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Das mehrsprachige Webportal publiziert fortlaufend Informationen zur historisch-politischen Bildung in Schulen, Gedenkstätten und anderen Einrichtungen zur Geschichte des 20. Jahrhunderts. Schwerpunkte bilden der Nationalsozialismus, der Zweite Weltkrieg sowie die Folgegeschichte in den Ländern Europas bis zu den politischen Umbrüchen 1989.

Dabei nimmt es Bildungsangebote in den Fokus, die einen Gegenwartsbezug der Geschichte herausstellen und bietet einen Erfahrungsaustausch über historisch-politische Bildung in Europa an.

Judge opens archive doors for students

Secondary school teacher Dr. Bernhard Lehmann and students' appeal before the administrative court is successful

By Simon Kaminski, Augsburgischer Zeitung

Gersthofen The town of Gersthofen is obliged to grant secondary school teacher Dr. Bernhard Lehmann and his students immediate access to the town archives. This decision was announced yesterday lunchtime by the Augsburg administrative court. Gersthofen must bear the cost of the trial, which were fixed at DM 4000.

With this decision the conflict, which has been smouldering for weeks, seems to have come to a positive end for Lehmann and ten of his 11th grade students from Paul Klee Secondary School. The key points of the town's argumentation were discarded. In accordance with the decision, the school's research project about the fate of forced labourers in Gersthofen and surroundings can also be continued in the local archives.

In particular mayor Siegfried Deffner (CSU) had tried to restrict the access. The town had set the condition that all data – meaning also the names – had to be anonymous. This would make it possible to both fulfil research interests and protect the personal rights of the deceased. On this basis Lehmann had been offered the possibility to work in the archives on his own, without his students. A solution that both students and their teacher dismissed.

During the dispute, which was at times quite polemic, it became clear that Deffner did not believe that the group was capable of dealing with the data in a legitimate manner. The mayor was particularly upset by the fact that Lehmann had called the former mayor Georg Wendler, who had held office during World War Two, a "Nazi mayor". According to Deffner, this constituted the crime of defamation and seriously hurt the family of the former mayor.

Successful appeal

But Lehmann and his students did not give up. Instead, they filed for an injunction with the administrative court – successfully, as we can now see. The court saw no reason to doubt

Lehmann's and his students' capability to legitimately and responsibly work in the archives. Furthermore, in its decision the court referred to the Bavarian archive law, which regulates the handling of people-related archive data. This states that this data may only be used 10 years after the death of the respective person.

Therefore it is possible to use archived data about the former mayor Wendler. It is also noted that the claimant clearly states the purpose of the research in his claim. The administrative court followed the claimant's argumentation, which claimed that the research in the archives could improve the database immensely. This could minimize the risk of a distorted portrayal. The town of Gersthofen was unsuccessful in its argumentation that this is not an archive but a filing department, for which there are different rules. On this, the court commented that the town itself had repeatedly called it the town archives. In the "Handbook of Bavarian Archives" it is also listed as the town archives.

Anticipation of the main issue

On the one hand the court justified the "anticipation of the main issue" through the regulation by stating that the use of the archives could only be useful for the claimants if the research results could be used in 11th grade's project work in this school year.

In addition, it is highly likely that the main issue would not lead to an opposing decision. An indication that makes an appeal seem unpromising for the town. Nevertheless, mayor Deffner filed a precautionary complaint against the decision, as he told the Augsburg Allgemeine (local newspaper) – even though it is momentarily not sure whether it would hold up.

Deffner saw the specific reference to the protection of the deceased until 10 years after their death as a positive element of the judgement.

"But I find it hard to live with the fact that this protection expires after this time", Deffner conceded.

No dodges

He assured that he would open the archive to the students as soon as the decision was legally binding. "There will be no dodges or other tricks", he assured. But data involving protected people should be systematically eliminated from the material. While he did not mistrust the students involved in the research project, his trust in Dr. Lehmann's methods had been noticeably weakened.