Germany who feared that they were correct.

Although the text explicitly referencing human rights could be reconciled with socialist ideology, the sections from Basket III of the treaty on the free flow of information and people across borders caused the real reservations from high-ranking SED members. Minister of Ideology Kurt Hager, Secretary for Security Paul Verner and Stasi chief Erich Mielke all voiced serious concerns that the Basket II provisions of the CSCE would open the door to further avenues for West German infiltration and propaganda. Not only would the SED face the constant stream of western television and radio in homes across the GDR, but citizens would now have increased individual contacts with West Germans and others from the west who could act as provocateurs or agents for foreign intelligence.¹⁶⁵

In the end, Erich Honecker decided to endorse the Helsinki Accords, judging the risks to be acceptable given the stakes. Pressure from the USSR to accept the text was enormous and publicly rebuking the GDR’s Soviet allies would have been a drastic and dangerous move. Beyond this, however, Honecker thought that the propaganda effects of a major foreign policy

of the CSCE – the German CDU/CSU and China,” in Mastny, Nünlist, and Wenger, *Origins of the European Security System*.

¹⁶⁴ Quoted in James McAdams, *Germany Divided: From the Wall to Reunification* (Princeton: Princeton University Press, 1994), 120.

¹⁶⁵ Hermann Wentker, “Pursuing Specific Interests Within the Warsaw Pact: The German Democratic Republic and the CSCE-Process,” in Meneguzzi Rostagni, *The Helsinki Process*, 55; Wentker, *Außenpolitik in Engen Grenzen*, 447. Anja Hanisch “Trügerische Sicherheit: Die KSZE und die Ausreisebewegung in der DDR 1975-1977,” in Helmut Altrichter and Hermann Wentker, *Der KSZE-Prozess: Vom Kalten Krieg zu einem neuen Europa 1975 bis 1990* (Munich: Oldenbourg, 2011), 78.

success and international recognition of him personally as a head of state equal to those in the west was worth the risk of western infiltration.¹⁶⁶ As he told Brezhnev before the conclusions of the Final Act, should the West illegally overstep the bounds of the treaty, “there had always been the *Staatssicherheit* [Stasi], and it is still in existence.”¹⁶⁷ Just as Honecker hoped, his signature cemented the GDR’s place in the international community and reaffirmed West German recognition of its sovereignty. By 1978, it was recognized formally by 123 countries.¹⁶⁸

In official post-mortem analysis of the negotiations by SED officials in 1975, the subject of human rights was described as an area of compromise in which the socialist bloc had carefully out-negotiated the west. A follow-up report to the SED’s Central Committee called the human rights provisions of the Helsinki Accords a concession, but declared that the negotiators had “foiled” efforts to prioritize “bourgeois” freedoms through the emphasis on self-determination and cooperation. Negotiators had formulated the section on human rights so that “the western states have no basis for the interference or defamation of the internal order of the socialist countries.”¹⁶⁹ The SED believed that they had signed a document that would uphold their sovereignty and a socialist vision of human rights instead of any kind of concession to the principles of liberal democracy.¹⁷⁰

When Eastern Bloc states were confronted with accusations from the west and their own populations that they were violating human rights commitments as described by Principle 7 of

¹⁶⁶ Hermann Wentker, “Pursuing Specific Interests Within the Warsaw Pact: The German Democratic Republic and the CSCE-Process,” in Meneguzzi Rostagni, *The Helsinki Process*, 55.

¹⁶⁷ Oliver Bange, “The GDR in the era of Détente: Conflicting Perceptions and Strategies, 1965-1975,” in Villaume and Westad, *Perforating the Iron Curtain*, 71.

¹⁶⁸ Winkler, *Germany*, 287.

¹⁶⁹ BArch-Lichterfelde DY 30/ IV B 2/20/ 614. Einschätzungen der Schlußdokumente der KSZE. 7.

¹⁷⁰ An almost identical evaluation of the meaning of human rights in the Helsinki Accords can also be found in BArch-Lichterfelde DY 30/IV 2/1/504 Stenographische Niederschrift der 15. Tagung des Zentralkomitees am 2. und 3. Oktober 1975, 104.

the Helsinki Accords, communist leaders sought to defuse these attacks by pointing the commitment to non-interference in the affairs of other sovereign nations in Principle 6. While western signatories viewed Principle 6 as a Soviet commitment to renounce the interventionist Brezhnev Doctrine – the idea that the USSR would forcibly intervene to prevent a socialist nation from becoming capitalist – the Eastern Bloc leaders instead saw it as the ultimate trump card against all charges of human rights violations. As Sarah Snyder has noted, in the years following Helsinki, “their argument, however, was never given serious credence internationally.”¹⁷¹ While this is correct in the post-Helsinki period, prior to 1975, such an assertion of the inviolability of state sovereignty in the name of human rights was common currency in international diplomacy and was actually a crucial component of the dominant post-colonial discourse of human rights.

From the perspective of the SED, the human rights elements in the final text of Helsinki Accords were not a liability. Official East German doctrine on human rights, as first formulated by Hermann Klenner and disseminated through the International Year for Human Rights, held that the GDR was a sovereign state based on the principles of self-determination and, thus, all efforts to interfere in its internal affairs would be a violation of international law and the principles of human rights as promoted by the United Nations. This conception of human rights allowed them to see the Helsinki Final Act as a compromise between ideological systems, but one that included sufficient safeguards against a one-sided interpretation by the west to protect them from significant diplomatic consequences. Accepting human rights provisions was not the product of coercion, bullying or desperation on the part of the GDR but rather the continuation of

¹⁷¹ Sarah Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (Cambridge: Cambridge University Press, 2011), 6.

the intellectual and political trajectory that the SED had been on since the mid-1960s if not earlier.

Conclusion

Inspired by the dominant anti-colonialist discourses of human rights in the 1960s, the SED's conception of human rights was inexorably interconnected to specific ideas about self-determination, sovereignty and non-interference. Hermann Klenner's innovative conception of a specifically socialist human rights was not simply cynically deployed for diplomatic purposes – even if it did baldly promote SED interests - but was also internalized by SED officials at all levels as the result of the International Year for Human Rights in 1968. The negotiations over the Helsinki Accords were conducted in this spirit as SED representatives and leaders believed that a balanced agreement that included “socialist” human rights concepts including the principles of self-determination would inoculate them against foreign meddling and would finally cement their claims to sovereignty. Such expectations of immunity from outside criticism would be dashed as the voices of the international human rights discourse shifted radically in the 1970s.¹⁷² Where the anti-imperialism of the Afro-Asian bloc was once dominant a new emphasis developed on individual rights over the rights of peoples, participatory democracy over developmental dictatorships and anti-communism over anti-colonialism.

¹⁷² On the global shift in human rights discourse in the 1970s, see Eckel and Moyn, *The Breakthrough*; Iriye, Goedde, and Hitchcock, *The Human Rights Revolution*; Moyn, *Last Utopia*.

CHAPTER 4: The Beginnings of Human Rights for Protest – *Volksaussprache* 1968

Political ideas, even theoretically self-conscious ones, do not just have implications that flow from them with the frictionless ease of a mathematical deduction, assuming that to be the case. Their meaning, as ideas, has everything to do with the context of their provenance and reception, and the friction they encounter in their engagement with reality.¹

The popular “Helsinki Effect” narrative from above - in which the SED naively agreed to human rights provisions thus ensuring its doom - is mirrored by the image of those living under socialism automatically responding to international human rights treaties with demands for liberalization and democratization. While the previous chapter showed that the subjective conceptions of human rights held by the SED complicate this narrative on the international level, the examination of how East Germans used language of human rights similarly adds nuance to the picture from the ground up. Human rights dissent, like the appropriation of the discourse by the SED, originated prior to the Helsinki Accords of 1975 and East Germans initially avoided connecting the problems of political power and dictatorship to the idea of human rights. Human rights dissent followed a similar path to that of the SED cooptation of the discourse, beginning with the appropriation of key words and slogans and attaching them to existing claims before developing a more complex and integrated conception of human rights.

GDR citizens first began to employ the language of human rights to contest state policy in 1968 in response to the SED’s propaganda on International Human Rights Year and the mass

¹ Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999), 9–10.

consultation process, the *Volksaussprache*, leading up to the plebiscite on the new socialist constitution. This public discussion was designed to educate the population on the meaning of the new constitution and ensure near universal turn out to approve it in order to demonstrate the unity of the socialist state. Thousands of East Germans, in particular Christians who saw their existing religious rights threatened by the new constitution, took the opportunity to provide genuine feedback rather than simply parroting back their support for the reforms. While dissidents in the Soviet Union in the late 1960s used the tactic of interpreting socialist law literally in ways that contradicted the intentions of the state, in 1968 East Germans sought to use human rights to influence the character and content of the basic law of the nation as a means of effecting change.² Although the *Volksaussprache* was not a free and open exchange of ideas within a democratic public sphere, the process provided a crucial venue for East Germans to contest state policy using the language of human rights. It functioned as a guided process of affirmation, led by the SED, with the participation of the people to serve educational and unifying ends rather than to solicit actual criticism. In spite of these goals, East Germans acted within the formal parameters of the process while also advancing their own personal and communal interests in the language of human rights.

Discourse, Social Construction and Performance in Dictatorship and Human Rights

Scholarship on dictatorships, communism and human rights shares a love of false binaries: victims against collaborators, a life of truth against a life of lies, fixed eternal concepts against cultural relativism. The nature of the *Volksaussprache* as an event and the responses of the East German citizenry complicate many of the simplistic narratives about human rights and the GDR as a dictatorship. The choice for East Germans was more than just loyalty or resistance

² On this strategy in the USSR see Benjamin Nathans, “The Dictatorship of Reason: Aleksandr Vol’Pin and the Idea of Rights Under ‘Developed Socialism’,” *Slavic Review* 66:4 (1 Dec 2007): 630–663.

and there existed many opportunities for partial acceptance and participation within the system in order to effect small changes and reforms at the margins. Similarly, GDR citizens could make human rights demands without contesting the logic of the SED discourse or immediately embracing liberal democracy in full.

Scholarship on dissent in the GDR has moved away from totalitarian models of studying only the means of state rule, the niches of authenticity, which the people managed to eke out, and the sites of conflict between the authentic realm of resistance and the oppressive forces of the state.³ Recent work now includes the examination of the broad range of means and discourses used by East Germans to contest and oppose state policy from the perspective of everyday activities and not just extraordinary illegal behaviour.⁴ In terms of categorizing dissent as practiced by East Germans in the language of human rights, this chapter borrows from the historian and former dissident Ehrhart Neubert who delineates three separate types of oppositional behaviour in East Germany: protest, challenging specific policies and actions without broad attacks on the system as a whole; resistance, the conscious use of illegal activity to oppose SED rule; opposition, the organization of groups to provide alternatives to the existing

³ The two classic contemporary studies of East German dissent focused entirely on public acts of opposition to the SED, Karl Wilhelm Fricke, *Opposition und Widerstand in der DDR: ein politischer Report* (Köln: Verlag Wissenschaft und Politik, 1984); Roger Woods, *Opposition in the GDR under Honecker, 1971-85: An Introduction and Documentation* (Basingstoke: Macmillan, 1986). Similar views were also expressed in post-1989 literature where dissent was defined as nothing less than total opposition to state socialism. Christian Joppke, *East German Dissidents and the Revolution of 1989: Social Movement in a Leninist Regime* (Washington Square: New York University Press, 1995).

⁴ On conflict and communication between citizens and the state see Andrew Port, *Conflict and Stability in the German Democratic Republic* (Cambridge: Cambridge University Press, 2007); Jeannette Madarász, *Conflict and Compromise in East Germany, 1971-1989: A Precarious Stability* (Houndmills: Palgrave Macmillan, 2003). On the theory and methodology of everyday history (*Alltagsgeschichte*) see Thomas Lindenberger. "Everyday History: New Approaches to the History of the Post-War Germanies," in Christoph Klessmann. *The Divided Past: Rewriting Post-War German History*. (2001). Alf Lüdtke, *Herrschaft als soziale Praxis: historische und sozial-anthropologische Studien* (Göttingen: Vandenhoeck & Ruprecht, 1991). Thomas Lindenberger, *Herrschaft und Eigen-Sinn in der Diktatur: Studien zur Gesellschaftsgeschichte der DDR* (Köln: Böhlau, 1999).

state socialist system.⁵ Although human rights activism is associated with resistance and opposition, in the case of the GDR, there was a gradual evolution and escalation in the use of human rights by East Germans. In 1968, human rights were used to protest changes to the constitution but those resisting did not use the language of human rights. Rather than challenge the legitimacy of the SED in its entirety, East Germans initially opted to work within the discursive framing of the state discourse of human rights when demanding greater rights and freedoms.

The “failure” to resist did not imply however imply widespread loyalty to the state and the replication of SED discourses should not be interpreted as evidence that East Germans wholly supported such ideas. Such behaviour follows James Scott’s observation that “the appeal to would-be hegemonic values sacrifices very little in the way of flexibility given how malleable the terms are and has the added advantage of appearing to disavow the most threatening goals. For anything less than completely revolutionary ends the terrain of dominant discourse is the only plausible arena of struggle.”⁶ In the case of the GDR specifically, the sociologist Jeremy Straughn has described such a strategy as “consentful contestation” where, criticism of the SED

⁵ Ehrhart Neubert, *Geschichte der Opposition in der DDR: 1949-1989* (Berlin: Ch. Links, 1998), 29–33. The literature seeking to define the precise meaning of opposition, resistance and dissent is almost limitless when it comes to 20th Century German history. Much of this scholarship is devoted to creating categories of legitimacy based on these concepts and is often highly political in its intent and methodology. Whether certain groups of GDR citizens are the moral equivalents of those who resisted Nazism and how one defines these qualities is well beyond the scope of this project. For the purposes of this study, Neubert’s system of classification provides a simple means of distinguishing types of behaviour with a minimum of baggage. These definitions are fluid and their exact boundaries are at times unclear but they provide a useful shorthand on the macro scale to distinguish the actions of East Germans in the aggregate. Other possible taxonomies of dissent in East German are explained in: Rainer Eckert, “Widerstand und Opposition. Umstrittene Begriffe der deutschen Diktaturgeschichte,” in Ehrhart Neubert and Bernd Eisenfeld, *Macht - Ohnmacht - Gegenmacht: Grundfragen zur politischen Gegnerschaft in der DDR* (Bremen: Ed. Temmen, 2001). Ilko-Sascha Kowalczyk, “Artikulationsformen und Zielsetzungen von Widerständigem Verhalten in verschiedenen Bereichen der Gesellschaft,” Deutscher Bundestag, *Materialien der Enquete-Kommission “Aufarbeitung von Geschichte und Folgen der SED-Diktatur in Deutschland”: Volume 7, Book 2*, (Baden-Baden: Nomos, 1995). On resistance as a category of behaviour in the GDR see, Ulrike Poppe, Rainer Eckert, and Ilko-Sascha Kowalczyk, *Zwischen Selbstbehauptung und Anpassung: Formen des Widerstandes und der Opposition in der DDR* (Berlin: Ch. Links, 1995).

⁶ James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), 104.

was connected with the heartfelt affirmation of the broad goals of the state and of socialism and critiques posed only for the benefit of the community as a whole. Not only were state goals endorsed by East Germans, but citizens also adopted and co-opted the discourse of the SED in order to promote their specific claims.⁷ As Alexei Yurchak has argued, however, such performances of loyalty are not reducible to cynical manipulations of the system by canny citizens hiding a pure “authentic” self behind a mask of compliance. The constative meaning of a statement and the act of its performance “are not in a binary either-or relationship; rather they are indivisible and mutually productive.”⁸ The social performance of citizenship and the invocation of state human rights discourse for change thus fall into a grey area between dissent and loyalty.

Similarly, human rights protest and opposition is closely linked with the mass protests of 1989, but it began much more modestly and packaged in the officially approved forms and formats of civic engagement as defined by the SED state. Public demands for human rights were almost always highly critical of state socialism, but private communication between citizens and the state through the *Volksaussprache*, and the official petition (*Eingaben*) system, shows a far less radical and much more accommodating picture of human rights discourse. In most cases, East Germans sought to use human rights to advance their claims but they did so cautiously and challenged the SED from a position of supposed loyalty. The language of human rights was not deemed self-evidently contrary to state socialism or to continued SED rule and human rights rhetoric did not automatically translate into revolutionary ideas or ideals.

Rather than treating human rights as fixed liberal democratic norms that could self-evidently be used to demand an end to dictatorship, this chapter will examine the beginnings of

⁷ Jeremy Straughn, “‘Taking the State at Its Word’: The Arts of Consensual Contention in the German Democratic Republic,” *American Journal of Sociology* 110, no. 6 (May 2005): 1598–1650.

⁸ Alexei Yurchak, *Everything Was Forever, Until It Was No More: The Last Soviet Generation* (Princeton: Princeton University Press, 2006), 23.

human rights as a dynamic discourse in the GDR. This will be done through the theoretical and methodological framework of recent anthropological scholarship on the dissemination of human rights, which defines this discourse as “well beyond language to include the full range of social knowledge regimes through which human rights emerge in social practice.” Human rights norms are thus understood as “the means through which the idea of human rights becomes discursive, the process that renders human rights into social knowledge that shapes social action.”⁹

In charting this process, the idea of “vernacularization” of human rights as developed by Sally Engle Merry provides a useful set of conceptual tools. According to Merry, the adoption of global human rights language - as found in the Universal Declaration of Human Rights and other international treaties and documents - at the local level comes about through a process of translating these terms into a vernacular that is both linguistically and culturally resonant. Rather than examining international diplomacy alone to understand local effects, her work suggests a focus on the middle: those acting as transmitters and translators between the global and the local. Such translations place human rights in broader “frames” of interpretative meaning that can produce a social movement if the framing is resonant with a community. The reproduction of human rights language in the vernacular can range from a “replication” of terminology applied superficially to existing grievances and concerns or develop to a complex “hybridity” that deeply interconnects international human rights ideas with local cultural norms. In examining the vernacularization process, Merry also distinguishes between the instrumental usage of human rights and a “shift in subjectivity” through which human rights ideas are internalized as values.¹⁰

⁹ Mark Goodale and Sally Engle Merry, *The Practice of Human Rights: Tracking Law between the Global and the Local* (Cambridge: Cambridge University Press, 2007), 14–15.

¹⁰ Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle,” *American Anthropologist* 108:1 (1 March, 2006): 38–51. Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2009).

From this theoretical framework, the first forays into human rights politics by GDR citizens represent a form of replication and instrumentalization within a narrow field of issues. East Germans worked to simultaneously vernacularize both international human rights treaties and the discourse of the state in a way so as to triangulate demands for greater freedoms at a minimum of risk. The more resonant their message was with the existing state supported discourse of socialist human rights, the more legitimacy their claims would have from the perspective of the state, yet such resonance came at the cost of affirming SED rule in general. When East German citizens sought to use the language of human rights to make claims, they did not do so in the vocabulary of liberal democratic individualism and autonomy, but rather through the re-appropriation of the discourse of socialist human rights as developed and employed by the SED since 1946. They accepted the “framing” of human rights as presented by the SED and worked to challenge the state from within this logical structure rather than trying to bring down the entire system.

The *Volksaussprache*, 1968

In the late 1960s, the SED sought to replace the original 1949 GDR Constitution, and its tributes to German unity and bourgeois political structures, with a “Socialist Constitution” that would properly confirm and legitimize its rule. For SED General Secretary Walter Ulbricht, the reforms of 1968 would demonstrate that the GDR was continuing to advance through the stages of historical development towards pure communism as prescribed by Marxism-Leninism – in 1949, East Germany was founded as anti-fascist state, in 1952, the SED had begun the “construction of socialism” and now the GDR would finally become a real “socialist people’s

community.”¹¹ Article 1 of the new constitution explicitly authorized the SED’s political monopoly on power stating:

The German Democratic Republic is a socialist state of the German nation. It is the political organization of the working population in town and country, who are jointly realizing socialism under the leadership of the working class and its Marxist-Leninist party.¹²

As to how the SED would wield this power, Article 47 declared the Leninist concept of “Democratic Centralism” as a bedrock principle in the realization of the sovereignty of the people. In terms of foreign relations, the preamble denounced both “imperialism under the leadership of the United States” and “West German monopoly capitalism” for the division of Germany and Article 6 pledged the GDR to foster cooperation and friendship with the Soviet Union through “socialist internationalism.”¹³

The rest of the document outlined the basic rights, and now correlating duties, of the East German citizen in line with socialist human rights theory. Several articles from the old constitution were now deemed superfluous due to the triumph of socialism and end of class conflict. These included popular sections such as the right to strike, which were excised entirely, and religious rights, which shrank from eight articles to only one in the new draft constitution. While the 1949 Constitution was written so as to plausibly form the basis for a united Germany, the 1968 version was specifically designed for the realities of the GDR. Whereas the old text referred to Berlin as the capital city of the “Republic”, according to the new version, “The capital of the German Democratic Republic is Berlin.” Similarly, generalized provisions on protections of minorities were replaced by an article on the protection of the Sorbian minority population that resided almost exclusively in the East. The new constitution would provide a legal and

¹¹ Andreas Glaeser, *Political Epistemics: The Secret Police, the Opposition, and the End of East German Socialism* (Chicago: University of Chicago Press, 2011), 105. Stefan Wolle, *Der Traum von der Revolte: die DDR 1968* (Berlin: Ch. Links, 2008), 132.

¹² Constitution of the GDR (6 Apr 1968), http://germanhistorydocs.ghide.org/sub_document.cfm?document_id=79.

¹³ Verfassung der DDR (6 Apr 1968), www.documentarchiv.de/ddr/verfddr1968.html.

symbolic foundation to complete the ideological metamorphosis from the early anti-fascist foundation that aspired to realize unification, to the socialist GDR that existed as an independent state separate and inherently different from the Federal Republic in the west.

The SED ensured that participation by East Germans in the process, willing or no, was near universal. Between February 2 and the vote on 6 April 1968 nearly a million events and meetings were held throughout the GDR to discuss the contents of the proposed constitution.¹⁴ Most of these were small discussion in factories, workplaces and homes and, if state statistics are to be believed, many people attended multiple events in different venues. SED officials from all branches of the government fanned out across the country to explain the constitution and counter any questions or critiques raised by citizens. Not only did the SED leadership go to the people, East Germans actively sought to influence the contents of the constitution independently of official functions. Over the course of the *Volksaussprache*, the constitutional commission received more than 12,000 letters and post cards from East Germans, expressing their support, concerns and criticisms. Not all of these events or letters contained criticism of the constitution but were rather performative demonstrations of loyalty and good citizenship. Many factories and working groups used the *Volksaussprache* as an opportunity to declare their total support of the SED and full agreement with the new constitution.

Not everyone in the GDR, however, was willing to stick to the script provided by the SED. While the *Volksaussprache* was intended to educate the people about the contents of the Constitution and to secure their support through propaganda and, when necessary, coercion, many citizens pushed back against the SED's conceptions of basic rights and the meaning of citizenship under socialism. These responses ranged from the very small minority who outright

¹⁴ BAArch-Lichterfelde DY 30/IV 2/1/373 Bericht der Kommission über die Verfassung der DDR von Klaus Sorgenicht, 108.

refused to validate SED rule through participation in the process and encouraged others to do the same, to those citizens who genuinely sought to improve the GDR through their criticism. In between these two poles lay ambiguous groups of thousands who demanded change and rhetorically claimed to have the best interests of the state and all of society at heart. It is in this group of GDR citizens where we first see the mass employment of the language of human rights to challenge the SED. This was not a revolutionary movement of dissidents but instead a diverse group spread across the GDR that had reached the limits of working within the system to achieve its goals. For this group, the language of human rights provided a new means of making claims against the state when other options no longer appeared feasible or effective.

While the *Volksaussprache* represented the beginnings of human rights activism in East Germany, it should not be seen as a parallel to the Prague Spring or an event that undermined the SED's authority or power. Instead, the process represented both SED formalizing its political monopoly on power while at the same time engaging with the East German population and encouraging their participation in formal politics on a massive scale. The vast majority of East Germans used human rights as a means of protest rather than resistance in that they remained within the legal boundaries of participation as defined by the SED. From the perspective of the state, the complaints and demands of the people, expressed through the appropriate state-crafted channels, were integral to the SED's project of legitimization. The letters submitted by citizens critiquing the constitution were even used by SED officials to show the international community that the *Volksaussprache* was a triumph of socialist democracy and that the adoption of the new constitution represented the purest form of self-determination.¹⁵ The outcomes of the *Volksaussprache* were distinctly ambiguous as the citizens were able to collectively demand

¹⁵ See the proclamation of the GDR at the International Human Rights Conference in Tehran 1968, BArch-Lichterfelde DY 30/ J IV 2/2/ 116. Erklärung der Regierung der DDR an die Internationale Konferenz über Menschenrechte vom 22. April bis 13. Mai 1968 in Teheran, 2.

change with an unusual degree of freedom but the SED was able to use the results of this collective action as proof of its own legitimacy.

Human Rights and the 1968 Constitution

The first person to connect the language of human rights to the new Constitution was not a protesting citizen but rather SED General Secretary and Chair of the State Council Walter Ulbricht. In his New Year's Address, broadcast on the radio and television, and published on the front page of the national newspaper *Neues Deutschland* on January 1, 1968, he proclaimed:

The United Nations has declared the year 1968 to be the "International Year for Human Rights." Our new socialist and humanistic constitution, which is based on respect for human rights and that highest of human rights, the right to peace, which will be the concern of our whole society, is also a fine contribution of the German Democratic Republic to the objective of this "International Year."¹⁶

The language of human rights was closely linked to both the constitutional reform process and particularly the creation of a new criminal code in the state media. In addition to Ulbricht's speech, in January 1968 alone, there were thirty-two articles mentioning human rights in *Neues Deutschland*: one more connecting human rights to the constitution sixteen explicitly linking international human rights to the new criminal code and twelve articles on human rights violations in the capitalist world including in West Germany, the United States, Greece and South Korea. According to SED media, in the socialist camp human rights was an essential aspect of society while in the capitalist world, empty rhetoric was matched by state brutality against democratic activists and peaceful protestors.

In the media blitz leading up to the *Volksaussprache*, the state press linked human rights both the rights of the citizen under socialism and also to the realization of East German sovereignty. One article on the Constitution argued that while human rights could not be achieved under the "dictatorship of the monopolies" in West Germany, in the GDR where

¹⁶ Walter Ulbricht, „1968 - Jahr wichtiger Entscheidungen,“ *Neues Deutschland* (1 Jan 1968), 1. This was also printed on the front cover of the CDU-GDR Bloc Party's newspaper *Neue Zeit* under the same headline.

“human rights are the law,” a true harmony in society was possible. In such a system, East German citizens experienced the “fundamental rights of citizens, such as the right to work, the right to education, the equality of men and women, not just promises on paper.”¹⁷ The human rights achieved in East Germany were, however, only possible due to GDR sovereignty, the affirmation of which was central to the SED’s message. According to one article on the new criminal code, in contrast to West Germany where the state was implementing emergency laws to maintain order, “law and legality was rooted in socialist democracy,” where “our laws clearly define offences against sovereignty and human rights as among the most serious crimes.”¹⁸ According to this propaganda, the constitution and the criminal code were solidifying and strengthening the existing human rights regime of East Germany and would further this cause on the international stage through the assertion of state sovereignty.

Such proclamations on international human rights were vague as to the exact contents of international human rights documents such as the Universal Declaration of Human Rights (1948) or the two UN Human Rights Covenants (1966). In 1968, West German media and activism was not yet a reliable source for detailed information on human rights in the GDR. Although anti-communist groups and the West German Ministry for All-German Affairs denounced human rights violations in East Germany, the material produced by these organizations focussed almost exclusively on the total illegitimacy of the SED and the atrocity of the Berlin Wall. East Germans did have access to Western television and media, but human rights activism in the Federal Republic in the late 1960s moved away from its focus on East Germany. The humanitarian crisis in the Nigerian breakaway republic of Biafra was the human rights cause du

¹⁷ “Verfassung sozialistischer Gemeinschaft,” *Neues Deutschland* (5. Jan 1968), 1.

¹⁸ “Sozialistisches Strafrecht zum Schutz unserer Souveränität und der Würde des Menschen,” *Neues Deutschland* (13 Jan 1968), 2.

jour amongst international activists while political and civil rights at home had become a major concern due to the rise of the student movement and mass street protests.¹⁹ In propaganda on the Year for Human Rights, the West German government concentrated on appealing to the international community through endorsements of self-determination and condemnations of Apartheid, colonialism and racial oppression rather than fixating on anti-communism.²⁰ Human rights discourse from the west likely played a part, but it was by no means a reliable source for those looking to criticize the system but not demand its downfall.

If East Germans were interested in human rights, however, with a bit of digging they could find all the information they needed in sources published in the GDR. The full text of the Universal Declaration of Human Rights was reprinted in the widely available reference volume “The UN” by Peter Klein, published in 1966.²¹ The texts of the UN Covenants could be found in the GDR journal on the United Nations – “UNO-Bilanz” and the mass-produced pamphlets of the *Committee for the Protection of Human Rights* helpfully printed the entire text of the treaties with a side-by-side comparison showing how each article was achieved through specific East German laws.²² Other popular publications also published specific information about the rights

¹⁹ On the West German human rights discourse in the late 1960s including the creation of Aktion Biafra-Hilfe, see Lora Wildenthal, *The Language of Human Rights in West Germany* (Philadelphia: University of Pennsylvania Press, 2012), 96–130.

²⁰ On FRG policy and activities regarding the Year for Human Rights, see BArch-Koblenz B 136/6441 Internationales Jahr der Menschenrechte - Durchführung in der Bundesrepublik 1967-1968.

²¹ Peter Klein, *Die UNO* (Berlin: Dietz, 1966), 166–172. Klein’s book was actually cited by one letter, BArch-Lichterfelde DA 1/4076 Letter no. 1533. This same book would also be cited in the late 1980s by dissidents. See Robert Havemann Society (*Robert Havemann Gesellschaft*), RHG Samizdat PS 013/ 05 Aufbruch Informationsmaterial des Ökumenischen Friedenskreises 26. Juli 1988, 7.

²² According to an article promoting the human rights properties of the constitution – Walter Trebs, “Mit Völkerrecht im Einklang,” *Neue Zeit*, (4 Feb 1968) the Covenant on Political and Civil Rights was printed in UNO-Bilanz 1965/1966, 178. The two pamphlets that reprinted the UN Covenants were, Willi Büchner-Uhder, *Sozialistische Menschenrechte in der Deutschen Demokratischen Republik*: zum Recht auf Mitwirkung an der Leitung von Staat, Wirtschaft und Kultur durch alle Bürger der DDR (Berlin: Komitee zum Schutze der Menschenrechte, 1968); Hermann Klenner, *Die politischen Bürgerrechte in der Deutschen Demokratischen Republik* (Berlin: Komitee zum Schutze der Menschenrechte, 1967).

contained in these international documents: one man from Cottbus noted in his letter to the constitutional commission that he learned about the Universal Declaration of Human Rights from the illustrated women's magazine *Für Dich*.²³ Even if one was cut off completely from western media or the campaigning of international human rights NGOs, it was possible, if one was determined to do so, to access a wealth of information on human rights from available sources.

Contesting the Constitution

In 1968, hundreds of East Germans would decide to employ the language of human rights to challenge the SED's constitution. They were amongst the thousands of GDR citizens who used the *Volksaussprache* as a means to criticize the SED and make demands for change to the proposed political and social order. The issue that raised the most public feedback and criticism, and was also the main source of human rights discourse, was the problem of religious freedom. An internal analysis of letters to the constitutional commission conducted shortly before the plebiscite in April 1968, found that more than 49 percent of letters to the commission dealt with the problem of religious rights. Specifically, these letters criticized Article 38 of the draft Constitution, which was to replace the eight constitutional articles (Articles 41 to 48) of the 1949 Constitution that dealt with various aspects of religious freedom.²⁴ This number actually underplays the extent of the public outcry as many of these letters were signed by multiple members of small church organizations or even entire parishes. One submission from a Catholic community in the town of Lenterode had 218 signatures spread over two letters.²⁵ At public meetings and in SED reports, the issue of rights to practice religion, religious education and the

²³ BArch-Lichterfelde DA 1/ 4077 Letter # 1606. While the letters to the Constitutional Commission are not covered under German privacy laws, they were written by private citizens who did not expect their writing to be available publicly. As such, I have anonymized personal information as much as possible.

²⁴ BArch-Lichterfelde NY 4192 /111 Gliederung der Vorschläge nach Artikeln des Verfassungsentwurfs.

²⁵ BArch-Lichterfelde DA 1/ 4157. Letters No. 9669 and 9670. The same letter was sent twice on the same date to accommodate the number of signatures.

possibility for citizens to be both good socialists while maintaining a Christian *Weltanschauung*, often dominated proceedings.

While the Catholic and Protestant Churches had been decimated through concerted state efforts over the years, both institutions fought back hard against this symbolic erasure. Rather than relying simply on the existence of these rights in the old Constitution of 1949, Church leaders used Article 18 of the Universal Declaration of Human Rights and sections from the recently created UN Human Rights Covenants to denounce these constitutional changes. This turn to human rights by the church was not wholly unprecedented. The churches had used the language of human rights periodically when denouncing various state policies including land reform and the suppression of church privileges, this language was usually incidental and did not form the backbone of any kind of sustained or coherent attack on state power.²⁶ In the 1960s, however, Christian churches internationally began to adopt the language of human rights and the claim to represent the ideals of the Universal Declaration of Human Rights. In 1963, Pope John the XIII officially endorsed the Universal Declaration in his encyclical *Pacem In Terris*.²⁷ A new enthusiasm for the idea of human rights can also be seen in Protestant Churches worldwide: in 1968 in Uppsala, Sweden, the Fourth Assembly of the ecumenical World Council of Churches moved human rights to the forefront of its agenda and created an active anti-racism program specifically targeting Apartheid.²⁸

²⁶ Joachim Goertz, "Kirche und Menschenrechte in der DDR," *Horch und Guck*, (14/1995) 68-70. For Catholic Church declarations mentioning human rights prior to 1968, Gerhard Lange, *Katholische Kirche - sozialistischer Staat DDR: Dokumente und öffentliche Äußerungen 1945 - 1990* (Berlin: Bischöfliches Ordinariat, 1993), 122,160,181.

²⁷ Pope John XXIII, *Pacem in Terris: Encyclical Letter of Pope John XXIII on Human Rights and Duties* □: *A New Translation and Commentary* (London: Catholic Truth Society, 1980).

²⁸ On ecumenical Christianity and human rights in the late 1960s see, World Council of Churches, *The Uppsala Report 1968: Official Report of the Fourth Assembly of the World Council of Churches, Uppsala July 4-20, 1968* (Geneva: World Council of Churches, 1968); Otto Nolde and Charles Malik, *Free and Equal: Human Rights in Ecumenical Perspective*. (Geneva: World Council of Churches, 1968). Also, Christian Albers, "The World Council

The Christian response to the *Volksaussprache* began with a letter from Archbishop of Berlin, Alfred Bengsch to the Constitutional Commission on February 5, 1968. After first noting in detail the human rights commitments of Walter Ulbricht's New Year's Address and the elimination of seven of eight Articles on religious rights from the original constitution, Bengsch argued that "the redesign of the Constitution is neither consistent with universal human rights nor an advance from the Constitution of 1949," since it would directly attack the basic capacities of the church to function. Moreover, the emphasis on creating a socialist state would be discriminatory against those with a Christian world-view (*Weltanschauung*) and as such "calls into question whether all citizens are equal before the law." He demanded the restoration of guarantees of religious freedom both practice and belief, since "only under these conditions can the Church carry out its activities in true freedom and serve the common good. And only under these conditions can the basic rights as expressed in Article 18 of the Universal Declaration of Human Rights of the United Nations be realized in our new Constitution."²⁹

On February 15, 1968, the Protestant Bishops of East Germany joined in condemning the elimination of the religious rights of the old constitution. In a similar argument to their Catholic counterpart, they asked that

The new constitution will be created so that Christians and those citizens who do not share the worldview of the ruling party can share in the responsibility for our political system with a clear conscience. The draft itself emphasizes that man and human dignity should be the focus of the new constitution. For the "International Year for Human Rights," the draft includes the statement that that the rules of international law occupy an important place in the Constitution.³⁰

Protestant church leaders urged all parishioners and church officials to study the draft constitution carefully and to aid in their campaign, Bishop Hans-Joachim Fränkel of Görlitz

of Churches and Human Rights in the 1970s," presentation at *A New Global Morality: The Politics of Human Rights and Humanitarianism in the 1970s*, Freiburg Germany (10-12 June, 2010).

²⁹ BArch-Lichterfelde DY 30/ IV A2/13/ 46 Bengsch to Ulbricht (5 Feb 1968) 1-4.

³⁰ Evangelical Central Archive (*Evangelisches Zentralarchiv*) EZA 104/687 Noth et al to Ulbricht (15 Feb 1968), 1.

distributed a detailed seven-page analysis of the new constitution in comparison with international human rights documents to assist in this process.³¹

The SED sought to quell church concerns by issuing assurances that the new constitution did not threaten Christians. In a speech by Walter Ulbricht reprinted in *Neues Deutschland*, he said “I can only repeat that the religious freedom as it currently exists, will continue to exist and there is no intention to change that.”³² In a private response to Archbishop Bengsch, SED officials attacked the legitimacy of the church in participating in the *Volksaussprache* process at all. The fact that the church leadership was challenging the contents of the draft was denounced as an attack on the sovereignty of the GDR as it represented an inappropriate effort to influence the outcome of “democratic” processes that were underway to create the Constitution. Christians were already represented in the Constitutional Commission and in the *Volkskammer* so the actions of the church were both redundant and parochial. As to the contents of the critique, these were deemed wholly irrelevant. The absence of certain rights from the Universal Declaration of Human Rights was meaningless for the Church since the new, slimmed down Article on religious freedom was already in full agreement with Article 18 of the Universal Declaration. Besides that, some articles from the Universal Declaration were not needed for an East German constitution since they were self-evidently not a problem – the letter ironically cited forced labour and torture as relevant examples of international human rights that were unthinkable in the context of the GDR.³³ Bengsch was clearly not persuaded or intimidated by this response and

³¹ EZA104/687 Abschrift Evangelischer Nachrichtendienst in der Deutschen Demokratischen Republik Nr. XXI/7 14.2.1968 and Fränkel to the Evangelisches Konsistorium 21.2.1968.

³² “Walter Ulbricht beantwortet Fragen,” *Neues Deutschland* (16 Feb 1968), 4.

³³ BArch-Lichterfelde DY 30/ IV A2/13/ 46 Stellungnahme zum Schreiben des Kardinal Bengsch vom 5. Feb 1968. 3-4.

a rewritten version of his original letter was distributed across the country to be read out at Mass on March 3.³⁴

Other human rights-based contestations were not spurred on by any kind of organized effort like that of the Church, but two other major issues produced a response in the language of human rights: the right to travel (Article 28, 3 percent of the total letters received) and the right to freedom of opinion and expression (Article 23, almost 2 percent of letters received). East Germans invoked the right to free movement contained in the Universal Declaration but many omitted any mention of human rights to simply request that they have the right to be allowed to travel or leave the GDR. In terms of the right to free expression, arguments ranged from specific rights included in the Universal Declaration on free thought and speech as well as on religion to broader demands unconnected to any kind of human rights language.

Those employing the language of human rights were not confined to a single region or class. Letters to the Constitutional Commission came from every part of the GDR, though officials did note higher concentrations of letters from Dresden and Cottbus on religious freedom. The efforts of the church in disseminating its human rights claims were successful not just in major population centers, but in small towns and villages where the church remained more influential. While individual letter writers using the language of human rights were often male, group letters from small communities and religious groups including large numbers of female signatories. In class terms, educated citizens were often those invoking human rights but here as well group letters contained a wide cross section of society: in one group letter from Erfurt invoking the Universal Declaration of Human Rights in regards to religious freedom and the right to travel, of the fifteen signatures there were six high school students, three university

³⁴ Lange, *Katholische Kirche - sozialistischer Staat DDR*, 235–6.

students, three office clerks, a pipe-fitter, an electrician and an apprentice.³⁵ East Germans did not universally use the language of human rights, but it appears to have been accessible across religious, gender and class lines when packaged correctly.

Outside of these three major areas, there were thousands of complaints and criticisms of the constitutional draft, many involving basic rights, but on these topics East Germans did not use the language of human rights or refer to international treaties of any kind. Although GDR citizens did contest the SED's assertion of a monopoly on political power, issues of gender inequality, and economic rights such as the right to strike and choose one's place of employment, they used other vocabularies with which to make their claims. From a contemporary perspective, issues that should clearly have fallen into the purview of human rights politics such as political freedom, the right to form a union and women's rights, all took place within a very different discursive framework during the *Volksaussprache* as less risky and more established discourses of protest continued to be employed.

While the SED's dominance over political life in the GDR had been a fact since the late 1940s, several dozen East Germans still sought to contest the legalization of the monopoly on power. Rather than invoking claims to political rights, they relied on either the rhetoric of the SED itself or exploited the contradictions between reality and theory inherent in East German political life. In criticizing Article 1, the relevant passage to enshrining SED power in the new constitution, one letter to the commission decried this as a violation of "socialist democracy," and feared that it could lead to a dictatorship as had occurred in the USSR under Stalin.³⁶ One letter pointedly asked if it made sense to proclaim the supremacy of the SED when it failed to

³⁵ BArch-Lichterfelde DA 1/ 4126 Letter No. 6507

³⁶ BArch-Lichterfelde DA 1/ 4126 Letter No. 6516.

gain even 50 percent of the vote in the election in the author's district of Halle in 1946.³⁷ Others challenged the idea by pointing out the conflict in having one political party constitutionally guaranteed to rule when East Germans still went through the process of having periodic elections. Was it not possible that one of the docile Bloc Parties that formed the National Front with the SED, say the Christian Democrats (CDU der DDR) or the Liberals (LDPD), could win an election one day?³⁸ Some were so bold as to question the provisions on friendship with the Soviet Union by asking, "Why shouldn't other states of the socialist camp have a chance to take over this leadership role? Does it not already seem like [Czechoslovakia] is becoming the avante garde of socialist freedom and democracy?"³⁹ Why appeal to abstract UN documents when the ongoing Prague Spring provided a much more concrete means of undermining the legitimacy of state socialism?

Although women endorsed human rights claims in letters about religious freedom, travel and free expression, on the issues of access to abortion, social and economic benefits for women and gender equality, they continued to use other vocabularies and arguments rather than drawing on international human rights treaties.⁴⁰ In terms of abortion access, a fiercely contested problem since the total ban imposed by the SED in the late 1940s, women argued that they had a personal right to decide whether or not to continue a pregnancy but they did not seek to legitimize this

³⁷ BArch-Lichterfelde DA 1/ 4223 File Card on Letter no. 4588.

³⁸ BArch-Lichterfelde DA 1/ 4223 File Card on Letter no. 4891.

³⁹ BArch-Lichterfelde DA 1/ 4161 Letter no. 10089.

⁴⁰ The disconnect between women's rights activism and the usage of international human rights language in the Eastern Bloc has been noted by Jonathan Bolton who argued that "There is an undeniable gender dynamic here. The dissident theorists and thinkers who make it into Western accounts are almost all male; the closer we come to seeing dissent as a transnational dialogue about human rights or civil society, the more women seem to be erased from the picture." Bolton, *Worlds of Dissent: Charter 77, the Plastic People of the Universe, and Czech Culture Under Communism* (Cambridge: Harvard University Press, 2012), 43.

claim in reference to more abstract human rights principles.⁴¹ As Donna Harsch has shown, the discourse surrounding abortion access shifted dramatically in the late 1960s from a vocabulary of social harm towards the language of personal rights, but this new discourse did not connect with the emerging human rights dissent of the *Volksaussprache*.⁴² On other rights and duties, women argued that the general principle of gender equality should mean the equal value of “women’s work” such as child rearing in comparison to that of industrial workers. Some wrote to the commission calling for a constitutional amendment that would give unmarried women the right to use the title Frau (Mrs.) rather than Fräulein (Miss), but this too did not include any mention of human rights.⁴³

Aside from religious freedom, the absence of the right to strike – which was enshrined in the 1949 Constitution but already completely unthinkable in reality – caused the SED the greatest headache. The response of the population was so vociferous that one SED official described the tone of the criticism as “spiteful”.⁴⁴ From across the country in letters and particularly at meetings involving workers, the absence of the right to strike was angrily noted by the populace with some proclaiming it as the “basic democratic right of the worker.”⁴⁵ While these GDR citizens invoked “democratic rights” they did so from the tradition of working class struggle using the language of the state. If the GDR was the democratic country of the workers,

⁴¹ Access to abortion would not be liberalized until 1972. For some examples see, BArch-Lichterfelde DA 1/ 4072 Letter no. 1105 and DA 1/ 4224 File Card on Letter No. 6933.

⁴² Donna Harsch, “Society, the State, and Abortion in East Germany, 1950-1972,” *The American Historical Review* 102: 1 (1 Feb 1997).

⁴³ BArch-Lichterfelde DA 1/ 4223 File Card on Letter No. 3866 (Note mentions this request had been made several times).

⁴⁴ BArch-Lichterfelde DA 1/ 4201 7. Bericht über die bei der Verfassungskomitee eingegangenen Zustimmungen und Vorschläge (8. März bis 14. März), 8.

