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Out of File, Out of Mind

Cornelia Vismann

It is well known that almost every administration in the West has been haunted by the professional furor to take notes of everything spoken within its office walls. This practice of total documentation leaves not a single spoken word without a written equivalent. The officials working in these administrations record in order to act, and act only by recording. Administrative execution has, in other words, always meant execution on paper. The phantasmal belief that files can and are meant to record all governmental proceedings and happenings in their entirety has fueled the categorical imperative of Western administrations to make records and keep files. This belief has been fundamental to the administrative practice of recording and filing for at least the last two centuries. Max Weber, the German bureaucracy-expert of the 19th century, transformed this practice into a principle. "The management of the modern office," he wrote, "is based upon written documents (the 'files'), which are preserved in their original or draft form, and upon a staff of subaltern officials and scribes of all sorts."[1] Weber formulated this principle at the very moment when another medium of communication was emerging: the telephone. This new non-script based means of communication threatened the existence of files insofar as it had the potential to usurp extra- and intra-administrative communications from the documentary universe of the written word. To prevent this from happening, record keeping was implemented as a bureaucratic principle. From then on files began to pile up all over—files which historians, far from complaining about the masses of paper, would eventually take as their preferred source. The administrative workers, however, have since been drowning in files. For them records are the monsters they have to do battle with every day.

The imperative of administrations to record every action as an execution on paper causes all kinds of problems. A person, after all, can be held responsible for something on file, something which, according to who is doing the looking, in retrospect should not have been recorded at all. Recently, troubles of that kind became quite acute in Germany when, during the change of government in 1998, state officials of the defeated party sought to evade accountability. They tried to reverse the logic of producing facts by, as in the proverb *quod non est in actis non est in mundo*,[2] making the files, along with their damaging content, physically non-existent. Their hope was that a written document once removed from a file would disappear from memory altogether. Out of file, out of mind, to revise an age old saying. In mistaking the materiality of files for their content, German officials created a void in administrative documentation which did not, of course, go without a political aftermath.

Like those German officials, a farmer in one of the late 19th century Swabian writer Johann Peter Hebel's famous calendar anecdotes called *Prozeß ohne Gesetz* ("Trial without Law") also mistook the physicality of the law for its content. The man was looking for legal advice in the city. After he had told his advocate about a quarrel he was involved in, he learned he had no chance whatsoever; the lawyer pointed to a certain paragraph in one of his law books, which stood against his case. But the farmer did not give in easily and was determined to win his case. When the lawyer was not looking, the farmer tore out the page from the law book on which the law in question was printed. Afterwards, he bribed the lawyer to take up his case, despite the seeming impossibility of winning. But then, quite unexpectedly, he received a favorable verdict. Although this was due to some formal reason (the other side had not appeared in court), the farmer praised himself for having been so smart as to tear out the page with the disturbing law on it—"otherwise he would not have won the case."[3]

The confusion between the material and the hermeneutics of law made Hebel's provincial character a happy man. Urban people, however, are usually not so happy even though they too often misunderstand the logic of disappearence. In the case of the German officials, things seemed more difficult when files instead of legal codes were at stake. As physical entities and as recorded data, files display a rather complicated duality. The murderers of Julius Caesar, for instance, tried to eliminate files in the real in order to extinguish unwanted data within the symbolic. Their aim was not only to have a dead Caesar, but a completely forgotten one. So they were concerned with the question of how to extinguish Caesar's consulate *ex tunc*, that is, how to undo his political deeds from his rise to power up to his death. They tried to achieve this goal by burning his consulate files. How ineffective or only symbolic this case of practiced *condamnatio memoriae* was can easily be measured by the numerous biographies of Caesar which have appeared ever since. Hence despite the file-burning act, the consul was not forgotten in history. But even if the ineffectiveness of destroyed or removed records might prove Caesar's murderers wrong, it does not follow from this that the simple equation between files and the world, between the physicality of storage and the existence of data in the order of signs, is wrong altogether. On the contrary: what is not in the records in the first place can hardly be remembered. So if one does not want an action in the real to become significant, it should certainly not be recorded. Consequently, only harmless data—data that cannot be used against the record keeper him- or herself—will make its way into the files. This kind of screening undermines the Weberian administrative rule that no official action can be performed off the record.

