

## *European Archives in an Era of Change*

# The Effects of Democratization on Archival Administration and Use in Eastern Middle Europe

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THE EFFECTS OF THE 1988/89 democratization on the administration and use of archives in Eastern Middle Europe are especially apparent in two spheres: in the liberalization of access to archives and in the modification of laws and rules regulating archival jurisdictions. This democratization process is not yet finished, and there are differences in the stages of development among the countries of the region. Therefore, this article presents only a model of trends and changes and ways of progress.

In the years after 1945, access to archives was dependent on state administrations and legal practices which were characterized by the omnipotent state derived from a one-party system, by centralism, and by the absence of democracy. In

relation to archival holdings, it meant that the administration's goals were realized by not admitting the public to the archives. Because of the absence of democratic control on administrative management, the access to archives was not declared as an individual right, and the opportunity for research into records was not manifested as a precondition of freedom of research constitutionally guaranteed, but as a selective privilege, dependent on the permission of the archives administration or the records creators. Selective access to archival holdings, in which so-called "non-professional" researchers were automatically discriminated against, was further restricted by a catalogue of prohibited research topics; closed files; unlimited

opportunity for records creators to restrict access to archival information; the exemption of certain records creators from existing archival legislation; and national isolation.

The creation of a catalogue of prohibited topics can be best understood by examining the circumstances of Eastern Middle European historiography since 1945. According to the Communist Party administration, the most important duty of contemporary historiography was to prove the historical necessity for the governance of the Communist Party and the legitimacy of Great Power hegemony in the region. For the success of this "historiographical trick," not only was the study of different factions within the Communist Party prohibited, but research into all of those social movements which could have minimized the authority and significant influence of the Communist Party on society was prohibited. Among the sixty to eighty topics which were restricted were research on religious organizations, minority groups, social and political movements, and right and left factions of the Party. The restricted research topics led to the restriction of archival holdings. The administration of restrictions in the archives resulted in conflicts between archivists and researchers.

The existence of closed files and the use of differing but determined access dates are not unknown in the archival administration of any country, but the common Eastern Middle European practice regarding access restriction was the use of indeterminate access dates. Access to archival holdings was further hindered by the unlimited opportunity for records creators and administrators to restrict the access, even to non-current records held in archives, by setting closure dates. Access was not based on national archival laws which, when they existed, were of limited effectiveness, but on regulations determined by ministries and other records creators. After 1945, the records of historical value created by the ministries of

home affairs, justice, and the police were, in many cases, not transferred to the archives. These documents, reflecting the sharp political confrontations of their age, have not been arranged and described by archivists; therefore, they are unknown and inaccessible to researchers.

Alongside the state archives, a parallel archival system was established which did not fall under the archival legislation. This included the network of party archives including the central Party archives and several regional archival institutions which answered only to the state Party. These archives were institutions with restricted public access in all the Eastern Middle European countries, and even summary guides of their records have not been published. These archives preserved mainly the records created by the predecessor "Labour Parties," for example, the Social Democratic parties that were incorporated by force into the Communist Party, and the documents related to labor movements and collected from state archives in the 1950s. After 1948/49 these archives acquired the records created by the regional Communist Party organs which exercised state administrative functions. It is known that up to 1989, the most important decisions on economic, social, and cultural life in Eastern Middle European countries were made by special committees of the Communist Party, the so-called *gremiums*.

It is obvious that during the recent democratic changes the questions of the conditions of preservation and of research access into Party archival holdings became the subjects of sharp political and professional discussions. It was beyond doubt that the successor parties to the Communist Party, accepting the democratic rules of the new era, should not demand the absolute right of ownership of the archival holdings of the Communist Party. Therefore, the need for state control of archives and the extension of archival legislation to cover archives previously held by the Communist Party

appeared in every Eastern Middle European country. Two types of solutions have been realized: the nationalization of Party archives, and the collective management of Party archives. For example, the total nationalization of Communist Party property was declared by law in Czechoslovakia and, in accordance with that law, the whole of the archival holdings of the Communist Party (created up to the time of the democratic turning point) was taken over by the state archives. From the point of view of archival science a more traditional solution can be found in Hungary, which differentiated between the records created by the Party administration and records created by the state management. This theoretical approach, related to the organic creation of records and their archival integrity, considers the records belonging both to the state and the Party as a common inseparable property. In practice, it means that the fonds of Party archival holdings would continue to be preserved in the Party archives but the use of, and research into, them would be regulated by state archival legislation.\*

The isolation of Eastern Middle Europe as it relates to archival administration and use is one of the heaviest burdens of our historical heritage. Although there was considerable exchange of microfilms and the use of common archival theoretical terminology between certain socialist countries, the archival institutions could hardly be regarded as open and accessible to foreigners. International agreements defined long procedures for the clearance and acceptance of researchers. Access to the archives was, for all practical purposes, impossible for foreigners.