⁴⁵ Quotation from, BArch-Lichterfelde DA 1/ 4157 Letter No. 9650.

then the traditional rights of workers' movements must be respected. Rather than look to new vocabularies of protest such as human rights, workers relied upon traditional discourses from the labour movement to make their claims. In response to concerns from local functionaries, Berlin issued talking points for officials that would explain how the right to strike was now superfluous under socialism. According to briefing notes, just as the reactionary West German press controlled by Axel Springer did not go on strike because he held so much economic and political power, the East German worker did not need to strike because he was now in charge of the country and its means of production, "and no one would strike against themselves, against their own interests or against their own power."⁴⁶ Such arguments failed to stem the massive number of complaints that continued to pour in up until the final plebiscite.

It is also important to note that many of the harshest complaints and accusations against the SED, and some of the most troubling behaviour from the perspective of the state during the *Volksaussprache*, did not involve the language of rights at all. Some who spoke out strongly did so due to very specific grievances. For example, in Borna, a worker at a lignite plant threatened to vote no on the constitution because it did not guarantee that workers would have a holiday on Easter Friday.⁴⁷ SED officials detected the influence of western television propaganda in one citizen in a village in the Pößneck district who declared: "The whole discussion about the constitution can't change the contents of the constitution since it's already finished and a done deal."⁴⁸ While most citizens offered their criticisms as though they could actually play a

⁴⁶ ThSA-R 5-95-1700 SED IKL C. Zeiss Jena. Argumentationshinweise zur Volksaussprache über den Verfassungsentwurf (15 Feb 1968), 3.

⁴⁷ Sächsisches Staatsarchiv Leipzig (Saxon State Archives, Leipzig) StSA-L 21123 IV/B/2/13/661 Berichte und Informationen über die Vorbereitung und Durchführung des Volksentscheides über die Verfassung der DDR am 6. April 1968 (5. Apr 1968), 5.

⁴⁸ ThSA-R 5-95-1005 Bezirksleitung Gera IV/B-2/13/682. Einschätzung über den Stand der Volksaussprache im Kreis Pößneck (21 Mar 1968)

constructive role in the creation of a new constitution, others simply refused to play along as “good citizens” in a consultation process they thought was a sham. Refusing the logic of the process often represented a greater attack on the legitimacy of the SED than harsh criticism offered in the correct form.⁴⁹

Those who sought to actively disrupt the *Volksaussprache* by distributing leaflets attacking the process or writing anti-SED graffiti on public buildings sometimes invoked specific freedoms they wanted to be instated but, here again, did not make claims in the language of human rights. The most common form of attacks on the process, as documented by the *Stasi*, were slogans such as “Have Courage, Vote No!” or leaflets with slogans like “We Berliners big and small say no to the constitution” (*Wir Berliner Groß und klein sagen zur Verfassung Nein*) that were definitely in the “provocative” category, but they focused on defiance rather than specific complaints against the state. While some leaflets dealt with political and civil freedoms - for example one sent out in Weimar called for “free and secret election and press and information freedom” - these did not use the vocabulary of rights, let alone human rights. Although those writing to the constitutional commission about travel invoked the Universal Declaration of Human Rights, dissenting leaflets more directly denounced the SED for creating the “Human Prison of the GDR.”⁵⁰ When defying the SED outright, East Germans chose brevity over appeals to abstract ideals or international documents.

Strategies of Contestation

Although human rights claims, in particular in relation to the history of the GDR, are associated with radical opposition and striking individualism, the beginnings of human rights dissent in East Germany were remarkably non-radical and accommodating in their form. When

⁴⁹ Yurchak, *Everything Was Forever, Until It Was No More*, 24.

⁵⁰ All quotes from Bericht der HA XX/2 zur Aktion "Optimismus" vom 11. April 1968, www.bstu.bund.de/DE/Presse/Themen/Hintergrund/20130403_volksentscheid-1968.html?nn=3418830.

employing the language of human rights, East Germans couched their claims in what Jeremy Straughn has called “performances of consent” as a means of protecting themselves from punishment when contesting the state. As such, criticism of the SED was connected with the heartfelt affirmation of the broad goals of the state and of socialism and critiques were posed only for the benefit of the community as a whole. Not only were state goals endorsed by East Germans as part of this “consentful contention,” but citizens also adopted and co-opted the discourse of the SED in order to promote their specific claims.⁵¹ Most letters to the Constitutional Commission began with some variant of “as a citizen of the GDR, I am responding to your call to provide a response to the draft of the new constitution and to present my suggestions for changes.”⁵² The people of the GDR acted in the grey area between dissent and good socialist citizenship by leveraging their social identities, economic position and the international political problems of the GDR to push for concessions and changes. In all but a handful of cases, they did not invoke human rights as an eternal moral concept that held universal validity but instead politely requested that the SED formally create legal right in the constitution in recognition of the human rights declarations of the United Nations.

In asking the SED to include human rights provisions from the Universal Declaration of Human Rights or the UN Human Rights Covenants, many East Germans phrased their letters as helpful reminders. They were not making demands upon the state but rather informing it of an unfortunate oversight. A church group from Rosenthal wrote to inform the commission that it had failed to include the right to leave the country as per the Universal Declaration and reminded it that the SED had informed the United Nations already in spring 1967 that this right was

⁵¹ Straughn, “Taking the State at Its Word.”

⁵² This particular quote taken from the opening of BArch-Lichterfelde DA 1/ 4162 Letter No. 10129.

already realized in the GDR.⁵³ Another pointed out that “in Article 28 there is sadly a discrepancy with Article 13 of the United Nations’ Universal Declaration of Human Rights,” and provided suggestions on how it could be reworded.⁵⁴ Some offered a faux-naïve tone to their writing to insulate themselves from accusations of political opposition. One priest from Görlitz noted that he could not find a right to reunite families separated by the division of Germany. While he acknowledged that he was not an expert on the subject, such a right is “a part, as far as I know, of the Charter of Human Rights.”⁵⁵

When writing to demand greater freedom of religious practice, most Christian East Germans phrased their letters as though the state had simply erred in the text of the Constitution. While they could support socialism as an economic system or as a “way of life” (*Lebensform*), without guarantees for religious freedoms, the Constitution essentially declared that all those with a Christian world-view (*Weltanschauung*) were not part of the socialist community. Christians were thus not trying to undermine socialism or the power of the SED, but asking for accommodation so that they could have the right to continue being Christians while participating in the progress of the socialist project in economic and social terms. Many also implied that if this situation were not remedied, they would be unable to support the constitution since it would contradict their core values. These letters were written as demands for inclusion and framed the problem as that of the SED seeking to arbitrarily and unnecessarily evict them from society. Such protests exploited the existing conflicts within the SED between those who saw the church as an anachronism that needed to be eliminated and pragmatists who favoured accommodation and inclusiveness to avoid alienating huge swaths of the population.

⁵³ BArch-Lichterfelde DA 1/ 4162 Letter No. 10144.

⁵⁴ BArch-Lichterfelde DA 1/ 4150 Letter No. 8991.

⁵⁵ BArch-Lichterfelde DA 1/ 4126 Letter No. 6551.

A letter from the city of Halle demonstrated many of the ideas and rhetoric found in these letters. The writer began by saying he was an “informed citizen of the socialist GDR,” and was greatly concerned by the discrepancies between Walter Ulbricht’s statements in his New Year’s message and his other speeches in which he assured East Germans that religious freedom would not be reduced.

As a Christian, I must also state that the right to freedom of conscience (which, however, concerns not only Christians), as well as crucial basic rights of churches and religious communities have been eliminated. Freedom of conscience is granted in our present Constitution in Article 41 and in the "Universal Declaration of Human Rights" in Article 18. Since the conscience belongs to the heart of every person, I consider it essential to explicitly state this right to freedom of conscience again.

Having established first his bona fides as a good citizen and helpfully pointed out the omissions of the draft, the writer then took a harder line in his criticism.

It is not enough for me that these rights are still granted but not mentioned in discussions and presentations of the draft Constitution. It is clear to me that a socialist state also needs a socialist constitution. But I also think that nevertheless the attribute - socialist - should not in this sense be absolute and constant, so that nothing else counts.

In concluding, he continued to walk the line between helpful and demanding, writing, “I consider that the removal of rights through the limitation of above Articles, cannot be deemed an advance from the basic rights of the current Constitution and I expect a response or changes.”⁵⁶

In advocating religious movement or expression rights, many East Germans also chose to link their demands to the foreign policy of the GDR. They framed the inclusion of human rights norms in the East German constitution as an international imperative. Rather than attack the Constitution themselves, they simply reminded the SED of the possible problems they could face from the international community. In one letter to the commission, a man from the village of Dobberkau said that while the living standard in the GDR was high and the right to work was clearly realized, the failure to include the right to travel could give the unfortunate impression,

⁵⁶ BArch-Lichterfelde DA 1/4116, Letter No. 5573.

both at home and in the west, that the GDR was “similar to a prison that one cannot leave”.⁵⁷ Another letter writer, expressed concern that without inclusion of a right to travel, the constitution and with it the GDR as a whole would be seen as falling behind in achieving the goals of the Universal Declaration of Human Rights.⁵⁸

In addition to the general problems the GDR could face in the international community, some argued that East German membership in the United Nations would be imperilled by a failure to heed their call for greater recognition of human rights. In a letter deemed by the commission “typical of working Christians and Catholics,” a man from Dresden asked, “since the GDR is striving for membership in the UN, shouldn’t the human rights that are binding for all UN members be included without restrictions in the new Constitution?”⁵⁹ In one example, a letter signed by two professional couples in Erfurt asking for the inclusion of greater religious freedoms cautioned that the good work the GDR could do as a member of the international community would be put at risk by the absence of human rights in the constitution. As an introduction to their suggestions on religious rights, the authors stated:

The German Democratic Republic aspires towards membership in the United Nations. We support this effort wholeheartedly. Through this our Republic would have the opportunity on a global platform in the forum of all peoples to help show that the idea of humanism is universally possible. This means, however, that we need to make the positive aspects and conditions of UN [membership] our own.⁶⁰

Their solution to this problem was the inclusion of Article 18 (freedom of thought, conscience and religion) from the Universal Declaration of Human Rights in the constitution of the GDR.

This line of argument was not limited to the highly educated but also came from working-class

⁵⁷ BArch-Lichterfelde DA 1/ 4079 Letter No. 1839.

⁵⁸ BArch-Lichterfelde DA 1/ 4173 Letter No. 11227.

⁵⁹ BArch-Lichterfelde DA 1/ 4126 Letter No. 6544.

⁶⁰ BArch-Lichterfelde DA 1/4202 Letter No. 4718.

East Germans. At a public meeting of workers in Frankfurt/Oder, some asked whether the failure to include the right to leave would create problems for the GDR when it eventually joined the United Nations with a constitution that did not include rights from the Universal Declaration.⁶¹

When writing to the Constitutional Commission, most citizens employed these subtle tactics to make their voice heard without endangering their position, yet there were also those who took a more direct approach. One succinct postcard to the commission said only:

Suggestions

1. Right to Strike
2. Free Speech
3. Free Press
4. Free Assembly
5. Free Party Vote.⁶²

In demanding these specific rights, the author provided no justification based on identity, social status, tradition or the language of human rights. While these rights were outlined in international documents, most East Germans chose to demand them without reference or recourse to the idea of human rights, humanity or universalism. It was simply a demand for a specific right that they believed they were due. In these cases, it is interesting that most East Germans believed that they had certain rights, but that they did not yet perceive these rights as universal and rooted in their humanity.

While this direct approach was rare in the case of specifically human rights arguments, it did occasionally occur. One letter from a chemist in Rostock did not couch his letter in polite suggestions for constitutional changes but rather bluntly asserted that everyone had certain basic rights. On the matter of travel he said, “Freedom of movement is a generally recognized international law, a concept to which the draft constitutions refers several times?” Such a right

⁶¹ BArch-Lichterfelde DY 6/ 4544, 3/68 Sonderinformation über die Diskussion der Werktätigen zur Ausarbeitung einer sozialistischen Verfassung in der Deutschen Demokratischen Republik (15 Feb 1968), 10.

⁶² BArch-Lichterfelde DA 1/4083 Letter No. 2203.

could not be restricted to a mere right to choose a place of residence within a country since “a partial right of free movement is none at all.” In a similar vein, he also argued that, “The right to free expression is an inalienable right and a hallmark of human dignity.”⁶³ In a rare display, another letter demanded the inclusion of rights to religious practice and freedom of belief based on the principle that “these human rights cannot be changed through law.”⁶⁴ Although this form of argumentation with its assumption of inherent moral legitimacy and implied belief in the universality of certain rights is closely associated with human rights activism, in 1968, these letters were distinct outliers that contrasted sharply with the supplications suggesting that adopting certain rights would be good sense for the maintenance of civil harmony and the achievement of international recognition. The vast majority of citizens used human rights provisions as a means to legitimize their demand for the implementation of civil rights at home rather than invoking them as universally valid rights held by all humans regardless of citizenship.

In examining these responses it is impossible to fully discern the boundaries between genuine concern for the state and the cynical employment of socialist idiom for the purposes of advancing a personal agenda. Anonymous letters to the constitutional commission were the most direct in their opposition to the SED, but some of those signed letters were clearly filled with a passive-aggressive concern that the rest of the world could possibly see East Germany as a prison or as out of touch with the norms of international law. While some citizens were clearly opposed to the state and could barely conceal their disdain for the SED in their letters, they did not dare to openly challenge the right of the party to rule. To assume that all involved were truly proto-dissidents at heart who only masked their hatred of the state to avoid persecution would be a mistake as the tone and content of many critical letters points to a belief in the ideals of the

⁶³ BArch-Lichterfelde DA 1/4162 Letter No. 10193.

⁶⁴ BArch-Lichterfelde DA 1/ 4076 Letter No. 1569.

socialist system. Some citizens attacked the contradictions of the system from the position that the state was not yet socialist enough and that the SED was too cautious in fully implementing the revolution. One letter writer went so far as to say that the constitutional claim “the exploitation of man by man has been abolished” was false since independent small businesses, and thus the last vestiges of capitalist oppression, still existed in the GDR.⁶⁵ Years later, the dissident Freya Klier remembered taking the constitution discussion seriously rather than just dismissing it as an exercise in propaganda.⁶⁶

On the other hand, a willingness to participate in the process often meant an aversion to persecution or just the hassle of enduring yet another speech from an earnest comrade or party hacks about the joys of socialism. Alexei Yurchak has perceptively argued that the stability of late socialism can be understood in performative terms as citizens dutifully acting out the rituals demanded by the state in order to live their lives with a minimum of hassle while not literally believing in the ideas their speech conveyed.⁶⁷ Statements of loyalty and participation in the system served to demonstrate one’s good faith willingness to be part of the community, but it did not mean one was actually supporting the ideological program of the state. Similarly, as Andrew Port has argued, apathy was often the greatest driver of “loyalty” amongst the citizens of the GDR.⁶⁸ The minimal dissent in regards to the political power of the SED in comparison to demands made at the margins of power, points to the conclusion of Jan Palmowski that “the

⁶⁵ BArch-Lichterfelde DA 1/ 4173 Letter No. 11253

⁶⁶ Dorothee Wierling, *Geboren im Jahr Eins: der Jahrgang 1949 in der DDR: Versuch einer Kollektivbiographie* (Berlin: Ch. Links, 2002), 302.

⁶⁷ Yurchak, *Everything Was Forever, Until It Was No More*.

⁶⁸ Port, *Conflict and Stability in the German Democratic Republic*, chapter 4: Exit, Voice and Apathy.

party managed to sustain its power because most citizens came to accept the unavoidability of current power relations.”⁶⁹

Why Human Rights and Why 1968

Human rights emerged as a language of dissent in 1968 due to the intersection of state policies, international politics and the growing long-term grievances from the East German population. The *Volksaussprache* provided a uniquely low-risk environment for speaking out and the SED’s human rights politics created a convenient vocabulary of dissident with which to do so. Rather than appealing to a set of foreign values, the SED’s efforts to use the International Year for Human Rights for diplomatic propaganda meant that even though the GDR was not legally bound by international human rights norms, the need to appear to be in line with the Universal Declaration and the UN Covenants provided the East German people with some leverage. Walter Ulbricht’s New Year’s speech along with the myriad other pronouncements on human rights in the East German media disseminated the connection between human rights politics and SED foreign policy widely enough that citizens were able to draw their own conclusions. These circumstances allowed citizens to connect the language of human rights to their loyalty to the state and to socialism rather than its rejection. Criticism of the new constitution could be framed as a means of promoting foreign policy if demanding new rights or preserving the status quo by demanding the retention of old rights.

The SED’s need for mass participation meant that standards of “hostile behaviour” were significantly loosened during the process.⁷⁰ While the Stasi carefully tracked who refused to sign on to collective statements of support for the Constitution at factories or student groups, the

⁶⁹ Jan Palmowski, *Inventing a Socialist Nation: Heimat and the Politics of Everyday Life in the GDR, 1945-90* (Cambridge: Cambridge University Press, 2009), 312.

⁷⁰ Even according to Stefan Wolle, whose work focuses primarily on forms of violent state coercion, writes that during the *Volksaussprache* the “iron screws of repressions” were somewhat loosened. Wolle, *Der Traum von der Revolte*, 19.

functionaries who were running public meetings, especially when far from the capital, sought to portray criticism and dissent as constructive, if only to ensure they were not themselves blamed. A National Front representative from the town of Cottbus reported that negative comments were “not always hostile opinions, but much more often the result of uncertainties and speculations about the contents of the new constitution.”⁷¹ By phrasing criticism as confusion, citizens provided officials with the excuse they needed to take statements that could be read as dissent and re-categorize them as ignorance. When a citizen did step over the line, SED functionaries sometimes sought to blame systemic problems rather than the individual so as to prevent the need for punishment. In Neubrandenburg, when a teacher asked why the new constitution was so “magic” that the citizens should have to hear and see nothing else all the time, this outburst was written off as the failure of the military to provide proper political education while the man was enlisted during his compulsory service.⁷² Through a combination of citizens seeking to “perform” the role of the good citizen and SED officials trying their hardest to overlook sedition whenever possible, the *Volksaussprache* provided a window of greater open discussion not seen in years.

Another factor in the turn to human rights language was the role of the Church leadership as “translators” of human rights.⁷³ Archbishop Bengsch and the Protestant Bishops took the abstract rights contained in the Universal Declaration and connected them to local concerns over the loss of freedom and provided the language with which to protest this absence. SED officials noted that many of the letters from citizens regarding religious freedom were copied from each other and based on the original letters from the Church, even down to identical typographical

⁷¹ BArch-Lichterfelde DY 6/ 4816 Informationsbericht zum 15. Januar 1968, 3.

⁷² Mecklenburg Provincial Central Archive, Schwerin (*Mecklenburgisches Landeshauptarchiv-Schwerin*) MLHA-Schwerin 10.34-7 Bezirksleitung der SED Neubrandenburg (1968-1971)/ 2182. Meinungen zum Beschluß der Volkskammer über die Durchführung des Volksentscheids, Neubrandenburg (5 April 1968), 2.

⁷³ Merry, “Transnational Human Rights and Local Activism.”

errors in some cases.⁷⁴ While hundreds of citizens made the connection between state propaganda on human rights and their own political demands, the church's work in "vernacularizing" international treaties and declarations in terms East Germans were familiar with resulted in the massive outpouring of human rights rhetoric from below.

Human rights remained, however, a language of last resort for making demands. As Hannah Arendt argued, human rights are a tool for those who have lost all faith that the community to which they belong and the civic structures through which they are ruled, will provide them with basic justice. Abandoning claims to civil rights as a social actor and turning to the idea of human rights represented "a right of exception for those who had nothing better to fall back on."⁷⁵ A majority of the letters written to the Constitutional Commission and comments in public forums did not mention international human rights. While the Church was able to connect the idea of human rights to its institutional and pastoral prerogatives, there were no other civil society organizations that could serve as "translators" and those that did exist, like the *Committee for the Protection of Human Rights*, tried to defuse such dissent. Freedom of religion, travel and opinion were all problems that were long-standing and for which other forms and techniques of complaint had failed. Those seeking to see family on the other side of the wall had likely been trying since 1961 or even earlier. Censorship and the suppression of religion had been a constant since the late 1940s and with previous efforts to liberalize the system were unsuccessful, thus it made sense to turn to a new vocabulary with a new political calculus behind it. By asking for public feedback on a constitution, the SED essentially gave the populace permission to engage

⁷⁴ BArch-Lichterfelde DY 30/IV 2/1/373 Bericht der Kommission über die Verfassung der DDR von Klaus Sorgenicht, 118.

⁷⁵ Arendt quote in Roger Berkowitz, "Hannah Arendt on Human Rights," in Thomas Cushman, *Handbook of Human Rights* (London: Routledge, 2012), 62.

and criticize the fundamental aspects of the GDR system after years of only being able to complain about everyday problems such as housing or consumer goods.

For those only seeking to alleviate more material concerns and to realize their social and economic rights under socialism it was far easier to appeal to one's identity as a worker, as a mother or as a German in order to gain what one wanted. Instead of reaching for international treaties, it was more productive for such claims to work within the existing core logic of SED ideology. Given the near complete irrelevance of the legal rights contained in the 1949 Constitution, pouring so much energy into seeking the reform of the new version speaks more to desperation than confidence.

Outcomes of Mass Protest

Overall, the SED apparatus was highly positive about the feedback from the population and all the way up to the top levels of the party, officials and functionaries deemed the *Volksausprache* a success. A report by the Constitutional Commission to the SED's Central Committee shortly before the plebiscite spoke proudly of the massive response of Christians to the proposed changes. While SED officials saw the Bishops as a nuisance, the letters from regular citizens on religious freedom showed their engagement with the political process and desire to take part in East German political life. On balance, according to these officials, although some priests had said that the constitution must be rejected since it would impose an atheistic ideological world-view upon believers, thankfully no one had called for a return to a "bourgeois parliamentary" system as was happening in Czechoslovakia. The call for the inclusion of UN-human rights provisions was not flagged as "provocative," but any talk of

blocking the adoption of the constitution, encouraging others to do the same, or joining in with the counterrevolution in Prague most certainly was.⁷⁶

In response to the hundreds of thousands of official events, 12,454 letters from the population, the Constitutional commission made 18 changes to the draft text, most of them minor. In spite of the demands of the populace, a right to free movement, a right to travel and greater freedom of speech were not included in the changes. To do so would have damaged the ideological justifications of SED rule and created intolerable opportunities for dissent and opposition. The huge outpouring from East German Christians did have some effect: the SED chose to increase the number of Articles in the Constitution on freedom of religion and belief from one to two. While the Church had not succeeded in keeping the full text of all eight Articles from the 1949 Constitution, this was declared a great triumph and church leaders and parishioners turned out to vote like everyone else. Mark Allinson has speculated that the SED may have planned this conflict with the churches by initially reducing their rights so drastically and then giving in slightly to give the appearance of magnanimity.⁷⁷ It is unclear from the archival record if this was anticipated in advance or simply good political manoeuvring in the face of mass protest.

In the end, the SED leadership got what they wanted from the plebiscite. After a great deal of education, negotiation, threats and coercion, the vote on April 6 produced a result of nearly 95% in favour of the new constitution. 11,536,803 citizens, apparently, voted in favour of the constitution with 409,733 voting against and 24,353 spoiled ballots.⁷⁸ In addition to the

⁷⁶ BArch-Lichterfelde DY 30/IV 2/1/373 Bericht der Kommission über die Verfassung der DDR von Klaus Sorgenicht, 118-121.

⁷⁷ Mark Allinson, *Politics and Popular Opinion in East Germany 1945-1968* (Manchester: Manchester University Press, 2000), 144.

⁷⁸ Final statistics cited in BArch-Lichterfelde DY 30/ J IV 2/2/ 116. Erklärung der Regierung der DDR an die Internationale Konferenz über Menschenrechte vom 22. April bis 13. Mai 1968 in Teheran. 2.

voting itself, the *Volksaussprache* process produced 34,000 productivity pledges from factory and union groups across the country valued at 32 Million Marks.⁷⁹ While the Prague Spring was quickly spiralling out of control in neighbouring Czechoslovakia, the GDR had managed to conduct a nationwide process of political reform in the direction of even greater power for the SED and outside of a few dozen youthful pamphleteers and a large quantity of very polite letters from the populace, the SED had avoided major disruption or unrest. Although some sympathetic protests would erupt later that year in solidarity with what was happening in Prague, the GDR was one of the few countries in the world not rocked by mass protest and dissent in 1968.⁸⁰ While the *Volksaussprache* could have provided a spark for another uprising like that of 1953, East German citizens instead conscientiously took part in the process en masse and only a handful of people sought to attack the SED's monopoly on power.

Conclusion

The diverse response of GDR citizens and the SED to the *Volksaussprache* demonstrates three important points about the history of human rights in East Germany. First, East Germans were widely cognizant of the idea of human rights and international human rights documents in 1968, well before the signing of the Helsinki Accords. If SED rhetoric in the 1940s and 1950s as well as the activities of the Committee for Human Rights had escaped their attention, the massive number of letters citing human rights from across the GDR and from all social classes shows that the concept was universally disseminated and accessible due to the actions of the SED and the church. Second, human rights rhetoric did not naturally and seamlessly inspire the people to reject the basic tenets of state socialism. For the most part, human rights served to legitimize

⁷⁹ Allinson, *Politics and Popular Opinion in East Germany 1945-1968*, 140.

⁸⁰ Ilko-Sascha Kowalczyk, "Wer sich nicht in Gefahr begibt..." Protestaktionen gegen die Intervention in Prag und die Folgen von 1968 für die DDR-Opposition in Klaus-Dietmar Henke, Peter Steinbach, and Johannes Tuchel, *Widerstand Und Opposition in Der DDR* (Köln: Böhlau, 1999), 260.

demands for greater inclusion and freedom within the structures of state socialism, not its destruction. Those who did challenge the SED monopoly on power did not connect their demands with the idea of human rights. Third, the SED did not see human rights rhetoric from below as inherently seditious or threatening so long as it was packaged in the correct forms through a proper performance of loyalty. While officials expressed concern about the activities of the Bishops in instigated an outpouring of complaints, it was this independent quasi-political behaviour rather than its character as a human rights campaign that was deemed provocative.

The *Volksaussprache* has received almost no scholarly attention from historians as both the Constitution of 1968 and the vote itself are often dismissed as mere window dressing to a dictatorship.⁸¹ The exception to this is Mark Allinson's regional study of popular opinion in Thüringen during the Ulbricht era. He argues that the event was more complex and ambiguous than a mere exercise of propaganda.

The unspoken truth behind the *Volksaussprache* remained that the USSR still underwrote the SED's hold on the GDR. However, within this framework the SED used the *Volksaussprache* to achieve a more acceptable modus vivendi with the population, and the various sectors of the population accepted this as an opportunity either to improve the aspects of socialism with which they agreed or (often successfully) to reassert their existing rights. In this sense, the SED's 'dictatorship' was qualified by recognition of the need to respond to at least some public demands.⁸²

In the 1968 Constitution and the process of its adoption, the many seemingly contradictory and paradoxical aspects of the East German dictatorship were thus on full display. The political structures and ideology outlined by the proposed constitution were not simply those of party power over all other considerations, but rather those of a what Konrad Jarausch has described as a "Welfare Dictatorship" in that it showed the interconnections between universal claims to well-

⁸¹ Stefan Wolle's history of 1968 in East Germany mentions it only once in passing; Wolle, *Der Traum von der Revolte*, 19. Similarly, Heinrich August Winkler mentions the text as more accurately reflecting the new nature of the country in comparison to the 1949 Constitution. Heinrich August Winkler, *Germany: The Long Road West: Volume 2: 1933-1990* (Oxford: Oxford University Press, 2007), 253.

⁸² Allinson, *Politics and Popular Opinion in East Germany 1945-1968*, 145.

being of the citizenry along side the social and economic benefits of the system were inexorably tied to the continuation of SED rule and international Soviet hegemony.⁸³ The contents of the Constitution were not literally demonstrative of reality in the GDR, but taken in the whole, the articles outlined the SED's conception of the ideal society.

The symbolic importance of the constitution and its adoption also illuminate other aspects of the GDR as a dictatorship. While the law itself as an institution was largely irrelevant to citizens except in cases of civil law, the symbolic meaning of the constitutional text was very important to the SED and deemed crucial to securing legitimacy in keeping with Martin Sabrow's concept of "dictatorship of discourse" in which the state used ideology as a means of normalizing its rule rather than employing force to crush dissent.⁸⁴ The process of approving the constitution through public meetings and programs to explain the meaning of its contents to the population are indicative of the "educational dictatorship" side of the GDR: the people needed to truly understand socialism in order to take part and the SED would explain it so as to further the progress of all society.⁸⁵ The ultimate plebiscite on the adoption of the constitution reflected how the approval of the people was integral to the ideological self-conception of the SED and their

⁸³ Konrad H. Jarausch, *Dictatorship As Experience: Towards a Socio-Cultural History of the GDR* (New York: Berghahn Books, 1999).

⁸⁴ While legal systems did exist and function in the GDR, their purview was highly limited and citizens could advance rights claims almost exclusively against other citizens in civil matters. See Inga Markovits, "Pursuing One's Rights Under Socialism," *Stanford Law Review* 38: 3 (Feb 1986); Inga Markovits, *Justice in Lüritz: Experiencing Socialist Law in East Germany* (Princeton: Princeton University Press, 2010); Paul Betts, "Property, Peace and Honour: Neighbourhood Justice in Communist Berlin," *Past & Present* no. 201 (November 1, 2008): 215–254; Paul Betts, *Within Walls: Private Life in the German Democratic Republic* (OUP Oxford, 2010). On discourse as an essential component of SED rule, see Martin Sabrow, "Dictatorship as Discourse: Cultural Perspectives on SED Legitimacy," in Jarausch, *Dictatorship As Experience*.

⁸⁵ On the concept of the *Educational Dictatorship* see, Dorothee Wierling, "Die Jugend als innerer Feind. Konflikte in der *Erziehungsdiktatur* der sechziger Jahre," in Kaelble, Hartmut; Kocka, Jürgen; Zwahr, Hartmut, eds., *Sozialgeschichte der DDR* (Stuttgart 1994); Thomas Lindenberger, "Creating State Socialist Governance: The Case of the Deutsche Volkspolizei," in Jarausch, *Dictatorship As Experience*.

support, if only performative rather than genuine, and integration into state structures was vital.⁸⁶

The mass public consultations on the substance of the Constitution and vote on its adoption, the *Volksaussprache*, planned by SED would thus demonstrate the unity of the people and cement the document as bedrock for a distinctly East German political identity and citizenship through the affirmation of the populace.⁸⁷

This first engagement of the East German people with the idea of human rights en masse was only the beginning. In the 1970s, the polite and respectful requests of 1968 began to evolve into angry demands. While 1968 was relatively quiet, the events of the Prague Spring and the continuing hard-line stance of the SED against freedom of movement created widespread disillusionment in state socialism amongst the younger generation.⁸⁸ Those seeking to leave the GDR went from trying to secure a constitutional right to travel or emigrate to seeking permission to personally leave. For many citizens, when these requests met with repeated failure, the idea of a human right to leave transformed from an instrumentalized vocabulary of negotiation into a means of expressing their sense that their basic human dignity was being violated. The activism of the churches at the top levels would likewise evolve into a more widespread engagement with the idea of human rights at home and abroad by Christians in the early 1970s as East German participation in the World Council of Churches and the Lutheran World Council created

⁸⁶ The need for mass approval within modern dictatorships and the GDR in particular is theorized as *Mass Dictatorship* in Jie-Hyun Lim, "Mapping Mass Dictatorship: Towards a Transnational History of Twentieth-Century Dictatorship," in Jie-Hyun Lim, Karen Petrone (eds.), *Gender Politics and Mass Dictatorship: Global Perspectives* (Houndmills: Palgrave/Macmillan, 2011); as *Participatory Dictatorship* in Mary Fulbrook, *The People's State: East German Society from Hitler to Honecker* (New Haven: Yale University Press, 2005); and as *Consensus Dictatorship* in Martin Sabrow, "Dictatorship as Discourse: Cultural Perspectives on SED Legitimacy," in Jarausch, *Dictatorship As Experience*.

⁸⁷ On GDR citizenship and sense of nationalism see, Jan Palmowski "Citizenship, Identity and Community in the German Democratic Republic," in Geoff Eley and Jan Palmowski, *Citizenship and National Identity in Twentieth-Century Germany* (Palo Alto: Stanford University Press, 2007); Palmowski, *Inventing a Socialist Nation*.

⁸⁸ Kowalczyk, „Protestaktionen gegen die Intervention,“ in Henke, Steinbach, and Tüchel, *Widerstand Und Opposition in der DDR*, 269. On the diversity of responses to 1968 in the GDR see, Anna von der Goltz, "Making Sense of East Germany's 1968: Multiple Trajectories and Contrasting Memories," *Memory Studies* 6:1 (Jan 2013).

networks of exchange that would open up the discourse of human rights. Although the Year for Human Rights was over, the SED's ongoing diplomatic negotiations over international recognition were embedded in international human rights politics thus giving East Germans a continuous source of state rhetoric on the subject. The *Volksaussprache* had been a success for the SED but it presaged a much more tumultuous decade of human rights politics.

CHAPTER 5:

The Ambiguities of Human Rights: Dissent, Cooptation, and the Right to Leave, 1969-1982

Illusion and hypocrisy may be able to delay recognition of truth in the question of human rights, but progress is inevitable both in theory and in practice. The people will see to this.¹

-Hermann Klenner, 1978

In the 1970s, the international human rights movement exploded across the globe.² Non-governmental Organizations (NGOs) proliferated in North America and Western Europe and the new prominence of these groups was cemented with Amnesty International winning the Nobel Peace Prize. Human rights campaigning reached new levels of international sophistication and intensity with the Chilean military coup of 1973 and its aftermath, which sparked international outrage.³ The intellectual and cultural elite of many socialist Bloc countries took up the banner of human rights and created civil society groups like Czechoslovakia's Charter 77 and Poland's Worker's Defence League (KOR). On both sides of the Iron Curtain, NGOs devoted to monitoring compliance with the Helsinki Accords of 1975 sprouted up in the late 1970s. In 1977, President Jimmy Carter shifted the United States from its earlier defensive stance and declared that human rights would now form the centerpiece of US foreign policy.⁴

¹ Hermann Klenner. "Human Rights –Hypocrisy and Truth", *Bulletin – GDR Committee for Human Rights* 3:1 (1978), 15.

² Jan Eckel and Samuel Moyn, *The Breakthrough: Human Rights in the 1970s* (Philadelphia: University of Pennsylvania Press, 2014).

³ Jan Eckel, "'Under a Magnifying Glass': The International Human Rights Campaign against Chile in the 1970s," in Stefan-Ludwig Hoffmann, ed., *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2010).

⁴ See Barbara Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s*, Forthcoming.

Yet this global “breakthrough” for human rights was neither uniformly present nor universally consistent. The competing human rights cultures of the 1960s did not simply disappear and in the case of the GDR, the dominant discourse of socialist human rights established by the SED was not washed away by the global tide. In 1968, East Germans had taken up the language of human rights to contest and criticize the SED with limited success. While some have claimed that once the “bulldozer force of the revolutionary logic of rights” had been unleashed, there was an inevitable march towards equality, emancipation and democracy, the “breakthrough” of human rights in 1968 did no such thing and the results of the “human rights revolution” were distinctly ambiguous.⁵ There was not just one “logic of rights” driving forward dissent but a multiplicity of conceptions of what human rights meant, including the version advanced by the SED to legitimize its rule. Human rights did not self-evidently lead the people to revolt or demand liberal democracy.

In 1968, during the *Volksaussprache*, some East Germans had taken to the discourse of human rights as a means to claim a right to exit the GDR, the right to religious freedom and the right to greater freedom of speech and opinion. All three trends continued in the 1970s but these streams of thought and action never coalesced into a unified movement for change. As East Germans faced repeated rejection of application to travel or emigrate, they increasingly employed human rights terms and references to international treaties to support their claims. This amplified use of human rights language did not translate into the creation of a broader social movement, as this usage was almost exclusively instrumental in gaining the right to leave the GDR. Those seeking to leave East Germany by invoking human rights developed a discourse of dissent and opposition that revolved around the total rejection of state socialism in the GDR

⁵ Quotation from, Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2008), 160. On the “rights revolution” see Akira Iriye, Petra Goedde, and William Hitchcock, *The Human Rights Revolution: An International History* (New York: Oxford, 2012); Michael Ignatieff, *The Rights Revolution* (Toronto: House of Anansi, 2007).

rather than its reform. Although Protestants began to use the idea of human rights to construct a critique of East German society in the early 1970s, the signing of the Helsinki Accords actually resulted in a de-radicalization of the church as an institution. Instead of using the human rights provisions of the Helsinki Accords to attack the legitimacy of SED rule, Protestant Church leaders sought to use the church's engagement with human rights and its response to the Accords to protect religious freedom to secure the place of Protestants within the GDR by endorsing the SED's position on human rights on the international stage.

While in theory, East German dissident intellectuals supported human rights, the politics of the human rights debate as part of the Cold War put them between the sclerotic bureaucracy of the SED, which was preventing the true realization of socialism, and the liberal capitalism of the west that would roll back socialism permanently. Having establishing a legitimizing discourse of socialist human rights and portraying western human rights activism as an outgrowth of capitalist imperialism, the SED put East German intellectuals into a bind.⁶ The Manichean ideological position of the SED meant that employing the language of human rights implied either the rejection of socialism or the acceptance of the SED. Furthermore, the one place for intellectuals to discuss and engage with the problem of human rights was the GDR-Committee for Human Rights, which was part of in the legitimizing project of the SED.

The discourse of human rights was caught between global Cold War politics and local social conditions within the GDR. Although East Germans had access to the language of human rights through western television and SED propaganda, the absence of a domestic public sphere meant that there were no social milieus or institutions where GDR citizens could engage with this discourse on their own terms. Those that employ the language of human rights were either

⁶ On discourse as a tool of dictatorship, see Martin Sabrow, *Geschichte als Herrschaftsdiskurs: der Umgang mit der Vergangenheit in der DDR* (Köln: Böhlau, 2000), 19. And Martin Sabrow, "Dictatorship as Discourse," in Konrad Jarausch, *Dictatorship As Experience* (New York: Berghahn Books, 1999).

disconnected from the community as they sought to emigrate or part of an isolated subculture within the Church. While many members of the intelligentsia embraced elements of the international human rights movement such as greater freedom of opinion, speech and travel, the seemingly binary politics of Cold War human rights were not apt for the reformed and humane socialism that they sought. The broader population of the GDR was exposed to an abstract competition of propaganda from both sides of the Cold War that appeared to have no connection to their daily lives and problems and, as such, did not adopt the discourse of human rights as a means to effect change.

The Right to Emigrate – The *Ausreisebewegung* in the 1970s

The use of human rights as a discourse of protest and resistance in the 1970s, however, centred almost entirely on the problem of the right to exit and freedom of movement. Those seeking to leave the GDR increasingly sought to legitimize their claims by using international human rights treaties. The usage of the discourse of human rights began to shift from a superficial instrumentalization to a growing internalized sense amongst would-be emigrants that they had an inherent right to exit. This radicalization was in part driven forward by international diplomacy, but the more decisive factor was the cycle of rejection and punishment that emigrants faced in the GDR. While human rights language was initially used to support a polite request to the state, by the fifth or sixth request, East Germans progressively came to understand their grievances as human rights violations. Rather than inherently turning to the idea of human rights in the face of injustice, GDR citizens developed a sense of human rights through their active engagement with the discourse over the course of their many applications to depart. When in rare cases, these self-radicalized citizens were able to act publicly, their locally developed human rights vernacular proved to be highly effective in rousing other citizens across class lines to protest or resistance. This indigenous discourse of human rights for exit did not, however,

translate into a larger program of political reform and was rooted entirely in the problem of leaving the GDR, not changing it for the better.

It is often claimed that the human rights provisions of the Helsinki Accords “inspired” a massive desire to exit the GDR, but as Bernd Eisenfeld has written, “like no other state in Europe, the GDR was confronted from its founding onwards with the exodus of its citizenry.”⁷ The urge to leave the GDR stemmed from a variety of sources including separation from family, economic hardship and political persecution. It is estimated that every other family in the GDR had relatives in West Germany and the continued separation imposed by the Berlin Wall was a constant self-described motivation amongst those seeking to leave.⁸ GDR citizens were also attuned to economic booms and busts in the relatively stable socialist economy. Applications to travel and exit in the 1970s corresponded with greater material hardship and diminishing quality of consumer goods caused by a shortage of hard currency. The two major spikes in applications to exit coincide not only with international treaties in 1972/3 and 1976/7, but also with domestic austerity measures in response to global economic problems when, “a sharp rise in the price of coffee, together with its adulteration with chicory and rye, occasioned widespread anger that was communicated in the form of a flood of *Eingaben* [petitions]”⁹ The 1970s was also a time of significantly reduced social and economic mobility as the positions created by the SED through the revolutionization of the state and economy as well as the mass emigration of the late 1950s

⁷ Bernd Eisenfeld, “Die Ausreisebewegung – eine Erscheinungsform widerständigen Verhaltens,” Ulrike Poppe, Rainer Eckert, and Ilko-Sascha Kowalczyk, *Zwischen Selbstbehauptung und Anpassung: Formen des Widerstandes und der Opposition in der DDR* (Berlin: Ch. Links, 1995), 192.

⁸ Patrick Major, *Behind the Berlin Wall: East Germany and the Frontiers of Power* (Oxford: Oxford University Press, 2010), 199.

⁹ Gareth Dale, *Popular Protest in East Germany* (London: Routledge, 2004), 72.

petered out.¹⁰ As the party and economic structure ossified and the possibility of advancement died out, demand to leave rose.

While international diplomacy and activism did not create this demand for travel, the expression of such demands from East Germans and the SED reactions to them were influenced by external factors. The Helsinki Accords represented one of many international agreements and state supported documents cited by citizens seeking to leave, rather than a universal touchstone of dissent. The concept of threat of war by the imperialist and proto-fascist west was the core of the official explanation for why East Germans could not travel to the west and the basis for the legitimization of the Berlin Wall. When treaties were signed with West Germany in the 1970s, East Germans assumed, or at least chose to believe, that peaceful relations would once again allow them to cross the border if only to see family and earn money as they had with far greater ease prior to 1961. The human rights commitments of the SED were used for leverage, but the more consistent correlation in the growth of applications was with the expectation of normalized relations with the west from international agreements or summits, whether those contained human rights commitments or not.

Leveraging Human Rights for Exit

After a decade of steadily declining requests to travel and to emigrate due to the building of the Berlin Wall, in 1972, the number of applications once again began to rise.¹¹ This first sign of a change came in connection with international treaties, but not necessarily agreements with human rights provisions. When the Four-Power Agreement on Berlin was signed in 1971 reaffirming the post-war rights and responsibilities of the occupying powers that had been put in question by the multiple Berlin Crises of the 1950s and 1960s, the main question citizens asked

¹⁰ Detlef Pollack, "Modernization and Modernization Blockages," in Jarausch, *Dictatorship As Experience*.

¹¹ Major, *Behind the Berlin Wall*, 198.

at public meetings was how this would make their own personal travel to the west easier.¹² Although requests to travel were not outright belligerent, reports noted that there were “citizens who are little prepared to bring themselves to understand the politically necessary measures in regards to travel and the reasons for their rejection are not recognized.”¹³ The agreement represented the affirmation of the old status quo and did not mention human rights, but signs of reconciliation between East and West caused expectations for easier travel. When East and West Germany signed a Transit Treaty in May 1972, which again made no mention of human rights, applications to travel to West Germany jumped by 20 percent from the first to the second quarter. Similarly, in the third quarter of that year written applications rose again another 27 percent while in-person applications jumped by 55 percent.¹⁴ This trend continued in the third and fourth quarter as applications shot up another 60% and applications to permanently immigrate to West Germany doubled.¹⁵ By the end of the year, the total number of travel applications rose to more than 2600.¹⁶ While the treaty was meant to normalize travel procedures between the countries, the number of East Germans who could leave and the conditions under which they could do so did not greatly increase leading to widespread frustration. GDR citizens

¹² BArch-Lichterfelde DY 6/ 4878 Eingehende Informationsberichte aus dem Bezirk Halle, Meinungen zum Vierseitigen Abkommen über Westberlin, (9 Sept); BA DY 6/ 5023 Eingehende Informationsberichte aus dem Bezirk Dresden, Meinungen zum Vierseitigen Abkommen über Berlin (West), 10., 13., 14. Sept.

¹³ BArch-Lichterfelde DA 5/ 11379 Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben 1971, 19.

¹⁴ BArch-Lichterfelde DA 5/ 9026 Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im II. Quartal 1972, 11. Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im III. Quartal 1972, 6.

¹⁵ BArch-Lichterfelde DA 5/ 9026 and Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im IV. Quartal 1972, 4-5.

¹⁶ Anja Hanisch, *Die DDR im KSZE-Prozess 1972-1985: Zwischen Ostabhängigkeit, Westabgrenzung und Ausreisebewegung* (Munich: Oldenbourg Verlag, 2012), 405.

again assumed that the normalization of relations on travel even without mutual diplomatic recognition would make it possible for them to travel to the west.