The documentary power of files—their ability, more exactly, to hold someone responsible for his or her action—leads to "the effect that everybody who wants to put something on record will think ahead of time about what and how to formulate it."[4] The formal legal tone of this quotation sounds as if it might be from Max Weber; it was actually uttered by a contemporary lawyer. But the phenomenon of manipulative and selective documentation or self-censorship was already known to Weber. His definition of *bürokratische Verwaltung* reveals an insight into the fatal dialectics between record keeping and data-exclusion: "Bureaucratic administration always tend to exclude the public, to hide its knowledge and action from criticism as well as it can."[5] And the best way to hide knowledge and action is, one could add, not to put it on record in the first place. The "critique" Weber mentions alludes to the period of enlightenment when people were outspokenly critical about the exclusionary tendencies of dynastic record keeping. Apart from their claims to freedom, equality, and fraternity, they also wanted all files open to the public. When these demands were eventually met and archival files were made more or less accessible, however, government secrets did not vanish. The *arcana imperii* changed only their status. A political secret was no longer what was kept in the files, locked away in chanceries or hidden in obscure archives; a secret was exactly that which was off the record.

The shift in the definition of political secrets from a well protected arcanum in the files to total concealment happened around 1900. This is a relatively recent development compared to the far

older tradition where writing down was connected not with producing facts (by taking notes), but with erasure. In ancient and medieval times the act of writing was at once production and elimination. If a sign is drawn into a wax tablet, the surface is destroyed and by that act of destruction a readable trace is produced. The object that performs this trace is called a *stilus* in Latin. One end of this pencil is sharp in order to draw or better tear lines into the wax tablets, the other end is round in order to erase or rather cancel those lines. This object for a concerted writing-canceling operation, literally the act of *stilum vertere*, lead eventually to the chancery, an institution designed to do nothing but produce signs and cancel them.[6] Here cancellation has to be taken in its most literal sense, a crossing out of writing. The task of the chancery workers was to copy and then cross out drafts of official papers, thereby rendering the original useless while indicating that a copy had been made.

Those erasures did not effect total disappearance or purgation of what was written, but left traces. These traces of a performed erasure were exactly what medieval chanceries were so keen on. As agencies of deconstruction avant la lettre, the chanceries did not only accept the trace of erasure as an unavoidable side-effect within the production of official paperwork, they established it as an indispensable step of the whole procedure: No document was to leave the chancery without the draft having been made unreadable by a gridwise deletion. The act of canceling, implemented to prevent unauthorized copying, was so prominent that the chancery even got its name from this act, the word being etymologically derived from "cancel" or "cancellation."

This connection between cancellation and chanceries faded eventually. It was already forgotten when the Grimms defined that institution in their famous dictionary. Writing and its storage effects dominated the once powerful corresponding act of canceling. Hence a chancery is defined in Grimm's dictionary merely as the place for "execution in writing."[7] This definition echoes the practice of what Weber called *Aktenmäßigkeit*, the principle that management is based upon files. At the beginning of the 19th century, writing, storage and legibility had already formed a stable relationship in which cancellation had no place, showing that cancellation was at that time simply no longer an integral cultural practice. The only reminder today of those grid-like cancellation marks is a rather unspectacular sign without any operative function, the rhomb or cancel character (#), that is used for "number." Starting in 1928, IBM reserved a place for this sign on its punch cards. When these punch cards were then used as a basis for the ASCII-code, this symbol became incorporated into the modern computer key system.