But how to explain that the archives were isolated not only from researchers from

capitalist countries, but also from researchers from friendly socialist countries as well? Latent regional, ethnic, and national conflicts, population exchanges by force, and deportations lie behind this paradox, in consequence of which all foreigners, even genealogists or researchers of regional history, were regarded as "persona non grata" by the archives administrations of socialist countries. The democratic turning point of 1988/89 has made few changes in this area although the tendencies are promising in the majority of countries. For example, Hungary had gradually reduced its administrative access restrictions, beginning in 1960. Moreover, after 1989, when the new Hungarian research regulation was passed, differentiation between Hungarian and foreign researchers ceased to exist. The procedure of providing research permission was simplified in Poland in the second half of the decade of the 1980s, and in Czechoslovakia after 1989.

The peaceful changes of the regimes in Eastern Middle Europe did not result in unrestricted access to archives although there were precedents for this: at the time of great social/political changes and following revolutions, unrestricted access to archives was allowed. The French Revolution, the victory of the Russian Bolshevik revolution, the dissolution of the Austro-Hungarian Monarchy, the defeat of Germany in World War II, or the Communist takeover in 1947-1948 in our region resulted, for the time being, in almost unlimited access to the records which had been created practically until the last day of the existence of the former regime. Yet this opportunity for unlimited research did not help the objective and complex study of political, social, and economic processes, but served instead as a one-sided documentation of the former regime. The influence of these negative examples and the aversion of today's archivists and historians to playing the role of handmaiden to ascendent political powers prevailed. Professional, legal, and theoret-

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\*Note: Since this article was written in the summer of 1991, the nationalization of the records of the Communist Party came into prominence in Hungary too, because the negotiations between the successor party and the Archives Administration were unsuccessful.



The National Archives of Hungary. This building was built as an archive at the turn of the century.

ical principles will be followed in regulating research into the records created after 1945.

For example, in Hungary public access to archives and the protection of individual rights and privacy were declared in a research regulation published in December 1989, and by further decrees of the constitutional court as a principle deriving from the basic idea of freedom of information. However, the use of these principles in practice has not proved to be easy. It is difficult partly because the development of a constitutional state is in the beginning phase and partly because after 1945, the records were created by a state administration which was not controlled by public accountability and which neglected the protection of individual rights and privacy. That is why the mechanical acceptance of democratic legal principles and research

conditions in the absence of legal regulations and institutions obviously could not lead to a real solution. It was not by chance that this Hungarian research regulation—the first such regulation published in this region—became the object of sharp polemics. Without detailed analysis of the regulation, I would like to list some of those clauses which show the democratic development compared to the earlier situation.

The 1989 research regulation:

- determines an access date at thirty years after creation;
- mandates the publication of the principles governing security classifications, provides access dates for each classification, and regulates classifications by legislation;
- guarantees public access to archives;
- declares the protection of individual rights and privacy; and
- mandates the standardization of research rules in public archives.

During the political changes in Eastern Middle Europe, archives rules were revised not only in the sphere of research access, but in the spheres of archival responsibility and jurisdiction. Archival legislation in former socialist countries was based on the omnipotence of the state and the absoluteness of the national property. In accordance with these principles, not only the records of state and communal administrations were declared to belong to the state archives, but also the records of all economic organizations and legal entities having historical value. The public functions of archives and their wide responsibility undoubtedly helped in the preservation of the archival heritage, but the absence of adequate financing limited the ability to preserve and deposit archival holdings in technically well-equipped institutions. The current impossible demands on state archives, the appearance of autonomous institutions ready to maintain archives, and the beginning of privatization of national property have resulted in the fact that, although the drafts of new archi-

val laws declare the principle of state inspection of archival holdings, in reality the role of state archival inspection is reduced and the sphere of collecting for national archival holdings is narrowed. In contrast to the former situation, it is compulsory only for state administrations and national organizations or public agencies to transfer their records to the state archives.

In relation to the management of business archives, the practice of archival inspection in each country is different. In accordance with the opinion of the experts who drafted the new Hungarian archives law, the reduced state influence on archives administration means that the inspection of records management and the control of the records offices of business organizations not belonging to the national property cannot be a compulsory task for state and public archives. According to this conception, the new owner of a privatized business would take over the responsibility for the preservation and maintenance of its archival holdings. At present, this conception has no practical importance because of the small number of private businesses, but the goal is to stimulate business federations to establish their own central or regional business archives. In 1990, the majority of Yugoslavian archives opted for state archival inspection of business archives. Their main argument was that the private firms were established because of the re-privatization of former national property, and the

establishment of such private firms is regulated by state laws; therefore state institutions are entitled to control the records management of these organizations.

In spite of the differences in conceptions relating to the acquisition and preservation of business records, the Eastern Middle European countries struggle with the same topical problems. The process of privatization that has begun in the economic sphere inevitably leads to the question of the right of ownership regarding the documents of those economic bodies that have recently been privatized. The new owner considers the records offices of legal predecessor organizations a part of his business property and obviously he feels entitled to manage and control them. The archivists of our region presented their demand as a basic principle: to protect the archival integrity of organically created business archives they opted to preserve records in public archives as long as the majority of shares are held by the state. In this situation the access to business records is obviously guaranteed for the new owner.