These requests were, for the most part, similar to the pleas during *Volksaussprache*: writers first affirmed their support for the SED and portrayed their requests as simply an extension of state policy. Reports described how, “Many letters from citizens expressed their approval and delight of the conduct of the party of the working class and support for the policy of the Government of the German Democratic Republic of detente and the establishment of normal, international legal relations with the FRG.”¹⁷ These same reports, however, noted that citizens were becoming angrier over the continued inability to travel. In early 1972, a report pointed out that there was widespread “frustration and misunderstanding” surrounding the treaty leading East Germans to believe their application’s success was guaranteed.¹⁸ Later in the same year the reports also noted that many applicants, “have illusions about the previously achieved level of normalization of relations between the GDR and the FRG, especially on the character of Brandt government.”¹⁹ While East Germans connected Détente with liberalization, the SED wanted to both normalize relations while maintaining the state of emergency that legitimized its control over movement and travel.

The first spike in demands to exit explicitly based on human rights terms following the *Volksaussprache* came in 1973 in connection with the Basic Treaty and the entry of the GDR into the United Nations. The Basic Treaty cited both the UN Charter and respect for human rights and self-determination, since upon becoming members in the United Nations the GDR was now an official signatory to the UN Human Rights Covenants, as Walter Ulbricht had promised

¹⁷ BArch-Lichterfelde DA 5/ 9026 Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im II. Quartal 1972, 11.

¹⁸ Ibid.

¹⁹ Ibid.

would occur in 1968. These agreements provided momentum for the growing wave of applications with increasing references to human rights from GDR citizens. One report argued,

The accession of the GDR to various UN conventions prompted an increasing number of citizens to justify their complaints regarding rejected requests for emigration and travel to West Germany and the rejection of GDR citizenship with the fact that the ratification of the Covenant on Political and Civil human rights conferred upon them the right of free choice of citizenship and determining their place of residence and the rejection of their applications was therefore unlawful.²⁰

Applications that invoked international human rights norms came from citizens who had previously been rejected, sometimes repeatedly.

The Helsinki Accords and Human Rights

The Helsinki Accords, and the human rights provisions therein, are often portrayed as having an explosive effect on the number of GDR citizens demanding to exit the country.

Numerous accounts cite contemporary western media reports of more than 100,000 applicants in 1976 alone.²¹ Some claim that this continued to grow at a catastrophic rate reaching 200,000 in 1977 and 300,000 in 1978.²² Out of a population of approximately 16 million, such a wave of would-be emigrants would have been dramatically destabilizing. Though many academic works have continued to cite this invalidated data, examinations of SED archival sources by Bernd Eisenfeld, Manfred Gehrman and Patrick Major show a far less drastic increase.²³ In 1975, the

²⁰ BArch-Lichterfelde DA 5/ 9026 Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im IV. Quartal 1973, 7-8.

²¹ Daniel Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: Princeton University Press, 2001), 107–9; Rosemary Foot, “The Cold War and Human Rights,” in Melvyn Leffler and Odd Arne Westad, *The Cambridge History of the Cold War, Volume 3* (Cambridge: Cambridge University Press, 2010), 460; Sarah Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (Cambridge: Cambridge University Press, 2011), 71; James McAdams, *Germany Divided: From the Wall to Reunification* (Princeton: Princeton University Press, 1994), 130. Wendy Tyndale, *Protestants in Communist East Germany: In the Storm of the World* (Farnham: Ashgate, 2010), 78. R. J. Crampton, *Eastern Europe in the Twentieth Century* (London: Routledge, 1994), 358. Karl Wilhelm Fricke, *Opposition und Widerstand in der DDR: ein politischer Report* (Köln: Verlag Wissenschaft und Politik, 1984), 163.

²² Thomas, *The Helsinki Effect*, 187. Sir Tufton Beamish, *The Kremlin’s Dilemma: The Struggle for Human Rights in Eastern Europe* (San Rafael: Presidio, 1979), 184–5.

²³ Eisenfeld, “Die Ausreisebewegung,” Poppe, Eckert, and Kowalczyk, *Zwischen Selbstbehauptung und Anpassung*; Manfred Gehrman, *Die Überwindung des “Eisernen Vorhangs”*: Die Abwanderung aus der DDR in die

year the Accords were signed there were approximately 13,000 exit applications, rising to around 20,000 the following year. The number of exit applications would not reach 100,000 annually until 1987.²⁴

While the number of applications has been exaggerated, the turn to human rights in the language of those applying to exit was clear. According to an internal SED report, in the fall of 1975, when the number of applications jumped by 40 percent, every fourth letter explicitly mentioned the Helsinki Accords.²⁵ In the early 1970s, East Germans reacted to the rejection of their applications to travel by demanding better explanations as citizens or to say, “we feel through this decision our honour has been wounded.”²⁶ By the late 1978, however, reports noted, “The centrepiece of their arguments is the slander of the politics of the GDR in regards to the guarantee of human rights. The approval of their emigration is evaluated as a criteria of democracy, of personal freedom and the humanity of the social order.”²⁷ Human rights were now a discourse for the masses, rather than for isolated individuals.

The SED reacted to increased demands to travel and to permanently emigrate with alacrity and brutality. In 1976, Erich Honecker sent word to party officials across the GDR that “in the recent past, revanchist powers of the Federal Republic have been desperately trying to establish a so-called human rights movement in the GDR [...] It is, therefore, necessary to reject these circles. It also requires all organs to reject any petitions calling for the denaturalization and

BRD/West-Berlin 1949-1989 als innerdeutsches Migranten-Netzwerk (Berlin: Ch. Links, 2009); Major, *Behind the Berlin Wall*.

²⁴ Gehrman, *Die Überwindung des “Eisernen Vorhangs,”* 140.

²⁵ BArch-Lichterfelde DA 5/ 9026. Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im III. Quartal 1975.

²⁶ BArch-Lichterfelde DA 5/ 9026 Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im II. Quartal 1973, 9.

²⁷ BArch-Lichterfelde DO 1/ 16488 Information über Erscheinungen und Entwicklungstendenzen bei der Unterbindung rechtswidriger Versuche von Übersiedlungen nach der BRD bzw. Westberlin. 1972-1978, 10.

departure as well as those referring to the CSCE Final Act.”²⁸ Punishments for those applying to emigrate were increased and could include unemployment and imprisonment. The Stasi interpreted the increase in demands to exit as the product of a widening “enemy human rights campaign,” to create a political underground against the SED. International human rights organizations were branded as fronts for western intelligence organizations and contact with them deemed an act of espionage.²⁹ When a West German human rights organization publicized the names of GDR citizens seeking to exit on the grounds of the Helsinki Accords in 1977, almost everyone listed was subsequently prosecuted for treason.³⁰

These countermeasures were highly effective and after the steady climb since 1975, applications to exit the GDR in 1978 fell by almost half.³¹ The slump in momentum from within the GDR was masked to the outside world by the rapid proliferation of human rights activism from abroad. In 1975, the brother of a prisoner in East Germany, in collaboration with Amnesty International, organized a letter writing campaign demanding his release based on UN human rights provision, which resulted in 40,000 petitions being sent to the SED.³² The International

²⁸ Joachim Scholtyseck, “GDR Dissidents and Human Rights Issues,” in Vladimir Bilandžić, Dittmar Dahmann, and Milan Kosanović, *From Helsinki to Belgrade: The First CSCE Follow-up Meeting and the Crisis of Détente* (Göttingen: V&R unipress, 2012), 296.

²⁹ RHG AM 31 Analyse über die gegnerischen Aktivitäten zur Organisierung der politischen Untergrundtätigkeit Hauptabteilung XX (10 Jan 1978), 2.

³⁰ Oliver Bange, “‘The Greatest Happiness of the Greatest Number...’ The FRG and the GDR and the Belgrade CSCE Conference (1977-78),” in Bilandžić, Dahmann, and Kosanović, *From Helsinki to Belgrade*, 245.

³¹ DA 5/ 11385 Bericht über den Hauptinhalt der an den Staatsrat gerichteten Eingaben im Jahre 1978. Anlage 1.

³² Joachim Scholtyseck, “GDR Dissidents and Human Rights Issues,” in Bilandžić, Dahmann, and Kosanović, *From Helsinki to Belgrade*, 295. On the general activism of Amnesty International see Anja Mihr, *Amnesty International in der DDR: der Einsatz für Menschenrechte im Visier der Stasi* (Berlin: Ch. Links, 2002).

Society for Human Rights, founded in 1972 in Frankfurt, greatly increased its activism and publicity campaign in West Germany and abroad to expose human rights abuses in the GDR.³³ Although in 1978, East German applications to travel and exit dropped off, the rapidly proliferating human rights organizations of Western Europe and North America began to bombard the SED with letters supporting East German requests to emigrate: letters from abroad in support of petitions to exit the GDR jumped 176% from the year before.³⁴

The Helsinki Accords provided East Germans with a new tool to demand the right to travel and exit, but the use of human rights specifically in international diplomacy did not contribute directly to the spike in applications. The reaction to the signing of the Helsinki Accords produced an expectation of easier travel similar to that of the early 1970s, but it is important to note that this expectation existed before the text of the Final Act was even printed in the GDR and the human rights provisions widely disseminated. The text of the Helsinki Accords was published in full only on 2 August 1975, in the national newspaper *Neues Deutschland* and other daily newspapers such as the *Berliner Zeitung* and the Christian-targeted (and CDU-DDR run) *Neue Zeit*. While the SED was careful to survey public opinion on the Helsinki Accords following the publication of its terms, there are a small number of reports on reactions to the completion of the CSCE process from July 1975, before anyone had read the final terms of the agreement, including the provisions on human rights. In these reports, East Germans were already anticipating an easing of travel restrictions. Officials in Leipzig complained of “uncertainties” about travel policy amongst GDR citizens and mentioned that alongside the

³³ Jürgen Wüst, *Menschenrechtsarbeit im Zwielficht: zwischen Staatssicherheit und Antifaschismus* (Bonn: Bouvier, 1999).

³⁴ BArch-Lichterfelde DA 5/ 11385 Bericht über den Hauptinhalt der an den Staatsrat gerichteten Eingaben im Jahre 1978. Anlage 1.

positive impressions of Helsinki there were also problems of “illusions.”³⁵ SED functionaries from the Potsdam office gathered reports of similar expectations in the towns of Oranienburg, Zossen, Rathenow and Brandenburg an der Havel.³⁶ Such euphemisms about anticipated liberalization mirror the language used in reports from the early 1970s following other treaties. The signing of the Helsinki Accords in order to bring about peace in Europe already raised expectations for free travel before East Germans had a chance to know that the Final Act contained specific commitments on human rights.

As Anja Hanisch has argued, “the ongoing procedural character of the CSCE [the Helsinki Process] was for many applying to emigrate, a recurring source of encouragement for hopes of humanitarian relief which were then submitted to the regime.”³⁷ Follow-up meetings in the 1980s would spur on flurries of applications not as the result of revived inspiration from the text of the agreement, but from the same pattern of expectation and anticipation that marked the 1970s. The desire to exit the GDR was dependent neither on international treaties nor on state rhetoric, but the manner of expression and the timing of the demands were. The Helsinki Accords did spark both an increase in applications to leave and an intensification in the use of human rights language, but this must be seen in the context of the earlier patterns of human rights protest and mass demands for exit. The rhetoric and forms of human rights usage in regarding the right to exit similarly shifted before Helsinki but became much more visible, in particular to the west, in its aftermath in the late 1970s. By the late 1970s, the repeated disappointments and rejections that had piled up since 1961 produced widespread frustration and anger at the SED. The Helsinki Accords acted as a spark that set off an existing explosive force,

³⁵ BArch-Lichterfelde DY 6/ 5058 Information über Meinungsäußerungen unserer Bürger zu aktuell-politischen Fragen und Ereignissen - Bezirk Leipzig (12 July 1975) and (31 July 1975)

³⁶ BArch-Lichterfelde DY 30/ IV B 2/5/ 1382 Information (31. July 1975).

³⁷ Hanisch, *Die DDR im KSZE-Prozess 1972-1985*, 148.

but this initial reaction died down when, once again, the SED refused to give in to demands. It provided one more international treaty to invoke against the state, joining the Universal Declaration of Human Rights, the UN Human Rights Covenants and the UN Charter, not to mention the East German Constitution and the Basic Treaty. By the late 1970s, GDR citizens had a variety of international documents and treaties they could appeal to, but when doing so failed to put a dent in the resolve of the SED and resulted in increased punishments, demands to exit once again dropped.

Radicalization of Rhetoric and the Human Right to Exit

Those who did employ the language of human rights in the 1970s were overwhelmingly would-be emigrants. As John Torpey has written, “the freedom to emigrate was often the alpha and omega of the human rights question in the GDR,” amongst those who had ceased to believe that domestic reform was possible.³⁸ During the long 1970s there was a shift from the instrumentalization of international human rights treaties to a developing sense among emigrants that they had an inherent right to do so. While in the first half of the decade most applicants maintained the polite forms of “consentful contestation” that defined the human rights activism of the *Volksaussprache*, there were small pockets of radicalization emerging among those who had repeatedly been denied the right to travel or exit. By the end of the decade, most letters to the SED on the freedom to travel no longer politely asked for a civil right to do so based on international treaties, but rather demanded authorization to leave based on their inherent human right to do so.

After the initial burst of demands during the *Volksaussprache* of 1968, the discourse of human rights in relation to freedom of movement steadily radicalized over the course of the

³⁸ John Torpey, *Intellectuals, Socialism, and Dissent: The East German Opposition and Its Legacy* (Minneapolis: University of Minnesota Press, 1995), 72.

1970s. In 1973 officials noted that those seeking to leave were now claiming that the SED's support for international human rights meant, "the rejection of their applications was therefore unlawful," rather than politely encouraging the state to accept their request to avoid criticism from others.³⁹ In that same year, a growing number of petitions threatened to appeal to the UN's Human Rights Commission even though there were no mechanisms for doing so. Frustrations with official intransigence ran so high that 15 percent of applicants in 1973 actually told state authorities that if they were not issued an exit-visa they would be forced to depart the GDR illegally.⁴⁰ In the case of the right to exit, some East Germans had come to see this right as so inherent that they were willing to act as though it were allowed in defiance of the state's refusal of their position.

In 1975, in reaction to the Helsinki Accords, officials reported that applicants were now stating that "the signature of Comrade Honecker in the final declaration could not be a mere cipher and therefore their travel or emigration application had to be permitted."⁴¹ Not only were these demands based in law, they also implied that the SED leadership was personally liable for these promises. By 1977, attitudes had taken an even sharper turn as one evaluation of petitions to exit reported that the majority claimed a "right to free movement" based on "one-sided interpretations" of international documents, treaties and East German law. Such claims bore the "unmistakably increased ideological influence of imperialist mass media."⁴² Radical demands to exit the GDR had appeared to be both exceptional and manageable in the early 1970s, but in the

³⁹ BArch-Lichterfelde DA 5/ 9026 Bericht über den Hauptinhalt der an die Volkskammer und den Staatsrat gerichteten Eingaben im IV. Quartal 1973, 7-8.

⁴⁰ Ibid., 8.

⁴¹ Quoted in Major, *Behind the Berlin Wall*, 202.

⁴² BArch-Lichterfelde DO 1/ 16488 Einschätzung über die Entwicklung und den Inhalt rechtswidriger Ersuchen auf Übersiedlung nach der BRD bzw. Westberlin, die an zentrale Organe im Jahre 1977 gerichtet wurden, 3.

wake of Helsinki the SED bureaucracy realized that it was dealing with a problem that could not be ignored.

In the 1970s, East Germans continued to leverage SED international human rights propaganda but they now flatly pointed out the gulf between rhetoric and reality while reappropriating SED slogans. In a letter to the SED's department on church affairs, Barbara and Lutz S. from Sömmerda cited the activism of the GDR-Committee for Human Rights on violations in foreign countries and after berating the official that "human rights begin at home," they requested his assistance in procuring a permit to exit in order to "allow our family to realize the right to self-determination."⁴³ Others, like Siegmur Faust, did not just appropriate the language of the SED but the whole catalogue of human rights causes that the GDR touted in the media to press their case forward. Faust argued that SED propaganda on imperialist interventionism and right-wing dictatorships in Chile, Uruguay, Vietnam, Laos and Portugal was "laughable" because of the many political prisoners in the GDR. He questioned why the SED became "suddenly allergic to any mention of the Universal Declaration of Human Rights and the Helsinki Final Act," when it was directed at themselves.⁴⁴

East Germans also became more willing to employ human rights discourse in public and to transgress the norms of official complaint over the decade. In 1973, forty-one people in Pirna signed a mass letter supporting the petition to exit of four local residents, including Siegmur Faust.⁴⁵ While the letter itself remained within the style of an official approved complaint, the act of community organizing with multiple signatures was itself provocative. While during the *Volksaussprache* such behaviour was excused, likely because social organizations and factories

⁴³ BArch-Lichterfelde DY 30/IV B 2/14/31 Barbara and Lutz S. to Bellmann (14 Aug 1977)

⁴⁴ Siegmur Faust, *Ich will hier raus ...* (Berlin: Guhl, 1983), 148.

⁴⁵ *Ibid.*, 114–5.

were encouraged to produce group declarations of support, petitioning the state was meant to be an individual act of communication by a citizen expressing personal concern. Collective letters implied the existence of structures outside the control and direction of the SED hierarchy and reeked of ambitions towards opposition.

Some took their protest into the streets representing a major escalation in the GDR where all public political action was tightly controlled and orchestrated from above. In April 1974, Karin and Werner Karl Nuthmann, a working class couple from Brandenburg, came to Alexanderplatz, the main public square of East Berlin, and set up a small protest with homemade signs about the right to free movement citing UN human rights conventions and the East German constitution.⁴⁶ Both were arrested and Werner Karl was put in a psychiatric hospital for a short time before both were sent to West Germany. In January 1975, six months before the signing of the Helsinki Accords, a group of three protesters gathered at the Brandenburg Gate with signs accusing the SED of human rights violations in regards to the right to travel. They were arrested and sentenced to more than four years in prison for “subversive agitation” and “slander against the state”.⁴⁷ That same year, Martin Böttger, later an influential activist in the 1980s, went to his local May Day parade with a poster demanding the realization of human rights.⁴⁸

After the passage of the Helsinki Accords, human rights demands were made more publicly and with greater media savvy. In 1977, when one protester went to the East German parliament building, the Palace of the Republic with a sign saying “Freedom and Human Rights – Let me Leave!” he made sure to notify western journalists and the embassy of the Federal

⁴⁶ Karl Wilhelm Fricke, *Der Wahrheit verpflichtet: Texte aus fünf Jahrzehnten zur Geschichte der DDR* (Berlin: Ch. Links, 2000), 405.

⁴⁷ Ibid.

⁴⁸ Eckhard Jesse, *Friedliche Revolution und deutsche Einheit: sächsische Bürgerrechtler ziehen Bilanz* (Berlin: Ch. Links, 2006), 24.

Republic to get the maximum publicity.⁴⁹ Petitioners not only circulated their letters within the community to gain multiple signatures but also distributed their complaints to the western media. The most famous and well-publicized case of post-Helsinki human rights activism is that of Dr. Karl-Heinz Nitschke of the town of Riesa. Dr. Nitschke had previously sought to emigrate in 1973 on the grounds of being reunited with a sister who lived in West Germany. After this was denied, he opted for a more public approach by drafting a letter accusing the SED of systematic violations of human rights and invoked his right to leave the country along with his family based on the Universal Declaration of Human Rights, the UN's International Human Rights Covenants and the Helsinki Accords.⁵⁰

While in some Eastern Bloc countries, human rights claims appealed primarily to the educated and the intelligentsia, a Stasi investigation showed that this petition had support from a broad cross-section of the East German citizenry.⁵¹ The doctor posted the letter in his office in Riesa so that others could sign in support which initially garnered thirty-three signatures as well as a later list of twenty more supporters from the same town, twelve more in Karl-Marx-Stadt and two more from the district of Meißen. Of the thirty-three initial signatures, twenty-two were workers (most from the local pipe-making manufactory VEB Rohrkombinat Riesa), seven office workers, one a doctor, one an engineer (both classified as members of the intelligentsia) as well as one person on a disability pension and a housewife. This letter was then sent to the United Nations, West German newspapers, the International League for Human Rights in Frankfurt and

⁴⁹ Jacqueline Boysen, *Das "weisse Haus" in Ost-Berlin: die Ständige Vertretung der Bundesrepublik bei der DDR* (Berlin: Ch. Links, 2010), 162.

⁵⁰ Fricke, *Opposition und Widerstand in der DDR*, 169–70.

⁵¹ On human rights activism as a milieu for the elite, Jonathan Bolton, *Worlds of Dissent: Charter 77, the Plastic People of the Universe, and Czech Culture Under Communism* (Cambridge: Harvard University Press, 2012), 28.

a number of organizations in West Germany devoted to assisting emigrants from the GDR.⁵² The signatories were all arrested, but international pressure and the standard process of West Germany purchasing the freedom of imprisoned would-be emigrants resulted in most being released to the Federal Republic.⁵³

Rejection, Repetition and Internalization

East Germans came to believe in a human right to exit not from external pressure but rather from the long and arduous process of trying to actually leave the GDR. In repeatedly asking for permission to leave East Germans sought new vocabularies of protest and engaged with these new discourse through letters and conversations with officials. After appeals based on civic identity and dignity as citizens failed, human rights provided a means of legitimizing demands based on an authority beyond the SED. When the SED responded to applications with coercion and intimidation including loss of jobs, benefits and even imprisonment this acted to break the social bonds of GDR citizens with their community and at the same time strengthening the appeal of the human rights discourse. As Hannah Arendt argued, the paradox of human rights is that their existence and their loss “coincides with the instant a person becomes a human being in general – without profession, without a citizenship, without an opinion, without a deed by which to identify and specify himself.”⁵⁴ While initial inquiries to SED officials instrumentalized human rights language, the repeated engagement with human rights and the social sanctions

⁵² Information Nr. 624/76 über die bisherigen Ergebnisse der Untersuchungen zu einer feindlich-negativen Konzentration von Bürgern der DDR, die im Zusammenhang mit ihrer Antragsstellung auf Übersiedlung nach der BRD eine „Petition zur Erlangung der vollen Menschenrechte“ unterzeichneten. (7 Sept 1976) in Siegfried Suckut, *Die DDR im Blick der Stasi 1976: die geheimen Berichte an die SED-Führung* (Göttingen: Vandenhoeck & Ruprecht, 2009), 209–212.

⁵³ Fricke, *Opposition und Widerstand in der DDR*, 170.

⁵⁴ Roger Berkowitz, “Hannah Arendt on Human Rights,” in Thomas Cushman, *Handbook of Human Rights* (London: Routledge, 2012), 63.

incurred from doing so, resulted in a “shift in subjectivity” wherein citizens came to internalize the language they were using in protest.⁵⁵

The personal escalation from demands rooted in civic identity to international human rights sometimes occurred rapidly, as with the case of Günter Knoblauch, a student from Dresden. Having been convicted of “Attempting to Flee the Republic,” in 1967 he was both kicked out of his university program and imprisoned for more than a year. Upon his release, he once again sought to leave the GDR. Having “returned” his personal identification papers directly to the head of the Ministry of the Interior with a request that this allow him to leave, he was fired from his factory job in 1970. He wrote to officials again requesting permission to leave since he could stand being a “second class” man within the GDR. At this point, Knoblauch turned to the language of human rights to justify his case. In his next letter to authorities in that same year he demanded to be allowed to emigrate based on the Universal Declaration of Human Rights and the text of the GDR’s Proclamation to the International Human Rights Conference in Tehran in May 1968.⁵⁶ Human rights stood at the end of a process of trial and error rather than the beginning.

The example of Siegmund Faust demonstrates the process of through which human rights became essential to some East German’s self-conceptions as they sought to emigrate. Faust was a writer who had been expelled from multiple universities in the 1960s due to his supposedly politically unreliable opinions. Placed under Stasi surveillance in 1968, he was subsequently jailed for contacts with West Germany where he sought to publish some of his writings that had

⁵⁵ On the shift from instrumentalization to internalization see, Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle,” *American Anthropologist* 108:1 (Mar 2006); Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2009).

⁵⁶ Matthias Lienert, *Zwischen Widerstand und Repression: Studenten der TU Dresden 1946-1989* (Köln: Böhlau, 2011), 209–210.

been banned in the GDR.⁵⁷ In 1972, he was released from prison as part of a broader amnesty in honour of the 23rd Anniversary of the founding of the GDR and soon after he began the process of leaving the country altogether.⁵⁸ In August 1973, he wrote letters to the GDR's attorney general and local officials renouncing his citizenship and requesting to leave the country based on the Universal Declaration of Human Rights, the UN Human Rights Covenants, the 1968 GDR Constitution and East German citizenship law.⁵⁹

In Faust's early letters to SED authorities, he used the idea of human rights in two ways: first, contrasting general statements by the SED in support of human rights claims with his own unjust treatment and desire to leave and second, references to specifically violated human rights norms as part of his own narrative of suffering. Human rights served as an external and objective authority that validated his grievances against the state in the case of his unfair dismissal from work to his imprisonment for speaking out. By 1976, when he was again jailed for criticism, Faust's discourse had shifted. From his prison cell in Cottbus he produced a handwritten newsletter called *Armes Deutschland* (Poor Germany), a parody of the SED's national newspaper *Neues Deutschland* (New Germany) that was to be an "organ of those fighting for civil and human rights."⁶⁰ Human rights had shifted from a series of legal norms that Faust used to shame the SED into a central component of his identity. He was not longer just using human rights as a discourse but also embodying them through his struggle. His everyday demands had been fused with the abstract norms of international treaties so that he was not only someone

⁵⁷ Anne-Sophie Nold, "Widerstand mit allen Konsequenzen: Ein faustisches Leben in der DDR am Beispiel des Schriftstellers Siegmund Faust," *Horch und Guck* 13 (1994), 18-19.

⁵⁸ *Ibid.*, 20.

⁵⁹ Faust, *Ich will hier raus ...*, 44-64.

⁶⁰ Anne-Sophie Nold, "Widerstand mit allen Konsequenzen: Ein faustisches Leben in der DDR am Beispiel des Schriftstellers Siegmund Faust," 22 and *Ibid.*, 277. Fn 36.

seeking to leave the GDR but a “fighter for human rights,” and his personal interests were now integrated into a grand narrative of the struggle for global justice.

While those seeking to emigrate certainly behaved as though they genuinely believed they had a right to exit, the language of rights was not the exclusive vocabulary used to express these demands. Although East Germans used international human rights documents and treaties to support their claims to exit, they were willing to use a wide variety of languages and tactics to protest the rejection of their applications and used any material provided by the SED to legitimize their demands.⁶¹ In the immediate wake of Helsinki, methods of protesting travel restrictions included suicide threats, hunger strikes and public protests where East Germans waved homemade signs, burned their official documents and chained themselves to objects and buildings.⁶² In 1981, a report mentions that in addition to international law and human rights, the GDR Constitution and laws on citizenship,

new arguments include increased references to GDR publications such as the autobiography of Comrade Erich Honecker, "From My Life", the textbook "Constitutional Law," the brochure "Nationality - German citizenship GDR," as well as the interviews of Comrade Erich Honecker with the chief editor of the *Saarbrücker Zeitung* and the British publisher Robert Maxwell.⁶³

East Germans were omnivorous when it came to repurposing SED rhetoric in their applications and human rights was one tool of many.

The unique situation in the GDR of the availability of a non-socialist alternative where East Germans could emigrate to created a rift amongst those who opposed the status quo. Those that did view political and civil rights as essential to human equality sought to go to West

⁶¹ Hanisch, *Die DDR im KSZE-Prozess 1972-1985*, 148.

⁶² Bernd Eisenfeld, “Die Abstimmung mit dem Ausreiseantrag – ein Untergangsbazillus der DDR” in Gesellschaft zur Förderung Vergleichender Staat-Kirche-Forschung, *Bleiben Oder Gehen? - Ein Deutsches Problem* (Berlin: Ges. zur Förderung Vergleichender Staat-Kirche-Forschung, 2005), 30.

⁶³ BAArch-Lichterfelde DO 1/ 16488. Information über die Unterbindung und Zurückdrängung rechtswidriger Ersuchen auf Übersiedlung nach der BRD und nach Westberlin, 1981.

Germany where they believed that these rights had already been realized instead of fighting for them within the GDR. The case of Rainer Bäurich, an engineer from Dresden who served five years in prison for sending a manifesto on human rights to Erich Honecker, is one example of those who simply embraced the idea of becoming West Germans rather than seeking to change the seemingly un-reformable GDR.⁶⁴ In making his case for his emigration, Bäurich stated, “I unreservedly declare my allegiance to the FRG, which I regard as my fatherland, now that the territory of the GDR has obviously been lost to Germany [...] I am tormented by this yearning for the FRG, because this free, pluralistic welfare state is my intellectual and political home.”⁶⁵ For those who believed in the idea of liberal democratic human rights, it made more sense to go to where they already were in force rather than try to challenge the entrenched position of the SED.

Such statements by emigrants strained solidarity with other dissidents and distanced those still loyal to the ideals of socialism from those who employed the discourse of human rights the most. Wolfgang Templin, one of the later founders of the Initiative for Peace and Human Rights, attributes the delay in the emergence of a human rights movement in the GDR to the widespread use of human rights language for the purposes of emigration.⁶⁶ He argues that such claims that changing the GDR was hopeless created a strong psychological disincentive towards dissent for others:

It was hard enough to say, “I don’t just want to complain, I don’t want to just accept things as they are, I want to do something,” – then someone else’s decision, the decision of a friend, who had had just as many critical experiences, and then says, “There’s no point in staying, you can’t change anything here,” that was very difficult.⁶⁷

⁶⁴ Udo Grashoff, *In einem Anfall von Depression ...: Selbsttötungen in der DDR* (Berlin: Ch. Links, 2010), 129.

⁶⁵ Rainer Bäurich, *Manifest eines Christen im Sozialismus*, quoted in Roger Wood, *Opposition in the GDR Under Honecker, 1971-85: An Introduction and Documentation* (Basingstoke: Macmillan, 1986), 177.

⁶⁶ Torpey, *Intellectuals, Socialism, and Dissent*, 73.

⁶⁷ Quoted in *Ibid.*

While those seeking to exit the GDR took up the discourse of human rights as a means of resistance, the ideological and social implications of their demands to leave East Germany rather than change it from within acted to neutralize human rights as a discourse of opposition. As Albert Hirschman argued, the capacity to exit served as an “antagonist to voice,” in general and the same applied to the development of the discourse of human rights. As citizens engaged with the idea of human rights to legitimize their departure from East Germany, they discouraged others who sought to stay and reform the GDR from employing international human rights language.⁶⁸

The Church between Resistance and Cooptation

Following the minor victory in 1968 in restoring official recognition of religious practice as a human right, the Protestant and Catholic churches took diverging paths. While the Catholic Church largely withdrew from engaging with the problem of human rights in East Germany, Protestants increasingly sought to reconcile their theological views with the emerging international human rights community. Some historians and former leaders of the Protestant Church in East Germany (*Bund Evangelischen Kirchen in der DDR* or BEK) have portrayed the engagement of the church as an act of independence or opposition against the SED and official ideology.⁶⁹ Since the early 1990s, however, scholars and those who occupied less senior positions within the church have demonstrated that the idea of human rights served a more ambiguous role and that there was a wide gulf between the opinions of the leadership and the

⁶⁸ Albert Hirschman, “Exit, Voice, and the Fate of the German Democratic Republic: An Essay in Conceptual History,” *World Politics* 45:2 (Jan 1993), 178.

⁶⁹ For historical accounts presuming this connection see Thomas, *The Helsinki Effect*, 102; Paul Betts, *Within Walls: Private Life in the German Democratic Republic* (Oxford: Oxford University Press, 2010). On the portrayal by former BEK leaders, see the “Kirchliche Menschenrechtsarbeit muß weitergehen,” in Manfred Stolpe and Iring Fetscher, *Demokratie wagen: Aufbruch in Brandenburg: Reden, Beiträge, Interviews 1990-1993* (Berlin: Schüren, 1994), 193.

rank and file.⁷⁰ While local pastors wanted to use human rights themes to push for greater freedom, the leaders of the church suppressed dissent and bought into the human rights discourse of the SED. The “neutralization” of human rights politics from within, as Ehrhart Neubert describes it, was achieved largely through internal pressure by church officials and not just through the actions of the state security apparatus.⁷¹

The Protestant Church’s engagement with human rights was based on larger trends in the Christian world and the interests of the Church as an institution; contrary to the arguments of Gerhard Besier, in this case it was not just an extension of the SED’s own propaganda system.⁷² On the other hand, Detlef Pollack’s conception of the church as an institution with limited autonomy that could provide “ideologically neutral” spaces, is undercut by the fact that protestant human rights language was thoroughly embedded in discourse of the SED.⁷³ Church institutions accepted the broad conception of socialist human rights: rights came from social relations not from natural law or God and the world was divided between bourgeois and socialist versions thereof. Rather than choose sides, the church leadership claimed to be beyond such political concerns and that it was only interested in basic rights that existed across all socio-economic systems. While ostensibly neutral, this position trivialized the idea that problems of democracy were connected to problems of human rights and was used to prevent members from “politicizing” such a purely moral issue. The church voluntarily and enthusiastically entered into

⁷⁰ In particular, see Joachim Goertz, “Kirche und Menschenrechte in der DDR,” *Horch und Guck* (Heft 14/1995) Trutz Rendtorff, *Protestantische Revolution?: Kirche und Theologie in der DDR* (Göttingen: Vandenhoeck & Ruprecht, 1993), 113. Ehrhart Neubert, *Geschichte der Opposition in der DDR: 1949-1989* (Berlin: Ch. Links, 1998), 356–9.

⁷¹ Neubert, *Geschichte der Opposition in der DDR*, 356.

⁷² Gerhard Besier, *Der SED-Staat und die Kirche: der Weg in die Anpassung* (Munich: Bertelsmann, 1993).

⁷³ Detlef Pollack, “Religion und gesellschaftlicher Wandel: Zur Rolle der evangelischen Kirche im Prozess des gesellschaftlichen Umbruchs in der DDR,” in Hans Joas and Martin Kohli, *Der Zusammenbruch der DDR: Soziologische Analysen* (Frankfurt: Suhrkamp, 1993), 246–66.

the field of human rights and it was not just doing the bidding of the state, but in trying to walk the tightrope of endorsing human rights without antagonizing the SED, the neutrality of its private space was compromised. As Eli Rubin has argued, even when East Germans rejected “overt forms of ideology,” in their daily lives it did not mean that they could live in “ideology-free zones,” of their own making.⁷⁴

In the late 1960s and 1970s, Christians worldwide increasingly adopted the language of human rights as an aspect of theology. While earlier, human rights talk had been seen as the territory of “anti-clerical liberalism and atheistic socialism,” the endorsement of the Universal Declaration of Human Rights by the Pope in 1963 and the use of human rights as by international and ecumenical organizations such as the World Council of Churches helped to propagate and legitimize the idea of human rights as compatible and in harmony with the tenets of Christianity. Of particular influence in East Germany was the Lutheran World Federation, which took up the problem of human rights at its global conference at Evian in 1970.

The Catholic Church in the GDR used the language of human rights to advance the cause of Christians, but the meaning of human rights remained limited to issues of religion. As Bernd Schäfer has written, “many leading Catholic officials had a limited view of freedom and human rights that included only the freedom to practice one’s religion in services and the freedom of conscience to live their lives in the Catholic faith.”⁷⁵ The Catholic Church continued to advance church doctrine through appeals to human rights in the early 1970s. For example in 1972, Catholic bishops used the Universal Declaration and the 1968 Constitution to demand that

⁷⁴ Eli Rubin, *Synthetic Socialism: Plastics and Dictatorship in the German Democratic Republic* (Chapel Hill: UNC Press, 2009), 14.

⁷⁵ Bernd Schäfer, *The East German State and the Catholic Church, 1945-1989* (New York: Berghahn, 2010), 280.

doctors had a right to refuse to perform abortions.⁷⁶ In the same year, the SED reacted poorly to Archbishop of Berlin Alfred Bengsch using human rights language to advance the position of the Church when he connected his demands to the admission to the GDR into the United Nations.⁷⁷ In 1974, Catholic bishops argued that the Universal Declaration protected the parents' right to choose how their child was educated.⁷⁸ While SED officials were often frustrated by the insistence of the Church and Archbishop Bengsch in particular, that categories of "bourgeois human rights" remained relevant, the Catholic Church did not, however, step into explicitly political territory with its use of human rights language and stuck to using the vocabulary only to promote the interests of the Church and to lobby for explicitly Catholic social policies.⁷⁹

Some Protestants went even farther in this era, particularly the East German branch of the Lutheran World Federation. In 1973, it produced a study *Concerns for a Human World: The Normativity and Relativity of Human Rights*. It declared, "The struggle for the dignity and rights of man is ongoing. Our churches cannot remain neutral in this struggle."⁸⁰ The authors saw human rights both as a matter of pressing moral importance and also as a political opportunity. They argued that, "advocacy for humanity and human rights will provide legitimacy for our activities...even if efforts to implement human rights are inherently illegal."⁸¹ Such advocacy would not just include campaigning against injustice in the developing world such as the existing

⁷⁶ Ute Haese, *Katholische Kirche in der DDR: Geschichte Einer Politischen Abstinenz* (Düsseldorf: Patmos Verlag, 1998), 72.

⁷⁷ *Ibid.*, 89.

⁷⁸ "Zur Christlichen Erziehung: Hirtenwort der in der Berliner Ordinarienkonferenz versammelten Bischöfe," in Gerhard Lange, *Katholische Kirche - sozialistischer Staat DDR: Dokumente und öffentliche Äußerungen 1945 - 1990* (Berlin: Bischöfliches Ordinariat, 1993), 257.

⁷⁹ Schäfer, *The East German State and the Catholic Church, 1945-1989*, 130.

⁸⁰ EZA 687/ 46 "Sorge um eine menschliche Welt: Normativität und Relativität der Menschenrechte," (1973), 5.

⁸¹ *Ibid.*, 42-43.

Church programs against racism and Apartheid, but also pushed for the criticism of domestic policy. The report noted that while SED human rights theory legitimized state policy in areas such as criminal law in terms that would satisfy the United Nations, “this interpretation is, however, not in accord with reality.”⁸² Efforts to publish the study were stopped by the SED, but copies circulated within the Church.⁸³

While such rhetoric existed in Christian circles, there were also Christians, particularly those in the leadership of the Protestant Church who avoided making any claims to human rights abuses within the GDR. Church leaders sought to describe human rights in ideologically neutral terms and refused to endorse either western liberalism or state-socialism while others followed the SED line outright with an added emphasis on the freedom of religion and belief. The Ecumenical Youth Service, an East German Christian group based in Berlin, devoted an 18-page issue of its newsletter to matters of human rights in 1974. Much of the content was inspired by the World Council of Churches consultation meeting in St. Pölten, Austria where human rights were the main theme. The content of the newsletter was hardly incendiary and encouraged readers to engage with the idea of human rights critically without advancing any specific claims or demands for domestic changes. “Appealing to ‘human rights’ is an easy way to show that everything needs to change in this world. But are ‘human rights’ themselves an unquestionable guidepost?”⁸⁴ It warned that many times those who invoke human rights do so for the purpose of propaganda and even churches are “not free from the prejudices, emotions and commitments that are visible in secular discussion.”⁸⁵

⁸² Ibid., 65.

⁸³ Katharina Kunter, *Die Kirchen im KSZE-Prozess, 1968-1978* (Stuttgart: Kohlhammer, 2000), 119–120.

⁸⁴ Robert Havemann Archiv (RHA) HL 204/9 “Zur Diskussion der Menschenrechte,” *Information: Ökumenischer Jugenddienst* 11(Nov 1974), 1.

⁸⁵ Ibid.

Such seemingly neutral commentary was accompanied by articles on human rights violations in South Africa and Chile as well as an article on the meaning of human rights produced by the “UN Study Group of the GDR Christian Peace Conference.” The article perfectly reproduced the ideological line of the GDR Committee for Human Rights with a few points of Christian theology added on. The history of human rights presented by the Study Group mirrored that Hermann Klenner’s works: bourgeois revolutionary rights produced an unequal exploitative society but Lenin’s innovations in the “Declaration of the Rights of the Working and Exploited Peoples,” finally brought about a truly liberating vision of human rights. The Universal Declaration of Human Rights is presented as the continuation of the socialist ideal – the abstention of the Soviet bloc at the United Nations in 1948 is naturally omitted – and the socialist world is shown to be valiantly fighting for real human rights in the face of capitalist obstruction at the United Nations.⁸⁶ As to human rights under socialism, “the building of a socialist society can be understood as a comprehensive attempt to create social conditions for the realization of human rights.”⁸⁷ While Christians were being exposed to human rights ideas through such publications, these ideas were carefully packaged and framed according to the ideological line of the SED.

Some senior members of the Church sought to acknowledge the SED’s position on human rights and avoid siding wholly with its western enemies while still advancing a critique of real existing socialism. In spring 1975, Bishop Hans-Joachim Fränkel, who had prepared theological interpretations of human rights for distribution in 1968, took to the pulpit to examine the problem of human rights in biblical terms. He argued that in all societies there existed a

⁸⁶ RHG HL 204/9 “Zur Bedeutung und Problematik der Menschenrechte,” *Information: Ökumenischer Jugenddienst*, 11(Nov 1974), 5-6.

⁸⁷ *Ibid*, 6.

tension between the ideal of individual rights and social rights and that no society could fully realize all human rights equally. Although even-handed in his criticism of both liberal capitalism and state socialism, he provocatively added, “Action in the struggle against racism cannot be an alibi to refrain from standing up for human rights at home.”⁸⁸ Fränkel rooted his interpretation of human rights as integral to the cause of realizing the Christian mission to care for one another and did not adopt the liberal democratic language of western human rights activists but he was also willing to criticize the GDR.

By the mid-1970s, the Church was effectively split between those who sought to use human rights for protest by tacitly accepting the SED line and demanding more rights for Christians, and those who saw human rights as a means to legitimize more drastic, and possibly illegal, resistance to SED rule and state socialism in general. The state security apparatus was alarmed by the Church’s activities but it recognized that some factions in the Church were a threat while others could serve the purposes of the SED. One report distinguished those in the Church who “sought through human rights arguments to further the tolerance of the religion and the activities of the Church,” and “the reactionary representatives of the Church in the DDR who go farther and insinuate that the socialist state violates human rights and use this to go after the sovereignty and legitimacy of the state and the leading role of the party and to reject the education based on class consciousness.”⁸⁹ While the one faction could be reasoned with, the other was acting as an agent of imperialism to destroy socialism itself and had to be stopped.

⁸⁸ EZA 687/46 Das Zeugnis der Bibel in seiner Bedeutung für die Menschenrechte (April 1975). Neubert, *Geschichte der Opposition in der DDR*, 262.

⁸⁹ ThSA-R 5-61-1000/7 Bezirkstag und Rat des Bezirkes Gera 17308 “Information zur Diskussion über die Fragen der Menschenrechte in den Kirchen” (1974), 2.

The Protestant Church Responds to Helsinki

The Catholic Church in the GDR ceased to engage the problem of human rights altogether around the time of Helsinki. After the 1974 letter on education and human rights, the next official mention of human rights by the Catholic Church in East Germany would not come until the fall of 1989.⁹⁰ The Protestant Church, on the other hand, welcomed the signing of the Helsinki Accords in 1975, but its members split on why. The radical faction sought to use human rights for political purposes but the leadership of the BEK would neutralize them in the ensuing years as part of the Church leadership's larger project of normalizing church-state relations.⁹¹ The BEK saw human rights as an effective means for their community to promote peace and to combat racism abroad as well as to protect religious believers and military draft resisters at home. To fruitlessly challenge SED rule would simply undermine these more important goals. In order to gain the trust of the atheistic state, the BEK would negotiate a deal in 1978 in which they would be recognized as a "Church in Socialism," able to carry out their tasks but the Church agreed that it would not become a "site of opposition" or a disguised opposition party."⁹² Human rights would become a flashpoint in the conflict within the Church over its place in the GDR.

In 1976, copies of the Helsinki Accords and other international human rights documents were distributed to churches across the GDR and the Church organized educational seminars to teach local pastors how to integrate human rights with protestant theology.⁹³ Yet this new engagement with human rights took quite a conciliatory position towards the SED and its policies. In order to gain a position where the Church could be more active in East German society, senior officials sought to reassure the SED that they would not challenge their political

⁹⁰ Haese, *Katholische Kirche in der DDR*, 92–3.

⁹¹ Ehrhart Neubert, *Geschichte der Opposition in der DDR: 1949-1989* (Berlin: Ch. Links Verlag, 1998), 356–9.

⁹² *Ibid.*, 355.

⁹³ EZA 687 / 47 Niederschrift über die Sitzung der ad hoc Gruppe Menschenrechte am 14.10.1976 in Berlin.

legitimacy. In a 1976 paper on Church policy towards human rights, Manfred Stolpe, Head of the Secretariat of the Federation of Evangelical Churches, argued that human rights were universal and “because they concern man and humanity we will advocate human rights.” At the same time, he also claimed that the GDR had actually already fulfilled all of its human rights obligations demanded by international law and that criticisms of the SED “usually come from a one-sided individualistic understanding of human rights.”⁹⁴ The document showed the Church’s interest in a greater role in East German society but also signalled to the SED that as an institution it had no interest in challenging the power of the state or siding with outsiders in attacking the GDR.