The decline of the once-powerful institution of cancellation was initiated by a seemingly minor but nevertheless far-reaching change in the procedure of making chancery letters. Starting around 1500, drafts were no longer cancelled, but stored in a legible state. When cancelled letters subsequently appeared, they were handled with deep suspicion, a possible hint of forgery. Cancellations then became an object of meticulous regulation. A statute of the chancery of Maximilian I from 1497 required, for example, that erasures should only be made if a high-ranking secretary had allowed them. The allowance had of course to be documented, otherwise the authenticity of a document with traces of a cancellation would have remained questionable. Script cancellation thus changed from being a sign of truth's guarantee to being its own worst enemy. At the beginning of the 20th century, when a Berlin-Frankfurt rubber factory baptized one of its products, an eraser, "veritas," it revealed a good sense of historical irony.

By canceling the act of cancellation, the institution which gained its power through this act likewise lost its importance to Western administrations. In its place arose the governmental obsession with total documentation and with it the increasing importance of the archive. This preoccupation with the archive reached its peak around 1800, when the archive was considered to be the "soul" or the "memory" of the Prussian State. From then on it was only a question of time until those storage-institutions would cause severe problems in the real, as the physics of files took on monstrous proportions. Symbolic actions of elimination were not able to cope with the masses of paper in the real. Considering the domination of storage over cancellation, it sounds like a desperate

appeal when the expert on administration and system theorist, Niklas Luhmann, emphasizes the obliterative power of files in contrast to their storage function: "By the phenomenology of files one could get the impression that the system could hardly be moved under the weight of its history. But one would fail to notice that files not only 'organize' memory but also the act of forgetting."[8] Even if files would implement collective forgetting, however, the gravitational forces of the colossal masses of paper still clearly pull towards a total recording for the purposes of memory.

The dogma of complete documentation and the tendency towards more and more detailed reports led to the well-known proliferation of files. Archivists are not, after all, c(h)ancellors. Even when the storage weight became unbearable and the data became outdated before it could be used, archivists were not even trained as file-eliminators. The only way to liberate the world from the crushing weight of files became their material destruction. A virtual third institution, after chancery and archive, emerged: that of wastepaper. A Prussian statute dated 1876 accordingly instructs the record-keeping agencies to divide their files into three sections: those in use for the current administration; those to go to the archives, because they are historically valuable; and finally, those records of no further use.

Files designated as wastepaper, it seems, slip through all categories and definitions. Whereas chanceries clearly operate in the symbolic, and archives could be perceived as borderline-institutions of the imaginary, wastepaper dealers perform their work of destruction neither truly in the imaginary realm nor truly in the symbolic. The act, which operates in the shadow of the symbolic order, crosses instead the threshold into the real. There is no language for what is expelled from the symbolic. The deed that follows after the act of cassation at the interface between thesaurus and trash, between archive and garbage, falls into the void of the symbolic order. It is neither integrated into the current administration, nor does it belong to the order of the archive. Consequently there exists no order, rule, or instruction for the destruction of files. After the order to destroy, the mode of destruction itself is never prescribed. Whereas there exist statutes over statutes within Germany for the handling of files in the use of administrations and in the archive, the handling of files which are categorized "out of use" is not itself regulated. One does simply not find any how-to instructions for the destruction of files.

Because of their non-discursive state, files separated out from the rest are destined to disappear. However, as long as they have not been shredded, they can be reintegrated into the symbolic order. The return of the repressed, so to speak, can be taken literally here. Abandoned files introduced into the order of the symbolic process information again. For that reason, the already mentioned Prussian statute was so providential to require an official certificate, quite exemplary for contemporary data protection, to confirm the complete elimination of the files designated to be turned to pulp. The measure was taken in order to prevent all kinds of misuse—if not "pulp fictions"—with the files.

More recently a new problem with files has emerged: the problem of uncontrolled record-deletions. This is a problem that can logically only arise after rules for storage and deletion have been put in place, which can be broken, as soon as a person wants to get rid of unpleasant information stored in the files. In this circumstance, the old question of what can disappear from the world once it is on record becomes current again. When the Ministry for Official Security (*Ministerium für Staatssicherheit*, MfS) of the former GDR was confronted with the question of how to let thousands of files disappear without attracting any attention, it chose—among others—the most simple of all possible methods: the method of purloined letters. The MfS put the potentially damaging files in a place where surely nobody would take notice of them—out in the garbage on the streets.