The development of business archives and archivists' responses to that development illustrate a truism in this period of democratization in Eastern Middle Europe. Archivists must promote the preservation and protection of records necessary for the study of a very interesting historical period by finding agreement and compromise between differing interests.



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## The Effects of Democratization on Archival Administration and Use in Eastern Middle Europe

**Abstract:** The author discusses the effects of the democratization of 1988/89 in Eastern Middle Europe upon archival access and on the modification of laws regulating archival jurisdictions. The rule of the Communist Party after 1945 created severe limitations on access to the state archival fond for both foreigners and citizens of Eastern Middle European countries. Access was limited by a catalogue of prohibited research topics, by undetermined opening dates, by the exemption of certain fonds from existing archives legislation, by the ability of records creating bureaucracies to set their own access rules, and by national isolation. With democratization, archival administrations are instituting legislation to determine access dates, to regulate classification of documents, to guarantee public access and the protection of individual rights and privacy, and to standardize research rules. The problem of documenting re-privatized businesses is being handled in differing ways throughout the region.

## Les effets de la démocratisation sur l'administration et l'utilisation des archives en Europe centrale de l'Est

**Résumé:** L'auteur discute des effets de la démocratisation de 1988-89 en Europe centrale de l'Est sur l'accès aux archives et sur les modifications des lois régissant les juridictions archivistiques. Les règles du parti communiste après 1945 ont créé des restrictions sévères sur l'accès aux fonds d'archives de l'État. Ces restrictions s'appliquaient autant aux étrangers qu'aux citoyens des pays de l'Europe centrale de l'Est. L'accès était limité par un catalogue de sujets de recherche interdits, par des dates de consultation indéterminées, par l'exemption de certains fonds aux lois existantes, par le pouvoir des bureaucraties créatrices d'archives capables d'établir leurs propres règles, et par l'isolement national. Avec la démocratisation, les administrations d'institutions d'archives ont institué des lois afin de déterminer les dates d'accès, de régulariser la classification des documents, de garantir l'accès public ainsi que la protection des droits individuels et privés, et afin de standardiser les règles de la recherche. Le problème de documenter les entreprises re-privatisées est exécuté de différentes façons à travers l'Europe centrale de l'Est.

## Der Einfluss der Demokratisierung Ostmittel-europas auf die Verwaltung und Benützung der Archive

**Abstrakt:** Der Autor erörtert den Einfluss der Demokratisierung in Ostmittel-europa von 1988/89 auf die Bedingungen des Zuganges zu den archivischen Informationen und auf die Änderungen von Gesetzen, die die Zuständigkeit der Archivinstitutionen regulieren. Die inneren Verwaltungsvorschriften, die durch das totalitäre Herrschaftssystem nach 1945 eingeführt wurden, beschränkten den Zugang zu den zeitgeschichtlichen Archivalien der staatlichen und kommunalen Archive sowohl für Ausländer als auch einheimische Bürger. Die Archivbenützung war nämlich durch einen Katalog thematischer Beschränkungen, durch gesetzlich nicht festgelegten Sperrfristen, mit dem Entzug bestimmter Bestände von der Gültigkeit der existierenden Archivgesetze, durch die zeitlich nicht beschränkte Verfügungsberechtigung der Registraturbildner und durch die nationale Isolation schwer gehindert. Im Laufe der Demokratisierung wurden die Forschungsmöglichkeiten durch die rechtsverbindlichen Vorschriften, die die Beschränkungsgrundsätze und Sperrfristen öffentlich regeln, erweitert, bzw. die Prinzipien der Informationsfreiheit und des Persönlichkeitsrechtes verfassungsrechtlich verankert. Für das Problem der Sicherung des Schriftgutes der zu privatisierenden staatlichen Wirtschaftsunternehmen sind noch keine einheitlichen Richtlinien in der Region erarbeitet worden.

## Los efectos de la democratización en el uso y administración de archivos en el medio-este europeo

**Resumen:** El autor examina los efectos de la democratización de 1988/89 en el medio-este europeo sobre el acceso a los archivos y en la modificación de leyes regulando jurisdicciones archivológicas. El poder del Partido Comunista después de 1945 creó severas limitaciones sobre el acceso a todos los archivos de estado, tanto para los extranjeros como para los ciudadanos de los países del medio-este europeo. El acceso fue limitado por un catálogo de tópicos prohibidos a la investigación, por indeterminadas fechas, por la exención de ciertos documentos de estado de la existente legislación de archivos, por la habilidad de los documentos creando burocracias que establecen sus propias reglas de acceso, y por el aislamiento nacional. Con la democratización de las administraciones de archivos se está instituyendo una legislación para determinar fechas de acceso, para regular la clasificación de documentos, para garantizar público acceso y protección de los derechos individuales y privados, y para uniformar las reglas de investigación. El problema de documentar los negocios, de nuevo en manos privadas, está siendo manejado en diferentes formas a través de toda la región.