In subsequent writings as approved by the church leadership, this position was refined.⁹⁵ As depicted by the BEK, the world was divided by conflicting visions of human rights between the capitalist West and socialist East. The Church would not take sides in this conflict but rather saw both sides as two imperfect systemic efforts to realize human rights. Rather than engage in this political battle, it was the duty of the Church to fight for basic human rights that were universal and not dependent on broader ideological questions of political or economic structures. In practice, this support for universal human rights focussed on issues of freedom of conscience, anti-racism, oppression of the Third World and relieving the suffering of the poor. By claiming that essential human rights were wholly separable from problems of politics, the Protestant Church obliquely endorsed the SED position that dictatorship and human rights were compatible. In doing so, the Church sought to act on the margins and without fanfare to deal with problems such as helping conscientious objectors rather than demanding political or economic changes.

⁹⁴ EZA 687/ 46 Manfred Stolpe. “Universale Menschenrechte.” Potsdam, den 27. Juni 1976, 13. This text would later be reprinted in Christa Lewek et al., *Menschenrechte in christlicher Verantwortung* (Berlin: Evangelische Verlagsanstalt, 1981).

⁹⁵ The most complete explication of church policy and thought on human rights in the late 1970-80s is found in Ibid.

In advocating human rights in the 1970s, the Church leadership made sure that it could not be accused of supporting the enemies of socialism by avoiding contact with outside human rights organizations and suppressing dissent internally. While seeking to assist conscientious objectors at home, the Protestant Church actively rejected working with foreign NGOs, such as Amnesty International, that had similar goals. The BEK refused to share information let alone assist in campaigning.⁹⁶ When a group of theology students from Naumburg produced and publically distributed what was known as the “Querfurt Paper,” rejecting the idea of class conflict and called for pluralism and human rights, the BEK was similarly unsupportive. Although they did not explicitly attack the SED or endorse liberal democracy, such talk was enough to bring about disciplinary action by the Church hierarchy as well as subject the students to scrutiny by the Stasi.⁹⁷

Those who sought to discuss human rights within the walls of the church, but still outside the ideological and theological boundaries prescribed by the BEK found themselves stifled by the Church leaders. The best example of this was Ulrich Woronowicz, a pastor in Brandenburg who as a theology student fled to West Germany in the early 1950s but later returned to continue working for the Church.⁹⁸ In the late 1970s, he created the “Working Group on Human Rights” in the town of Wittenberge. Woronowicz did not simply want to discuss human rights in the abstract but rather he consistently sought to transform human rights ideas into a concrete means of mobilizing Christians to fight injustice and to legitimize criticism of the abuses by the SED.

⁹⁶ EZA 101/683 Arbeitsgruppe Menschenrechte beim BEK 1975-1976. Auszug aus dem Protokoll der 55. Sitzung des Vorstandes der Konferenz der Ev. Kirchenleitungen in der DDR in Berlin am 30. Juli 1975

⁹⁷ Neubert, *Geschichte der Opposition in der DDR*, 316. Lothar Tautz, ed., *Friede und Gerechtigkeit heute: das “Querfurter Papier” - ein politisches Manifest für die Einhaltung der Menschenrechte in der DDR* (Magdeburg: Landesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der Ehemaligen DDR in Sachsen-Anhalt, 2002). The close surveillance conducted by the Stasi over this group is detailed in Hanisch, *Die DDR im KSZE-Prozess 1972-1985*, 140–1.

⁹⁸ Neubert, *Geschichte der Opposition in der DDR*, 97.

He wrote in the idiom of East German Christians combining the language of international human rights politics with the everyday vocabulary of prayer and worship. In theoretical terms, he was the ultimate “translator” who could take abstract human rights ideas and place them in the vernacular of the GDR.

Woronowicz and his group produced and distributed sermons and prayers that used human rights language and incorporated international human rights documents for churches across the Brandenburg region. In 1978, he wrote a version of the Lord’s Prayer to incorporate human rights:

Lord, Thou God of justice and peace,
You call on us to be the voice of the voiceless.
That is why we lament to you the disregard of human dignity in many countries.
We'll lament the violation of guaranteed human rights in our own country.
We think about... (Individuals, groups and issues can be called here.)
We ask you:
Forgive the guilty,
Heal the suffering,
Free the prisoners,
But encourage us to resist violence and injustice.⁹⁹

For the 30th Anniversary of the Universal Declaration of Human Rights that same year, his group prepared prayers to commemorate the occasion, openly challenging the Church line. Instead of using a conciliatory tone, one said “we lament to you [God] the violation and contempt for human rights in many countries around the world and in our own,” asking for divine help in having the courage to “defend against injustice within the church and in the world.”¹⁰⁰

Such initiative from below was not appreciated at the top levels of the Church. When Woronowicz sent material on human rights directly to the BEK that was not already approved by his local superiors, it was simply returned.¹⁰¹ Not only did he challenge the official line of the

⁹⁹ RHG Ki 02/03 Evangelische Kirche in Berlin-Brandenburg, Arbeitsgruppe Menschenrechte. Note from meeting at Hirschluch (26-27 May 1978).

¹⁰⁰ RHG Ki 02/03 Evangelische Kirche in Berlin-Brandenburg, Arbeitsgruppe Menschenrechte, (27.11.1978).

¹⁰¹ EZA 101/686 Schönherr to Stolpe 16.1.1978.

Church on human rights, but he was accusing it of participating in such violations and when he spoke out, he did so in a way that challenged the legitimacy of the hierarchy. In 1979, the “Working Group on Human Rights” was disbanded under intense pressure from the Church and interference from the Stasi.¹⁰² While Woronowicz and others continued to play an active role as dissidents, their organizational basis for doing so from within the Church was broken up.

The SED reacted positively to the BEK’s ideological perspective and its actions in relation to human rights politics in the late 1970s. Within the SED bureaucracy it was noted almost immediately after the signing of the Helsinki Accords that Church activities on the CSCE process were notably free of imperialist propaganda. A report on a meeting on the Helsinki Accords held by the church in Buckow in October 1975 described the discussion as having “no anti-communist tendencies,” and happily observed that the “consciousness of the CSCE process in socialist countries was praised.”¹⁰³ This appreciation continued through into the early 1980s. When the BEK produced the short book “Human Rights and Christian Responsibility” in 1981, a reviewer for the ministry responsible for Church oversight declared that the text was “an explicit rejection of the imperialist forces and enemies of Détente that seek to incorporate the Churches of the GDR into the anti-communist and interventionist conception of human rights.”¹⁰⁴ The engagement of the Church with human rights was viewed positively by the state so long as it

¹⁰² RHG Ki 02/03 Evangelische Kirche in Berlin-Brandenburg, Arbeitsgruppe Menschenrechte. Linn to Woronowicz 13.Juli 1979. Neubert, *Geschichte der Opposition in der DDR*, 315.

¹⁰³ BArch-Lichterfelde DO 4/ 4727 Information Nr. 2/1976 zur KSZE-Konsultation der Konferenz Europäischer Kirchen vom 27. bis 31.10.1975 in Buckow/DDR vom 19.1.1976, 5-6.

¹⁰⁴ BArch-Lichterfelde DO 4/ 495 Zu einigen Problemen der gegenwärtigen Auseinandersetzung um die Menschenrechte unter besonderer Berücksichtigung der Haltung der Kirchen, 18.

followed the SED line on international affairs, criticized human rights abuses in the capitalist world and downplayed human rights violations in the GDR and under socialism in general.¹⁰⁵

The Protestant Church had adopted the language of human rights to promote its values, but in turn, its public work was coopted by the SED as a means of reinforcing the socialist position. SED propagandists seized upon positive statements by the Church on the compatibility of state socialism with human rights to buttress their own claims of legitimacy. Guidelines produced by the Ministry of Justice on combating pacifism actually cited Church publications to claim religious backing for state defence policy.¹⁰⁶ Socialist human rights theorists quoted Church documents, which themselves sometimes quoting SED propaganda, to claim that even the Church agreed that human rights were not inherent moral principles or discoveries of Christianity but the product of contemporary social and economic relations.¹⁰⁷ Although the Church was able to carve out a space for a conception of human rights grounded in Christian ethics, it did so at the price of reinforcing and legitimizing the hegemonic state discourse of human rights.

Rights without Human Rights Politics

While East German citizens turned to emigration and the Church was co-opted by the SED, the GDR elite remained reluctant to adopt the idea of human rights as a basis for resistance and opposition in the 1970s. In December 1975, fifty-nine intellectuals in Poland sent an open letter to the government demanding the safeguarding of human rights based on the Polish

¹⁰⁵ Further documentation of the SED's general approval of high-level church behaviour following Helsinki is provided in Hanisch, *Die DDR im KSZE-Prozess 1972-1985*, 134–35.

¹⁰⁶ BArch-Lichterfelde DP 1/ 21439. Argumentation zur Auseinandersetzung mit politischen Provokationen pazifistischer Gruppen in den protestantischen Kirchen der DDR (July 1982).

¹⁰⁷ Eberhard Poppe, "Der sozialistische Staat und seine Grund- und Menschenrechte," *Deutsche Zeitschrift für Philosophie* 30:10 (1982), 1227.

constitution and the recently signed Helsinki Accords.¹⁰⁸ In 1977, in Czechoslovakia, the formation of the human rights organization Charter 77 was led by cultural luminaries such as Vaclav Havel and Pavel Kohout, intellectuals like Jan Patočka and disillusioned Communist Party elites such as Zdeněk Mlynář and Jiří Hájek.¹⁰⁹ In the USSR, human rights dissidents active since the 1960s formed Helsinki Monitoring groups in Moscow, Georgia, Ukraine and Armenia.¹¹⁰ In the GDR, by contrast, the elite figures in the fields of culture, academia and the SED bureaucracy did not form any kind of significant oppositional organizations nor did they take part in the international human rights movement.

The most prominent examples of the intellectual elite dissenting in the 1970s showed little sign that human rights as a discourse would come to be so important in the following decade. When the popular singer Wolf Biermann was stripped of his East German citizenship and expelled for criticism of the SED in 1976, GDR intellectuals petitioned the state to reconsider citing his loyalty to East Germany instead of posing any abstract right of free expression.¹¹¹ The internationally famous dissident chemist Robert Havemann only occasionally brought up the subject of human rights and rejected the efforts of western human rights activism. Before his expulsion from the GDR, the SED functionary turned eco-utopian prophet Rudolf Bahro rejected the human rights movement in Eastern Europe entirely and ridiculed those who would follow the agenda of an American President. East German dissidents sought to reform the GDR from within while remaining convinced of the need for a system based on true anti-fascist

¹⁰⁸ Wanda Jarzabek, “Lost Illusions? The Polish Government and Human Rights Issues from Helsinki to Belgrade, 1975-1978,” in Bilandžić, Dahlmann, and Kosanović, *From Helsinki to Belgrade*, 310.

¹⁰⁹ On human rights activism in Czechoslovakia and Charter 77 see, Bolton, *Worlds of Dissent*.

¹¹⁰ Wolfgang Eichwede, “‘...but it must be a detent with a human face,’ Helsinki and the Human Rights Movements in Eastern Europe,” in Bilandžić, Dahlmann, and Kosanović, *From Helsinki to Belgrade*, 264–6.

¹¹¹ Reprinted in Roger Woods, *Opposition in the GDR under Honecker, 1971-85: An Introduction and Documentation*, trans. Christopher Upward (New York: St. Martin’s, 1986), 139.

socialism, divorced from the “bourgeois” liberal democracy of the west. Although western media portrayed dissent as action on behalf of human rights, those engaged in dissent in the GDR studiously avoided such language and connections with international activism.

Two main factors separating East Germany from the rest of the Socialist Bloc explain why the GDR was an exception in this decade: the continuing residual legitimacy of socialism due to the role of communists in opposing the Nazi State and the pre-existing hegemonic discourse of human rights as propagated by the *GDR-Committee for Human Rights*.¹¹² While activists in the rest of Eastern Europe and even the USSR compared oppression to that inflicted by the Nazis, in the GDR, the official culture of anti-fascism made such ideas untenable. Communism embodied the opposition to fascism and while the reality of SED rule did not inspire much loyalty, most East Germans who had experienced the Third Reich had embraced the idea that they were now absolved of guilt for those events due to the triumph of the primary political opponents of Nazism. Especially amongst élites, the ideal of anti-fascism still held sway and prevented the wholesale rejection of socialism as a viable route to reform.

Unlike the rest of the Socialist Bloc, the earlier conflicts of the SED with West Germany had prepared them ideologically for the wave of international human rights criticism that exploded in the late 1970s. Elites in East Germany were not necessarily convinced by the propaganda produced by the *GDR-Committee for Human Rights*, but its ideological indoctrination fostered a Manichean perspective that demanded siding with either socialism or capitalism in the global fight for human rights. The *Committee's* propaganda through the 1970s, featuring the intensification of western nuclear weapons deployment, the horrors of South African Apartheid and the brutality of the military Junta' of South America, put these socialist

¹¹² Neubert, *Geschichte der Opposition in der DDR*, 97.

elites into a difficult position should they seek to criticize the SED in similar terms. The dominant human rights discourse allowed for the total endorsement of socialism or the total rejection, with no gray area in between.

The *GDR-Committee for Human Rights* remained the only such body organized in the communist world and it continued to adapt human rights propaganda to the shifting needs of the SED and to disseminate these ideas to the cultural, intellectual and party elites. The Committee maintained the integrity of the SED's hegemonic discourse of human rights by preparing responses to criticism and ensuring that officials would be ready to engage with questions from citizens. Beginning in 1975, it created a bilingual quarterly journal – “Schriften und Informationen” in German and more prosaically “Bulletin” in English – that would provide information on socialist human rights theory concerning contemporary problems, commemorate important events in human rights history and document human rights victories in the socialist Bloc and atrocities in the west and the developing world. Articles provided up-to-date ideological interpretations of international law and gave readers the official line on what events around the world constituted human rights abuses and how. Rather than retreat from the topic of human rights, in the late 1970s, news coverage vastly expanded. *Committee* protests regarding human rights abuses in West Germany and the rest of the capitalist world filled the pages of the East German national newspaper *Neues Deutschland*. While the number of articles mentioning human rights in the paper hovered around 250 per year in 1975 and 1976. In 1977 this shot up to 793 of which there were 173 articles just on human rights abuses in Chile under the Junta and another 55 on human rights violations under Apartheid in South Africa.¹¹³

¹¹³ Statistics on *Neues Deutschland* compiled through the ZEFYS Zeitungsinformationssystem of the Staatsbibliothek zu Berlin, at <http://zefys.staatsbibliothek-berlin.de/ddr-presse/>.

Diplomatically, the SED also maintained its earlier position on human rights and refused to give an inch, ideologically at least, to foreign pressure. Publicly, SED leader Erich Honecker maintained that the GDR had fully realized human rights and denied that there could be such a thing as genuine civil rights activism in the East Germany as the supposed dissidents were really just western provocateurs.¹¹⁴ In private discussions between diplomats, East German representatives refused to accept the possibility that the SED had violated human rights or the validity of any such criticism from another country. While the American government, following President Jimmy Carter's new emphasis on human rights in foreign policy sought to apply moral pressure on SED officials, they did not budge. In 1978, when American Assistant Secretary for Human Rights Patricia Derian visited East Berlin to meet with the Deputy Foreign Minister Kurt Nier, she was unable to gain even the acknowledgement that the United States had a legitimate right to discuss human rights problems within East German borders. While Nier argued that massive violations of human rights, such as those taking place in South Africa, Chile and Central America, made internal affairs an international issue, to criticize state socialism would cross a line and violate the spirit of Détente. Derian then sought to convey her point by way of analogy: in a neighbourhood where everyone kept neat gardens it would become a matter for community discussion if someone began to keep goats in their front yard. Nier coldly responded that if they were to have problems with goats going where they should not, one could always build a wall to maintain order.¹¹⁵ With that, the topic of conversation was quickly changed. In a report from the following year, Derian concluded that while the United States might support dissidents such as Robert Havemann (1910-1982), we should "be modest in our assessment of what we can do in

¹¹⁴ Fricke, *Opposition und Widerstand in der DDR*, 162.

¹¹⁵ Hoover Institution Archive, Stanford University, HIA Bolen Papers, Box 13, Folder 7, Derian Telegramm (10.7.1978), 6-7.

the short run.”¹¹⁶ With the SED holding its ground and refusing to accept the idea that it violated any human rights, it was not possible to express support for change based on human rights without appearing to be taking the side of the west against the cause of socialism.

The cultural elite of East Germany was particularly influenced by this discursive hegemony. Artists produced works of art protesting human rights abuses in Chile – in 1973 Henryk Berg produced a collage entitled “Pinochet: Human Rights, Parties, Unions, Culture, Free Elections – all over.” But they were unwilling to apply such language to similar problems in the GDR.¹¹⁷ While writers such as Christa Wolf, Stefan Heym, Jurek Becker and Volker Braun were willing to speak out against SED repression of artists, such as the expulsion of singer Wolf Biermann in 1976, they did not adopt human rights ideas as a means of challenging the state and they did not expand their protest to the level of opposition. As Mark Thompson has argued, in contrast to Czechoslovakia where artists such as playwright Vaclav Havel were crucial to the early formation of a human rights opposition, the cultural dissidents of the GDR were more “a counter-cultural movement than a counter-elite.”¹¹⁸ Just as the *GDR-Committee on Human Rights* worked to maintain the hegemonic discourse of human rights, the Writers’ Union functioned here more directly as a disciplinary institution to keep people in line. As Thomas Goldstein’s dissertation demonstrates, in the late 1970s, cultural elites in the GDR were no longer given room for dissent within official structures. By 1979 when nine members of the Writers’ Union were expelled in part for their protests against the expulsion of Wolf Biermann

¹¹⁶ Ibid., Derian to Vest (July 9, 1979). 4.

¹¹⁷ Marcus Kenzler, *Der Blick in die andere Welt: Einflüsse Lateinamerikas auf die Bildende Kunst der DDR* (Münster: LIT Verlag, 2012), 357–8.

¹¹⁸ Mark Thompson, *Democratic Revolutions: Asia and Eastern Europe* (London: Taylor & Francis, 2004), 56.

“authors who harboured divergent views on cultural and political questions in East Germany had one choice: expulsion or marginalization.”¹¹⁹

The SED line on human rights also put other intellectuals outside of the field of cultural affairs into a difficult position. The one-time Stalinist turned dissident, Robert Havemann was one of the most influential and best known East German activists of the 1970s and his intellectual engagement with the problem of human rights was ambiguous and conflicted. A chemist by training, Havemann had been imprisoned during the Third Reich for his membership in the Communist Party and his activism with the resistance organization European Union of which he had been a founding member. In the post-war period, he was initially an enthusiastic supporter of the SED, attained a position at the Humboldt University in Berlin and became a representative at the East German parliament, the *Volkskammer* in 1950. When, in 1963, he turned against the dogmatism of the state, he was expelled from the SED and fired from his position at the university. Owing to his continued dissent, regularly leaked to the western media, he was placed under house arrest in 1976 where he would remain until his death in 1982.¹²⁰

Although Havemann promoted greater freedom of expression – he supported the creation of an opposition party in the GDR and sympathized publicly with those seeking to leave East Germany – he rejected the human rights politics of western activists. In many ways he held to the orthodoxies of Karl Polak that human rights could only be fulfilled as part of the full realization of socialism. As a dissident, he saw himself promoting true socialism in the face of the SED dictatorship, but he also rejected the idea that East Germany needed to go backwards to a system of bourgeois democracy or a market economy. The quasi-mystical conception of the Soviet

¹¹⁹ Thomas Goldstein, “Writing in Red: The East German Writers Union and the Role of Literary Intellectuals in the German Democratic Republic, 1971-90” (PhD, The University of North Carolina at Chapel Hill, 2010), 392.

¹²⁰ Harold Hurwitz, *Robert Havemann: Eine persönlich-politische Biographie -Teil I: Die Anfänge* (Berlin: Entenfuß Verlag, 2012).

Revolution as a transcendent world event that had forever ended capitalism and ushered in a new era of history as found in SED human rights philosophy, pervaded Havemann's thinking. The difference between him and intellectuals like Hermann Klenner was that for Havemann, the real communist revolution envisioned by Marx in which the state would wither away and all would exist harmoniously together in freedom, had yet to fully occur even if it was underway. As such, Havemann agreed in theory with western human rights activists, that state socialism violated human rights, but he rejected their solutions: the return to bourgeois democracy and capitalism – as a treatment more deadly than the disease.

In spite of his aversion to Cold War human rights politics, Havemann did at times clearly denounce certain actions of the SED as violations of human rights. In 1970, in *Fragen, Antworten, Fragen*, he supported the right of East Germans to travel freely and even to leave the country as one of the “most elementary human rights.”¹²¹ In a public declaration sent to Amnesty International London while under house arrest in 1979, he also said that the punishment of his wife and son through the legal system “represents a blatant violation of human rights, that cannot be legitimized through the appearance of legality.”¹²² In a clear contrast with the official line of the *GDR-Committee for Human Rights*, Havemann rejected the notion of human rights through dictatorship and his work regularly attacked the unrestricted power of the state.

While it is clear that arbitrary restrictions of freedom of movement and punishment without cause constituted a violation of basic human rights for Havemann, his conception of political human rights was more complex. In an essay published in the collection, “Why I Was a Stalinist and Became an Anti-Stalinist,” he argued that a socialist democracy would include “the

¹²¹ Robert Havemann, *Fragen, Antworten, Fragen: aus der Biographie eines deutschen Marxisten* (Hamburg: Rowohlt, 1977), 72.

¹²² The declaration is reprinted in full in Clemens Vollnhals, *Der Fall Havemann: Ein Lehrstück politischer Justiz*. (Berlin: Ch. Links, 2000), 220–221.

rights and freedoms that were won in bourgeois democracy.”¹²³ The crucial difference was that “the privilege that defines capitalism would be enjoyed by all through the true equality of all citizens.”¹²⁴ Havemann did not endorse the return to a system of bourgeois rights and freedoms, but rather the re-introduction of the rights and freedoms that had existed in the bourgeois era back into the political system now that socialism had been achieved in its economic form. For Havemann, the socialist revolution represented a transcendent event that eliminated class conflict and capitalist exploitation. This project needed to progress farther in order to achieve human rights, rather than to be dismantled.

While Havemann believed that the socialist world needed greater rights in terms of speech and political participation, he remained wary of what he saw as the destructive Cold War politics of human rights in the 1970s. In an exchange of letters with Joachim Steffen, a member of the radical left-wing of the West German SPD, Havemann agreed, “generally protection of human rights, both social and political, represents the essential foundation of a free and democratic society.” But he in turn asked, “where is there today a free and democratic society, in which individual human rights have been realized?”¹²⁵ Havemann argued that neither East nor West could claim to have totally realized these rights and that the use of the “human rights club” (*Menschenrechtsknüppel*) as a tool of conflict in international affairs did nothing to actually advance the cause. The spectacle of different nations, listing out the failings of each other at international summits, such as the recent Belgrade Helsinki follow-up meeting in 1977/8, was simply counterproductive.

¹²³ Robert Havemann, *Warum ich Stalinist war und Antistalinist wurde* (Berlin: Dietz, 1990), 209.

¹²⁴ Ibid.

¹²⁵ Jiří Pelikán and Manfred Wilke, *Menschenrechte: Jahrbuch zu Osteuropa* (Hamburg: Rowohlt, 1977), 474.

As an alternative, Havemann argued that in order to achieve human rights, the East needed to make moves towards democracy while the west needed to advance towards socialism. Only through these mutually reinforcing processes at home would progress be made throughout the world. Rather than attacking other countries for their failings, politicians should go out and draw the world's attention to the failings of their own countries and show how these would be addressed. This agenda would not result in a convergence of bourgeois and socialist systems but instead would represent the final success of the communist project:

While the implementation of political human rights in the lands of real existing socialism would be a revolutionary act with enormous and far-reaching effects, not just in our country, it would not be the beginning but rather the completion of a revolution, precisely the world-shaking October Revolution [of 1917].¹²⁶

Human rights were not universal values devoid of political ideology, nor were they the basis of liberal democracy, but rather the essential final act that would bring about Havemann's longed for socialist utopia.

Robert Havemann's dissident activities and writings were a source of inspiration for the human rights movement in 1980s, but he himself was unable to fully trace a "third way" between the western and socialist human rights discourses. While he accepted the idea that all citizens should have the right to freedom of speech, opinion and participation in a democratic society, western human rights activism was too closely linked to anti-communism. The socialist human rights discourse of the *GDR-Committee*, on the other hand captured the problems of imperialism, racism and the neglect of social rights in the west but its discourse served to legitimize dictatorship and downplay human rights abuses under the SED. In the end he had difficulty formulating a conception of human rights that would advance the cause of true socialism, reject the oppressive realities of "real existing

¹²⁶ Ibid., 475.

socialism”, and at the same time not play into the anti-communist human rights campaigning from the west. Havemann’s contradictory embrace of human rights alongside the distancing from human rights politics was a product of the transnational political conflicts of the 1970s.

While Havemann sought to square the circle of imagining a human rights for a democratic socialism, other dissidents openly denounced the international human rights movement of the 1970s as a step backwards. Rudolf Bahro (1935-1997), a SED functionary, imprisoned and then deported from the GDR following the publication in West Germany of his 1977 eco-utopian treatise *Die Alternative*, was openly contemptuous of the growing international human rights movement:

It is indicative of the rapid ideological process of collapse that has afflicted Eastern European countries since the militaristic police action of August 1968 [the Prague Spring], that the bulk of the oppositional elements have seen themselves pushed back to a program of purely liberal democratic demands, a human rights campaign, a position that is the most general, platitudinous and inane possible.¹²⁷

For Bahro, the turn away from the realization of socialism towards a movement based on the principles of liberal democracy was as bad a failure as the status quo.

Not only were the human rights campaigns of the Eastern Bloc failures from an ideological perspective, but they also spoke to an overall failure of political organization:

It remains, of course, a disgrace, that the system of our entire society has prepared the most ostentatious part of our inner opposition to search out the President of the USA for advice and assistance. Human rights and political democracy – of course! But what the Eastern European countries are missing, not least the Soviet Union itself, is an *organized, long-term struggle for another total system of politics* [Gesamtpolitik].¹²⁸

While human rights and democratization were theoretically good things worth fighting for, Bahro saw the human rights movement with its connections to western liberalism and American

¹²⁷ Rudolf Bahro, *Ich werde meinen Weg fortsetzen* (Frankfurt a.M: Europäische Verlagsanstalt, 1977), 13.

¹²⁸ Ibid.

foreign policy as a distraction from the real cause of the revolutionizing of society. Human rights were small change in comparison to the total liberation of humanity. Ironically enough, while imprisoned in 1979, the International League for Human Rights awarded Bahro the Carl von Ossietzky Medal for his contributions to the cause.

Others who objected to the status quo but remained committed to the ideal of socialism looked to Marxist tradition rather than utopianism, but here too, human rights did not serve as a means of reform or opposition. The emphasis on realizing “true revolution” and the rejection of the contemporary international human rights activism can be seen even more clearly in the work of the humanist Marxist intellectual Jürgen Kuczynski (1904-1997). Kuczynski had joined the Communist Party in 1930 and came from a distinguished family of Jewish intellectuals, including his father Robert René Kuczynski who was a prominent member of the Weimar Era League for Human Rights. A self-described as a “party line dissident,” Kuczynski thought the regime had drifted from the true ideals of the cause, but he refused to openly oppose the SED and was even a member of the *GDR-Committee for Human Rights*.¹²⁹ In his book “Human Rights and Class Rights”, published in the GDR in 1977, Kuczynski sought to push back against both western human rights attacks on the GDR as well as against SED human rights propaganda that he saw as a deviation from the tenets of classical Marxism.¹³⁰ There was no need for special measures to realize specific lists of rights under socialism according to Kuczynski and to believe this was to buy into a bourgeois fallacy. The socialism, once the revolution was fully implemented, would objectively provide far superior benefits through the eradication of class conflict and the liberation of mankind.

¹²⁹ Jürgen Kuczynski, *Ein linientreuer Dissident: Memoiren, 1945-1989* (Berlin: Aufbau-Verlag, 1992).

¹³⁰ Jürgen Kuczynski, *Menschenrechte und Klassenrechte* (Berlin: Akademie-Verlag, 1978).

Kuczynski's main concern was not engaging with the lived realities of socialism but rather the abstract philosophical concepts of classical Marxism and humanism. Human rights were a problem of dialectics, ancient Greeks and the literature of Goethe, not the United Nations and NGOs. He supported human rights as a broad ideal but did not want to reconcile international human rights systems with socialism so much as fight for socialism which would solve everything else. While he had been sympathetic to Robert Havemann's critiques of the SED, as soon as he publicly broke with the party, Kuczynski cut ties.¹³¹ Like many other intellectuals of his generation in the GDR, Kuczynski's political worldview was shaped by the collapse of parliamentary democracy and the rise of Hitler. At the same time, as the academic *eminence grise*, he had a privileged position that afforded him freedoms and material benefits not seen by most East Germans. Kuczynski was too tied to the anti-fascist view of history, Marxist theory and the personal benefits of real existing socialism to turn to human rights as a solution.

Despite one very public declaration of support for human rights from the East German intelligentsia, it was not indicative of a broad trend. In 1978, over two issues, the West German magazine *Der Spiegel* published the manifesto of the "Union of Democratic Communists of Germany," that purported to represent a widespread movement from within the SED for human rights and liberalization.¹³² Although the Manifesto was portrayed as the East German equivalent to Charter 77, it appears that it represented the views of no one other than the author, Manfred von Berg, an SED functionary who emigrated to West Germany in 1986.¹³³ The SED was furious at the publication and shuttered the East German offices of *Der Spiegel* as well as

¹³¹ See also Axel Fair-Schulz, *Loyal Subversion: East Germany and Its Bildungsbürgerlich Marxist Intellectuals* (Berlin: Trafo, 2009), 208.

¹³² The text of the Manifesto was printed over the course of two issues of *Der Spiegel* 1 & 2 (2/9 Jan 1978).

¹³³ Mike Dennis, *The Rise and Fall of the German Democratic Republic, 1945-1990* (Harlow: Longman, 2000), 238. Jefferson Adams, *Historical Dictionary of German Intelligence* (Lanham: Scarecrow Press, 2009), 29.

launched an internal investigation to identify the “mass movement” for democratization in their midst, which could never be found.¹³⁴

Since the human rights abuses in the west all stemmed from the evils of capitalism according to the SED human rights discourse, translating criticism of arbitrary state action abroad into a similar standard at home required one to attack the very legitimacy of socialism and possibly endanger the accomplishments of the whole project. The performance of human rights as a discourse had social meaning beyond the actual content. Touting the human rights accomplishments of the GDR and denouncing the abuses of the west was part of the discourse of affirming membership in the socialist community, while to use human rights against the SED indicated opposition and a rejection of social norms.¹³⁵ While signalling the rejection of society was actually helpful for those seeking to emigrate, for self-described socialist intellectuals, it represented a self-imposed alienation from one’s community. To employ the discourse of human rights against the status quo was not simply to level criticism but to claim that the SED was morally comparable to the Chilean Junta, the Greek Colonels, or even Jimmy Carter. In West Germany, conservatives spoke of promoting “human rights in enslaved Europe,” leaving little doubt that they saw the entirety of the communist system as an evil unto itself.¹³⁶ In a memoir written after the collapse of the GDR, the expatriate American Communist Victor Grossman who had defected to East Germany, recalled his frustration with those who advocated human rights under socialism while “turning a blind eye to human rights violations in the west,” and ignoring the positive support provided by the GDR for freedom fighters in South Africa, Central America

¹³⁴ Dominik Geppert, *Störmanöver das “Manifest der Opposition” und die Schliessung des Ost-Berliner “Spiegel”-Büros im Januar 1978* (Berlin: Ch. Links, 1996).

¹³⁵ On discourse and performance of social belonging in late socialism, see Alexei Yurchak, *Everything Was Forever, Until It Was No More: The Last Soviet Generation* (Princeton: Princeton University Press, 2006), 102–8.

¹³⁶ Snyder, *Human Rights Activism and the End of the Cold War*, 10.

and Chile.¹³⁷ Complaining about the implementation of socialism at home when there was fascism abroad would demonstrate a problematic set of priorities.

As Peter Schneider observed, most of the dissidents of the 1970s, especially those from the cultural elite, “almost always remained committed to one assumption in their critique: they never questioned the legitimacy of the socialist one-party state. Nor the party’s right to rule. They criticized the Socialist Unity Party’s abuse of power, not its monopoly of it; their demands for more democracy were meant not to secure free elections and a (‘bourgeois-reactionary’) multiparty system, but to eliminate censorship and build a plurality of opinion within the socialist power structure.”¹³⁸ From such a perspective, the hegemonic discourse of socialist human rights was too supportive of the status quo but the alternative provided by western states and NGOs went too far in seeking to wholly dismantle the socialist project. As with other groups in the GDR, the intelligentsia chose the path of least resistance and rather than trying to formulate a middle path between the two conceptions of human rights, they simply chose to engage the SED on different and more favourable discursive ground.

Amongst younger East Germans, however, there were signs that this was changing and human rights held appeal as a means to articulate a critique of the SED. The problem, however was that these individuals were small enough in number and isolated enough that the Stasi could ensure that they did not organize beyond obscure conspiratorial groups. The Stasi believed that outside groups sought member of the cultural elite to act as a “pacemaker” to jumpstart a local “human rights movement,” within the GDR.¹³⁹ When anyone appeared as though they might fit

¹³⁷ Victor Grossman, *Crossing the River: A Memoir of the American Left, the Cold War, and Life in East Germany* (Amherst: University of Massachusetts Press, 2003), 224.

¹³⁸ Peter Schneider, *The German Comedy: Scenes of Life After the Wall* (New York: Farrar, Straus, Giroux, 1992), 78.

¹³⁹ RHG AM 33 Analyse über die gegnerischen Aktivitäten zur Organisation der politischen Untergrundtätigkeit. Hauptabteilung XX (10 Jan 1978), 17.

this role they were quickly dealt with. One such example is Bernd Eisenfeld, an economist who had served as a “construction soldier,” in the labour corps’ alternative to mandatory armed-military service. At a reunion of fellow “veterans,” a Stasi informant reported,

He accused the Democratic Republic of constant and deliberate violations of human rights [...] He explained that the Constitution of the GDR was a farce that was undermined by the laws and instructions of various ministries that override or suspend it. He criticized the church for not acting against state power enough and he advocated for the establishment of a democratic socialism. He approved the opportunity to express his opinion freely within the Church, but would look for other ways to get publicity as well.¹⁴⁰

Soon after, Eisenfeld was banned from employment, subject to harsh harassment and by the end of the year he had emigrated to West Berlin. Eisenfeld’s sentiments echo those of the dissidents who rose up a decade later, but his dislocation to the the Federal Republic meant that he could play only a limited role in disseminating such views within the GDR.

Those seeking to emigrate who showed signs of creating social bonds based on human rights activism were quickly imprisoned or expelled as in the case with Dr. Nitschke in Riesa or Siegmar Faust. Those who were interested in human rights as a basis for dissent were quickly found through the Stasi’s network of informants. Those who sought to connect with western human rights groups were tried for espionage and treason while those seeking to contact human rights activists in the rest of the Eastern Bloc were usually just jailed. When a young seminary student from East Berlin travelled to Czechoslovakia as part of a larger plan to create a “Committee for the Observation of Human Rights” in conjunction with Charter 77 he was arrested by the Stasi for “provocative conduct”.¹⁴¹ As one activist recalled, in contrast to Czechoslovakia, in the GDR “whenever someone dared to come out and voice her/his complaints,

¹⁴⁰ Neubert, *Geschichte der Opposition in der DDR*, 302–3.

¹⁴¹ Bernd and Peter Eisenfeld, “Widerständiges Verhalten 1976-82,” in Eberhard Kuhrt, Hannsjörg F. Buck, and Gunter Holzweissig, *Am Ende des realen Sozialismus 3. Opposition in der DDR von den 70er Jahren bis zum Zusammenbruch der SED-Herrschaft*. (Opladen: Leske & Budrich, 1999), 86–7. Connections to Charter 77 were particularly of concern to the SED leadership and the Stasi. Hanisch, *Die DDR im KSZE-Prozess 1972-1985*, 138-39.

they were expelled. In one way or another, our network was destroyed time and again; we never had the chance to build a stable oppositional structure.”¹⁴²

Conclusion

Human rights were not a timeless concept or doctrine that could act independently of human actors. As Quentin Skinner argued, the “reification of doctrines,” such as occurs in the history of human rights results in a story in which the “ideas get up and do battle on their own behalf.”¹⁴³ Human rights, as a concept, had no inherent force to topple dictatorship and without actual people willing to take up such a cause, it did not become a revolutionary doctrine. The social and political circumstances of the era shaped and defined how human rights discourse as practiced by East German citizens evolved and human rights represented a contested discursive space rather than a bulldozer pushing forward towards a clear teleological endpoint.

Although human rights emerged as a language of protest and resistance in the 1970s, it was limited in its appeal beyond those seeking to exit the country and those trying to carve out a parallel space for Christianity within the larger socialist system and a very small number of dissidents who were soon imprisoned or expelled. Most of the intelligentsia seeking change avoided international human rights politics as a distraction from bringing about a true revolution. Without translators from the intelligentsia or the Church, the process of “vernacularization” for the purpose of challenging the power of the SED remained largely one of individual innovation based on specific personal grievances. The problem for the development of human rights in East Germany was not the absence of privacy but the lack of an unfettered public sphere in which citizens could link together their problems with the more abstract moral and legal principles of

¹⁴² Interview with Cornelia Matzke in Dirk Philipsen, *We Were the People: Voices from East Germany's Revolutionary Autumn of 1989* (Durham: Duke University Press, 1993), 249.

¹⁴³ Quentin Skinner, “Meaning and Understanding in the History of Ideas,” *History and Theory* 8:1 (Jan 1969), 11.

individualistic human rights.¹⁴⁴ While East Germans may have increasingly engaged with the idea of rights in general, the SED's hold over the public sphere allowed the state to continue to instrumentalize the concept of human rights to legitimize and reinforce its own rule. From the vantage point of 1989, the growing demands to exit, the growing interest of members of the church in human rights and the rise of a very small number of dissident intellectuals were all important steps towards the eventual emergence of a human rights opposition, but in the 1970s these groups were fractured and divided both in terms of ideologies, goals and actions.

The decision by most East Germans not to engage with the discourse of human rights must also be placed in the context of the alternatives available to citizens in challenging state policy. In addition to the long-established system that allowed GDR citizens to petition the state and party officials so long as such requests were properly couched in affirmations of loyalty and good faith, citizens also had access to state-run Conflict Commissions and locally administered Dispute Commissions.¹⁴⁵ For disgruntled citizens seeking redress on everyday matters ranging from consumer goods to housing problems to public disturbances, the SED provided both a discursive and institutional framework to which citizens could appeal. As with the *Volksaussprache* process, the legal system encouraged citizens to understand their rights within the context of the greater system of SED rule in conjunction with their duties to the community as had been formalized by the 1968 Constitution.¹⁴⁶ Rights did not exist outside of SED rule

¹⁴⁴ On private space in the GDR, see Betts, *Within Walls*.

¹⁴⁵ On the official Eingaben system, see Jochen Staadt, *Eingaben: die institutionalisierte Meckerkultur in der DDR* (Berlin: Goldbrokat, Kaffee-Mix, Büttreden, Ausreiseanträge und andere Schwierigkeiten mit den Untertanen (Berlin: Forschungsverbund SED-Staat, 1996); Peter Becker, *Akten, Eingaben, Schaufenster: die DDR und ihre Texte – Erkundungen zu Herrschaft und Alltag* (Berlin: Akademie Verlag, 1997); Felix Mühlberg, *Bürger, Bitten und Behörden: Geschichte der Eingabe in der DDR* (Berlin: K. Dietz, 2004); Jonathan R. Zatlin, *The Currency of Socialism: Money and Political Culture in East Germany* (Cambridge: Cambridge University Press, 2007), chapter 7. On various conflict resolution systems available to East German citizens, see Paul Betts, "Socialism, Social Rights, and Human Rights: The Case of East Germany," *Humanity* 3:3 (Winter 2012), 416.

¹⁴⁶ Inga Markovits, "Pursuing One's Rights under Socialism," *Stanford Law Review* 38:3 (Feb 1986).

either legally or ideologically. These institutions did not represent the triumph of the rule of law under socialism, and the administrative and civil system of the GDR acted as organs of the party rather than an independent judiciary. The existence of these structures, and their ability to facilitate at least somewhat acceptable redress for grievances in the everyday, acted as a deterrent to the adoption of human rights in general.¹⁴⁷ So long as there existed state-approved low-risk means of contesting specific SED policies, there was no incentive or benefit to invoking abstract international law when operating within the guidelines of state ideology held a better prospect for success. Only when demands went outside the tenets of good socialist citizenship, by say applying to leave the GDR, did human rights become a useful discourse of dissent.

By the early 1980s, the SED still maintained its hegemonic socialist human rights discourse within the GDR but this would soon change. The ebb in applications to leave of the late 1970s would turn into a massive wave in 1984, the seemingly docile church organizations would become political and the intelligentsia would become disillusioned with the SED to the point where they could no longer defend the status quo. In the late 1970s, however, it appeared to the SED as though they had survived the explosion of international human rights activism. In the face of rising international pressure on human rights, Hermann Klenner confidently declared in the *GDR-Committee for Human Rights* journal,

Illusion and hypocrisy may be able to delay recognition of truth in the question of human rights, but progress is inevitable both in theory and in practice. The people will see to this.¹⁴⁸

And that they did. Unfortunately for the SED, hypocrisy and illusion could only carry the day for so long.

¹⁴⁷ On the experience of everyday legal matters in the GDR, see Inga Markovits, *Justice in Lüritz: Experiencing Socialist Law in East Germany* (Princeton: Princeton University Press, 2010).

¹⁴⁸ Hermann Klenner. "Human Rights –Hypocrisy and Truth," *Bulletin – GDR Committee for Human Rights*, 3:1 (1978), 15.

CHAPTER 6: Human Rights for Democracy, 1982-1989

Whereas the abolition of the exploitation of man by man is the basic prerequisite for ensuring equal human rights without discrimination...¹

-Preamble, Socialist Declaration of Human Rights, 1981

The idea of human rights had helped to sustain the legitimacy of SED since before the GDR had even been founded and the hegemonic discourse of socialist human rights had weathered the storm of the late 1970s. At the beginning of the 1980s, there were only a few hundred citizens using human rights to demand exit visas, small pockets of the church where human rights were spoken of as a means of reform and some individual intellectuals who clung to the idea. This was a scattered group without any organization or shared vision of how to change the GDR. By the end of the decade, however, there were dozens of human rights groups across East Germany and mass protests in the streets demanding the right to speak and assemble freely as well as the democratization of the GDR. The SED's claims to champion human rights had collapsed within the party and in the socialist bloc as a whole.

How did human rights evolve from being a mainstay of state ideology challenged from within only by a scattered minority to the lingua franca of the revolution against the SED dictatorship and for the democratization of the GDR? In the 1980s, two parallel developments in the field of human rights, one from below and one from above, worked together to create such

¹ BArch-Lichterfelde DY 30/ 24979 Entwurf einer Menschenrechtsdeklaration der sozialistischen Staaten.

explosive results.² After years of suppression by state security, the independent peace movement of the GDR turned to the problem of human rights and political reform as a means of realizing their moral goals. New organizations such as the Initiative for Peace and Human Rights (IFM) acted as translators, connecting human rights ideas to a variety of local problems ranging from draft resistance to environmental destruction to state enforced military instruction for children. This new generation of activists looked to pluralism, participatory democracy, and legally guaranteed rights of civil society as a means to realize the widespread goals of the growing social movements in the GDR. Human rights served to both legitimize the creation of an independent civil society and as a subject for the work of these newly created groups and organizations free from state control. This small minority of activists turned to human rights as a solution to numerous problems and created networks where East Germans could increasingly engage with this new discourse as a means of trying to create a new society.³

From the other side of the equation, the SED human rights doctrine that had held against international pressure through the turbulent past decades rapidly crumbled as the conflicts between theory and reality became too great to deny. The decade began promisingly with East German officials seeking to foster greater cooperation amongst communist states on the problem by creating a Socialist Declaration of Human Rights. Whereas the process of socialization and organization based on human rights increasingly brought East Germans together, for the international socialist community this attempt was a fiasco. The efforts to create a joint declaration exposed the fiction of a self-evident united bloc of socialists fighting for human

² On 1989 as the simultaneous emergence of civil society and collapse of state socialism, see Konrad Jarausch, "Kollaps des Kommunismus oder Aufbruch der Zivilgesellschaft?" in Eckart Conze, *Die demokratische Revolution 1989 in der DDR* (Köln: Böhlau, 2009), 45.

³ On activist networks in the 1980s, see Ehrhart Neubert, *Geschichte der Opposition in der DDR: 1949-1989* (Berlin: Ch. Links, 1998), 463; Karsten Timmer, *Vom Aufbruch zum Umbruch: die Bürgerbewegung in der DDR 1989* (Göttingen: Vandenhoeck & Ruprecht, 2000), 17; Siegfried Lokatis and Ingrid Sonntag, *Heimliche Leser in der DDR: Kontrolle und Verbreitung unerlaubter Literatur* (Berlin: Ch. Links, 2008), 72.

rights according to scientific Marxist-Leninist principles. From this realization came disillusion and the collapse of the hegemonic human rights grounded in the certainties of the black and white world of anti-fascism.