But files which are removed from secret offices to public streets are not automatically out of the world, as people often tend to think. The "illusion of disappearance" that Michel Cahn wants to shatter by the model of ecological recycling is destroyed when the waste is processed into information again.[9] As the manager for a company that offers "File destruction in a van on the spot" has remarked, "As you know, data scandals, where confidential files are found in the streets, are [. . .]

almost usual." This quote can be found printed out on a full-length page advertisement that not accidentally adorns the back page of the official 1992 German zip-code directory published by the German postal service. At that time, the reorganization of zip-codes after the German reunification had made formulas, questionnaires and printed stationary invalid. Document-destruction in a van came in handy when trying to prevent the misuse of this material.

A door-to-door paper shredding service is a rather late development in the modes of paper-destruction. The shift from manual to mechanized destruction around 1900 made the wastepaper dealer, the emblematic figure of Baudelaire's *chiffoniers* or Benjamin's *Lumpensammler*, obsolete. It is interesting to note that paper shredders neither are mentioned in manuals about office-equipment nor is their origin recorded in histories of the office or bureaucracy. This lacuna only affirms its fall out of the symbolic.

Paper shredders probably did not come into German public consciousness until after the re-unification process. Starting in November 1989, the so-called *Reißwölfe* (literally: tearing wolves) went into full speed on Normannenstraße in Berlin where the MfS was located. It was reported that the shredders soon became overtaxed and were therefore hastily replaced by models from West Berlin. After a short period of time the Western "tearing wolves" were also overtaxed. The newspapers reported that they had "overeaten" themselves, as if the files had been a fat prey and shredders wild beasts. Indeed the animal ancestors of the mechanical wolves received their name from their undomesticated tendency to tear apart all kinds of edible beings. Wolves derive their name from the German verb *wolfen* which means "to tear." They are, as an etymological dictionary defines them, "tearing animals." If it is true that *wolfen* and *reißen* both mean tear, then *Reißwölfe* seems to be a mere doubling that emphasizes the act of tearing through repetition. An explanation for this redundancy could be that it serves as a differentiation-device: wolves (*Wölfe*) as tearing animals can thus be differentiated from wolves as tearing machines (*Reißwölfe*).

The English notion for *Reißwölfe* underlines their tearing forces quite well. They are called "devils." According to Webster's *Third New International Dictionary*, they are understood to be "any of various machines, appliances, or devices: as […] a machine for tearing or shredding something or for grinding material into bits (as stock for papermaking, woollen for shoddy, or fur for felt)." The task of the first devils was not to tear paper, but to break down cotton and lambswool to produce yarn at the end of the 19th century. The devilish machines of the industrial age had to grind the material down and tear it up into singular fiber.[10] The fibers were torn up six times and unified again six times, until six to the power of six fibers were produced. In contrast to these rather complex machines for constructing and destroying, the modern file shredders were just designed to destroy. From their deconstructive mechanical ancestors they adopted only their destructive side. Paper shredders tear and do nothing else. It therefore follows that the machine employed under the German "verbrannte Erde" (scorched earth) policy in 1944 and 1945 would be named *Schienenreißwolf*, "tearing wolf for rails." It seemed to function like a normal train, but in its wake left a trail of ripped-up rails, devastating the terrain.

Whether shredded by machine or by hand, the elimination of files is dirty work. In contrast to digitalized data storage, paper files cannot be eliminated by clean delete orders. By comparing the advantages and disadvantages of hardware and software deletion, the staff of the chancellor's office in Germany became media experts almost overnight, when they became aware of the differences between the clumsy materiality of paper files and the seemingly trouble-free destructibility of digitalized data. When confronted with the question of how to erase government information, especially data on the political unification process before the new government was to take over, officials of the chancellor's office discovered files in quite a different light. As with all shifts in power, the election of the Social Democrats as the majority party in the fall of 1998 was a delicate moment. At issue was what should be transferred to the next legislation and what should, for political and strategic reasons, best be withheld.