The realization of human rights in East Germany was not a linear movement from a self-evident set of moral values to a clear program of revolution: within the claims and demands for rights on all sides there existed a multiplicity of logics, ideals and utopias. For some it was about rescuing the old utopia, for others about creating an altogether new utopia and for others there was nothing utopian about the project.⁴ Human rights could contain communist reformers, Christian socialists, utopian Marxists, environmental activists and others whose main priority was either basic material need or the desire to see distant family members. The pluralism of the dissident movement, not just as a political system, but also the embrace of pluralism in terms of conceptions of human rights was crucial in the lead-up to the revolution of 1989.

From Peace and Ecology to Human Rights, 1982-1985

At the beginning of the 1980s, human rights remained a language of protest and resistance for those trying to leave the GDR rather than for those trying to change it. While the population was by no means pleased with SED rule, the years of propaganda did have an appreciable effect in limiting the direct emotional appeal of human rights as a language of dissent. While to western NGOs it was clear that a system lacking the rule of law, judicial independence and pluralistic democracy was deficient in all basic human rights, East Germans did not all subjectively believe that they were totally denied all human rights and victims of a dictatorship even if they did chafe under the arbitrary rule of the SED and the observation of the

⁴ Samuel Moyn, *Last Utopia: Human Rights in History* (Cambridge: Harvard University Press, 2010).

Stasi.⁵ As activist Carlo Jordan later explained, the SED's conception of human rights was not fully internalized by the population, but it still had some persuasive power: "In our socialist education, demands for equality always collided with demands for freedom and this made the problem of human rights so sensitive [...] Equality and freedom were always perceived to be separate alternatives with the main negative example of the USA where freedom had been realized, but at the cost of equality."⁶ In contrast to human rights, the two causes that did arouse great enthusiasm were peace and environmentalism.

While next-door neighbour Poland was in turmoil following the organization of the independent trade union *Solidarity*, East Germans were forming small groups, working under the protection of the Protestant church, calling for disarmament, the end of nuclear proliferation and the general demilitarization of society. Rather than challenging SED rule, GDR peace activists were more concerned with the nuclear arms race and the impending deployment of intermediate range missiles in West Germany.⁷ While a small core of pacifists and draft resisters had begun the peace movement, it gained widespread traction in 1978 from a popular backlash against mandatory military classes for students in the 9th and 10th grades.⁸ In 1982, the famous dissident Robert Havemann and Protestant pastor Rainer Eppelmann launched an independent peace movement with the publication of the *Berlin Appeal*, a one-page declaration calling for dialogue with the SED and for the cessation of military parades as well as mandatory military courses in

⁵ On the violations of human rights from the outside perspective, see the section "Menschenrechtssituation im Alltag der Diktatur," in Conze, *Die demokratische Revolution 1989 in der DDR*, 46–91.

⁶ HIA Joppke Collection, Box 1, Interview with Carlo Jordan (16 Jul 1991), 4.

⁷ Steven Pfaff, "The Politics Of Peace in the GDR: The Independent Peace Movement, The Church, And The Origins Of The East German Opposition," *Peace & Change* 26:3 (July 2001), 287.

⁸ Matthias Rogg, *Armee des Volkes? Militär und Gesellschaft in der DDR* (Berlin: Ch. Links, 2008), 193.

public schools as well as compulsory armed service.⁹ While the *Berlin Appeal* demanded greater participation for East Germans in the political life of the GDR, the actual language of human rights was noticeably absent. Similar peace groups founded at this time such as Women for Peace, Swords to Ploughshares, and the Concrete Peace network also avoided the language of human rights so as to focus on the problem of peace unencumbered by politics and ideology.¹⁰ As with Havemann's writings from the 1970s, many of the core ideals of other human rights movements – dignity of the individual, free exchange of ideas, etc. -- were present, but there remained a wariness of employing such a discourse and becoming tainted by association with Cold War propaganda. For other activists, there was also the hope that they would be protected from reprisal by focussing on ostensibly apolitical moral causes that the state officially supported.

The environmentalism movement also began to spread across East Germany in the early 1980s in response to mass pollution and unrestricted industrial practices.¹¹ At first, like the peace movement, the greens had little interest in human rights. As activist Carlo Jordan later said, “ecology as the thematization of the destruction of the cultural and natural foundations of life is much more concrete than the abstract question of human rights.”¹² The movement did not begin from theory, but rather built upon the clear connection between everyday problems and the environmental destruction that East Germans experienced. The solutions it offered such as taking part in tree planting and writing letters to officials about specific problems were also concrete,

⁹ Quoted in Woods, *Opposition in the GDR under Honecker, 1971-85*, 196.

¹⁰ Pfaff, “The Politics Of Peace in the GDR,” 290.

¹¹ Neubert, *Geschichte der Opposition in der DDR*, 445.

¹² HIA Joppke Collection, Box 1, Interview with Carlo Jordan (16 Jul 1991), 4.

helping to attract members who actively wanted to better their community but who no longer trusted the SED apparatus to do so.¹³

The apolitical intentions of the activists did not placate the Stasi, which only recognized that they were organizing outside of official structures and threatening the unity of the socialist community. The Stasi saw human rights and emigration as the primary vector for stirring up dissent and opposition by western imperialists in the late 1970s, but by the early 1980s, the peace movement became enemy number one. An evaluation of domestic threats made by the Stasi in 1982 made no mention of human rights activism and focused entirely on increasing organization by the peace movement and “reactionary clericalism,” within the church.¹⁴ The SED was officially committed to peace, but its interpretation of this cause was filtered through an anti-fascist lens that portrayed the task of the socialist states as one of armed resistance to the forces of war, rather than outright pacifism. The “class indifferent,” nature of the peace movement threatened the readiness of the GDR and could undermine the morale of the armed forces, which were vital to maintaining socialism and thus peace.¹⁵

Propaganda from the SED turned from the problem of human rights to the problem of peace. In the pages of *Neues Deutschland*, human rights coverage peaked in 1977-78 and then articles mentioning the terms dropped by more than half in the following years and continued to decline into the next decade.¹⁶ Peace had always been a key term in SED propaganda, but

¹³ Wolfgang Rüdtenklau (ed.), *Störenfried: DDR-Opposition 1986-1989* (Berlin: BasisDruck, 1992), 45.

¹⁴ BStU SED-KL 1088 Bericht des Leiters der HA XX über die "Bekämpfung des politischen Untergrundes, insbesondere der Versuche, unter dem Schutz der Kirche eine oppositionelle Bewegung mit konterrevolutionärer Zielstellung zu schaffen" auf der Sekretariatssitzung am 31.08.1982.

¹⁵ BStU SED-KL 4862 Zu aktuellen feindlichen Bestrebungen, den politischen Pazifismus als Hauptform für die Schaffung einer politischen Opposition in der DDR zu missbrauchen (Apr 1982), 8.

¹⁶ In 1977, 793 articles mentioned human rights and in 1978 there were 645. In 1979, this dropped to 316 and by 1981 it was down to 193. See <http://zefys.staatsbibliothek-berlin.de/ddr-presse/>.

mentions of it in the press began to steadily rise in 1979 hitting a peak in 1983.¹⁷ The *GDR-Committee for Human Rights* was pulled into the new effort by further connecting the SED's commitment to peace with its pledges to realize human rights. The *Committee* still concerned itself with human rights abuses by imperialists, at this time with a particular focus on the oppression of Palestinians and socialists in Paraguay, but it now also took up the cause of disarmament in Europe and campaigned against the neutron bomb. Just as Hermann Klenner had written in his early work in the 1960s, the *Committee* reminded the East German people "the right to life and peace is the first and most important human right."¹⁸

Beginnings of a Dissident Shift to Human Rights

While the ecology movement in East German was closely connected to localism and rooted in specific daily problems, some activists began to see the origins of the East German environmental catastrophe in the lack free information exchange and democratic freedoms. Of particular concern was the decision by the state Ministry of the Environment to stop collecting and publishing data on environmental damage in 1982. As one activist wrote, "the struggle to improve the environment is only possible through the implementation of political rights and freedom and on the side it is only possible to guarantee more political rights and freedoms through the implementation of better environmental conditions."¹⁹ Similarly, in 1983, Horst Dienelt of Berlin-Lichtenberg released the "95 Theses of the Green Manifesto," which included a call for violence-free demonstrations for "general human rights and freedom of movement," and

¹⁷ In 1978, 2932 articles mentioned peace with this number rising to 5770 in 1983. See <http://zefys.staatsbibliothek-berlin.de/ddr-presse/suchergebnisse/>.

¹⁸ "DDR bekräftigt konkrete Schritte zur Abrüstung," *Neues Deutschland* (25 Mai 1982) 1. In 1964, Hermann Klenner's first book on human rights claimed, "the most important human right, the right to a peaceful life!" in Klenner, *Studien über die Grundrechte* (Berlin: Staatsverlag der DDR, 1964), 13.

¹⁹ RHG RJ 11 Thesen zur Wechselbeziehung "Menschenrechte - Umweltverschmutzung in der DDR, 2.

the “rejection of all dictatorships, including those of the Communist Party.”²⁰ Faced with a government more intent on appearing to care about the environment yet suppressing criticism from the citizenry, some local activists were beginning to connect parochial problems with systemic causes and they looked to increased political freedom to solve both.

A handful of dissident intellectuals who represented a younger generation who had grown up in the GDR also began to directly challenge SED human rights doctrine. One example is the philosopher Guntholf Herzberg (1940-) whose work represents an intellectual bridge between that of Robert Havemann and the later human rights dissidents. Herzberg was a formerly loyal party member who had been inspired by Robert Havemann’s academic lectures in 1963-4. Like Havemann, he became a critic of the SED and was kicked out of the party in 1972 and lost his position at the Institute for Philosophy at the prestigious Academy of Sciences the following year. Herzberg was also involved in the protests against the expulsion of singer Wolf Biermann in 1976 and became a good friend of the ecological activist Rudolf Bahro prior to his imprisonment in 1978 for the publication of *Die Alternative*.²¹ In 1980, in talks with students (given in an informal capacity) he took up the problem of human rights.²² Herzberg did not advocate emigration, Christian theology or western liberal democracy but rather the study of SED human rights philosophy. In a later copy of his presentation, he specifically singled out Hermann Klenner’s 1982 opus magnum “Marxism and Human Rights,” as an important source for ideas on how to engage with the state.

²⁰ RHG TH 02/ 01 Horst Dienelt, “95 Thesen des grünen Manifestes,” Lichtenberg (14 Nov 1983), Theses 38 and 47.

²¹ Guntholf Herzberg, “Einen eigenen Weg gehen. Oder weggehen. In Ferdinand Kroh, ed., “*Freiheit ist immer Freiheit*”: die Andersdenkenden in der DDR (Frankfurt: Ullstein, 1988), 59–61.

²² Ibid., 71.

After outlining the theoretical aspect of socialist human rights, namely that they were a product of socioeconomic relations stemming from a historical dialectic, Herzberg observed that, in the discussion of basic rights in the GDR, “the greatest interest is focussed on political rights, the realization of which as subjective rights is hardly credible for the citizen because so many experiences speak against it. From this emerges, unfortunately, a certain pessimism in regard to the value of those rights.”²³ Contrary to that pessimism, he argued “every individual that sees himself as a responsible citizen should exploit every opportunity to realize his basic rights.”²⁴ In doing so, however, he advised that one should always keep in mind that, according to the SED, the “purpose of all rights is the development and protection of socialism,” and be wary that the state was “allergic” to demands that appeared to be coordinated with “Western media, Amnesty International or similar organizations.”²⁵ Instead of adopting the rhetoric of the SED’s Cold War opponents, Herzberg encouraged his audiences to adopt and then reinterpret the language of the state.²⁶ In doing so, citizens were to demand their rights but they were to do so by exploiting the logic of the SED’s human rights discourse, not simply its words. Herzberg advocated the re-appropriation of the SED’s ideals rather than just echoing its rhetoric.

Other dissidents took a more direct approach by attacking the ideological roots of socialist human rights doctrine based on the postwar experience of real existing socialism. In 1983, Peter Eisenfeld, a long-time intellectual dissident who would soon file an application to exit the GDR, wrote a forty-page treatise on human rights as a response to Jürgen Kuczynski’s

²³ RHG RJ 04 Guntholf Herzberg: Bemerkungen zur Herausbildung der UNO-Menschenrechts-konventionen und zum Grundrechte-Verständnis in der DDR, 30.

²⁴ Ibid., 33.

²⁵ Ibid.

²⁶ This technique of *Eigen-Sinn* - of reinterpreting the directives of the state without necessarily seeking to act in opposition – is examined further in Thomas Lindenberger, *Herrschaft und Eigen-Sinn in der Diktatur: Studien zur Gesellschaftsgeschichte der DDR* (Köln: Böhlau, 1999).

1977 work, “Human Rights and Class Rights.”²⁷ Using Kuczynski’s classical Marxist interpretations of rights as a basis for his criticisms, Eisenfeld contested the claim that the interests of the people and the state were unified following the socialist revolution. While the official human rights doctrine of the SED claimed that all contradictions had been resolved due to changes in “relations of production,” so that it was objectively impossible for the state to violate the human rights of its citizens, Eisenfeld detailed at length how recent history had proved otherwise,

Historical experiences (the Stalin Era, the events of Czechoslovakia 1968, the social crisis in PR Poland and the associated violations of democracy in general and civil rights in particular, the crisis of trust between the people and the party, bureaucratism, careerism, conformism, passivity etc. the Cultural Revolution in PR China, the events in Kampuchea 1975-1978, the border conflicts between the PR Vietnam and Kampuchea, like that between PR Vietnam and China), but also the obvious phenomena here in the GDR, (border fortifications, political prisoners, handling of dissidents, privileges like travel and information freedom for special citizens, the Intershops etc), these areas of experience show that the theoretical claim of the Marxist-Leninist Party does not, however, exist in reality.²⁸

East German intellectuals like Kuczynski were adept at arguing on the level of theory, but in one devastating sentence, Eisenfeld demonstrated just how much that theory had failed in practice over the past forty years. For some, the cognitive dissonance was too much and in the contest between theory and reality, the theory was beginning to give way. Eisenfeld sent his critique to Kuczynski himself and unsuccessfully attempted to have his critique printed by the same publisher that had produced “Human Rights and Class Rights.”²⁹ The younger intellectuals of the GDR were indoctrinated in Marxist-Leninist thought, but they were not blind to the events of the world around them and some were able to add up the mounting contradictions.

²⁷ Jürgen Kuczynski, *Menschenrechte und Klassenrechte* (Berlin: Akademie-Verlag, 1978).

²⁸ “Menschenrechte und Klassenrechte,” Brief von Peter Eisenfeld an Jürgen Kuczynski (1 Mai 1983), reprinted in Peter Eisenfeld, *Rausschmeißen: zwanzig Jahre politische Gegnerschaft in der DDR* (Bremen: Edition Temmen, 2002), 430.

²⁹ *Ibid.*, 203.

While individual East German intellectuals were moving towards the language of human rights as a unifying idea, within this small minority there were no institutions where such ideas could be shared, debated and disseminated. The audiences for Guntholf Herzberg's talks were small and Peter Eisenfeld's text was only seen by a handful of readers prior to the fall of the wall. In isolation such ideas show that younger generations of East Germans were not as conflicted in employing human rights language like those who had been born in the 1920s (such as Robert Havemann) or the 1930s (such as Rudolf Bahro). The lived experiences of East Germany and the events of the postwar era, not the collapse of the Weimar Republic and the Third Reich, defined the world-view of this younger generation. Parliamentary democracy was the flawed system of the west but it was not by definition the gateway to fascism and terror as it was for older East Germans who had survived the war. As memory of the war and the power of anti-fascist rhetoric and ideology faded in time, so too did the legitimacy of a dictatorship for human rights.³⁰

Competing Visions of Human Rights for Dissent

The idea of fighting for moral issues of peace and the environment rather than democracy could not be successful so long as the SED and the Stasi considered all such activities as dangerous and oppositional. Peace activism could take place within the official peace movement and environmentalists could help out with state-run clean-up operations. The Stasi saw all other action as a threat to the SED's power and control. Human rights had been the territory of emigrationists, the church and a small handful of dissidents on the margins, but activists started to reconsider when their refusal to demand political change bought them no credit or understanding from the state. While the church sought to protect many of the fledging groups devoted to peace, the Stasi could not abide those that were demonstrating publicly and

³⁰ On the importance of personal experience, generations and ideology in the GDR, see Catherine Epstein, *The Last Revolutionaries: German Communists and Their Century* (Cambridge: Harvard University Press, 2003).

questioning state policy. In 1983-1984 a campaign against the movement destroyed half of the peace organizations in the country. The SED successfully pressured churches to evict activists, key figures such as Bärbel Bohley and Ulrike Poppe were jailed and others such as Roland Jahn were involuntarily deported to West Germany. Lower level activists faced dismissal from work and/or educational institutions.³¹

As with earlier turns to human rights in East Germany, the shift in the discourse of the peace movement came from a position of desperation when all other traditional forms of protest and moral appeal had failed. While many in the peace movement feared that such a turn would be “political suicide” and sure to bring more Stasi repression, for a growing group, it appeared as though they would always face repression without human rights reforms.³² Frank Eigenfeld, a peace activist from Halle later recalled: “We realized that we were not at all accepted by the powers that be, and that we had little opportunity to articulate ourselves in public...the focus changed from the arms race towards human rights...[but] only after we had begun to run into enormous organizing difficulties did our focus begin to change.”³³ Such sentiments were not universal and in shifting the conversation towards human rights, there were great complications within the peace movement itself. As Ulrike Poppe later explained, “democratic freedoms were always seen in a capitalist context. This made the debate about them problematic [...] I don’t want to say that we used the theme of peace in order to actually work through human rights and bourgeois freedoms. At the least, however, the people were more open to the problem of human

³¹ Pfaff, “The Politics Of Peace in the GDR,” 290.

³² Marianne Schulz, *Von der Illegalität ins Parlament: Werdegang und Konzepte der neuen Bürgerbewegungen* (Berlin: Ch. Links, 1992), 150.

³³ Dirk Philipsen, *We Were the People: Voices from East Germany’s Revolutionary Autumn of 1989* (Durham: Duke University Press, 1993), 54.

rights compared to just working on the problem of our own democratic deficits.”³⁴ The cause of peace was so important that it legitimized, at least for some, the venture into the world of human rights and political reform.

The first major joint action of peace activists for human rights came in July 1985 when a group of thirty-four dissidents primarily from groups based in East Berlin wrote an open letter to the participants of the 12th World Games for Youth and Students held in Moscow. The activists argued that a “comprehensive development and realization of the person,” was only possible,

[when] the fundamental rights laid down in the Universal Declaration of Human Rights have been fully realized [...] For us in the GDR, the implementation of the following right is an important task: the right to freedom of expression, freedom of information, freedom of movement, right to unrestricted freedom to travel, the right to assembly and association, equal opportunities in education, regardless of religion and ideology.³⁵

Such rhetoric represented an important break from past dissident activity. While Robert Havemann had called for the introduction of greater freedoms and rights to participate within a socialist society, the letter’s enumeration of such a list of political and civil rights took his line of thinking to a new level. The letter did not call for the perfection of socialism or claim that such rights would occur through such a process but assumed that these rights could be separable from socialism itself. In short, they were harkening back to the initial conflict between the SED and the SPD in 1946 and attacking the claim of Karl Polak that there could be “No Human Rights without Socialism.”

In January 1986, Ralf Hirsch, Wolfgang Templin and Peter Grimm, all long time peace activists and signatories to the World Youth Games letter, issued a statement announcing the creation of the Initiative for Peace and Human Rights (IFM), the first dissident group to work

³⁴ HIA Joppke Collection, Box 1, Interview mit Ulrike Poppe (9 Jul 1991), 2.

³⁵ Quoted in Neubert, *Geschichte der Opposition in der DDR*, 596.

outside of the protection of the church and to focus on human rights within the GDR.³⁶ In addition to the three signatories, the fledgling organization was composed primarily of intellectuals and activists from Berlin including Robert Havemann's widow Katja, Lotte Templin (wife of Wolfgang Templin), Ulrike and Gerd Poppe, Bärbel Bohley and Werner Fischer. All were deeply involved in the peace movement and many were part of the counterculture scene in the Prenzlauer Berg district of Berlin. Having determined that the "goals of peace initiatives depend upon the implementation of basic democratic rights and freedoms," they called for assistance from the various dissident communities as well as cooperation from the peace movement in developing the idea of human rights in relation to social justice, the right to work, the protection of the environment and the rejection of obligatory military service.³⁷ The human rights advocated by the Initiative for Human Rights represented an important synthesis of political aims and ideologies. In their founding document they sought to bring together activists to discuss such wide-ranging problems as international peace, education, religious freedom, the environment, the draft, and worker's rights. Instead of focussing on a single issue or grievance in the name of human rights, the IFM pulled together the concerns of the many disgruntled elements of East German society including the peace movement, religious believers, the growing environmental movement, draft resisters and workers, all under the umbrella of the concept of human rights.

Members of the IFM stressed the importance of legally guaranteed political and civil rights as a means of achieving these broader goals in the name of social well-being and harmony rather than to promote the autonomy of the individual. In particular, they argued that the human right to peace, which had so long been the centerpiece of state propaganda, actually contradicted

³⁶ Reprinted in Rüdtenklau, *Störenfried*, 56.

³⁷ *Ibid.* 55.

the SED's monopoly on power as peace required democratic participation by the people as a whole. In a petition to the 11th SED Party Congress in 1986, the IFM wrote, "Peace and security policy cannot only be a matter of party and government. For peace is a human right, and therefore every member of society must be able to discuss and take part in the decisions regarding anything relevant to this right."³⁸ Whereas the SED argued that human rights and peace were the natural products of socialism, the IFM made human rights the starting point for a just society and the precondition for peace.

In contrast to the SED discourse of human rights, and that of earlier dissident intellectuals, however, they also stressed the importance of a broad pluralism. The cause of human rights was not about finding the one true path or theory, but rather about being open to all conceptions of human rights and working together in open dialogue. Also in the letter to the 11th Party Congress, the IFM declared, "pluralism is an overarching value for the enforcement of fundamental human rights [...] The essential tension between different approaches to human rights issues is productive and should not be destroyed by policy debates with the goal of unity."³⁹ For the IFM, human rights and pluralism were open concepts that were not curtailed or limited by a narrow political program.

The IFM also sought to form a movement that could fight for human rights outside of the confines of church-based activism. The Protestant Church was home to numerous peace groups but the problem of human rights for domestic reform was still an area the leadership feared to tread. In 1985, BEK leader Manfred Stolpe gave a speech on "human rights deficits in the GDR," which represented a bold step given his statements in the 1970s on the total realization of international treaties by the SED. Stolpe's message was a plea for greater dialogue and freedom

³⁸ Petition to the XI. SED Party Congress (2 Apr 1986), reprinted in Kroh, *Freiheit ist Immer Freiheit*, 226.

³⁹ Ibid.

of expression, but this was couched in extensive praise for the GDR's extensive social rights.⁴⁰

This message was undercut by the deepening integration of church and SED human rights activities. In 1984, the BEK held a conference on human rights in Eisenach with "Universal Human Rights and National Sovereignty: the Interdependence of Helsinki Principles VI and VII,"⁴¹ in reference to the SED claims that the principle of sovereignty (VI) precluded intervention on the grounds of human rights (VII). Hermann Klenner served as the keynote speaker and the Stasi reported that they were most pleased with the conference as the "socialist side was well represented," and there were no "hostile-negative," statements made over the course of the proceedings.⁴²

Finally, the IFM members refused to side with the west in the human rights debate and presented themselves as part of a "third way" between state socialism and capitalism. In announcing the creation of the group they were careful to ascribe guilt to both sides of the Cold War when it came to the problem of peace,

Over the heads of those affected, there is a tense continuation of the arms build-up in both political blocs, negotiations are being held behind closed doors, and peace movement activists are being prosecuted and sometimes criminalized. As far as these practices are concerned, the "Western democracies" are right up there with our governing leaders.⁴³

The members did not connect human rights with the adoption of a western system even if they saw elements of western parliamentary democracy that they thought were admirable. As Gerd Poppe put it, "when we use ideas like democracy and human rights, they are connected to quite a

⁴⁰ BArch-Lichterfelde DO 4 1191 Manfred Stolpe Defizite bei den Menschenrechten in der DDR (24 Jun 1985)

⁴¹ EZA 101/4830 Arbeitsgruppe Menschenrechte beim BEK 1984-1985 Universelle Menschenrechte und Nationale Souveränität: Die Interdependenz der Helsinki-Prinzipien VI und VII. Eisenach, DDR (21-25 Nov 1984).

⁴² BStU HA XX/4 1255. Bericht. Eisenach Menschenrechtskonferenz. Nov 1984.

⁴³ Reprinted in Rüdtenklau, *Störenfried*, 56.

different conception than in the west.”⁴⁴ They rejected the theoretical dichotomy of capitalist versus socialist human rights and popular fears that freedom could only come at the cost of equality.

The birth of the IFM and the East German human rights movement was complicated by the simultaneous emergence of a competing group called the Counter-Voices (*Gegenstimmen*).⁴⁵ While this group was also made up of peace movement veterans, members such as Thomas Klein were from the left-wing Christian side of the cause whereas others such as Rheinhard Schult were radical Marxists. In contrast to the IFM’s calls for individual civil rights and the introduction of bourgeois political liberties, the Counter-Voices sought to advance human rights through the perfection of the revolution, either moral or economic.⁴⁶ The focus on individual liberties reinforced the problem of egotism and selfishness that were problematic for both the Christian and Marxist elements of the movement. At a joint human rights seminar organized in early 1986 that was marred by Stasi interference and infighting, representatives of the Counter-Voices attacked the concept of political reform as pointless and counterproductive. Echoing Rudolf Bahro’s complaints about the human rights movement in the 1970s, they opposed any human rights activism not based on the radical restructuring of economic and social systems. The Counter-Voices rejected the demand for pluralism as a dead end, preferring to fight for the moral and economic revolution they thought was needed. Schult, a draft-resister and founder of the group, dismissed the IFM’s claim that political pluralism was necessary for the implementation of basic human rights: “That is for me is no more than ideology or religion. It is on the same

⁴⁴ Christof Geisel, *Auf der Suche nach einem dritten Weg: Das politische Selbstverständnis der DDR-Opposition in den 80er Jahren* (Berlin: Ch. Links, 2005), 50.

⁴⁵ Neubert, *Geschichte der Opposition in der DDR*, 599.

⁴⁶ Rüdtenklau, *Störenfried*, 52.

level as Lenin's line: Marxism is all-powerful because it is true."⁴⁷ Essentially, these activists bought into the overarching theory of socialist human rights with the crucial difference that they did not believe that the socialist utopia had yet been achieved in practice by the SED.

The opposition of the Counter-Voices to the nascent IFM has been written off by some historians as product of Stasi interference in an effort to disrupt the creation of a human rights movement.⁴⁸ While it is accurate that half of members of the Counter-Voices were informants to the Stasi, the same was true of the IFM.⁴⁹ The Counter-Voices may have been repeating a similar line to that of the SED when it came to human rights, but for some it was a genuinely held position based on an ideological commitment to socialism and a rejection of western capitalism. Even after the fall of the Berlin Wall, Rheinhard Schult maintained his opposition to individualistic human rights:

[Human rights] were a type of ideological weapon against us. If we were also against the state, we didn't want unification with the West and also the western system. Pure individual human rights stand in conflict with social human rights. The human right to property was to us a capitalist human right. We rejected the bourgeois ideology of the human rights declarations. Naturally we were against the secret police. Nevertheless, we did not want to adopt the western electoral system. "Free Elections," was not our cause.⁵⁰

In this quote it is clear that Schult actively identified with the GDR to the extent that he viewed western human rights criticism as an attack on "us," rather than the SED alone. Schult hated the Stasi, but he agreed with the SED that there existed a split between socialist and capitalist human

⁴⁷ RHG RJ 02. Letter from Rheinhard Schult to Roland Jahn, 20. 4. 1987. See also, RHG RG/B 03 'Stellungnahme zu einer Eingabe an den XI. Parteitag der SED 1986' (Feb/Mar 1987)

⁴⁸ Christian Joppke, *East German Dissidents and the Revolution of 1989: Social Movement in a Leninist Regime* (Washington Square: New York University Press, 1995), 116–117.

⁴⁹ In the case of the IFM, literally 8 of the founding 16 members were informants (inoffizielle Mitarbeiter, IMs) for the Stasi. HIA Joppke Collection, Box 1, Interview with Ralf Hirsch (10 Jul 1991), 5. Also see Neubert, *Geschichte der Opposition in der DDR*, 604.

⁵⁰ HIA Joppke Collection, Box 1, Interview with Rheinhard Schult (1 Jul 1991), 3.

rights and he saw the western system as inherently inferior to the human rights that could be offered under a system of true socialism.

The Proliferation of Human Rights Activism

The creation of the IFM represented a breakthrough both in terms of ideas and organization. As co-founder Ralf Hirsch later said, “the IFM was a mixture of workers, intellectuals and church members. It was also a melting pot for different groups – earlier the ‘practitioners’ and the ‘theorists’ were strictly separated. This mixing was something new.”⁵¹ Such an arrangement created a dynamic for the “vernacularization” of human rights discourse in the GDR.⁵² Although the organization was still on the margins of society, the diversity of its membership and the combination of intellectuals interested in international human rights issues and local activists immersed in daily problems, allowed for the development of a dissident human rights discourse as never before. The radical pluralism of the movement brought in all issues and in turn “translated” these problems into the language of human rights.

The creation of the IFM and other human rights groups played a crucial role in social function by creating a discourse of human rights that would resonate with East Germans but it also produced a forum in which people could engage with one another outside the structures of the SED on broad social issues. Ulrike Poppe later described the value of these organizations:

The members of the groups learned to take themselves and their problems seriously. They learned a different kind of communication, that is, they learned to speak authentically and relate to each other. They were encouraged to try and become involved in social issues and to resist. The groups were therefore a training field for social behaviour.⁵³

⁵¹ HIA Joppke Collection, Box 1, Interview mit Ralf Hirsch (10 Jul 1991), 3.

⁵² Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle,” *American Anthropologist* 108:1 (Mar 2006).

⁵³ Quoted in Helmut Fehr, “Von der Dissidenz zur Gegen-Elite: Ein Vergleich der politischen Opposition in Polen, der Tschechoslowakei, Ungarn und der DDR (1976 bis 1989)” in Ulrike Poppe, Rainer Eckert, and Ilko-Sascha Kowalczyk, *Zwischen Selbstbehauptung und Anpassung: Formen des Widerstandes und der Opposition in der DDR* (Berlin: Ch. Links, 1995), 315.

Parochial concerns and single-issue activists could be introduced to others and find common ground through a shared commitment to human rights, even if their individual grievances were not concretely connected. At first the “abstract” nature of human rights made the discourse problematic in organizing dissent, but once the process of vernacularization began, this very quality allowed for the creation of a broad coalition based on shared values and not simply on identical interests. Thus at the end of 1985, there was not a single human rights organization in the GDR, whereas by 1988, around ten organizations explicitly devoted to human rights activism and numerous other peace and environment groups that now dealt with human rights problems had sprung up.⁵⁴

Following the creation of the Initiative for Peace and Human Rights, the number of independent dissident organizations outside the church increased and the nature of work on human rights within the church became politicized. Independent human rights groups following the model of the IFM and advocating democratization brought in dissidents who did not have contact with the church and thus expanded the base of activists. On the other hand, those who remained in church-protected organizations and were exposed to this new discourse began to politicize and expand their focus outside of state approved topics such as anti-racism and anti-imperialism. In Berlin, the creation of the IFM was followed by the formation of the church-based Working Circle for a Church in Solidarity (*Arbeitskreis Solidarische Kirche*) in October 1986. This group of theologians moved away from the church-leadership-approved focus on morality and now took on the problem of “participation and democratization.” In their founding declaration, they announced their position that “human rights are indivisible. We strive for a public dialog with all social forces on how to implement human rights both at home and

⁵⁴ Neubert, *Geschichte der Opposition in der DDR*, 724.

abroad.”⁵⁵ Like the IFM, they appropriated the slogans of the SED to advance a subversive domestic agenda. While the idea of “indivisible human rights,” was advanced by the SED to diffuse demands for political rights from the west on the grounds that this overemphasized one class of right, the *Arbeitskreis Solidarische Kirche* used such rhetoric to legitimize their transition to the political from a focus on purely moral issues.⁵⁶

Similar pairings of independent human rights groups and church-based organizations emerged elsewhere across the GDR. In Leipzig, the young activist Uwe Schwab organized the Initiative Group for Life (*IG Leben*) bringing together democratic socialists and others from the alternative scene.⁵⁷ At the same time, the arrival of the dissident pastor Christoph Wonneberger at the city’s Nikolai Church led to a politicization of the previously sedate internal groups. Wonneberger had been in Prague in 1968 and active in the peace movement in Dresden until he had been forced to leave and move to Leipzig.⁵⁸ When he arrived there in 1987, he began to organize peace prayers, which by 1989 would be attended by thousands of people, and to speak out on the problem of human rights. Both the church’s internal peace groups and the independent *IG Leben* argued for the interconnection between human rights, democratization and peace, but they served very different social functions. The church could introduce new ideas and political concepts to the congregation and bring in more cautious East Germans who did not want to take on the risk of belonging to an explicitly dissident organization. For the already oppositional and radicalized, groups such as *IG Leben* focused such energies towards a more unified cause. Dialogue between the two groups allowed for ideas to spread between different social classes

⁵⁵ Ibid., 620–21.

⁵⁶ Daniel Whelan, *Indivisible Human Rights: A History* (Philadelphia: University of Pennsylvania Press, 2010).

⁵⁷ RHG RG/S 01/03 *Initiativgruppe Leben Leipzig*

⁵⁸ Pfaff, “The Politics Of Peace in the GDR,” 292–3.

and demographics that were often isolated from each other by either their absence from official organizations or their membership in different state-run institutions.

The split between those seeking to emigrate and dissidents hoping to reform the GDR from within was an important factor in dividing opposition in the GDR, but in the late 1980s, the problem of human rights served to mend some of these divisions rather than drive these groups further apart. Many dissidents were hostile to those seeking to leave as their departure undermined collective action against the state and many emigrationists resented the scorn of dissidents who would have them remain in the GDR when reform appeared hopeless.⁵⁹ Yet this division had been far greater in the 1970s when the widespread use of human rights discourse by emigrationists had resulted in East German reform dissidents avoiding the language almost completely. As one dissident from Leipzig later recalled, working with emigrationists: “We didn’t care about that. There were also those trying to emigrate with us. We didn’t make the effort to think about it. That was a human right, so what is this shit.”⁶⁰ Divisions remained in the late 1980s, but in this period, the discourse of human rights helped to bring these forces closer together and allowed for some coordination between the two.⁶¹

Cooperation between the two sides also led to a broadening of human rights concerns amongst those seeking to exit. In September 1987, Günter Jesschonek, an artist who had been blacklisted from working following his application to leave the GDR formed the Working Group for State Citizenship Rights (*Arbeitsgruppe Staatsbürgerschaftsrecht*). This organization would be the first formal effort to coordinate human rights demands by those trying to emigrate.

⁵⁹ Patrick Major, *Behind the Berlin Wall: East Germany and the Frontiers of Power* (Oxford: Oxford University Press, 2010).

⁶⁰ “Das war uns egal. Auch bei uns waren Ausreiser dabei. Wir machten uns nicht die Mühe, darüber nachzudenken. Das war für uns ein Menschenrecht, also was soll die Scheiße.” HIA Joppke Collection, Box 1, Interview mit Frank Sellentin (26. Juli 1991), 2.

⁶¹ Neubert, *Geschichte der Opposition in der DDR*, 672.

Although it was controversial, Wolfgang and Lotte Templin of the IFM assisted in the creation of the group and supported its activities. In turn, the public statements of Jeschonnek and the Working Group branched out from a single-minded focus on the right to leave to explicitly attack other human rights abuses in the GDR. In a manifesto delivered to the *GDR-Committee for Human Rights* on 10 December – Human Rights Day – the group declared: “The realization of human rights can not be solely a matter of the state. In our view, this includes equal participation of all citizens, the unvarnished examination of existing problems, open dialogue with dissenters and free space in society for the unrestricted work of independent peace and human rights groups.”⁶² While trying to leave the GDR, those who chose exit were also using their voice on the way out.⁶³

Across the GDR, individual human rights ceased to be a theoretical concept and became a way of life. Dissidents were not just demanding the right to speak, organize and participate in public life, but they were acting as though they had these rights already. Human rights activists arranged for interviews with foreign journalists and used western television as a means to transmit their message throughout the GDR. As part of the creation of a “second public sphere,” dissident groups began to create newsletters and mass-produce mimeographed copies for distribution. Although these *samizdat* publications were intended for the general public, most were still stamped with the phrase “Only for Internal Church Distribution,” as a fig leaf so that groups could try and claim that they were not trying to break into the SED controlled public sphere. The most important of these publications for the human rights movement was the IFM’s

⁶² Arbeitsgruppe Staatsbürgerschaftsrechte der DDR, Erklärung (10 Dec 1987), www.bstu.bund.de/DE/Wissen/DDRGeschichte/Vorabend-der-Revolution/1988_Liebknecht-Luxemburg-Demo/Dokumente/1987-12-10_Menschenrechte/.

⁶³ Pfaff dubs these activists “noisy exiters,” Steven Pfaff, *Exit-Voice Dynamics and the Collapse of East Germany: The Crisis of Leninism and the Revolution of 1989* (Durham: Duke University Press, 2006), 80.

Grenzfall, which was published irregularly beginning in 1986. While many of these publications only had a few hundred copies and their impact on the public was limited, the process of writing and distributing them by the dissidents themselves provided a means of socially practicing rights instead of just talking about them.⁶⁴

Not only did the human rights activists seek to create their own public sphere, they also wanted to take part in the public life of the GDR. The demand of the IFM and others to participate more fully in the affairs of society was not just empty rhetoric. In 1987, the dissidents infiltrated and participated on their own terms in the official Olaf Palme Peace March. In January 1987, a group from the IFM took part in the annual march to commemorate KPD co-founders Rosa Luxemburg and Karl Liebknecht with banners emblazoned with Luxemburg's saying, "Freedom is always freedom for those who think differently." Some groups started to hold their own public rallies with or without the permission of the SED. In Leipzig, *IG Leben* held a march in June 1988 to raise awareness about ecological problems in the city and when denied a permit to do so, "claimed for itself the right to have a demonstration."⁶⁵ Such actions resulted in mass arrests, expulsions and other sanctions, but the police and the Stasi were not able to expel everyone and arrests did not stem the movement. When the majority of the leaders of the IFM in Berlin were arrested and several deported to West Germany in the wake of the Luxemburg-Liebknecht rally in 1987, the centre of the gravity in the movement shifted to Leipzig and Dresden and diffused into the smaller groups in small towns in the countryside.⁶⁶

On a mass scale, those seeking to emigrate were also moving from the instrumentalization of human rights to an internalized sense that they had the right to leave and

⁶⁴ Timmer, *Vom Aufbruch zum Umbruch*, 74.

⁶⁵ Quoted in Pfaff, *Exit-Voice Dynamics and the Collapse of East Germany*, 96.

⁶⁶ Neubert, *Geschichte der Opposition in der DDR*, 698–9.

the SED just had to respect that. According to a Ministry of the Interior report on applications to exit from 1988, applications almost all included

the slander against the politics of the GDR, especially accusation of massive human rights violation. The assertion that conflicts exist between international agreements and the domestic policies of the GDR plays a dominant role.⁶⁷

Günter Jeschonnek of the Working Group for State Citizenship Rights recalled that he wanted to make clear that this was a “legitimate human right,” and that “we are not supplicants but we have a right.”⁶⁸ Gone was the polite language of begging permission to leave and the reminders that doing so could help with international opinion and in its place a militant sense of entitlement based on the idea of human rights.

In December 1988, dissidents sought to appropriate the commemoration of Human Rights Day to their side after decades of SED using the UN event to proclaim its continuing commitment and fidelity to human rights. For the 40th Anniversary of the Universal Declaration of Human Rights, the human rights movement organized numerous church events to discuss human rights problems and deficits in the GDR. The Stasi estimated that 800 people took part in a Human Rights Day service at a church in Berlin-Treptow including representatives from more than 200 groups and organizations. At another Berlin church 120 people were discussing Article 19 of the UDHR on freedom of speech. At a third Berlin church, there were 50 attendees discussing the role of the church in overcoming human rights abuses within the GDR. Demonstrations by those seeking to leave also took place in Berlin, Halle and Erfurt.⁶⁹ In

⁶⁷ BArch-Lichterfelde DO 1/ 16491 Information über die Unterbindung und Zurückdrängung rechtswidriger Ersuchen auf Übersiedlung nach der BRD und nach Westberlin (June 1988), 4.

⁶⁸ HIA Joppke Collection, Box 4, Interview with Günter Jeschonnek (12 Sept 1991), 2.

⁶⁹ Information Nr. 535/88 über Aktivitäten feindlich-negativer Kräfte in der DDR anlässlich des 40. Jahrestages der Annahme der “Allgemeinen Erklärung der Menschenrechte” durch die UNO 10. Dezember 1988 (12 Dec 1988), in Frank Joestel, *Die DDR im Blick der Stasi 1988: die geheimen Berichte an die SED-Führung* (Göttingen: Vandenhoeck & Ruprecht, 2010), 295–6.

response to the SED's proclamation, several human rights groups issued their own declaration, pointing out the glaring contradictions between the regime's rhetoric and reality.⁷⁰

Inspirations and Influences for an East German Human Rights Movement

As East German intellectuals turned to human rights, they did so from a diverse range of sources. Western media and the activism of NGOs certainly raised the issue of human rights but the transmission of human rights ideas should not be seen as a direct transfer from West to East. Networks connecting East and West emerged from the Helsinki process in the late 1970s and 1980s; but in contrast to many other Eastern Bloc states, East Germany did not have any Helsinki Monitoring groups.⁷¹ Western media was crucial in disseminating many of the abuses of SED rule such as border shootings but as mentioned in previous chapters, the emphasis in these reports on anti-communism was off-putting to peace activists and reformers. West German human rights activism was incorporated into SED propaganda as "imperialist hypocrisy" that was to stir up dissent and cover for the crimes of capitalism. The competing claims of total righteousness against the horrific crimes of the other must cancel each other out for many East Germans whose lives were not dominated daily by Stasi agents intent on their oppression. Daily life for most was not perceived by all as the totalitarian nightmare it appeared in the reports of those who had indeed suffered the worst the system had to offer in terms of arbitrary arrest and psychological torture.

Organizations such as Amnesty International and the International Society for the Protection of Human Rights assisted in keeping activists out of prison and in helping them to

⁷⁰ See open letters from organizations in RHG RG/Bra 02, RHG RG/B 10, RHG RHi 02, RHG SaGem 18, RHG GP 06 IFM (1) as well as *Samizdat* publications, RHG Samizdat PS 013/ 05, RHG Samizdat PS 041/12 Friedensnetz, RHG Samizdat PS 117/07 Wendezeit.

⁷¹ Sarah Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (Cambridge: Cambridge University Press, 2011).

emigrate to the West, but ideologically, they were not as influential.⁷² Amongst dissidents in East Germany, it is not clear that even those most directly assisted by Western human rights activism were significantly influenced intellectually by their foreign counterparts. A survey of those assisted by Amnesty International in the 1980s by Anja Mihr is instructive for this complex relationship. While most of those assisted had heard of Amnesty before their own imprisonment, they thought of it primarily as a support group for political prisoners rather than a human rights organization. Some had only heard of Amnesty as an “enemy organization,” via state media. While they praised its work in helping gain their personal release, it was not seen as a source of inspiration for human rights activism at home.⁷³

While Western Europe was louder on matters of human rights, Eastern Europe proved to be a greater source of possible examples to follow.⁷⁴ Two leading dissidents in the human rights movement, Ludwig Mehlhorn and Wolfgang Templin, had both studied in Poland and worked with the human rights group KOR. They took from the Polish experience the main lesson that dissidence needed to take place in the open if it was to effect real change and that pluralism rather than ideological purity was the basis for movement.⁷⁵ The early issues of the samizdat newsletter of the Initiative for Peace and Human Rights, *Grenzfall* (Border Case) included

⁷² On Western human rights activism in the GDR, see Anja Mihr, *Amnesty International in der DDR: der Einsatz für Menschenrechte im Visier der Stasi* (Berlin: Ch. Links, 2002); Jürgen Wüst, *Menschenrechtsarbeit im Zwielicht: zwischen Staatssicherheit und Antifaschismus* (Bonn: Bouvier, 1999).

⁷³ RHG AM 51 Fragebogen. Further detail from the survey results cannot be reprinted due to the terms of archival access.

⁷⁴ See Thomas Klein, “Frieden und Gerechtigkeit!”: *die Politisierung der Unabhängigen Friedensbewegung in Ost-Berlin während der 80er Jahre* (Köln: Böhlau, 2007), 78. See also, Helmut Fehr, “Von der Dissidenz zur Gegen-Elite,” in Poppe, Eckert, and Kowalczyk, *Zwischen Selbstbehauptung und Anpassung*, 317.

⁷⁵ Padraic Kenney, *A Carnival of Revolution: Central Europe 1989* (Princeton: Princeton University Press, 2003), 110–111.

several articles on events in Poland and protest letters to Polish officials.⁷⁶ Charter 77 in Czechoslovakia was also a clear influence on the human rights movement and the Initiative for Peace and Human Rights in particular. In a letter from the IFM to Charter 77 printed in *Grenzfall*, the group declared, “For us, the existence of the Charter and other human rights movements in Eastern Europe was and is an encouragement and a source of inspiration. At the beginning of our independent human rights work in the GDR we were often accused of trying to copy Charter 77.”⁷⁷ In addition to the importance of the group itself, the samizdat publication “Human Rights and the Political Revolution,” by Peter Uhl, a far left member of Charter 77 was also an important text on reconciling revolutionary socialism with human rights.⁷⁸

The Third World was also an important site of inspiration for human rights activism. Many dissidents who later worked on domestic human rights concerns were first concerned with those abroad. The dissident Thomas Rudolph would later note that the Working Group on Human Rights in Leipzig only came to local problems later and that its membership was initially more concerned with Nicaragua and South Africa.⁷⁹ The human rights problems highlighted by the SED drew sympathy and interest and there was overlap between those fighting for rights in the developing world and those who eventually took to the streets in the GDR.⁸⁰

⁷⁶ See Lev Zinov’evič Kopelev and Ralf Hirsch, *Grenzfall: Initiative Frieden und Menschenrechte – Vollständiger Nachdruck aller in der DDR erschienenen Ausgaben, 1986-87* (Berlin: Hirsch, 1989), 1–13.

⁷⁷ *Ibid.*, 29.

⁷⁸ Typed and mimeographed copies of Uhl’s tract are in the personal papers of several dissidents at the Robert Havemann Society, as well as in the files of *Archiv Bürgerbewegung-Leipzig* (ABL) 03.33 Gruppe Frieden und Menschenrechte Halle, and his work is mentioned in a report by the Stasi, RHG AM 33 Analyse über die gegnerischen Aktivitäten zur Organisierung der politischen Untergrundtätigkeit (10 Jan 1978), 25. On Uhl’s career as a dissident in Czechoslovakia, see Jonathan Bolton, *Worlds of Dissent: Charter 77, the Plastic People of the Universe, and Czech Culture Under Communism* (Cambridge: Harvard University Press, 2012), 144.

⁷⁹ HIA Joppke Collection, Box 1, Interview mit Thomas Rudolph (25 Jul 1991), 2.

⁸⁰ On East German independent activism regarding the developing world, see Maria Magdalena Verburg, *Ostdeutsche Dritte-Welt-Gruppen vor und nach 1989/90* (Göttingen: V&R unipress, 2012).

Finally, a main source of human rights dissent was the political and cultural life of the GDR itself. As Konrad Jarausch has argued, “an authentic product of the GDR, the opposition developed from within socialism.”⁸¹ This applies as well to the IFM and others as they re-appropriated the discourse of human rights from the SED. As with the earlier examples of Guntholf Herzberg and Peter Eisenfeld who sought to challenge socialist human rights doctrine from within its own logic, the IFM worked with the abstract claims of the SED on human rights. They took the purported ideals of socialist human rights rhetoric such as the total control by the people and world peace and deduced from these principles a program of reform and democratization. In doing so, GDR human rights activists adopted historical figures of German communism, especially KPD co-founder Rosa Luxemburg, as their symbolic forbearers. Luxemburg’s slogan “Freedom is always freedom for those who think differently,” because a mainstay of human rights activism and her criticisms of Lenin and the Soviet Revolution were employed to legitimize calls for a new path for the GDR.⁸² In a speech on the interconnection of human rights and peace in 1986, Bärbel Bohley cited Luxemburg saying, “socialist democracy means much more and in no way less than bourgeois democracy. It definitely does not mean the abolition of civil rights.”⁸³ Additionally, like Herzberg and Eisenfeld, East German human rights activists drew from SED human rights scholarship and propaganda. The pastor and activist Heiko Lietz cited Bernhard Graefrath in his public writings and his personal papers include notes on Hermann Klenner’s discussion of the Virginia Bill of Rights.⁸⁴ The personal papers of IFM

⁸¹ Konrad H. Jarausch, *The Rush to German Unity* (Oxford: Oxford University Press, 1994), 44.

⁸² This phrase was the main slogan of dissidents at the Luxemburg/Liebknecht Protest in January 1988 and was famous enough that a book on the movement from 1988 used it as a title, Kroh, *Freiheit ist immer Freiheit*.

⁸³ RHG RJ 04 Bärbel Bohley: Debattenbeitrag "Verknüpfung von Frieden und Menschenrechte" 2.8.1986, 3. Bohley does not cite the source for this quote and I have been unable to trace its origins. It is possibly a paraphrasing or an invention, but if so it reinforces the point that dissidents sought to reinforce the legitimacy their human rights activism by cloaking it in the history of democratic communism.

⁸⁴ See notes and clippings in RHG HL 177 and RHG RG/MV 01.

founder Ulrike Poppe contain articles and news clippings on human rights from East German academics Hermann Klenner and the journal of the *GDR-Committee for Human Rights* and she also corresponded with Professor Eberhard Poppe (no relation) who taught at the University of Halle and wrote extensively on human rights law.⁸⁵

Although influenced by outside activists and movements, the human rights ideals of the IFM and others were indigenous to the GDR and a product of its unique history. The *GDR-Committee for Human Rights* had acted as the primary “translator” of international human rights into local East German idiom since the late 1950s but soon the dissident movement would displace them in this role. The human rights vernacular of the IFM was built on tangible local issues such as suppression of free speech, environmental destruction and draft resistance but it connected all of these issues together with the vocabulary of socialism, solidarity and popular anti-fascism. They took the anti-fascist narratives of the SED in which a heroic few fought for human rights, peace and democracy against the forces of war and oppression and simply dropped the SED from the equation.⁸⁶ The party and the whole bureaucratized apparatus of the East German state were now lumped together with the imperialist capitalists in threatening peace and suppressing the human rights of the people. The IFM had not just co-opted the rhetoric of the SED, it had hijacked its basis for moral legitimacy.⁸⁷

The Collapse of Socialist Human Rights, 1981-1988

The SED began the 1980s supremely confident in its human rights politics. By 1988, it was internationally isolated with other socialist nations treating it as a pariah and its own

⁸⁵ See clippings in RHG UP 044 Menschenrechtsproblematik, and correspondence in RHG UP 004/4.

⁸⁶ See chapter 2 on narratives, anti-fascism and human rights in the GDR.

⁸⁷ Kacper Szulecki argues that the opposition also hijacked the themes of human rights, peace, and the environment from the state in Czechoslovakia and Poland. Szulecki, “Hijacked Ideas Human Rights, Peace, and Environmentalism in Czechoslovak and Polish Dissident Discourses,” *East European Politics & Societies* 25:2 (May 2011).

intellectuals admitting ideological defeat. The long project of creating a discursive world in which SED rule, dictatorship and state socialism were unquestionably the highest order of human rights had inoculated the GDR against change, but when the ideological winds shifted, the SED was unable to adapt and evolve. All human rights activism from abroad and below was categorized as enemy activity and all action by the SED categorized as the realization of human rights. This had disrupted the basis for dissent in the 1970s when socialist intellectuals shied away from human rights, but in the 1980s, the hermetically sealed bubble in which the SED operated intellectually prevented party officials from understanding how rapidly the international situation was shifting and how quickly their legitimacy was ebbing away.

The continuing hubris of the SED in the face of growing human rights dissent at home is best seen in the project to create a “Socialist Declaration of Human Rights.”⁸⁸ While Western Europe had the European Convention on Human Rights (1950) the Americas had a hemispheric Declaration (1948) and Convention (1969) of human rights and the Organization of African Unity had created the African Charter on Human and Peoples' Rights (1981), the communist world did not have an equivalent. In 1981, the East German Ministry of Foreign Affairs decided that a Socialist Declaration of Human Rights would bring together the communist bloc and foster unity against western propaganda. This initiative would go terribly awry. Although met with initial enthusiasm, the process of trying to create a declaration on human rights that every socialist country in the world could agree to only exposed longstanding fissures. Rather than bring together the socialist bloc, the project became a site of conflict as part of the rapidly growing ideological divide between hardliners and reformers following Soviet Secretary General Mikhail Gorbachev's programs of *Glasnost* and *Perestroika* in the USSR. The anti-fascist

⁸⁸ To date, the only mention of this project in any historical scholarship is a footnote in Heinz Mohnhaupt and Karl A. Mollnau, *Normdurchsetzung in Osteuropäischen Nachkriegsgesellschaften (1944-1989)*, *Deutsche Demokratische Republik, 1958-1989*, Vol. 5, Book 1 (Frankfurt: Klostermann, 1998), 567.

worldview pitting a unified bloc of socialists fighting for human rights against the arrayed forces of capitalism, racism and imperialism, collided with the messy realities of real existing socialism on a global scale. While the disaffected citizens of the GDR were coming together and creating a new discourse of human rights from below that created a unity of purpose in spite of great differences in terms of political ideology and religious faith, the process of engaging with the problem of human rights on an international scale was one more problem driving a wedge between the socialist nations. Failed dialogue at the state level combined with pressure from below chipped away at the faith of the élite as the status quo on human rights became increasingly untenable.

In the early 1980s, loyal East German intellectuals remained confident in their vision of socialist human rights. The *GDR-Committee for Human Rights* continued to publish its quarterly journal “Schriften und Informationen,” in German and English and had subscribers from dozens of countries included numerous academic libraries in North America.⁸⁹ East German presses were producing annual contributions to the socialist human rights cannon such as “Human Rights: Unmasking Demagoguery,” (1980), “Human Rights: A Utopia?” (1981) – short answer: under capitalism yes, under socialism no – and in 1982 Hermann Klenner’s magnum opus, “Marxism and Human Rights: a Study of Legal Philosophy.”⁹⁰ While the flurry of human rights media coverage in the late 1970s to counteract western propaganda inspiring increased applications to exit the GDR had died down, the intellectuals who had been pushed to respond to

⁸⁹ Several subscribers were clearly interested in the publication only for research purposes including Walter Tarnopolsky, a Canadian judge and human rights academic who had sparred with *Committee* member Bernhard Graefrath at the United Nations in the 1970s. BA DZ 7/ 52 Tarnopolsky subscription card.

⁹⁰ Werner Flach and Siegfried Ullrich, “*Menschenrechte*”: *Entlarvung einer Demagogie* (Berlin: Dietz, 1980); Willi Büchner-Uhder, *Menschenrechte, eine Utopie?* (Leipzig: Urania, 1981); Hermann Klenner, *Marxismus und Menschenrechte: Studien zur Rechtsphilosophie*. (Berlin: Akademie-Verlag, 1982).

the imperialist provocation continued to produce even more complex and detailed explanations of socialist human rights politics.

In this regard, the GDR was moving in the opposite direction to many socialists and communists worldwide where liberal human rights as a means of reform were becoming a major theme. In addition to dissident groups in Eastern Europe and the Soviet Union, the Praxis group in Yugoslavia was developing arguments for liberal democratic human rights as part of the revival of real socialism.⁹¹ Euro-communist parties in France and Italy were embracing the idea of rights under communism as a more gradual path to utopia.⁹² More mainstream Marxist thinkers in the west such as Claude Lefort were engaging the idea of human rights as something more than just the hypocritical claims of the bourgeoisie.⁹³ In Latin America, communists who had been brutally suppressed and tortured by military regimes had turned to the language of human rights as used by international campaigners to denounce their own oppression by dictatorships.⁹⁴

The unusual optimism of the East Germans on the matter of human rights stemmed from the equally exceptional absence of an organized human rights movement within its borders. As Poland descended into martial law to suppress the threat of Solidarity and human rights activists were perceived by the leaders of the Soviet Union and Czechoslovakia as serious threats to their power, the GDR appeared to have the situation under control. At the United Nations, the SED was facing increased pressure from abroad, but this was still considered manageable. East

⁹¹ Mihailo Markovic, "Philosophical Foundations of Human Rights," *Praxis International*, 4 (1981).

⁹² Geoff Eley, *Forging Democracy: The History of the Left in Europe, 1850-2000* (Oxford: Oxford University Press, 2002), 411.

⁹³ "Politics and Human Rights," in Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism* (Cambridge: MIT Press, 1986).

⁹⁴ Vania Markarian, *Left in Transformation: Uruguayan Exiles and the Latin American Human Rights Networks 1967-1984* (London: Routledge, 2013).

Germans had contacted the UN Human Rights Commission directly with their demands to leave the GDR but this failed to produce a significant impact. While the SED had been careful to avoid signing additional protocols to international human rights treaties that would permit automatic investigations of reported abuses, there was a loophole they had not anticipated. The “1503 procedure” of the Human Rights Commission allowed members to launch an investigation into a country so long as the Commission had received 50 complaints demonstrating a “consistent pattern of gross violations.”⁹⁵ In 1981, the UN had received enough complaints and the accidental absence of the Soviet representative allowed for the other members to begin proceedings against the GDR.⁹⁶ Rather than change its travel policy, the SED released just enough of complainants to bring the number below the fifty-person threshold.⁹⁷ The affair was an embarrassment, but since the proceedings were confidential up until the conclusion of the investigation, there was almost no publicity. At the same time, the letters from East German citizens sent to the UN were returned to the SED so that those who were not already imprisoned would likely have faced retribution for going outside official channels and causing international scrutiny.⁹⁸

Behind the scenes, the Ministry for Foreign Affairs launched an ambitious project, without guidance or directives from the Soviet Union, to create a Socialist Declaration of Human Rights. An initial draft was created in 1981 by a team including *GDR-Committee for Human*

⁹⁵ On the 1503 Procedure, see UN Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights, www1.umn.edu/humanrts/svaw/law/un/enforcement/1503.htm.

⁹⁶ Katarina Tomaševski, *Responding to Human Rights Violations, 1946-1999* (Hague: Martinus Nijhoff, 2000), 92.

⁹⁷ K.-H. W. v. Germany (Berlin Border Guard Case), European Court of Human Rights, Application no. 37201/97 (22 Mar 2001), www.tjssl.edu/slomansonb/BerlinWall.html.

⁹⁸ All individual petitions to the United Nations human rights commission were returned to the government of the appropriate country, ostensibly so they could address the problems within. One such batch of letters from 1982 can be found in BArch-Lichterfelde DO 1/ 11334.

Rights veterans Hermann Klenner, Bernhard Graefrath as well as three legal academics, Eberhard Poppe, Rudolf Hieblinger and Angelika Zschiedrich.⁹⁹ The preamble of the draft opened with the line: “Whereas the abolition of the exploitation of man by man is the basic prerequisite for ensuring equal human rights without discrimination [...]”¹⁰⁰ The text that followed represented human rights under socialism in its most idealized form rather than the actually human rights under “real existing socialism. The draft proclaimed that all citizens were equal and working together through self-determination to realize a world of peace. Under socialism there was total gender equality, all citizens were able to take part fully in the running of workplaces, in the cultural life of the nation and the political rule of the state. All citizens enjoyed the benefits of education, leisure and a healthy environment. Citizens were free to exchange views, to hold religious beliefs of their choosing and even to travel on the condition it did not threaten the “interests of national security or of public order and security of the protection of public health or morals or the protection of the rights and freedoms of others.”¹⁰¹ Officials within the Ministry for Foreign Affairs and the Central Committee were pleased with the draft, but they immediately removed all reference to a right to travel.¹⁰²

The project of the Socialist Declaration of Human Rights appears to have stalled for a time after 1981, but the return of human rights as a major component of the Cold War brought it back into action.¹⁰³ At a follow-up meeting as part of the ongoing Helsinki Process (CSCE) in Madrid in 1983, the Soviet Union allowed concessions on travel and emigration against the

⁹⁹ BArch-Lichterfelde DY 30/ 24979 Süß to Sorgenicht (28.10.1981).

¹⁰⁰ BArch-Lichterfelde DY 30/ 24979 Entwurf einer Menschenrechtsdeklaration der sozialistischen Staaten.

¹⁰¹ Ibid., Article 16.

¹⁰² BArch-Lichterfelde DY 30/ 24979 Klaus Heuer to Sorgenicht (4.11.1981).

¹⁰³ Documentation on the early years of the project is scarce and the relevant files at the archives of the MfAA are not yet accessible to researchers.

advice of GDR experts much to the horror of the SED leadership.¹⁰⁴ The following year, a massive wave of applications to emigrate set off fears of increased “political-ideological diversion,” from the west. Rather than face the consequences of deteriorating domestic conditions and a growing dissident movement, Stasi officials blamed a “campaign based on alleged violations of human rights,” launched by West Germany since the conclusion of the Madrid talks.¹⁰⁵ As more and more East Germans demanded to leave using human rights language, the Stasi and the SED leadership saw only the work of imperialist interference in the internal affairs of the GDR. When a massive wave of exit applications occurred in 1984, such fears of an escalating campaign of western aggression appeared to be realized.

While western human rights propaganda had been on the agenda of international summits of Communist Bloc officials in the late 1970s, the topic of concern had shifted in the early 1980s to matters of peace activism, Solidarity in Poland and American sabre-rattling.¹⁰⁶ In 1985, however, the problem of human rights reappeared in a speech to the “Meeting of Secretaries for Ideology and Propaganda of the Central Committees of the Fraternal Parties of Socialist Countries,” in Moscow. In the midst of a discussion of economic issues, a young member of the Soviet Politburo, Mikhail Gorbachev warned the attendees that the apologists for imperialism, “make pretty speeches about ‘bridging the gap’ [between East and West], about freedom and human rights. They lie and dissemble with a single goal; to make us waver in our unity, to

¹⁰⁴ Writing to his Stasi supervisors as an informant (IM Klee) Hermann Klenner was also concerned that concessions by diplomats were not in keeping with East German human rights thinking. In the surreal system of the East German surveillance state, Klenner reported his own displeasure with the agreement in the third person as part of a general report by informant “Klee” on the reaction of East German intellectuals to the Madrid meeting. BStU AIM 17340/89 Teil II Band 5. HA XVIII/5, Berlin, (28 Sept 1983).

¹⁰⁵ Quoted in Anja Hanisch, *Die DDR im KSZE-Prozess 1972-1985: Zwischen Ostabhängigkeit, Westabgrenzung und Ausreisebewegung* (Munich: Oldenbourg Verlag, 2012), 351.

¹⁰⁶ On international socialist cooperation on anti-human rights activism, see BStU ZAIG 5106 Symposium zu Problemen der politisch-ideologischen Diversionstätigkeit des Imperialismus und ihre Bekämpfung, Budapest (23-29 May 1977).

weaken us, and to eliminate us, the main obstacle to the realization of their imperialist plans.”¹⁰⁷

Five days after giving this speech, Soviet General Secretary Konstantin Chernenko was dead and a few hours later Gorbachev was sworn in as his replacement.

Interest in human rights at Eastern Bloc conferences increased and both the East German and Soviet delegates continued to raise the issue. Only two months after the conference in Moscow, in May 1985, the SED representatives to a meeting of junior ideology and international affairs officials in Budapest brought the problem of human rights to the forefront.

It is important for us to counteract the strengthened campaign of the West on the issue of human rights, which is not new but in recent time is again being militantly conducted. We meet it head-on by demonstrating the humanistic values and achievements of real existing socialism in the everyday life of people above all in confronting the propaganda of the FRG and opposing the phenomenon of chronic crises in the capitalist world, its inhumanity and lack of perspective. We particularly emphasize as the most important human rights: the right to peace and the right to work.¹⁰⁸

In October 1985, Gorbachev once again raised the issue at a meeting of Warsaw Pact foreign ministers in Sofia and suggested that the next meeting of ideology officials be devoted entirely to this topic.¹⁰⁹

While the Soviet Union was the instigator of the discussion on human rights, the GDR set the agenda for the future when it came to the meeting of Secretaries for International and Ideological Issues, held in Bucharest in December 1985. The Soviet representative M.V. Simyanin opened the meeting with a long-winded speech about the accomplishments of socialism, the many crimes of capitalism, and spoke in favour, in vague terms, of a greater

¹⁰⁷ BArch-Lichterfelde DY 30/IV 2/1/630 Anlage 2 Rede auf dem Treffen der Sekretäre für Ideologie und Propaganda der Zentralkomitees der Bruderparteien soz. Länder, 11.

¹⁰⁸ BArch-Lichterfelde DY 30/ 11885 Bemerkungen zum Tagesordnungspunkt 1 auf dem Treffen stellvertretender Leiter der ideologischen und internationalen Abteilungen der Zentralkomitees der Bruderparteien sozialistischer Länder, 8.

¹⁰⁹ This decision is referenced in BArch-Lichterfelde DP 1/ 21482 Neugebauer to Kern (2 Dez 1985), 1; BArch-Lichterfelde DY 30/ 11887 Rede des Genossen Michail Simjanin, Sekretär des ZK der KPdSU zur Verstärkung der Propaganda und der Konterpropaganda in den Fragen der Menschenrechte, 1.

exchange of ideas on the problem of human rights. His main plan was that the socialist bloc needed to do more to tout its human rights achievements, from the support of peace to the right to work, to gender equality, while at the same time increasing attacks on American imperialism, such as support for death squads in Central America or against the Apartheid regime of South Africa. While he acknowledged that many publications mentioned the idea of human rights in recent years, he also admonished academics for “devoting insufficient attention,” to the topic and cadres for “underestimating the possibilities for propaganda inherent in these matters.”¹¹⁰

When SED Ideology Minister Kurt Hager addressed the meeting, he proposed a more ambitious plan: the delegates would form a joint commission to create a Declaration or Covenant of Human Rights for the socialist states to match the other regional human rights systems.¹¹¹ This would include the creation of an international committee to handle the coordination of human rights propaganda and an academic council that would work through the ideological and theoretical problems.¹¹² While Simyanin spoke as though the problem of human rights was new, Hager specifically praised the work of the *GDR-Committee for Human Rights* - and made sure to mention it was founded in 1959 - for providing invaluable support for such work over the decades in East Germany.¹¹³ Citing long experience in dealing with human rights propaganda from the west, Hager declared that the only option was to “take up the banner of human rights even more firmly in our hands,” and to launch a counterattack.¹¹⁴ As a first step towards this goal, his office had prepared a briefing booklet on the realization of human rights in East Germany and

¹¹⁰ Ibid., 5.

¹¹¹ BArch-Lichterfelde DY 30/ 11887 Auszug aus dem Referat des Genossen Kurt Hager auf der Beratung der Sekretäre für internationale und ideologische Fragen der Zentralkomitees der Bruderparteien sozialistischer Länder in Bukarest (Dec1985), 44.

¹¹² Ibid., 45.

¹¹³ Ibid., 44.

¹¹⁴ Ibid., 42.

one on western human rights propaganda, which were distributed to all the delegates. Hager's confidence on the matter of human rights was rewarded and the SED was placed in charge of coordinating increased information exchange on the problem of human rights and organizing a meeting through which further measures on the strengthening of international propaganda could be determined.¹¹⁵ As the front line of the fight against western human rights "demagoguery" and the country with the greatest experience in organizing for human rights politics, the SED would lead the way.

The SED set to work on increasing their institutional capacity for international human rights scholarship and propaganda in June 1986 by creating the "Interdisciplinary Academic Working Group for Questions on Human Rights."¹¹⁶ Based in the Academy for Social Sciences of the Central Committee, the so-called "Red Think-tank" of the SED, the project was put into the hands of the reform Communist Rolf Reißig (1940-).¹¹⁷ Although Hermann Klenner and other veterans of human rights activism had been involved in the project from the beginning, the Academy was more closely integrated into the upper echelons of power in comparison to the relatively free floating *GDR-Committee for Human Rights*. While Klenner was at that time the GDR's representative at UN on human rights matters and Vice-Chair of the Human Rights Commission, he was forced to withdraw his candidacy for Chair of that body when the Israeli

¹¹⁵ BArch-Lichterfelde DY 30/ J IV 2/2/ 2148 Anlage Nr. 5 zum Protokoll Nr. 1 vom 7.1.1986. Protokollniederschrift: Beratung der Sekretäre für internationale und ideologische Fragen der Zentralkomitees von Bruderparteien sozialistischer Länder, Bukarest (19-20 Dec 1985), 6.

¹¹⁶ BArch-Lichterfelde DY 30/ 11891 Information der SED über die Tätigkeit in Verwirklichung der Vereinbarungen der Bukarester Beratung der Sekretäre für internationale und ideologische Fragen der Zentralkomitees von Bruderparteien sozialistischer Länder (5 Nov 1986), 7-8.

¹¹⁷ Lothar Mertens, *Rote Denkfabrik?: die Akademie für Gesellschaftswissenschaften beim ZK der SED* (Münster: LIT Verlag, 2004).

delegation revealed that Klenner had been a member of the Nazi Party as a teenager in 1945.¹¹⁸

The ensuing scandal undoubtedly damaged Klenner's position at home and helped to explain why the much younger Reißig was given the position, to his own surprise and chagrin.¹¹⁹

Few would have welcomed this progress as much as the members of the *GDR-Committee for Human Rights*. While the organization had previously received the occasional request for assistance with applications to leave the GDR, beginning with the massive wave of exit requests in 1984, the *Committee* became a lightning rod for dissent. In that year, the *Committee* received 150 letters from citizens trying to leave the GDR.¹²⁰ As per *Committee* policy these were all turned over to the Ministry of the Interior without reply. Ignoring the letter writers did little to stem the tide and another 190 emigrationists wrote to the *Committee* in 1985 with 170 more in 1986.¹²¹ Citizens writing to the *Committee* justified their demands based on problems with their work, both practical and ideological, the absence of consumer goods from cars to tropical fruits, distaste for ideological indoctrination and military education for youth as well as restrictions on basic freedoms such as the right to speak freely and travel.¹²²

The letters from citizens begging for assistance from an office they believed was meant to assist them in human rights issues was damaging to the morale of the organization, but

¹¹⁸ Klenner's past was revealed as part of the larger inquiry into former Nazis at the United Nations sparked by the investigation into the career of Secretary General Kurt Waldheim. See Henry Leide, *NS-Verbrecher und Staatssicherheit: Die geheime Vergangenheitspolitik der DDR* (Munich: Vandenhoeck & Ruprecht, 2007), 87.

¹¹⁹ Archive of Democratic Socialism (*Archiv Demokratischer Sozialismus*), Rosa Luxemburg Stiftung (AdS) Bestand Reißig Berg: Band 1 (Zweites) Gespräch mit Rolf Reißig vom 21.07.1998, 7-8

¹²⁰ BArch-Lichterfelde N 2535/ 2 Vorlage für die Leitungssitzung am 29.1.1985 (21.12.1984), 9.

¹²¹ BArch-Lichterfelde N 2535/ 2 Vorlage für die Leitungssitzung am 20.12.85 (10.12.1985), Vorlage für die Leitungssitzung am 21.1.87 (30.12.1986) 11.

¹²² Copies of these letters have not survived but Secretary Siegfried Forberger's memoirs include his recollections of their contents. Siegfried Forberger, *Das DDR-Komitee für Menschenrechte: Erinnerungen an den Sozialismus-Versuch im 20. Jahrhundert; Einsichten und Irrtümer des Siegfried Forberger, Sekretär des DDR-Komitees für Menschenrechte von 1959 bis 1989* (Berlin: Self-Published, 2000), 477.

engagements with sceptical foreign socialist officials appears to have severely shaken the resolve of the *Committee* members even more. On October 2, 1986, a joint delegation of foreign affairs functionaries from the Soviet Union, Czechoslovakia and Bulgaria visited the headquarters of the *GDR-Committee for Human Rights* in Berlin as part of preparations for the creation of their own human rights offices at home.¹²³ Since Kurt Hager had boasted of East Germany's longstanding expertise in human rights activism, it was only natural that functionaries from other socialist countries would come to see the experts in action. Once the visiting officials delved into the details of the operation, however, it was clear that they would not be replicating the East German model. The delegation expressed concern that the small staff of the *Committee*, with only Secretary Forberger and a handful of clerical staff working full time, would not be sufficient to deal with all of the inquiries from citizens. Forberger tried to explain that they were able to handle all of their duties without serious problems, but that all letters from dissidents or those seeking to leave the country were left unanswered and simply transferred to the security services. The visiting officials "were not satisfied" with this answer and argued that they should at least have to officially respond and explain that the *Committee* was not authorized to assist in these requests.¹²⁴ For the visiting officials, a human rights office was meant to engage with dissidents and work through these problems, whereas the *GDR-Committee* existed to campaign for human rights abroad while maintaining the hegemonic discourse at home and sweeping such challenges under the carpet.

While the visit of lower-level officials was going poorly, at a follow-up meeting of Warsaw Pact foreign ministers in Berlin in the same month, the process ground to a near total halt. Though the GDR delegation had circulated a draft of a possible declaration entitled

¹²³ BArch-Lichterfelde N 2535/ 2 Vorlage für die Leitungssitzung am 21.1.87 (30 Dec 1986), 9.

¹²⁴ Ibid.

“Freedom and Human Rights under Socialism,” the representatives shied away from any kind of formal agreement on the contents with the Romanian delegate flatly stating that he had no mandate to agree to any specifics.¹²⁵ All of the delegations involved demanded that the project be limited to a declaration on human rights rather than any kind of binding covenant or convention.¹²⁶ From a working copy of the draft declaration used by the GDR delegate, the only concrete decision of the meeting was to strip the term “self-governance” from the document entirely.¹²⁷ With delegates requesting more revisions and time for further review, the meeting settled on the Spring of 1987 as the new deadline to circulate a new version of the declaration so that the “fraternal parties can decide on the concrete questions of adopting the document.”¹²⁸

At yet another meeting of Ideology Ministers in January 1987, Kurt Hager touted the creation of a draft of the socialist declaration of human rights, but participating countries could not agree on the contents.¹²⁹ When experts met in Berlin in March to hammer out the final details before a new draft was sent to the Warsaw Pact foreign ministers for further review, the focus began to drift from refuting capitalist propaganda towards ideas for reform. The effects of *Perestroika* and *Glasnost* are evident in the records as delegations from neighbouring socialist countries sought to include previously taboo “bourgeois” rights and institutions. The Polish delegate suggested that legal mechanisms for citizens to question state laws would be beneficial for human rights. The representative from Czechoslovakia wanted to include rights to personal

¹²⁵ BArch-Lichterfelde DY 30/ 7470 Bericht über die Beratung von Vertretern der Außenministerien der Warschauer Vertragsstaaten zur Ausarbeitung einer sozialistischen Menschenrechtsdeklaration (15 Dec 1986), 1.

¹²⁶ Ibid. 2.

¹²⁷ BArch-Lichterfelde DY 30/ 7470 “Freiheit und Menschenrechte im Sozialismus,” 1,4.

¹²⁸ BArch-Lichterfelde DY 30/ 7470 Bericht über die Beratung von Vertretern der Außenministerien der Warschauer Vertragsstaaten zur Ausarbeitung einer sozialistischen Menschenrechtsdeklaration. (15 Dec 1986), 3.

¹²⁹ BArch-Lichterfelde DY 30/11891 Kurt Hager, Aktuelle Probleme der Theorie und Praxis des Sozialismus (22 Jan 1987), 17.

property and other types of property in the draft. Since the declaration was meant to represent the whole of the socialist world and not just the Warsaw Pact, the meeting in Berlin included non-European communists from Cuba, Laos, Vietnam, and Mongolia. While these representatives were enthusiastic about the project in general, they also wanted to shift focus from just presenting a united ideological front to include more work with neutral and non-aligned states.¹³⁰ While everyone agreed that the creation of the Declaration was important, no one wanted to commit to a concrete path forward.

Finally in June 1987, the GDR experts had prepared a revised version of the Declaration that could be circulated to all the participants. The first article outlined the broad principles that were to define socialist human rights on the world stage:

The peoples of the socialist states realize their right to self-determination through which they determine, free from exploitation and oppression, their economic, social and cultural development. They perfect the socialist system, the socialist state and socialist democracy with the goal of building communism.

The development, realization and guarantee of human rights are inextricably linked to the self-determination of peoples and therefore belong to the internal affairs of the state.

The socialist state ensures that the exercise of this right will not be hindered either through external intervention or through attempts to introduce a system of exploitation of man by man.¹³¹

The declaration ran to 20 pages of text outlining 32 Articles representing the best of the constitutions of the socialist states and the human rights documents of the United Nations. When the foreign ministers of the Warsaw Pact approved the text, the socialist world would finally have a unified vision of human rights that would serve to counteract the slander and propaganda of the west.

¹³⁰ BArch-Lichterfelde DY 30/ 7495 Bericht über das Treffen der stellvertretenden Abteilungsleiter der ZK der Parteien der sozialistischer Länder zu Fragen der Menschenrechte am 26.-27. März 1987 in Berlin.

¹³¹ BArch-Lichterfelde DP 1/21481 "Freiheit und Menschenrechte im Sozialismus: Deklaration" (5.6.1987), 3-4.

After six years of work, however, the draft was once again rejected and the project stalled. While the delegates from Czechoslovakia, Poland and Bulgaria were positive, a bloc consisting of the USSR, Hungary and Romania demanded they go back to the drawing board. The Soviet representatives pointed out all the areas they disagreed with but did not have any constructive criticism on how to fix the problems and left the East Germans to conclude, “there was no coordinated or coherent conception within the USSR on the further composition of the Declaration.”¹³² The Hungarian ministry wrote ahead to inform the GDR officials that they would not commit to moving forward on the draft.¹³³ At the meeting itself, the delegate reassured the others that he had nothing against a general project on human rights, but it was simply not the time for a formal declaration. The Romanians agreed that the timing was poor and reiterated, as their delegation did at every meeting, that they lacked the mandate to agree on any concrete plans.¹³⁴ Although all involved agreed they should move forward with more coordinated action on human rights, the Declaration was effectively dead. While all involved could agree in theory that they championed human rights, reconciling this heroic self-image with the actual norms of human rights created too many contradictions and too much internal conflict.

Losing Faith in the Socialist Human Rights Message

Within the *GDR-Committee for Human Rights*, pressure from East German citizens was mounting and the emerging split in the socialist bloc once again reverberated at home. In 1987, the number of citizens writing to the *Committee* demanding help to leave the country more than doubled to 330. For the first time, citizens responded directly to the *Committee's* proclamations

¹³² BArch-Lichterfelde DP 1/21481 Bericht über die 2.Runde der Beratung von Vertretern der Außenministerien der Warschauer Vertragsstaaten zur Ausarbeitung einer sozialistischen Menschenrechtsdeklaration (30 Jun 1987), 1-2.

¹³³ BStU HA VII 508 Neugebauer to Süß, 92.

¹³⁴ BArch-Lichterfelde DP 1/21481 Bericht über die 2.Runde der Beratung von Vertretern der Außenministerien der Warschauer Vertragsstaaten zur Ausarbeitung einer sozialistischen Menschenrechtsdeklaration (30 Jun 1987), 2.

on Human Rights Day (December 10) including protests and a joint letter from the emigration organization the Working Group for Citizenship Rights (*Arbeitsgruppe Staatsbürgerschaftsrecht*).¹³⁵ Morale continued to decline as the *Committee* had to increasingly engage with the population outside of the shrinking bubble of committed SED élites. Secretary Siegfried Forberger reported to the group's Presidium:

We have taken notice that, unlike in previous years, a greater number of letter writers articulated an aggressive stand against the state. Almost all letters contained misconceptions of UN documents and agreed upon international legal human rights standards in addition to the status and duties of the GDR-Committee for Human Rights.¹³⁶

Failing to receive responses to their letters, East Germans now telephoned and appeared at the *Committee's* office in person to demand answers. "Our brief but factual information and arguments did not receive a sympathetic hearing from these citizens because of their defiant attitude."¹³⁷ Not only were East Germans challenging their human rights work, in 1987, another visit from a Soviet official from the Ministry of Justice went just as poorly as the international conferences on the Socialist Declaration of Human Rights. Forberger reported, "A lengthy dispute followed on the question of why the *Committee* as an NGO had no domestic function. In his view, a Soviet human rights committee that dealt only with foreign policy would not be sufficient to be approved by the party."¹³⁸ From within and without, the certainties of SED human rights doctrine were besieged by dissent and doubt.

In 1988, the socialist bloc rapidly moved from gridlock to an open split between hardliners and reformers and then to the complete isolation of the GDR specifically on the problem of human rights. In the Soviet Union, Mikhail Gorbachev had shifted from conservative

¹³⁵ BArch-Lichterfelde N 2535/ 2 Vorlage für die Leitungssitzung am 8.Januar 1988 (15 Dec 1987), 8.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ BArch-Lichterfelde N 2535/ 2 Vorlage für die Leitungssitzung am 8.Januar 1988 (15 Dec 1987), 6.

modernization to a program of radical reform and the rest of the socialist world was going to be part of his experiment whether they wanted to or not.¹³⁹ SED leaders did not accept that the meaning of human rights was changing beneath their feet and sought in vain to keep the socialist bloc together on their terms. In May, a Politburo report noted with horror that every other socialist state aside from the GDR was accepting the idea of legally binding agreements regarding the implementation of human rights and basic rights in the final document of a Helsinki follow-up meeting in Vienna. It noted, “Multiple attempts to induce the USSR and other fraternal states to take up the same position have had no effect.”¹⁴⁰ That same month a meeting of Warsaw Pact foreign ministers confirmed that the Socialist Declaration for Human Rights project had been abandoned by all involved. In November, at a UN sponsored conference in Moscow, the GDR delegates frantically reported that the East Germans were the only representatives to say that they did not have serious human rights deficits in their own country and, along with the Polish and Czechoslovakian delegations, the only ones to connect the realization of human rights with socialism.¹⁴¹

It is no coincidence that at the moment the GDR was suddenly ideologically isolated that the Stasi began to heavily indoctrinate its own workforce on the subject of human rights. In the summer of 1988, two separate manuals on human rights were issued internally. One text written by the legal affairs department, “Human Rights in the Struggles of Our Time,” focused on

¹³⁹ Vladislav Zubok, *A Failed Empire: The Soviet Union in the Cold War from Stalin to Gorbachev* (Chapel Hill: University of North Carolina Press, 2007), 308–9.

¹⁴⁰ BArch-Lichterfelde DY 30 J IV 2/2/ 2273 Anlage 1 Information, 2. On the GDR’s negotiations at the Vienna follow-up meeting see Erhard Crome and Jochen Franzke, „Die SED-Führung und die Wiener KSZE-Konferenz 1986-1989“ *Deutschland Archiv* 26 (1993).

¹⁴¹ BArch-Lichterfelde DP 1/ 21440 Information über das vom UNO-Menschenrechtszentrum (Genf) in Zusammenarbeit mit der Regierung der UdSSR durchgeführte Seminar mit europäischen sozialistischen Ländern zum Thema: “Rechtspflege und Menschenrechte,” 5.

technical ideological issues regarding the application of socialist law.¹⁴² The other booklet issued by the Central Operative Staff (ZOS), was meant to educate Stasi officers as to the meaning of human rights, explain the international ideological struggle over their meaning and to inoculate them against the arguments of dissidents and reform communists. “Human Rights: Fundamental Statements and Political-Ideological Questions About Human Rights Issues and Human Rights Demagoguery in Our Time,” represents the paradoxical position of the SED on human rights near its ultimate demise. The text reassures the reader that state-socialism is completely correct and that the people still support the system wholeheartedly, but the tone and subtext betray an ever-present fear that the “demagoguery” of the West is actually working in the East, and that the system is crumbling around them. While in the late 1970s, the SED thought it necessary to flood the public media with stories on human rights achievements in the socialist world and abuses under capitalist imperialism, only in 1988 was it deemed necessary to reinforce the ideological backbone of the secret police when it came to human rights.

While the background on the nature and history of human rights in the manual was boilerplate propaganda repeating the same slogans on historical development and the emancipatory nature of revolution, the discussion of contemporary problems in human rights was practically apocalyptic. The calls for freedom and civil rights represent a demand to abandon socialist human rights principles as a precursor to the ultimate goal of “destroying the leading role of the party, the end of the socialist planned economy and means of production and a turn back to capitalist economic relationships.”¹⁴³ International human rights campaigns aimed to “torpedo the political goals of peace, understanding and disarmament,” and to cover up the

¹⁴² BStU Rechtsstelle 1108 “Menschenrechte in den Kämpfen unserer Zeit” (Aug 1988).

¹⁴³ BStU ZOS 2894 “Menschenrechte: Grundlegende Aussagen und politisch-ideologische Fragen zur Menschenrechtsproblematik und zur Menschenrechtsdemagogie in unserer Zeit,” (Jun 1988), 33.

crimes of the west. International outcry about the suppression of dissent, specifically that which followed the imprisonment and expulsion of leading protestors at the Luxemburg-Liebkecht parade on 17 January 1988, were designed to “slander” the GDR, “form an anti-socialist opposition,” and to “bring into question the traditional celebrations of the working class.”¹⁴⁴

From this nightmare-vision of human rights for counterrevolution, the text also sought to reassure Stasi officers of the superiority and successes of the GDR. Socialist human rights continued to be “of a higher quality than those brought about by capitalism,” and “political and personal rights did not simply remain declarations,” but were rather ensured by basic social conditioned and institutions. Essentially, human rights were achieved through the status quo and all efforts to change the system threatened these accomplishments. The manual concluded with the declaration:

On the theme of human rights we have nothing to dread, it is rather [...] the human rights demagogues. We have to call a spade a spade and on the other hand, we must continue to work steadfastly to ensure that the human rights situation in the GDR is a highly visible part of the growing appeal of socialism.¹⁴⁵

The message was contradictory in its vacillations between the confident first half and the second half dripping with false hope. If socialism had nothing to fear, why did it have to work so hard to ensure that human rights were maintained, particularly since they were supposedly emanating from all officials, institutions and the basic conditions of society? Did the “growing appeal of socialism,” imply that the cause was ever strengthening or that support had collapsed and was once again recovering? Here too, overcoming the friction between rhetoric and reality was causing problems even among the most loyal members of the regime.

¹⁴⁴ Ibid., 37.

¹⁴⁵ Ibid., 55.

In December 1988, the SED put on a brave face for the 40th Anniversary of the Universal Declaration of Human Rights and rolled out even more propaganda than usual to mark the occasion. Official statements boasted of the achievements of the GDR in the field of human rights and touted the fidelity of the SED to the universal norms of civilization as outlined by the United Nations.¹⁴⁶ In private, however, the *GDR-Committee for Human Rights* finally lost faith in their message and the system they served. In a letter to Günter Sieber, head of the SED's International Relations Section, the leading members of the *Committee's* Presidium, Chairwoman Friedel Malter as well as deputies Bernhard Graefrath and Ferdinand Thun, admitted that they could no longer go forward propagating socialist human rights doctrine when it appeared as though no such thing existed any longer. "Recent events in the socialist bloc itself have shown that in the international conflict over human rights, there is no longer a unified conception of socialist human rights."¹⁴⁷ Of particular concern was the move by Hungary and Poland to adopt bourgeois attitudes towards human rights and to begin talks over the creation of a pan-European human rights declaration rather than one only for the Socialist Bloc. The writers of the letter were not young reform communists but rather the old party stalwarts from the generation born in the 1920s and 1930s. The failure of socialist unity was breaking the morale of those who had been part of the SED from the very beginning.

The *Committee* leaders suggested that in order to avoid total isolation and a loss of all international credibility, the *Committee* would have to start dealing with internal human rights problems. They could assist in domestic governance not only by dealing with citizen complaints but also by advising the government on reforms and legal problems so as to ensure that the GDR was in line with international agreements. "In this way, the credibility and effectiveness of the

¹⁴⁶ BArch-Lichterfelde DY 30/ J IV 2/2/ 2304 Anlage 2.

¹⁴⁷ BArch-Lichterfelde N 2535/ 2 Letter from Malter, Graefrath and Thun to Sieber (20 Dez 1988), 1-2.

work of the committee internally and externally could be substantially increased. The committee could help citizens see that their rights and obligations are realized through the human rights policy of the GDR.”¹⁴⁸ While the note spoke reassuringly that such moves would help stabilize the situation at home and abroad, the very idea that the party would require a group of academic experts to instruct them on changes or that citizens could legally claim that the state was violating their human rights completely undermined the SED’s claims to power and the existing doctrine of socialist human rights. Such a decision would officially admit that human rights could exist outside of socialism and that there could actually be, as the SPD claimed in the 1940s, “Socialism without Human Rights!” The system could not be reformed, because such reforms would undermine the privileges of the party and destroy its legitimacy. Facing such an intractable crisis, the SED’s Central Committee simply did not reply to the letter and chose to ignore the problem.¹⁴⁹

Conclusion

The creation of the IFM represented a watershed moment in East German history when the language of human rights, was finally turned against the very basis of SED rule by a dissident movement within the GDR. The activists who took up the cause of human rights did not have the luxury of a moral epiphany on the part of the East German people or of a population that already agreed with their message. Before a human rights movement could be created, the founders of the IFM and other dissidents needed to overcome three major hurdles: first, the disruptive activities of the Stasi and the rest of the security apparatus of the SED; second, the concerns of activists who feared that the politicization of their cause could dilute the pure moral message of peace; second, the continued influence of the hegemonic discourse of socialist human rights that

¹⁴⁸ Ibid., 3.

¹⁴⁹ Forberger, *Das DDR-Komitee für Menschenrechte*, 481.

led many dissidents to reject liberal democratic rights as a tool of imperialist capitalism as well as a distraction from the real aim of realizing true socialism. These obstacles were overcome both through the creation of a vernacular discourse of human rights that connected abstract concepts to local problems but also through the spreading realization that the SED and the Stasi would not even tolerate apolitical activism outside of approved state structures. The growing sense that the political system of the GDR needed to be changed before moral goals could be fought for, let alone achieved, altered the calculus of dissent and helped bring about a shift in the human rights discourse.

The collapse of socialist solidarity on the problem of human rights, on the other hand, was far greater than the failure of just one diplomatic initiative and it struck at the heart of East Germany ideology and the legitimization of SED rule. While East Germany was bombarded with human rights criticism beginning in the 1950s and increasingly so in the 1970s, western attacks in some ways worked to reinforce the socialist discourse of human rights by providing the SED with an enemy and a foil. The SED human rights discourse was built upon a binary anti-fascist narrative in which the world was cleanly divided between the democratic forces of peace against the imperialist capitalist exploiters. Without the support of the rest of the bloc and the Soviet Union in particular, however, the Manichaean view of human rights as divided between East and west collapsed. When the official slogan in the GDR held that “to learn from the Soviet Union is to learn how to win,” it was difficult for regular citizens, state functionaries and SED leaders alike to rationalize how the USSR could now agree with the imperialist west on the problem of human rights. The ideological bubble created by the *Committee* was getting smaller and smaller to the point where even other apparatchiks from the Eastern Bloc found their behaviour overly rigid and eventually just incomprehensible.

The simultaneous rise of an indigenous human rights movement and the collapse of the socialist discourse of human rights from above would have explosive consequences in 1989. East German apparatchiks still believed that human rights was an essential aspect of socialism but they no longer believed in the inherent connection between the SED's monopoly on power and realization of human rights. This doubt in the system would connect with the democratic alternative demanded from below by groups such as the Initiative for Peace and Human Rights. As East Germany careened into perpetual crisis in 1989, this interconnection would have powerful results.

CHAPTER 7: Human Rights Revolution(s)? 1989-1990

Human rights. How they had been distorted! Now all felt the same. To go into the streets was a human right. ¹

-Hartmut Zwahr

In 1989, the dissident movement was growing, discontent was rising and the SED's power structure was crumbling. In the 1970s, the movement to exit in the language of human rights had helped to suppress the emergence of voice on those same principles, but the mass exodus of East German citizens in 1989 alongside a crumbling economy that created a seemingly intractable crisis that worked to support the dissidents demanding democratization. The idea of human rights fuelled emigration, but it was also driving reform. As Konrad Jarausch has argued, the civic revolution that caused the end of SED rule stemmed from "the disparate developments of the mass exodus, the protest demonstrations for human rights, and the reform debates within the communist elite," which created an "unstoppable dynamic."² As dissident Jens Reich later said, "We had not wanted, had not expected," events to radicalize as they did: "Evolution, reform and reason slipped out of our hands and towards revolution."³ There was not a single "bulldozer revolutionary logic of rights,"⁴ driving events forward but rather this dynamic that emerged from

¹ Hartmut Zwahr, *Ende einer Selbstzerstörung: Leipzig und die Revolution in der DDR* (Göttingen: Vandenhoeck & Ruprecht, 1993), 42–3.

² Konrad Jarausch, *Uniting Germany: Documents and Debates, 1944-1993* (New York: Berghahn, 1994), xxvi.

³ Quoted in Gareth Dale, *The East German Revolution of 1989* (Manchester: Manchester University Press, 2006), 90.

⁴ Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2008), 160.

the dialogue amongst those who seeking to leave, the dissidents and the SED taking place through the discourse of human rights.

When the Berlin Wall fell on 9 November 1989, this dynamic shifted and the tenuous coalition between these groups began to fall apart. With the freedom to travel achieved and the SED voluntarily relinquishing its monopoly on power by the end of the year, the political calculus of the East German people was radically changed. As elections approached in spring 1989, the project of restoring socialism through the realization of human rights faltered as the majority of the population sought reunification rather than new utopias. As the old East German elite joined together with the dissidents to work out a basis for their idealized democratic state, East Germans soured on the prospect of reform as new revelations of SED corruption and Stasi abuses poured out in the newly liberalized media. While human rights groups such as the Initiative for Peace and Human Rights were unable to make the transition from protest group to mass political party, the idea of human rights was central to the first democratic elections of the German Democratic Republic.

Prelude to Revolution – January to September 1989

In the 1970s, those seeking to emigrate had turned to human rights following arbitrary rejection of their application; and in the early 1980s, the peace movement had been drawn to the language of human rights when faced with violent repression of their cause. In the final years of the GDR, this process was now occurring to the vast majority of East German citizens as the SED increasingly violated its own system of norms and defining more and more actions as “oppositional.” In September 1988, a group of students at the Carl Ossietzky high school were expelled for criticizing martial law in Poland and questioning the militarization of the GDR.⁵

⁵ See BStU collection "Rausgeschmissen" Die Relegation von Schülern der Carl-von-Ossietzky-Schule, www.bstu.bund.de/DE/Wissen/Aktenfunde/Ossietzky/ossietzky_node.html.

Such a punishment for students advocating peace at an elite high school in the Pankow district of Berlin that was home to many of the leading members of the SED, including the son of Deputy Secretary Egon Krenz, was unnerving for those who thought that they could continue to work within the system. In November, the SED banned an issue of the increasingly popular Soviet press digest *Sputnik* because it contained an article on the Stalin era that criticized the German KPD's failure to work with the SPD to prevent Hitler's rise to power in 1933. While Gorbachev was comfortable in taking a hard look at the past, in East Germany such ideas were deemed intolerable attacks on the legitimacy of socialism itself. With this decision, the SED demonstrated to many that open discussion of contemporary problems, let alone those of decades past, was simply impossible under the present conditions.⁶ Party members complained of feeling "gagged," with one reporting, "I have been in the party a long time and cannot remember a time when I was so helpless and clueless."⁷ The absence of the rule of law and freedom of expression was becoming increasingly present in the daily lives of East Germans.

In May 1989, the SED made a critical error in clumsily fixing elections. The electoral process in the GDR was always rigged to the extent that the candidates were all part of the National Front that was constitutionally required to be led by the SED, as the "political organization of the working population in town and country, who are jointly realizing socialism."⁸ The Politburo wanted to go ahead with a clean vote in which they still expected to get more than 90% approval, and instructed local officials not to alter the results. When some

⁶ Steven Pfaff, *Exit-Voice Dynamics and the Collapse of East Germany: The Crisis of Leninism and the Revolution of 1989* (Durham: Duke University Press, 2006), 57.

⁷ Patrick Major, *Behind the Berlin Wall: East Germany and the Frontiers of Power* (Oxford: Oxford University Press, 2010), 233.

⁸ Article 1, Constitution of the GDR (April 6, 1968), http://germanhistorydocs.ghdc.org/sub_document.cfm?document_id=79.

districts registered less than 50% approval, local officials took it upon themselves to rig the outcome. Rather than acknowledging that a small minority would refuse to acclaim the preselected candidates, local officials sought to erase dissent and present a picture of unanimity by showing a remarkable, even by GDR standards, 98.5% vote in favour of the official slate.⁹ Even symbolic votes against a panel of candidates guaranteed to still take power were now outlawed in the “socialist democracy” of the SED.

Human rights organizations had tried to organize a boycott of the elections to make a statement on the importance of secret ballots but the obvious fraud was far more useful. They demanded recounts in the presence of non-party observers. Protests in the streets prompted violent police reactions creating new grounds for protest. Human rights groups justified their protests in reference to the GDR constitution’s right to free expression (Article 27) and accused the SED of “violating the inner peace” of the country and declared that the police “must ask themselves whether the GDR is truly under the rule of law and if their actions are appropriate.”¹⁰ Documentation of the fraud produced by human rights groups was instrumental in convincing several church pastors to move protests out to the streets and every month afterwards on the 7th there would be demonstrations commemorating the event.¹¹ Other citizens actually tried to use the legal system to punish SED officials involved in the fraudulent counting, alleging that they had violated their right to take part in the political system of the GDR.¹²

⁹ Charles Maier, *Dissolution: The Crisis of Communism and the End of East Germany* (Princeton: Princeton University Press, 1997), 132–3.

¹⁰ RHG Samizdat PS 018/05 Ausblick Arbeitsgruppe Menschenrechte Leipzig. Offener Brief from AG MR and AK Gerechtigkeit in Leipzig (6 July 1989).

¹¹ Konrad Jarausch, *The Rush to German Unity* (Oxford: Oxford University Press, 1994), 38.

¹² Major, *Behind the Berlin Wall*, 238.

The Proliferation of Human Rights Activism

The elections were a major flashpoint in human rights activity in public, but the real progress for the movement was its continued proliferation across the country. By this point, almost every type of activist organizations was concerned with the problem of human rights in some way. As Heiko Lietz, an energetic pastor who was officially stationed in Güstrow but organized dissident groups across the rural areas of the north explained the appeal of human rights, “Without free access to data (freedom of information) any environmental work was to waste, without the right to belief and freedom of conscience, alternative peace services were impracticable, without the freedom to travel, it was impossible to establish contacts with the 2/3 world [see fn. 13] and conduct projects internationally.”¹³ In addition to these logistical problems, “because the curtailing of basic human rights was becoming stronger, the question of a fundamental change in the political system turned increasingly urgent.”¹⁴ Human rights provided a discourse that could be used either to demand these basic rights within the system or to call for the end of the system itself.

On 23 May 1989, Stasi Chief Erich Mielke produced an overview of every known underground and dissident group in the GDR. According to the report, "human rights groups" are among the youngest and as association, the most complex in structure and differentiated in terms of membership.”¹⁵ The Church had failed to sufficiently crack down on human rights groups within its walls and numerous “provocations” could be attributed to the movement, such as the infiltration of the Luxemburg-Liebkecht march in January 1988. The “main subjects that these

¹³ This was an opposition term for the Third World since it comprised 2/3 of the world’s population.

¹⁴ Heiko Lietz, “Die Entwicklung der Opposition im Norden,” in Eberhard Kuhrt, Hannsjörg Buck, and Gunter Holzweissig, *Am Ende des realen Sozialismus 3. Opposition in der DDR von den 70er Jahren bis zum Zusammenbruch der SED-Herrschaft* (Opladen: Leske & Budrich, 1999), 284.

¹⁵ ABL Stasi Berichte (Binder) Überblick der Opposition Anlage zur Information Nr. 150/89, 10.

'human rights groups' are focused on attacking include problems of alleged failures to grant human rights and fundamental freedoms in the GDR, the principle of democratic centralism and the organization of socialist democracy. In conjunction with these issues are demands for the "democratization of society," "change of authorities," reforms to socialist law, the elimination of "exclusion and the absence of legal protection," for citizens in addition to the "full" realization of human rights for everyone."¹⁶

The IFM was the top of the list of human rights groups along with a number of groups in Leipzig almost all of which had some connection to Pastor Christoph Wonneberger of the Nikolai Church. In smaller communities across the GDR, however, the report also found diverse organizations and groups that were engaging with the problem of human rights. The "Eisenach Women's Peace Circle" was writing protest letters to the *GDR-Committee for Human Rights*.¹⁷ The "Church from Below" community in Halle was discussing "socialist democracy, freedom of speech, freedom of belief, constitutional legality, travel practices and environmentalism," and had organized a public rally to support the human rights activists imprisoned in January 1988 for their participation in the Luxemburg-Liebkecht rally in Berlin.¹⁸ In the Karl Marx City district, the "Discussion Group Auerbach," dealt with problems of current events, ecology, peace, human rights and medical ethics. Its membership included, "artists, doctors, church representatives and workers. Amongst these there are married couples, retirees and applicants for exit."¹⁹ In Rostock, the Schalom Society, one of many groups organized by Heiko Lietz, met to talk about peace, civil alternatives to the draft and "the implementation of human rights in the GDR." The eight-

¹⁶ Ibid., 11.

¹⁷ Ibid., 147.

¹⁸ Ibid., 195.

¹⁹ Ibid., 243.

person group was composed of Catholics, Protestants, those seeking to emigrate and included an offset printer, a chemist from the regional Academy of Science, and an electronics specialist at a local fisheries plant.²⁰ The number of active dissidents across the country numbered only around 2,500 according to Stasi estimates, but these groups showed the appeal of the human rights message to a broad audience across the GDR.²¹ Human rights, as a discourse of dissent and civic engagement, appealed to the disaffected intellectuals and artists in Prenzlauer Berg, Berlin's counter-culture enclave, but also to factory workers on the Baltic coast and retirees in small towns in the Thuringian hinterland. Although the hard core of dissent was small, by setting up multiple small groups across a region, determined activists like Heiko Lietz were able influence citizens well beyond their immediate circles.

The number of East Germans who demanded the right to exit the GDR in the name of human rights and the number who simply decided to act out this right without permission of the state continued to grow in early 1989. By the summer time the outflow of citizens had turned into a mass exodus. Efforts to stem the tide by increasing the number of those allowed to around a third of applicants to leave legally the previous year only stirred up more desire in those who remained to leave or at least to travel. East Germans began using West German embassies in Berlin and the rest of the Eastern Bloc as places of sanctuary, much to the chagrin of the diplomats within. In the summer, the dam finally broke and when news spread that people were crossing to Austria from Hungary en masse, thousands of East Germans on holiday in Eastern Europe made their way to the newly opened border.²² Aside from those leaving illegally, by September of that year, the SED had received 160,785 applications to leave the GDR. 59,725

²⁰ Ibid., 297.

²¹ Major, *Behind the Berlin Wall*, 238.

²² Jarausch, *The Rush to German Unity*, 19.

were first time applicants, with the remainder those who had been applying for several years without success.²³

The discourse of those seeking to leave demonstrates a widespread internalized conception of a right to free movement. Leaving the GDR was both a legal and moral right according to the citizens writing to the SED. The Ministry for the Interior reported that most letters included the claim, "our application is legal and cannot be punishable. Since the application is supported by a variety of applicable laws, we rule out the possibility that it will be rejected from the outset. Whosoever rejects this application, will be rejecting human rights."²⁴ East German citizens were no longer just claiming their own personal right to exit but also accusing the state of rejecting human rights in their totality by not permitting free movement. Not meeting legally valid claims was now a matter of universal morality.

The worsening economic situation in the GDR was also creating leverage for West Germany on the human rights front. Since the signing of the Helsinki Accords, the FRG had always sought to keep a low profile with human rights politics and to use behind the scenes leverage to pressure the GDR into allowing for greater emigration.²⁵ As the SED required more and more hard currency to compensate for declining aid from the Soviet Union, it was able to get it from West Germany only at the cost of travel concessions. In 1988, the GDR was able to nearly double the fees it received from West Germany for keeping open transit lines in exchange

²³ BArch-Lichterfelde DO 1/ 16491 Information über die Unterbindung und Zurückdrängung rechtswidriger Ersuchen auf Übersiedlung nach der BRD und nach Westberlin (Berichtszeitraum 01.01.1989-30.09.1989), 1.

²⁴ BArch-Lichterfelde DO 1/ 16491 Information über die Unterbindung und Zurückdrängung rechtswidriger Ersuchen auf Übersiedlung nach der BRD und nach Westberlin (Berichtszeitraum 01.01.1989-31.03.1989), 8.

²⁵ On Chancellor Helmut Schmidt's human rights diplomacy, see Oliver Bange, "'The Greatest Happiness of the Greatest Number...'. The FRG and the GDR and the Belgrade CSCE Conference (1977-78)," in Vladimir Bilandžić, Dittmar Dahlmann, and Milan Kosanović, *From Helsinki to Belgrade: The First CSCE Follow-up Meeting and the Crisis of Détente* (Göttingen: V&R unipress, 2012), 232.

for more freedom of movement.²⁶ In 1989, emigration was hampering production and the economic crisis affecting the Eastern Bloc as a whole was driving down revenue giving West Germany even more leverage to demand human rights reforms.²⁷

Although there continued to be friction between those seeking to leave and those who wanted to reform the GDR from within, these two streams of protest were coming together in the streets and reinforcing each other within the dissident movement. Dissidents sought to convince those seeking to leave not just to fight for their own right to leave, but for the human rights of everyone. In the discussion following presentations by dissidents at the Lukas Church in Leipzig in July, one member of the audience said:

Those who are most vocal about human rights, are often those who want to make claims only for their own individual rights, and often the only right in particular: emigration. There are many other rights that are also violated to you but do not care about those... I'm thinking of the right to organize, to the rights to assemble, to inform ourselves and to produce our own publications. There are ways in which we can also fight for our rights. You do not fight for the right exit by making an application to leave. It does nothing to improve the overall situation, but one does something when making a claim to collective rights for all and to act as if they were already legal by simply gathering together.²⁸

From May and September 1989, 20% of those arrested at demonstrations had outstanding applications to exit the GDR.²⁹ Some were perhaps persuaded by human rights solidarity, for some it was an expedient means to possibly be expelled from the country like other prominent dissidents and for others it was simply that they no longer had anything to lose. From the

²⁶ Major, *Behind the Berlin Wall*, 228.

²⁷ Hans-Hermann Hertle, *Der Fall der Mauer: Die Unbeabsichtigte Selbstaflösung des SED-Staates* (Opladen: Westdeutscher Verlag, 1999), 79–80.

²⁸ Speaker identified only as “Zuhörer H.” “Eine ‘Europäische Hausversammlung’ in der Leipziger Lukaskirche: Die Nachbarn, die Mauer und die sozialistische Werte,” in Gerhard Rein and Ibrahim Böhme, *Die Opposition in der DDR: Entwürfe für einen anderen Sozialismus*. (Berlin: Wichern-Verlag, 1989), 136.

²⁹ Pfaff, *Exit-Voice Dynamics and the Collapse of East Germany*, 101.

summer onwards, the positive reinforcement between human rights for voice and human rights for exit would only increase.

Collapse of SED Legitimacy From Within

The state apparatus controlled by the SED was increasingly incapable of dealing with such arguments as the demolition of the SED's carefully constructed human rights politics by its socialist allies and domestic translators continued apace into 1989. In January, the Vienna follow-up meeting for the Helsinki process concluded with a fresh round of compromises on human rights by the Eastern Bloc led by the Soviet representatives.³⁰ The agreement collapsed the distinction between the socialist and western blocs on the problem of human rights and the Soviet concessions were so dramatic that Sarah Snyder has suggested that the document marks the end of the Cold War.³¹ When Stasi Chief Erich Mielke met with his KGB counterpart following the meeting he blamed the debacle on the lack of unity in the socialist camp. He laid this at the feet of the USSR and railed at the Soviet rhetoric that "accused and defamed individual socialist states (the GDR and Czechoslovakia) as hostile to the Helsinki Process, hostile to reform and violators of human rights."³² The Soviet Union itself was now in the enemy camp when it came to human rights according to the dwindling number of hardliners in the leadership of the GDR.

Further down the ladder of power, the SED had lost the conviction of intellectuals and the civil servants who had to deal with conflict between theory and policy first hand. In April 1989,

³⁰ Anja Hanisch, *Die DDR im KSZE-Prozess 1972-1985: Zwischen Ostabhängigkeit, Westabgrenzung und Ausreisebewegung* (Munich: Oldenbourg Verlag, 2012), 375; Hermann Wentker, *Aussenpolitik in Engen Grenzen: Die DDR Im Internationalen System, 1949-1989* (München: Oldenbourg, 2007), 550.

³¹ Sarah Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (Cambridge: Cambridge University Press, 2011), 2.

³² Walter Süß, *Staatssicherheit am Ende: warum es den Mächtigen nicht gelang, 1989 eine Revolution zu verhindern* (Berlin: Ch. Links, 1999), 97.

a group of intellectuals from across the socialist bloc originally organized to develop the Socialist Declaration of Human Rights and led by the East German Rolf Reißig released a report to their governments with a series of recommendations for reform that explicitly rejected the main tenets of socialist human rights doctrine. The leading mistakes they identified in the socialist bloc included the idea that “social property and production methods and the political power of the working class meant that the problem of human rights had ‘automatically’ been solved in a qualitatively superior way.” Such a misconception led to the “undervaluation of personal and political rights versus economic, social and cultural rights and the undervaluation of the legal guarantees of personal rights of the citizen against state and society.”³³ Karl Polak’s dogma that the socialist revolution, by definition, realized human rights was no longer tenable when the intellectuals now implicitly took up the rallying cry of the SPD in the 1940s that there should be “no socialism without human rights.”

After decades of resolving human rights criticism with more ideological manoeuvres and clever answers, the SED leadership was finally out of ideas on how to reconcile the realities of GDR life with the idea of human rights. Functionaries who were supposed to be defending the system and propagating it to the next generation could not defend the charges of mass violations of human rights and they were getting no help from above. In August 1989, one teacher wrote to her local SED district office to ask,

The recognition of human rights for all citizens has been proclaimed by the state leadership of the GDR for years and years. In dealing with those who think differently politically [sic] it appears as though, in my humble opinion, this principle has been repealed or how else would you explain and justify the many actions of the police in front of the Nikolai Church in Leipzig? Students have been eyewitnesses and they have questions!”³⁴

³³ AdS Bestand Reißig Berg: Band 1. Multilateraler Wissenschaftlicher Problemrat von Bruderparteien sozialistischer Länder zu Fragen der Menschenrechte: Konzeptionelle Grundlagen der gegenwärtigen Politik der Bruderparteien sozialistischer Länder auf dem Gebiet der Menschenrechte. Studie, April 1989 (unpublished), 13.

³⁴ BArch-Lichterfelde DY 30/ 5908 Dr. Micaela K. an Bezirksleitung der SED Leipzig (30 Aug 1989), 2.

The actions of human rights activists were not just rhetorically challenging the human rights doctrine of the SED but the response of the state to their demonstrations was undermining belief in the possibility that human rights could exist under the status quo. Once this negative cycle had begun it was self-reinforcing as more joined to protest resulting in increased arbitrary brutality. Midlevel officials were not just confused by the contradictions between the human rights claims of the SED leadership and reality around them, but many began to defect ideologically to the side of the dissidents. An internal party report from Leipzig, one of the epicenters of dissent, found that amongst the middle-tier of SED officials and state functionaries, “the policies of the party are said to be dogmatic and conservative and incapable of change [...] more democracy is supported, and in this context the protection of human rights in the GDR is placed under criticism.”³⁵

The greatest threat within the party was the total loss of faith in the system among young party members. By spring 1989, the Leipzig Institute for Young Research found that the proportion of SED members under 25 that had confidence in the SED leadership was less than 50%.³⁶ In Leipzig, one such example was Katrin Walter who quit her work as a secretary of her local Free German Youth chapter to become a human rights activist in 1989. She was from a loyal socialist family, raised with the stories of the “horrors of the evil imperialists,” and she had joined the state-run youth group to make her family proud: “But that quickly disillusioned me. My desire for justice and democracy could not be achieved there.”³⁷ In order to live up to ideals

³⁵ Quoted in Pfaff, *Exit-Voice Dynamics and the Collapse of East Germany*, 181.

³⁶ Walter Friedrich, Peter Förster, and Kurt Starke, *Das Zentralinstitut für Jugendforschung Leipzig 1966-1990: Geschichte, Methoden, Erkenntnisse* (Berlin: Edition Ost, 1999), 152.

³⁷ HIA Joppke Collection, Box 1, Interview with Katrin Walter (25 Jul 1991), 1.

they had been raised with, East Germans were now abandoning the SED and fighting for human rights with the opposition.

In August 1989, the Security Bureau of the SED Central Committee produced a report on why so many East Germans sought to leave and the results were bleak. Letters from citizens contained the standard complaints about declining economic benefits and the shortages of consumer goods alongside increased demands that the GDR “catch up” to the level of human rights achieved in the West with a particular focus on “the discrediting of the recent elections.”³⁸ One leaflet being passed around in the summer of 1989 summed up the increasingly glaring contradictions of “real existing socialism,” with *The Seven Great Wonders of the GDR*:

1. There is no unemployment but half of us have nothing to do.
2. Even though half of us have nothing to do, there is a shortage of manpower.
3. Even though there is a shortage of manpower, we fulfill the plan.
4. Even though we fulfill the plan, there is nothing to buy.
5. Even though there is nothing to buy, the people have almost everything.
6. Even though the people have almost everything, more than half always complain.
7. Even though half of us complain, we still vote 99.9% in favour of the candidates for the National Front.³⁹

The objective realities of life in the GDR were worsening and the population was becoming less forgiving of the SED’s failings. In such an environment, the human rights movement had a receptive audience.

The Peaceful Revolution, September-November 1989

On 11 September 1989, Hungary announced that it would be opening its border to Austria starting the exit crisis that would culminate in the fall of the Berlin Wall and the collapse of SED power. Within three days more than 15,000 East Germans had crossed with the intention never to return. 6,000 more intent of leaving who could not make it to Hungary took refuge in

³⁸ BArch-Lichterfelde DY 30/ IV 2/2.039/ 309, Vorlage für das Politbüro des Zentralkomitee der SED, Abteilung Sicherheitsfragen (August 1989), 6.

³⁹ RHG EP 11/01-05 Kommunalwahl 1989. Die sieben Weltwunder der DDR.

the West German embassy in Prague as thousands more took to the streets in Leipzig joining the weekly Monday Peace March organized by Christoph Wonneburger at the Nikolai Church. In September, new organizations devoted to mass protest and dialogue with the state such as New Forum were created and an organized opposition formed from the diffuse protest groups across the country. While those in the Prague Embassy were given permission to leave by the end of September, the SED was intent on preventing further embarrassments and closed down the border to Czechoslovakia on 3 October. With the border to Poland largely sealed off since the introduction of martial law in the early 1980s, travel outside of the GDR was now nearly impossible. On 9 October, crowds in Leipzig swelled to the tens of thousands and the police ceased efforts to contain or stop the demonstrations. Although there had been conflicts between those seeking to exit and those who wanted to stay, in 1989, “emigration was a precondition for mass movement,” as the mass exodus of East Germans to the West sparked mass demonstrations.⁴⁰ In less than a month, the civic movement had taken over the streets of the GDR.

Political pluralism returned to the GDR in September 1989 as new organizations formed seeking mass membership. Some, like New Forum were concerned with opening dialogue and creating a participatory society while others such as the revived Social Democratic Party (SDP), were clearly organizations with definite policy objectives. Human rights appeared across the spectrum of these groups as both an end goal of their work and as a process for how to get there. The SDP itself included, the duty for all members to work towards the “protection of human rights and civil rights as contained in the Universal Declaration of Human Rights and the two human rights covenants (1966).”⁴¹ At the same time, a splinter group of disillusioned officials

⁴⁰ Hertle, *Der Fall der Mauer*, 243.

⁴¹ Das vorläufige Statut der SDP, in Rein and Böhme, *Die Opposition in der DDR*, 90.

from the SED and the state trade union organization, the FDGB formed the United Left. Its platform in early September 1989 demanded “political democracy, the rule of law, consistent implementation of the indivisible human rights and free expression of the individuality of each member of society”⁴² Although the group, which included Counter-Voices members such as Thomas Klein as founding members, could not agree on what type of socialist democracy to endorse be it parliamentary, council or communal, the minimal consensus they reached had “securing individual and collective freedom rights as contained in the Universal Declaration of Human Rights, (including the unrestricted freedom of movement and the right to strike),” as the first in its list of basic principles.⁴³

While left-wing political parties called for human rights, new opposition groups originating from the Church did the same. Founded on September 14, *Demokratischer Aufbruch* (Democratic Awakening, DA), a group of protestant clergymen including Rainer Eppelmann, co-author of the Berlin Appeal with Robert Havemann in 1982 and Bishop Gottfried Forck from Eastern Brandenburg, focused on the creation of a “socialist society on a democratic basis.” While the Stasi saw the group as reactionary, its politics were actually quite cautious and conservative.⁴⁴ In announcing its creation, they called for the rule of law and argued that they did not expect “the state to grant human rights, but rather to respect them.”⁴⁵ This meant both reforms from below and reforms from above with the goal of splitting apart party and state, developing a free and open public sphere and the introduction of market mechanisms into the

⁴² Richard T. Gray and Sabine Wilke, *German Unification and Its Discontents: Documents from the Peaceful Revolution* (Seattle: University of Washington Press, 1996), 5.

⁴³ Mindestanforderung für die Gestaltung einer freien sozialistischen Gesellschaft in der DDR. Vorschlag für einen Minimalkonsens einer breiten unabhängigen sozialistischen Opposition, in Rein and Böhme, *Die Opposition in der DDR*, 109.

⁴⁴ Jaraus, *The Rush to German Unity*, 41.

⁴⁵ *Aufruf zum “Demokratischen Aufbruch – sozial, ökologisch,”* in Rein and Böhme, *Die Opposition in der DDR*, 34.

economy while maintaining a “society of solidarity.”⁴⁶ In fighting for these causes, the DA sought to portray its cause as the outcome of “the realization of guaranteed human rights as found in the constitution and international agreements.”⁴⁷

While the Catholic Church had avoided political engagement in the GDR since the late 1970s, in the fall of 1989 it once again took up the problem of human rights. In 1968, the Church had sought to narrowly protect its own institutional interests but now it branched out into broader problems of freedom and political representation. In September, the Church made an official statement endorsing a right to travel and to emigrate. In October, this expanded to the right to free elections, the right to free speech, peaceful assembly and free association. In a notice to all priests and deacons, the bishops implored them to remember these rights “as contained in the UN-Human Rights Declaration.”⁴⁸

As the Catholic leadership was cautiously re-entering the world of politics via human rights, Catholics in general were outpacing them. For many, a sense of Christian duty compelled them to speak out on the problem of human rights and democratization, whether the Church hierarchy agreed or not. On 12 October, seventy-one employees of the Berlin offices of the Catholic charity Caritas signed on to a letter to Prime Minister Willi Stoph calling for the “acknowledgement and maintenance of all human rights,” by means of “an open and general societal dialogue about the foundational democratization of the state.”⁴⁹ The writers did not seek permission to speak out on the subject and did not notify their superiors until after the letter was

⁴⁶ Ibid., 35–6.

⁴⁷ *Flugblatt für die Demokratie* in Ibid., 46.

⁴⁸ Ute Haese, *Katholische Kirche in der DDR: Geschichte einer politischen Abstinenz* (Düsseldorf: Patmos, 1998), 93-94; Gerhard Lange, *Katholische Kirche - sozialistischer Staat DDR: Dokumente und öffentliche Äußerungen 1945-1990* (Berlin: Bischöfliches Ordinariat, 1993), 362-68.

⁴⁹ Bernd Schäfer, *The East German State and the Catholic Church, 1945-1989* (New York: Berghahn, 2010), 254.

sent. They noted that while they were “accustomed to remaining silent about the current situation in our country [, as] Catholic Christians and church employees, we want to speak up and no longer wait for what church authorities negotiate non-publicly with the state.”⁵⁰

Human rights as a broad concept and the institutional of individual political and civil liberties along liberal democratic lines represented a baseline consensus amongst these groups even though they had very different ideological and religious beliefs. At the beginning of October 1989, most of the new opposition organizations alongside many of the smaller dissident groups came together in a show of unity to issue a joint declaration demanding free elections and democratization. Signatories included New Forum, Democracy Now, Democratic Awakening, the group of Democratic Socialists, the Initiative for Peace and Human Rights, the Initiative Group for a Social Democratic Party in the GDR as well as several church-based peace groups. In spite of differences amongst these dissidents, they could agree that their overall “goal is to end the situation in which citizens of this society lack the opportunity to enjoy political rights, as guaranteed in the human rights conventions of the United Nations and the CSCE documents.”⁵¹ Human rights symbolically represented the ideals of the opposition even if their programs for the realization of specific human rights were not always aligned.

Human Rights in the Streets

Out in the streets, as protests grew from hundreds to thousands to hundreds of thousands from September to November, the language of human rights provided a unifying positive theme for the demonstrators. Those seeking to reform communism, democratize the GDR, or simply to leave it, could now at least all agree that they all sought the realization of human rights. Hartmut

⁵⁰ Ibid.

⁵¹ Joint Declaration of the Civic Movement. Jarausch, *Uniting Germany*, 50.

Zwahr described the atmosphere of the protests in Leipzig, the epicenter of the mass demonstrations:

Singing, the demonstrators encouraged each other. They began with the *Internationale* – learned in 7th and 8th grade music class at the polytechnic high schools of the GDR. Memorized, sullenly performed, never to be sung again, until this moment, when a chunk of the refrain suddenly fit, to sing out the protest with all the power of their voices: “people hear the signal/ on to the last fight/ the *Internationale* / wrests the human right!” Human rights. How they had been distorted! Now all felt the same. To go into the streets was a human right. In the call “Democracy Now!” and in the singing of “On to the last fight!” came together everything that this moment held. To dare. Now. Some only understood in this instant, in the pincer of state power, the loss of human rights, and that he was absolutely prepared to win them back.⁵²

Zwahr’s description illuminates how the discourse of human rights had become so essential to the dissident movement. First, hijacking of the *Internationale* as a song of protest rather than affirmation of SED rule shows the re-appropriation of the state language of human rights. Second, the subjective shift in East Germans where they came to define their problems as human rights violations rather than as either material deprivations or political deficits. Third, the mass sense of empowerment that came with the internalization of the idea of human rights that led to citizens acting as though the right to speak, assemble or leave was already a reality.

The language of the human rights message from the *Internationale* was just one of the means employed by protestors to undermine the SED’s human rights propaganda from within. As with the Luxemburg-Liebkecht march in 1988, human rights activists promoted freedom of speech with Rosa Luxemburg’s saying, “Freedom is only the freedom of those who think differently.” Protesters also picked up on the phrase “practice solidarity,” which had been the old slogan of the *GDR-Committee for Human Rights* in its campaigns in the 1960s and that of the communist group Red Aid during Weimar.⁵³ While the SED demanded that outsiders refrain

⁵² Zwahr, *Ende einer Selbsterstörung*, 42-43.

⁵³ Michael Richter, *Die Friedliche Revolution: Aufbruch zur Demokratie in Sachsen 1989/90* (Göttingen: Vandenhoeck & Ruprecht, 2010), 445.

from criticizing human rights abuses in the GDR because this violated the principle of self-determination by “intervening in the internal affairs,” of a sovereign nation, the protesters turned the phrase around declaring that they had a “right to intervene in our own affairs.”⁵⁴ If the East German people were to have the right to self-determination, they would now exercise it themselves rather than through the proxy of the SED. Protest movements ratcheted up the pressure on the political system by demanding dialogue between these new organizations and the SED. In agreeing to talk with these groups as representatives of the people, the SED effectively admitted to failing in its task to represent the people and it was now reduced to negotiating with the representatives of the population whose interests it claimed to have fully realized for more than forty years.

Such actions were effective in bringing SED officials to the table in dialogue and in defusing violent responses from security services. In Karl Marx City, dissidents organized a discussion session between citizens and local officials at a church in mid-October and the final declaration stated, “we will not be silenced again and we will practice solidarity with those who are threatened and we must protect our human rights.”⁵⁵ Such language made the engagement with SED functionaries easier as they could compromise on meaning while continuing to speak in the familiar texts they had employed throughout their career. Against the police and troops in the streets, such actions undermined the claims of the Stasi that the protestors were nothing more than imperialist provocateurs.⁵⁶ Having heard the crowds singing the *Internationale* and demanding reform, General Major Raimund Kokott, a National People’s Army officer sent to

⁵⁴ Ibid., 230. The phrase appears to have been coined by Heiko Lietz in early 1989. RHG Samizdat PS 041/17 Friedensnetz.

⁵⁵ Ibid., 445.

⁵⁶ Pfaff, *Exit-Voice Dynamics and the Collapse of East Germany*, 117.

help restore order in Dresden claimed to have reported that the demonstration “was no counterrevolution. The people wanted a better GDR.”⁵⁷ When confronted with such crowds in their own country, many police and militia units were unwilling to do “the dirty work” of the party by stopping them.⁵⁸ While many in the lower-tiers of the security apparatus could justify defending socialism from counter-revolutionaries to themselves, they could not accept shooting peaceful demonstrators, many of whom were neighbours and colleagues to prop up the SED. On one level, the dissidents had shifted the narrative lines and symbolically placed the East German state in the role of the fascistic state pointlessly brutalizing democracy-loving socialists seeking nothing more than human rights, and fewer and fewer police were willing to play that particular role.

The process of demonstrating and exercising the freedoms they were denied had the effect of making people rethink their place within the GDR. As Sebastian Pflugbeil said, only after change began did it become clear “the dimensions of what they had done to us, how many rights we had given up, even though most had been guaranteed constitutionally. It’s very strange...”⁵⁹ In taking to the streets, previously well behaved East Germans were now faced with the worst of the violent repression and arbitrary rule that the SED had to offer. East Germans became increasingly outraged when their friends or they themselves were rounded up in police wagons, subject to physical abuse and detained for demonstrating.⁶⁰

⁵⁷ Richter, *Die Friedliche Revolution*, 281.

⁵⁸ Pfaff, *Exit-Voice Dynamics and the Collapse of East Germany*, 178.

⁵⁹ Dirk Philipsen, *We Were the People: Voices from East Germany’s Revolutionary Autumn of 1989* (Durham: Duke University Press, 1993), 155.

⁶⁰ Major, *Behind the Berlin Wall*, 246.

According to one Ministry of the Interior study of all documented protests on 4 October, the most common sentiment expressed on large banners at demonstrations was anti-SED and anti-Stasi, but the most common positive agenda was that of realizing human rights.⁶¹ In his voluminous study of protests across Saxony, the main hotbed of demonstrations including the cities of Leipzig and Dresden, Michael Richter documented human rights language as a ubiquitous demand at almost every demonstration. In the town of Schmölln signs demanded the resignation of Erich Honecker alongside posters for “Comply with Human Rights,” and “CSCE-Human Rights.”⁶² In Leipzig, banners had slogans demanding, “Freedom of Assembly – Freedom of Association,” and “Freedom to Travel Instead of Mass Flight,”⁶³

When Mikhail Gorbachev came to visit the GDR in early October, slogans and banner had the same mix of anti-SED and pro human rights messages. In Pirna, protestors carried posters saying “Out with the Reds,” “Gorbi,” alongside those demanding “Human Rights” and “Freedom to Travel Instead of Mass Flight.”⁶⁴ In Berlin on 7 October, handouts at a demonstration called for, “Democracy – Establish a Dictatorship of the People, Down with the Dictatorship of the SED,” along with demands for human rights, reform and “real socialism.”⁶⁵ In Bad Lausick on 10 October, the Stasi documented a stonemason hung a sign saying “More democracy and human rights” in his storefront window on the main street.⁶⁶ In Dresden, a protest

⁶¹ Of 76 banners, 37 attacked the SED, party corruption or the Stasi and 16 demanded human rights. 9 promoted different organizations, 4 environmental causes, 2 peace and disarmament and 9 miscellaneous. Pfaff, *Exit-Voice Dynamics and the Collapse of East Germany*, 295.

⁶² Richter, *Die Friedliche Revolution*, 194.

⁶³ *Ibid.*, 199.

⁶⁴ *Ibid.*, 263.

⁶⁵ *Ibid.*, 283.

⁶⁶ *Ibid.*, 371.

of several thousand were singing the *Internationale* and marching with the slogans “We Want New Forum,” “We Want Out,” and “Human Rights and Freedom,” as the local playhouse staged their own protest and declared, “we have a right to dialogue.”⁶⁷ At the end of October in Olberhau, 800 people protested in front of the town’s church and town hall chanting “Human Rights, Reforms, We Want Freedom.”⁶⁸

The Wende and the Fall of the Berlin Wall

The leadership of the SED reacted to this crisis as it had in previous years through a combination of repression and ideological resolution. Erich Honecker continued to speak only of human rights violations in west and refused to acknowledge any deficits within the borders of the GDR. On September 5, the party journal *Einheit*, published him saying that East Germany is a “state with a functioning, effective, socialist society system which will, with its fully realized human rights, manage the challenges of the 90s.”⁶⁹ By the 40th Anniversary of the GDR on 9 October, as more East Germans were marching in streets for change rather than to honour the achievements of socialism, Honecker turned his ire to the failings of the west. In promoting the “scientific, technological revolution” taking place in the GDR he noted, “mass unemployment, homelessness, lack of social protection – all of which accompany modern technology in the FRG – do not exist here now and won’t in the future. It is a perversion of human rights when one-third, one-fourth, or whatever proportion of the population is shunned and excluded.”⁷⁰

⁶⁷ Ibid., 279.

⁶⁸ Ibid., 487.

⁶⁹ Quoted in Karl-Dieter Opp, *Origins of a Spontaneous Revolution: East Germany, 1989* (Ann Arbor: University of Michigan Press, 1995), 188.

⁷⁰ Erich Honecker Defends the Achievements of Socialism on the 40th Anniversary of the GDR (6 Oct 1989) http://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=2039.

By 11 October, with hundreds of thousands now protesting freely in the streets of Leipzig, Dresden and Berlin, the human rights rhetoric from the top became more belligerent. The Politburo issued a statement saying “many of those who have turned their backs on our republic in recent months were victims of large-scale provocation. Once again, the imperialists of the FRG have confirmed that they will never come to terms with a socialist state on German soil; agreements have been broken and human rights have been violated.”⁷¹ Even at this point Honecker refused to accept that there could be legitimate human rights criticisms of the GDR. Otto Rheinhold, rector of the Central Committee’s Academy of Social Sciences later said, “Honecker always remained the Saarland Communist Youth Functionary of 1932. [For him] the highest that could be achieved was that everyone had enough to eat at cheap prices, that everyone had work, and that everyone had a good and cheap apartment...He thought that everyone was happy. Everyone had cheap bread, a cheap apartment and work.”⁷² The demands of human rights activists in the GDR were so incomprehensible to such a mindset that the only possible explanation was western subversion.

While the younger generation within the Politburo had hoped a “biological solution” would remove Honecker from office, by mid-October the crisis has reached a level that they decided to act.⁷³ On 18 October, Egon Krenz, Honecker’s long-time right-hand man, deposed him as he was recovering from surgery and announced that the GDR would begin a program of reform and a turnaround – *Wende* – was at hand. The *Wende* would include political changes including free elections, the release of those imprisoned for “fleeing the republic,” and

⁷¹ Politburo Declaration (11 Oct 1989), in Jarausch, *Uniting Germany*, 60.

⁷² Catherine Epstein, *The Last Revolutionaries: German Communists and Their Century* (Cambridge: Harvard University Press, 2003), 219.

⁷³ Mary Fulbrook, *Anatomy of a Dictatorship: Inside the GDR, 1949-1989* (Oxford: Oxford University Press, 1995), 40.

immediate measures to stabilize the faltering economy, but such promises only increased the mass protests. Krenz had overseen the fraudulent elections in May 1989 and had publicly expressed support for the Chinese government following the Tiananmen Square massacre in June giving him zero credibility with the dissidents and with much of the populace.⁷⁴ His definition of free elections did not include “bourgeois pluralism,” they were not to be held until 1991, and his public comments, trying to demonstrate his open-mindedness, that he could actually imagine a vote where the SED “were to win with only eighty per cent of the popular vote,” were hardly reassuring.⁷⁵ Krenz’s decision to declare an amnesty for border violations and open the border to Czechoslovakia only inflamed protesters who demanded total freedom of movement and found the half-measures intolerable.⁷⁶ While he claimed to implement reforms, like Honecker before him, Krenz tried to paper over human rights violations with positive rhetoric. On 8 November, the Central Committee announced that its program was rooted in “the socialist rule of law (*sozialistischer Rechtsstaat*) emanating from the fundamental and human rights,” but the street protests continued to grow.⁷⁷

While the top levels of the SED were fumbling the *Wende*, reformers within the party promoting human rights were still incredibly timid. On the same day as the Central Committee announcement, the *GDR-Committee for Human Rights* prepared its first public demand for domestic change in order to realize the rights it has been ostensibly been campaigning for since 1959. The declaration by the *Committee* called for equality before the law, the principle that all is

⁷⁴ Pfaff, *Exit-Voice Dynamics and the Collapse of East Germany*, 225.

⁷⁵ Major, *Behind the Berlin Wall*, 251; Gareth Dale, *Popular Protest in East Germany* (London: Routledge, 2004), 160.

⁷⁶ Jarausch, *The Rush to German Unity*, 61.

⁷⁷ Karl Wilhelm Fricke, *Der Wahrheit verpflichtet: Texte aus fünf Jahrzehnten zur Geschichte der DDR* (Berlin: Ch. Links, 2000), 168. Such language mirrored that of reform communists such as Uwe-Jens Heuer who had sought such reforms throughout the 1980s. See AdS Archiv Bestand Heuer.

allowed which is not forbidden, an independent judiciary, the presumption of innocence, improved access to lawyers, an overhaul of the criminal code and modifications to domestic laws that concerned the right to free speech, assembly and association. Such reforms were “urgently necessary, so that in the future any arbitrariness in dealing with citizens is precluded to the best of human ability.”⁷⁸ The declaration, notably absent of any mention of the freedom to travel, was made public on 9 November, the day the Berlin Wall fell.

The fall of the Berlin Wall came not with a bang but with a whimper. In announcing that East Germans could begin travelling to the Federal Republic with the appropriate visa, Politburo member Günter Schabowski accidentally reported that the liberalization of travel would take effect “immediately” rather than the following day. Word spread that the border was now open, the subtleties of Schabowski’s announcement being ignored entirely, and crowds gathered at checkpoints and border crossings. After a few tense hours, the guards stood aside and simply let the people pass first by stamping their identity cards to render them unusable, and after a while even giving up on that. Only a few years earlier, the SED and its security services were confident that the dictatorship they had built was the pinnacle of human rights achievement at the end point of a thousand year history of struggle that had begun with the Magna Carta. The Berlin Wall was a tool in the realization of these human rights by preventing a counter-revolutionary invasion and maintaining the sovereignty of the socialist state. For nearly three decades, the border guards of the GDR had been willing to use deadly force against their fellow citizens and yet on 9 November, they walked away when confronted by expectant crowds demanding to pass.

Hans-Herman Hertle has compared the final events leading up to the opening of the Berlin Wall to the social dynamics of a bank run: once people subjectively decide that a bank is

⁷⁸ BArch-Lichterfelde DP 1/ 9093 Erklärung des DDR-Komitees für Menschenrechte (8 Nov 1989).

unreliable they withdraw their money and thus objectively destabilize it. False information can lead to real outcomes if enough people react as though the information is true.⁷⁹ In this case, when Schabowski muddled the announcement of liberalized travel to West Germany, the misunderstanding of his message by East Germans who interpreted his remarks to mean that the wall had already been opened, created the conditions whereby it was. Spurred on by mistaken media reports, East Germans did not dismiss the announcement as an error but as the SED finally accepting what most of the population now saw as a self-evident right. As Gareth Dale has argued, ““It was only a wilfully optimistic interpretation of the press conference by citizens,” that could have led to such an unlikely event.⁸⁰ This wilful optimism was in many ways an extension of the mental revolution that had occurred within the GDR and the culmination of the evolution in human rights activism. For decades East Germans had been claiming a human right to free movement and travel. Thousands had been subjected to the loss of their job and even imprisoned for demanding this right. By 1989, hundreds of thousands had taken to the street demonstrating against the SED and in favour of human rights in spite of police brutality and intimidation. Amongst those seeking to emigrate, the presumption of a moral right to travel only increased. As one poster read a few days before the fall of the wall, “We don’t need a law – the wall must go!”⁸¹ Mass emigration in September created mass activism in the streets, which in turn created the psychological condition in which the wall could fall. Without a universal sense of an unlimited human right to travel, Schabowski’s announcement could very well have been dismissed as one more incremental reform rather than the end of the border between East and West Germany.

⁷⁹ Hertle, *Der Fall der Mauer*, 304–05.

⁸⁰ Dale, *The East German Revolution of 1989*, 95.

⁸¹ Hertle, *Der Fall der Mauer*, 205.

The Falling Apart and Coming Together, November 1989-March 1990

Once the Berlin Wall had fallen, the human rights discourse of the SED transformed overnight. While the national newspaper *Neues Deutschland* had been filled with articles on human rights abuses across the capitalist world, ranging from homelessness in America to hunger-striking Roma in Hamburg and oppression in South Africa, after 9 November, human rights ceased to be a problem only for imperialists and was now a domestic issue that the government was diligently seeking to solve. Human rights thus became the overarching slogan in the SED's dismantling of its own monopoly on power over the course of the next month. The "Proposed Program for a Fundamental Transformation," presented by the leader of the SED in the *Volkskammer* announced that the reform of the GDR would focus on "the development of the socialist rule of law and the guarantee of human rights," including free and secret elections, freedom of expression and a total overhaul of the criminal code.⁸² Egon Krenz, his credibility as an effective reformer now completely gone, had resigned on 18 November and been replaced by Hans Modrow, a popular reformer from Dresden who promised to abolish the SED's monopoly on power, restore political and civil rights and to hold free elections in the spring. The dictatorship of human rights had fallen apart both physically and ideologically.

The SED's decision to embrace individual human rights was not the end of the revolution but a new phase in its evolution. As the SED's monopoly on power evaporated at the close of the year and free elections were called for the spring, the seemingly unified masses on the streets broke apart based along political lines earlier obscured by a shared desire to realize basic human rights. Many of the elite of the dissident movement saw the toppling of the SED gerontocracy as the first step towards a new socialist utopia based on human rights that would bring about

⁸² Werner Jarolinsky, "Aktionsprogramm Angebot für eine tiefe Umgestaltung," *Neues Deutschland* (14 Nov 1989), 3.

emancipation and equality to all. Most East Germans, however, saw the collapse of the SED and the institution of freedom of speech, assembly, association and plans for free elections as a triumph for human rights that would allow them to elect leaders who would fix the massive economic problems facing the GDR and finish the job of removing the SED and Stasi from power. Although dissident groups had avoided discussion of reunification both as an ideological problem and as a means of avoiding Stasi persecution on grounds of treason, West German Chancellor Helmut Kohl aggressively campaigned for reunification as the logical end point of the restoration of human rights and self-determination. In winter 1990, as dissidents and the aging East German intelligentsia banded together to save the dream of a renewed socialist utopia, the masses that had so recently taken to the streets with them chose an end to experimentation.

Self-Determination for Independence or Reunification

In the early phases of the revolution in fall 1989, there were some vociferous advocates of reunification, but such talk was largely subdued on both sides of the Wall. In the East, New Forum meetings, the most attended of any civil society group in the GDR, tied their endorsements of rights and democratization clearly to the reform of the GDR, not the adoption of capitalism or reunification. In Hoyerswerda, the group agreed on reforming the electoral system, defending all basic rights, freedom of movement, press freedom and the right to assemble and demonstration but they clarified that reunification was “not a theme we are pursuing since we are starting from the position that there are two Germanies and we are not striving for a capitalist social order.”⁸³ Ludwig Mehlhorn of Democracy Now echoed these statements lamenting “in the West it is unfortunately the case that self-determination for the Germans of the GDR is

⁸³ Richter, *Die Friedliche Revolution*, 711.

automatically identified with reunification.”⁸⁴ Yet this assumption in the west was tempered by fears that such rhetoric could disrupt the revolution in the GDR and that it could reopen old conflicts regarding the German-Polish border. Dorothee Wilms, the CDU Minister for All-German Questions, on Sept 29 said that the realization of human rights and self-determination in East Germany “should result in a process, at the end of which lies German unity.”⁸⁵ CSU Minister-President Max Streibl of Bavaria disagreed arguing “For East German citizens, the first priority are freedoms and human rights, and after that comes the question of the nation.”⁸⁶ The Liberals and the SPD saw the possibility of two Germanies continuing into the future if East Germans so chose that path based on self-determination. Theo Sommer, editor of the newspaper *Die Zeit*, captured the concerns of many saying “Nobody nowadays has the right to thump on a powder keg with the burning torch of human rights.”⁸⁷ In such a precarious situation, loud pronouncement connecting human rights to reunification could backfire badly.

With the Wall gone and the SED in retreat, the problem of reunification reappeared and redefined the political landscape. Hoping to head off calls for such action, representatives from the GDR cultural elite, including famed authors Christa Wolf and Stefan Heym, reform communists and dissident groups, and some Church leaders joined together on 26 November to draft a joint appeal titled “For Our Land,” calling on the East German people to resist the siren call of the west. For this group, the establishment of human rights and self-determination in the GDR was only the first step in a greater process. The choice was clear, “either we can insist on

⁸⁴ Ludwig Mehlhorn, “Wir Brauchen eine vom Staat unabhängige Gesellschaft,” in Rein and Böhme, *Die Opposition in der DDR*, 82.

⁸⁵ Richter, *Die Friedliche Revolution*, 130.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*, 857.

GDR independent [and] develop a society of solidarity, offering peace, social justice, individual liberty, free movement, and ecological conservation,” or there would be “a sell-out of our material and moral values and [we will] have the GDR eventually taken over by the Federal Republic.”⁸⁸ In the next two weeks, over two hundred thousand East Germans signed on to show their support for the program to continue the “antifascist and humanistic” ideals of the post-SED German Democratic Republic. This movement represented the dream of realizing a “Third Way,” between socialism and capitalism, echoing many of the general sentiments from the early pronouncements of the IFM and other dissident groups.⁸⁹

On 28 November, the same day as Stefan Heym held a press conference to present “For Our Land,” to the public, West German Chancellor Helmut Kohl released his own Ten-Point Plan for German Unity. Kohl sought a democratic process to bring about a united Germany within the context of an integrating Europe. Point 6 of his plan included “unqualified respect for the principles and rules of international law, especially respect for the people’s right of self-determination,” and “the realization of human rights.”⁹⁰ Once again at the end of 1989, the East German political landscape was divided between two competing visions of a political future tied to the discourse of human rights.

Those seeking to maintain the independence of the GDR presented their plan as the realization of a democratic and socialist vision of human rights that was in keeping with the goals of the mass demonstrations. In late December 1989, the transitional government of Hans Modrow assured the declining readership of the Free German Youth newspaper *Junge Welt* that

⁸⁸ Quoted in Jarausch, *The Rush to German Unity*, 67.

⁸⁹ Christof Geisel, *Auf der Suche nach einem dritten Weg: Das politische Selbstverständnis der DDR-Opposition in den 80er Jahren* (Berlin: Ch. Links, 2005).

⁹⁰ Jarausch, *Uniting Germany*, 87–88.

reforms would demonstrate “strict respect for human rights without exception, which demands - in contrast to the time before November 1989 – a new attitude of the state towards the individual.”⁹¹ As the SED transformed into the *Partei des Demokratischen Sozialismus* (Party of Democratic Socialism, PDS), which would take part in democratic elections on equal terms in the spring of 1990, this rhetoric continued. In a publication written at the very end of 1989 by Frank Berg, one of the leading academics who had worked on the Socialist Declaration of Human Rights project, argued that while the SED had used human rights as a tool of propaganda, it was now the watchword of its successor party. When asked, based on the past, “does the SED-PDS have the moral right to speak about human rights,” Berg replied, “The SED – no. The PDS – yes.”⁹² The end of the SED was not supposed to become the end of socialism but the beginning of a real democratic socialism, based on the principles of human rights for all.

The civic movement was also trying to steer the GDR towards a “third way” solution via the Central Round Table – a power-sharing arrangement that included representatives from the SED, the newly democratized bloc parties of the national front and various opposition groups including New Forum and the Initiative for Peace and Human Rights.⁹³ The Round Table planned to draft a new East German Constitution that would formalize and secure the achievements of the revolution and chart a path for the new GDR. While the dissidents did not want to seize power directly, they did want to increase the speed of SED-PDS reforms and ensure that when elections came, there was a credible democratic alternative to reunification.⁹⁴

⁹¹ Quoted in Frank Berg, *Menschenrechte: der Autor im Gespräch mit Jürgen Weidlich* (Berlin: Dietz, 1990), 8.

⁹² *Ibid.*, 4.

⁹³ Jarausch, *The Rush to German Unity*, 76.

⁹⁴ Geisel, *Auf der Suche nach einem dritten Weg*, 104.

As the leaders of the dissident movement were working together with the SED-PDS to change the country, East Germans continued to emigrate in droves and protests continued in the streets. In November 1989 the demonstrations were against the SED and for human rights, but the demands were shifting to widespread calls for reunification rather than just reform. The slogans “We are the people,” were transforming into “We are one people,” and patience with the slow pace of change was wearing thin.

One key point of conflict was the enduring presence of the Stasi. The SED had abolished its monopoly on power, but the secret police had been largely untouched by the revolution aside from a change in name from the Ministry for State Security to the unfortunately acronymed Office for National Security (*Amt für Nationalsicherheit*, or NaSi). Popular anger towards the agency exploded as revelations of abuses streamed across the newly free media of the GDR. On 10 December 1989, a Pastor in Suhl dedicated his Human Rights-day address entirely to the problem of eliminating the Stasi as an agency, but also imploring the audience not to take revenge upon Stasi agents and collaborators through vigilante violence.⁹⁵ On 15 January 1990, when it became clear that agents were destroying incriminating files, citizens stormed the Stasi headquarters in East Berlin. Having established freedom of speech and assembly in the GDR, the dissidents had empowered the people to speak their minds and the general sentiment from the crowds was “no more experiments – reunification now!”⁹⁶

After lengthy deliberations, the Round Table finally released its Constitution for a “Third Way” in March 1990. As Inga Markovits has argued, it was not a rebuke to the West German Basic Law but rather an attempt to surpass it by “moving towards a more participatory, more

⁹⁵ Erhard Kretschmann, Rede zur Demo am Tag der Menschenrechte (10 Dec 1989). Marktplatz Suhl. Daniel Weissbrodt, *Die Wende in Suhl: das Umbruchjahr 1989/90 in der Bezirkshauptstadt Suhl* (Zella-Mehlis: Bürgerkomitee des Landes Thüringen, 2002), 128–29.

⁹⁶ Jarausch, *The Rush to German Unity*, 87.

culturally diverse, more inclusive and more tolerant democracy.”⁹⁷ The document contained extensive guarantees for political and civil liberties, both as freedoms from the state as well as positive mechanisms to allow for greater participation through direct forms of democracy. Social rights for the elderly, disabled and unemployed alongside measures to ensure substantial gender equality through bodily self-determination, state sponsored child-care and equal pay also featured prominently. Many of these provisions echoed the promises of earlier socialist constitutions including restrictions on free speech in the case of “war propaganda” and limitations on the amount of farmland that could be held privately.⁹⁸ In general, the constitution promised the social and economic rights of an idealized socialism guaranteed through a new commitment to the liberal democratic rights and freedoms.

While the actual content of the Round Table Constitution reflected the demands of the demonstrators from the fall of 1989, its appeal was limited by problematic associations with its proponents and the political baggage of forty years of dictatorship. The human rights section of the Constitution, in particular, was shaped by the SED-stalwarts-turned-reform-communists of the now defunct *GDR-Committee for Human Rights*. The East German legal academic Karl-Heinz Schöneberg took the lead in drafting the language of rights and Hermann Klenner and Bernhard Graefrath were also involved in the process.⁹⁹ Internal discussions still revolved around SED terms such as “abolishing the exploitation of man by man,” and the document’s emphasis on “revolutionary renewal,” connected it closely to the project of reforming the old GDR rather

⁹⁷ Inga Markovits, “Constitution Making After National Catastrophes: Germany in 1949 and 1990,” *William and Mary Law Review* 49:4 (Mar 2008): 1327.

⁹⁸ Peter Quint, *The Imperfect Union: Constitutional Structures of German Unification* (Princeton: Princeton University Press, 2012), 31.

⁹⁹ RHG GP 32 Gerd Poppe Notes from AG Neue Verfassung (12 Jan 1990)

than creating an entirely new one.¹⁰⁰ Many of the intellectual dissidents associated with the project were also alienating possible supporters by acknowledging that their path would involve extreme financial hardship without the financial support of the Federal Republic. Christa Wolf told audiences that there would be “no quick prosperity but participation in a great transformation,” and Bärbel Bohley promised “we will be poor for a long time, but we don’t want to have a society in which profiteers elbow their way to the front.”¹⁰¹ Those emerging political leaders who were dealing with collapsing infrastructure, a faltering economy and shortages of basic material goods had little time for such utopianism. For much of the East German population, the appeal of socialism had not been anti-capitalism but rather the guaranteed economic benefits and the possibilities for consumerism unseen by previous generations in the working class.¹⁰² For these GDR citizens, an essential aspect of the revolution in 1989 was securing the right to economic prosperity and equal access to consumer goods.¹⁰³

Democracy in the German Democratic Republic

When elections were held on 18 March 1990, the results were a ringing victory for reunification and a stunning defeat for the “third way.” The Alliance for Germany (*Allianz für Deutschland*, AfD), conservative coalition of the eastern CDU along with Democratic Awakening and the German Social Union, campaigned on a platform of rapid reunification and won nearly 50% of the vote. The gradualist Social Democrats took slightly less than 22%, the

¹⁰⁰ BArch-Lichterfelde DA 3/36 Grundsätze für eine neue Verfassung der DDR, 6.

¹⁰¹ Dale, *The East German Revolution of 1989*, 88; Maier, *Dissolution*, 198.

¹⁰² Ina Merkel, “Consumer Culture in the GDR, or How the Struggle for Anti-Modernity Was Lost on the Battleground of Consumer Culture,” in Susan Strasser, Charles McGovern, and Matthias Judt, *Getting and Spending: European and American Consumer Societies in the Twentieth Century* (Cambridge: Cambridge University Press, 1998), 282.

¹⁰³ Daphne Berdahl. “Re-Presenting the Socialist Modern: Museums and Memory in the Former GDR,” in Katherine Pence and Paul Betts, *Socialist Modern: East German Everyday Culture and Politics* (Ann Arbor: University of Michigan Press, 2008), 361.

PDS slight more than 16% and the Bündnis 90, the coalition of dissident groups and human rights organizations a paltry 2.9%. The results have been interpreted as a clear sign that East Germans preferred the political and economic system of the Federal Republic to the abstract human rights rhetoric of the intellectual dissidents. A closer look at the party platforms reveals, however, that every political party had adopted much of the dissident agenda and the Alliance for Germany in particular was promising much of the same content. The language of human rights had become ubiquitous in East German political discourse and the parties were largely distinguished by how they planned to go about achieving these lofty goals.

The Initiative for Peace and Human Rights, as part of Bündnis 90, was promising to realize “Human rights and humanity in all sectors of society,” but this hardly set it apart from the crowded field.¹⁰⁴ The liberal German Forum Party promised to fully implement the tenets of the Universal Declaration of Human Rights and the UN Human Rights Covenants of 1966.¹⁰⁵ The Greens portrayed their agenda of improving the health and well being of the GDR as contribution to “fundamental human rights.”¹⁰⁶ The Social Democrats promised, “The creation of social and democratic relations in our country to provide a legal foundation for fundamental human rights in order to participate in a pluralistic society in which everyone has the right to take part in decision-making processes.”¹⁰⁷ The PDS program, “Democratic Freedoms and Social Security for All,” pledged “an unrestricted guarantee of human rights,” through constitutional measures to protect democratic freedoms and workers’ rights.¹⁰⁸

¹⁰⁴ “Initiative Frieden und Menschenrechte Wahlprogramm,” www.ddr89.de/ddr89/ifm/IFM16.html.

¹⁰⁵ “Programm der Deutschen Forumpartei,” www.freiheit.org/files/288/1990_DFP-Programm.pdf.

¹⁰⁶ “Grüne Partei: Die Ziele der Grünen Partei in unserem Bezirk,” www.ddr89.de/ddr89/gp/GP31.html.

¹⁰⁷ “Sozialdemokratische Partei in der DDR (SDP) - wer ist und was will unsere Partei?,” www.ddr89.de/ddr89/sdp/SDP22.html.

¹⁰⁸ “Demokratische Freiheiten für alle Soziale Sicherheit für Jeden,” *Neues Deutschland* (10 Feb 1990), 3.

The Alliance for Germany did not promote constitutional measures to secure the social and economic rights proposed by the dissidents and the PDS in its call for a rapid reunification with West Germany, but its platform contained much of the same human rights promises as its left-wing opponents. Under the heading “Never Again Socialism,” point one of the joint platform emphasized German unity and the restoration of basic and human rights. In spite of the blistering rhetoric against the SED dictatorship and socialism in general, it promised that privatization would spread wealth to the “employees” of the community, protect people from massive rent increases, co-responsibility at workplaces through unions, increased pensions for the elderly and the retention of the state system of daycares and child benefits.¹⁰⁹ The AfD platform essentially offered the benefits contained in the platforms of the dissidents and the PDS but stripped of Marxist jargon, the taint of state socialism and the Stasi, and offered the prospect of having it all funded by West Germany. Promises of human rights on paper, promoted by former SED members and dissident intellectuals were not as appealing as a concrete plan for the realization of those same rights in practice. The PDS, successor to the Party of Workers and Farmers had the votes of the intelligentsia, but the AfD had the support of the actual workers of the GDR who were finished with experiments and were uninterested in exploring new forms of democracy if that meant continued poverty.¹¹⁰

On 19 April, non Prime Minister Lothar de Maizière of the CDU presented his government’s program to the first democratically elected session of the *Volkskammer*. For reform he proposed, “as much market as possible and as much state as necessary,” by converting the “previous state-controlled command economy into an ecologically-oriented social market

¹⁰⁹ “Nie Wieder Sozialismus,” www.kas.de/upload/ACDP/CDU/Programme_Bundestag/1990_Wahlauf-ruf-und-Sofortprogramm-der-Allianz-fuer-Deutschland-zur-Volkskammerwahl-in-der-DDR.pdf.

¹¹⁰ Gerhard Ritter, *The Price of German Unity: Reunification and the Crisis of the Welfare State* (Oxford: Oxford University Press, 2011), 21.

economy. On the subject of German unity he declared that citizens of the GDR had much to contribute including,

Our identity and our dignity. Our identity: that is our history and culture, our failures and our achievements, our ideals and our suffering. Our dignity: that is our freedom and our human right to self-determination.¹¹¹

As de Maizière presented it, East Germans were not entering into the reunification process as supplicants but as equal partners. They were not joining together with the Federal Republic because of inertia or a “sell-out,” but through a conscious choice exercised through self-determination. Reunification would not subsume the citizens of the GDR and it was not turning their backs on their own past but rather a means of bringing their historical experience together with that of their western counterparts. East Germans had not turned away from human rights by rejecting the program of the human rights dissidents but rather chosen a different vision of how to achieve those rights for all East Germans.

In the Unification Treaty between the two Germanies from 31 August 1990, one passage read, “Aware of the continuity of German history and bearing in mind the special responsibility arising from our past for a democratic development in Germany committed to respect for human rights and peace.”¹¹² In November of the previous year, reform communists had seen human rights activism and the fall of the Berlin Wall as the salvation of the socialist experiment and now under the banner of human rights it was being buried. Everyone in East and West could agree that history showed the importance of democracy and human rights. But what would that mean in practice once the GDR was no more?

¹¹¹ Lothar de Maizière’s Government Program (19 Apr 1990), http://germanhistorydocs.ghi-dc.org/pdf/eng/Chapter2_Doc7_English.pdf.

¹¹² Jarausch, *Uniting Germany*, 189.

Conclusion

One of the crucial elements in the revolution of 1989 was an ideological crisis centered on the problem of human rights. The simultaneous coming together of diverse groups to demand reform and exit in the name of human rights alongside the crisis of confidence in the underlying legitimacy of SED rule from above created a reinforcing dynamic that resulted in decisive shift in how people perceived and understood human rights in practice. East German citizens developed a new sense of what rights they possessed, both morally and legally, and chose to act out those rights in spite of the refusal of the state to recognize them. Large swaths of the SED, the state bureaucracy and the security services, on the other hand, lost faith in the idea that the system they worked for and protected was actually in line with the ideals of human rights. Within the discourse of human rights generated from below, defecting from the state to the side of the protests became a way to stay true to one's highest ideals rather than to reject them. Fighting to maintain the status quo was transformed from championing antifascism to protecting a corrupt gerontocracy that had strayed from its own principles and goals.

Much of the debate over the meaning of 1989 focuses on its character as either an implosion or a revolution.¹¹³ Some historians would argue that such problems of ideology and ideas are simply distractions from the real problem of economic decline and collapse. As Stephen Kotkin has claimed, "the GDR was a Ponzi scheme that fell in a bank run."¹¹⁴ Others such as Armin Mitter and Stefan Wolle have argued that East Germany was simply an artificial creation propped up only by the support of "Soviet bayonets," and its collapse was inevitable as

¹¹³ Konrad H. Jarausch, "Implosion oder Selbstbefreiung," in Konrad H. Jarausch and Martin Sabrow, *Weg in den Untergang* (Göttingen: Vandenhoeck & Ruprecht, 1999).

¹¹⁴ Stephen Kotkin, *Uncivil Society: 1989 and the Implosion of the Communist Establishment* (New York: Random House, 2009), 61.

soon as the guarantee of violent suppression disappeared.¹¹⁵ These mechanistic explanations of the end of the GDR presume much on the side of both the state and the people. The SED did not look at their financial accounts with the eyes of a neo-liberal economist and simply decided that the great emancipation of the socialist revolution was a lie.

Similarly, the human rights movement of 1989 was a social creation decades in the making rather than a constantly existing, but latent, expression of the collective popular will. A revolution for human rights was not self-evident to the population until right before it actually took place. Those who ran the SED and those who made the state function believed in socialism as universal system of politics, economics and society, and the population of the GDR bought into this system in the day-to-day for most of the country's existence.¹¹⁶ The paradox of stability and sudden collapse was more than just a problem of violence and money but one of perception and belief. The legitimacy of state socialism and SED was grounded in Marxist-Leninist ideology and an antifascist interpretation of history.¹¹⁷ The SED tied the concept of human rights to both of these pillars over the course of its first decades of rule and in 1989, their collapse helped to bring down the whole edifice of power.

Economic decline and the damage from mass exodus were crucial to the collapse of state-socialism, but there was a critical subjective component to the decision by so many in the SED to simply give up. The constant pressure of dissidents and ordinary citizens in criticizing and

¹¹⁵ Armin Mitter and Stefan Wolle, *Untergang auf Raten: Unbekannte Kapitel der DDR-Geschichte* (Munich: Bertelsmann, 1993), 162.

¹¹⁶ On the faith in communism and the revolution amongst the SED's leaders, see Epstein, *The Last Revolutionaries*. On the problem of stability and collapse, see Sigrid Meuschel, *Legitimation und Parteiherrschaft: zum Paradox von Stabilität und Revolution in der DDR, 1945-1989* (Frankfurt: Suhrkamp, 1992); Andrew Port, *Conflict and Stability in the German Democratic Republic* (Cambridge: Cambridge University Press, 2007); Jeannette Madarász, *Conflict and Compromise in East Germany, 1971-1989: A Precarious Stability* (Houndmills: Palgrave Macmillan, 2003).

¹¹⁷ Konrad H. Jarausch, "The Failure of East German Antifascism: Some Ironies of History as Politics," *German Studies Review* 14:1 (Feb 1991).

challenging the hegemonic ideology of the state in the 1980s steadily wore down the defenders of the status quo. Both the ideas and the actions of the dissident human rights activists chipped away at the worldview of the SED elite until they could no longer justify their own position to themselves. In place of this shattering belief system, the dissidents put forward the possibility of a humane socialism grounded in direct democracy and human rights for all. The alternative they presented drew adherents from the ranks of the so-called “service class” of the state socialist system – the teachers, intellectuals, functionaries and officials who were to translate state policy in to practice.¹¹⁸ The human rights movement provided them with an opportunity to embrace a movement founded on their true principles if not their daily practice and offered a means to reform a system they knew too well was broken. The cause of human rights appealed to both their ideals and their practicality and was both utopian and pragmatic.

The long-term embrace of the discourse of human rights by the SED is crucial then to understanding the revolution of 1989. Since the 1940s, the SED had erected a grand edifice of human rights ideology to defend the status quo, but like the rest of its political institutions, this “at first sight contributed to stabilizing its rule, but in the long run made it fragile.”¹¹⁹ Human rights as a general concept was normalized and internalized by the apparatus of the state but only so long as the SED could control this language within the discursive bubble of the GDR. Once the SED lost control of the discourse in the 1980s, however, this precipitated a radical shift in the meaning of these ideas.¹²⁰ For East German dissidents and regular citizens hoping to leave or just

¹¹⁸ Dieter Segert, “The GDR Intelligentsia and Its Forgotten Political Role During the Wende of 1989,” *Debatte: Journal of Contemporary Central and Eastern Europe* 17:2 (2009), 145.

¹¹⁹ Detlef Pollack. “Modernization and Modernization Blockages in GDR Society.” Konrad Jarausch, *Dictatorship As Experience: Towards a Socio-Cultural History of the GDR* (New York: Berghahn Books, 1999), 40–41.

¹²⁰ On the concept of a heteronymic shift in meaning of discourse in late socialism, see Alexei Yurchak, *Everything Was Forever, Until It Was No More: The Last Soviet Generation* (Princeton: Princeton University Press, 2006).

make a better future, human rights ceased to be one more phrase in state propaganda or western television documentaries but a vital and pressing cause that would bring about revolutionary change for the better. At that point, SED officials did not need to be convinced that they should love human rights, they just needed to change their mind about what they meant in practice. The dissident movement within the GDR changed the meaning of human rights from within and once this subjective shift had occurred, the state apparatus abolished itself in order to realize its own ideals. The possibility of saving socialism by realizing human rights proved to be an illusion as the reforms implemented to save the system facilitated the continued mass protests against the state and then in March 1990, the popular vote to abandon independence and unify with West Germany.

CONCLUSION

We wanted justice but we got the rule of law.
- Bärbel Bohley¹

Since German reunification in 1990, the German Democratic Republic has become a symbol of human rights violations. The SED dictatorship was without the rule of law or free elections, the Berlin Wall prevented free movement with deadly force, and the Stasi suppressed the civil liberties of the people through a noxious system of nationwide surveillance and infiltration. The Constitutional Court in the new Federal Republic found that the human rights abuses by border guards were so great that it legitimized a degree of retroactive punishment for those responsible even if they were acting legally according to the laws of the GDR.² For some, this did not go nearly far enough one former regional high court justice argued that the similarities between the crimes of the SED equalled those of the Third Reich. “The one group disregarded human rights from the standpoint of race while the other did it from the class standpoint.”³ This concept extended from the law into academia, with one historian going so far as to label historians as apologists for the SED regime when they failed to explicitly refer to the GDR “as a state in which human rights abuses were institutionalized and were a defining feature of the regime.”⁴

¹ Quoted in Charles Maier, *Dissolution: The Crisis of Communism and the End of East Germany*. (Princeton: Princeton University Press, 1997), 316-317.

² Peter Quint, “Judging the Past: The Prosecution of East German Border Guards and the GDR Chain of Command,” *The Review of Politics* 61: 2 (Apr 1999), 321.

³ James McAdams, *Judging the Past in Unified Germany* (Cambridge: Cambridge University Press, 2001), 26.

⁴ Anthony Glees and David Childs, “Debate,” *German Politics*, Vol. 9, Book 2 (Aug 2000), 244.

The widespread sense that that the GDR was clearly home to massive human rights violations has even functioned retroactively on the memories of East Germans who had propped up the human rights discourse of the SED. Some former academics now claimed that the human rights scholarship of Hermann Klenner and others represented a form of dissent against the regime. To write about human rights under such a system could be nothing else.⁵ Others found their own memories confusing. Siegfried Forberger, secretary of the *GDR-Committee for Human Rights* for forty years, was puzzled by his inability to see the contradictions in the system over the years when they seemed so clear a decade after the fall of the Berlin Wall. “Yes, the free development of the person [through socialist human rights] – that sounded full of promise and was also what socialists had held up to us as the ideal. But did we not notice that we were light-years away from this in the GDR?”⁶ Some simply erased the SED’s efforts from their past, including Ideology Minister Kurt Hager whose memoirs omit the Declaration of Socialist Human Rights from his recollections of key meetings in the 1980s, which in his retelling focused only on problems of international peace.⁷ There were exceptions: from his cell in the Moabit Prison in Berlin, Erich Honecker remained resolute that the real problem with human rights was that the SED had simply been too passive in pointing out the violations of the west, though it was possible that he could have, perhaps, liberalized travel rights.⁸

If human rights are self-evident moral and legal values, why had taken East Germans so long to rise up to demand them? In West Germany, some explained this discrepancy by blaming

⁵ Howard De Nike, *German Unification and the Jurists of East Germany: An Anthropology of Law, Nation and History* (Godesberg: Forum Verlag, 1997), 68.

⁶ Siegfried Forberger, *Das DDR-Komitee für Menschenrechte: Erinnerungen an den Sozialismus-Versuch im 20. Jahrhundert; Einsichten und Irrtümer des Siegfried Forberger, Sekretär des DDR-Komitees für Menschenrechte von 1959 bis 1989* (Berlin: Self-Published, 2000), 198–99.

⁷ Kurt Hager, *Erinnerungen* (Leipzig: Faber & Faber, 1996).

⁸ Erich Honecker, *Moabiter Notizen* (Berlin: Edition Ost, 1994), 60.

East Germans themselves, arguing that years of dictatorship had warped their perceptions of freedom and left them without a true understanding of human rights, in clear contrast to the virtuous West German system that had embraced these ideas decades earlier. When East Germans challenged the terms of reunification in terms of human rights or showed differences in opinions on the matter from that of the west, they were deemed aberrant. Citing survey data showing somewhat greater enthusiasm for social and economic rights in the former East, pollster Elizabeth Noelle-Neumann declared in the *Frankfurter Allgemeine Zeitung*, “Among the East Germans resounds the conception of freedom held by totalitarian states: the state secures the freedom of the citizen from want. The conception of freedom held by western democracies is completely antithetical to this.”⁹ While the article in the cited 17 per cent support for the right to housing amongst former East Germans, it left out that respondents included the inviolability of the home within this right – likely due to the extensive violations of privacy rights during the GDR. Similarly, more East Germans than West Germans associated the idea of human rights with the “freedom of the individual – absence of arbitrary detention” and the right to free movement – both essentially negative human rights against state action.¹⁰ In spite of scant evidence, the article painted a picture of freedom-loving West German citizens seeking to live without interference from the state, confronted by decadent, dependent Osis, willing to sell out liberal democracy in exchange for government handouts.

⁹ The author selected only two points of comparison and two other singular data points from the East German responses alone. The right to free expression was deemed an important human right by 30% in the West versus 19% in the East and the right to life and prohibition on torture by 15% in the West and by 9% in the East. In addition to these variations, she pulled out the statistic that 35 per cent of East Germans highly valued the right to work and another 17% emphasized a right to housing. See Elizabeth Noelle-Neumann, „Kein Schutz, keine Gleichheit, keine Gerechtigkeit,“ *Frankfurter Allgemeine Zeitung* (8 Mar 1995).

¹⁰ Oddly, only 1 per cent of all Germans cited the freedom to assemble as a crucial human right. Elizabeth Noelle-Neumann, “Rechtsbewußtsein im wiedervereinigten Deutschland,” *Zeitschrift für Rechtssoziologie*, 16 (1995), 127.

While this narrative legitimized and naturalized the marginalization of East Germans in the new Federal Republic, it was hardly a fair reflection of reality. Some West German conservatives saw reunification as a chance to roll back the liberalization of abortion, and increase the authority of the state in matters of reproduction. While in the GDR, there was free access to abortion; the Federal Republic still had strict regulations and controls requiring authorization by medical authorities based on reasons of physical or psychological health. As one CDU member said in the Bundestag, “The Unification Treaty provides us with a unique opportunity to realize human rights across Germany that cannot be missed. The Treaty must be used to give a clear signal in favour of life and to bring about the end of the present abortion practices.”¹¹ As Susan Gal and Gail Kligman have written, for East German feminists “self-determination with respect to abortion paralleled self-determination with respect to democracy; it was considered an individual’s fundamental political right.”¹² Demands of East German women’s groups to preserve their right to bodily autonomy were portrayed as the last remnant of a “failed system” that was both economically and morally “bankrupt.”¹³ While West Germans on the whole held themselves to be the paragons of individualistic liberal democratic human rights thinking, when it came to control over women’s bodies, the state was deemed the final and definitive authority.

Over the course of the history of the German Democratic Republic, human rights proved to be a malleable concept. First the SED and then dissidents adopted the idea of human rights instrumentally to deal with specific problems, and then proceeded to expand upon this initial

¹¹ Bundestag and Volkskammer, *Auf dem Weg zur deutschen Einheit: Deutschlandpolitische Debatten im Deutschen Bundestag vom 5. bis zum 20. September 1990 mit Beratungen der Volkskammer der DDR zu dem Vertrag über die Herstellung der Einheit Deutschlands* (Bonn: Bundestag, 1990), 597.

¹² Susan Gal and Gail Kligman, *Reproducing Gender: Politics, Publics, and Everyday Life after Socialism* (Princeton: Princeton University Press, 2000), 99.

¹³ *Ibid.*

foray with new theories and philosophies of human rights and finally they progressed to a point where the connection between human rights and their cause was self-evident. In 1946, it was clear to the SED that there could be no “human rights without socialism.” In the decades that followed, it was equally apparent to the party that the GDR was a great international champion of human rights and that signing international human rights agreements would serve to support its sovereignty. In the early 1980s, it was controversial for dissident activists to broach the idea of human rights yet in 1989 tens of thousands in the streets were demanding their realization. In the elections of 1990, human rights were the major component of the winning party’s platform running on the slogan, “Never Again Socialism.” At each of these points, such ideas were ostensibly obvious to those who held them and the transitions from one set of ideas to another came about through conflict rather than the seamless unfolding of a unitary idea. As Samuel Moyn has argued, “what is self-evident about human rights turns out not to be very much.”¹⁴

What were the factors that allowed the SED to claim to be a champion of human rights for so many years without serious challenge at home and then, suddenly in 1989, such a discourse became central to dissent, mass opposition and the end of state socialism in general? On the global level, the changing conceptions of human rights within the international community were interconnected with the evolution of human rights in East Germany. The SED appropriated the discourse of human rights at a time when it was broadly defined as the values of the antifascist coalition of the Second World War. In the 1960s, when anti-imperialism dominated the international human rights agenda, the SED was able to claim solidarity with the post-colonial nations and maintain its legitimizing discourse of socialist human rights without significant backlash. Within the GDR itself, with the support of the SED leadership, intellectuals

¹⁴ Kate Tunstall, *Self-Evident Truths?: Human Rights and the Enlightenment* (New York: Bloomsbury, 2012), 261.

effectively translated the concept of human rights into East German vernacular and connecting it to other legitimizing discourses with popular appeal such as antifascism. *The GDR-Committee for Human Rights* worked to continually update and modify the hegemonic discourse to correspond with new developments and adapt to new threats. The SED not only created an elaborate discursive support system for its claims but it also jealously guarded this hegemony by deporting, marginalizing and generally suppressing those who could act as translators for a dissident or even an alternative socialist conception of human rights grounded in local values and cultural norms. Amongst the general population, the claims to leadership grounded in popular antifascism combined with the security of social welfare benefits for all was enough to gain the grudging loyalty if not affection of the people. Those who sought to contest SED policies did so within the official channels provided by the state rather than reject its right to rule entirely and face severe consequences.

The decisive shift towards a democratizing vision of human rights within the GDR came when all three of these levels aligned against the SED in the 1980s. The GDR was steadily isolated from the international community on the problem of human rights. While the post-colonial world was never as close to the socialist position as the SED portrayed in its propaganda, the abundance of “development dictatorships,” and other ideologically grounded authoritarian regimes prevented the East Germans from becoming a pariah. In the 1970s, the turn towards individual rights, liberal democracy and the rule of law as basic prerequisites for human rights throughout the world steadily reduced the number of East German allies and sympathizers. As Afro-Asian countries turned to discourses of cultural difference and relativism to deflect from human rights criticism, the SED and the rest of the Eastern Bloc continued to invoke an ideological conception of historical development that had little intellectual purchase in the rest of the world. Once socialist solidarity on the matter of human rights fell apart with the acceptance

of the rule of law and the introduction of some limited “bourgeois” political and civil rights by other socialist countries, the basis for the SED’s claims collapsed with it.

The capacity of the *GDR-Committee for Human Rights* and other elites to reconcile reality with theory also began to falter in the 1980s. Growing economic problems were undercutting claims to modest egalitarian prosperity as the great benefit of socialism and the explosion of demand to exit the GDR shook the faith of loyal intellectuals who could now see that reform was necessary if the cause of socialist was to survive. As a human rights movement emerged from the independent peace movement, groups like the Initiative for Peace and Human Rights translated the hegemonic discourse of the SED into a new vernacular of democratic socialism further undermining the resolve of wavering elites. From the perspective of the East German people, there was a steady collapse in legitimacy for the regime as the population with strong connections to the ideals of antifascism declined and the economic benefits of accepting the “welfare dictatorship” system of the SED became more and more paltry. Once joining the human rights movement and the demonstrations in the street seemed more likely to help individuals realize their interests, the population shifted in huge numbers from apathy to revolt. The dissident movement created a discourse of opposition that was broad and inclusive enough to allow for the integration of a broad coalition with diverse interests and goals as East Germans abandoned the system and took to the streets in protest.

The collapse of socialist human rights in the GDR and the rapid transformation of human rights discourse towards democracy were the product of complex changes in the international community, the social dynamics of the GDR and the capacity of the SED to project an image of legitimacy rooted in history and economic achievement. While Louis Henkin may be correct in the claim that “human rights is the idea of our time, the only political moral idea that has received universal acceptance,” but this does not mean that all who have adopted this language

agree on what it will mean in practice.¹⁵ The initial spread of the vocabulary of human rights alone did little to spur on democratization in the GDR and actually helped to reinforce the SED dictatorship for many years. There was no innate revolutionary and democratic reaction to hearing such rhetoric from a dictatorship. Human rights have been codified through international treaties and turned into law through numerous constitutions around the world, yet it remains a highly malleable discourse capable of integration into a diverse array of social, economic and political arrangements rather than just serving as the ideological root of western liberal democracy.

The example of the GDR does not show how human rights were “invented,” but rather it shows the extremes to which they can be reinvented and re-imagined and shows that there is not a straight line from awareness of human rights to western liberal democracy. The discourse and politics of human rights in the GDR are not an isolated case of a state cynically and illegitimately co-opting such rhetoric in the face of blatant violations. Just as the stark contrast between the contents of the Declaration of the Rights of Man and Citizen and the continued oppression of women and non-whites in France (and the colonies) did not fatally undermine the authority of these documents, so the leaders of GDR could be both hypocritical and sincere.¹⁶ Similarly, the American Declaration of Independence with its claims of “self-evident” human equality comfortably coexisted with slavery and institutionalized white male supremacy, and is still held up as a major human achievement for the cause of human rights.¹⁷

¹⁵ Louis Henkin, *The Age of Rights* (New York: Columbia University Press, 1990), ix.

¹⁶ Olwen Hufton, *Women and the Limits of Citizenship in the French Revolution* (Toronto: University of Toronto Press, 1992); Laurent Dubois, *A Colony of Citizens: Revolution & Slave Emancipation in the French Caribbean, 1787-1804* (Chapel Hill: University of North Carolina Press, 2004).

¹⁷ Robin Blackburn, *The American Crucible: Slavery, Emancipation and Human Rights* (New York: Verso Books, 2013).

In the modern period, this ‘sincere hypocrisy’ was equally commonplace and not just a feature of specifically East German statecraft. While South Africa did eventually abstain in the vote on the Universal Declaration of Human Rights, Prime Minister Jan Smuts demanded the inclusion of human rights in the UN Charter in spite of his country’s system of racial subjugation.¹⁸ Although today it is incomprehensible that a *socialist* dictatorship could be imagined as a champion of human rights, it is somehow unproblematic that Jim Crow America would endorse human rights treaties or that the British and French delegates at the UN could have supported such notions while their empires denied these rights to millions. In the post-colonial world, anti-imperialist leaders who dismantled direct European control under the banner of human rights often created their own systems of oppression in its place.¹⁹ Tanzania’s Julius Nyerere championed human rights as part of his plans for African Socialism, but in power he also relied on autocratic measures including “signing a few death warrants, detaining people in custody without trial and deporting citizens of Tanzania from one part of the country to another.”²⁰ In spite of this, Nyerere eventually guided the country through the transition to a multi-party democracy.

Such complicated and seemingly contradictory scenarios have not concluded with the Cold War. While preaching human rights to the world, the United States has engaged in unrestricted mass surveillance and torture as part of the war on terror – supposedly two of the great sins of communist dictatorships that had distinguished the tyranny of the East from the

¹⁸ Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009), 179.

¹⁹ Carol Elaine Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* (Cambridge: Cambridge University Press, 2003); Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention* (New York: Oxford, 2004).

²⁰ Helen Kijo-Bisimba and Chris Maina Peter, “Mwalimu Nyerere and the Challenge of Human Rights,” *Pambazuka News* (13 Oct 2009), www.pambazuka.org/en/category/features/59511/print.

freedom of the west. One American politician even favourably compared border fortifications at the US-Mexican border with those of the Berlin Wall, adding to the horrible irony.²¹

Dictatorships have continued to adopt the language of human rights to legitimize rule and deflect criticism. Since the 1990s, North Korea has developed a robust conception of human rights as an element of its *Juche* ideology that stands in opposition to the “imperialist” human rights of the west.²² In a familiar parallel to the East German example, the Iranian state has created the Islamic Human Rights Commission to investigate and campaign against human rights abuses abroad while it is restricted from, and uninterested in, commenting on domestic issues.²³

The German Democratic Republic was not the only country to embrace human rights while violating them and this contradiction is intrinsic to the very problem of human rights in all places. As Upendra Baxi has argued, “all nations and peoples come to human rights as equal strangers.”²⁴ In applying an abstract set of universalistic principles to a diverse population, instances of hypocrisy, exclusion, and double standards, will inevitably develop. The narrative history of human rights is not a matter of whether a system deviates from human rights norms but how it seeks to resolve the tensions between ideals and complex social institutions that are meant to carry them out. In the GDR, state institutions were designed to maintain those very contradictions and to suppress those who would seek to resolve them. The revolution of 1989 did not bring about the total realization of human rights, but given the diversity of conceptions of human rights amongst the protestors, that was never a possibility. Reunification did not realize a

²¹ John McCain (Senator from Arizona, Republican), quoted in Todd Miller, “War on the Border,” *New York Times* (17 Aug 2013), www.nytimes.com/2013/08/18/opinion/sunday/war-on-the-border.html.

²² Jiyoung Song, *Human Rights Discourse in North Korea: Post-Colonial, Marxist and Confucian Perspectives* (New York: Taylor & Francis, 2010).

²³ Reza Afshari, *Human Rights in Iran: The Abuse of Cultural Relativism* (Philadelphia: University of Pennsylvania Press, 2011), 279–81.

²⁴ Upendra Baxi, *The Future of Human Rights* (New Delhi: Oxford University Press India, 2012), 46.

utopia of human rights, but it did create the basic structures necessary for citizens to call attention to these sites of conflict and fight to overcome them.

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