As the integral force for continuity and tradition in power, files had for centuries played key roles when rulers have wanted to cut dynastic threads. There have been times, like those of the medieval German kings, when regimes tried to avert a succession by stealing files and taking them hostage; there have been times when files were burned in order to interrupt the continuity of power or when files were simply stolen in order to wage war against another country. It was not until the 19th century that legislation for storage and keeping records tried to prevent those modes of bureaucratic sabotage. But despite those regulations for keeping governmental files,[11] hardly a single byte produced and stored in the *Bundeskanzleramt*, the German chancellor's headquarters, was transferred to the newly elected government in 1998. And that was quite a significant loss, since the missing data dealt with the agency of government management (*Geschäftsführung der Leitung*). This agency for coordinating the government can be compared to a search engine for the entire state file archive.[12] So when the agency's complete files were deleted, material spared elsewhere from the orgy of destruction was as useful as library books in the right place on the shelf but without an index system.

Almost two years later, when the new government attempted to call up files from the former chancellor as part of the investigations into the above mentioned CDU Party financial affair (in the context of the reunification process), the missing files became evident. The cleaning house of the federal chancellor's office subsequently turned into the subject of an investigation. A committee was given the task of determining what actually happened during those "days of the tearing wolves."[13] That this was a political scandal is probably more obvious within the American legal tradition, where public access to government files has been granted in the Freedom of Information Act, than it was at first in the German one. Behind this right stands the idea that files belong to the public, an idea still foreign to German jurisdiction and legislation. No statute comparable to the Freedom of Information Act exists in the German law system, although there are signs that the dogma of administrative and governmental files are not subject to any kind of public interest is going to be changed. Statutes for the accessibility of state files are in preparation. But presently government and administrative files are still regarded by German law as neither private nor public property. They simply "belong" to the State.

The practice of understanding files as state property began in the Roman Empire, 78 A.D. At that time, Rome had expropriated the file keepers such as magistrates. With that coup, the Imperium Romanum had laid the groundwork for the filing-monopoly of the state and, along with it, the monopoly of the State itself. But the de-privatisation or rather expropriation of files only opens another battle over the private/public distinction. Ministers and other public service employees take official notes and also private ones—a fact of which the ministers of Helmut Kohl's cabinet, charged with withholding official files, took advantage. They claimed that the files in question were in their personal belonging, designed for private use only. To complicate the distinction between private and public even more, they invoked a category sometimes applied by archivists: the "private-official," das *Privatdienstliche*, something which can also be taken as an interesting contribution to the debate over the public/private sphere. Even the beloved German institution of *geistiges Eigentum*, intellectual property, was mentioned by the ministers as an argument in defense of their total autonomous power over the files against the charge of having breached paragraph 133 of the German Criminal Code (*Verwahrungsbruch*) according to which they are legally responsible for safeguarding the files.

Another line of defense was also tried, this time one taking advantage of existing uncertainties over handling non-paper files. The officials accused with repressing official documents claimed that paper-files and computer files have to be handled differently, arguing that the rules for keeping conventional records are not applicable to digital ones. With that argument a sensible gap in legal regulations was found and dramatized. It is true that there are hardly any explicit norms for electronic record-keeping that respect its peculiarities while recognizing its similarities with "classical" record-keeping. The government is therefore at present preparing to reform the whole field.

According to current law, most of the administrative regulations on how to handle and keep files[14] have to be made applicable to digitalized data via analogies.

The chairman's report of the committee supposed to search for the missing files of the former chancellor, which was released in July 2000, gives insight into the differences between paper files and computer files with respect to data elimination. The staff of the chancellor's office, for example, refrained from destroying physical files because it would, in its own words, attract too much attention. The concrete existence of files is a fact which cannot disappear from the world as easily as digitalized ones. The report also shed light on the startling fact that everything, even insignificant information, was destroyed. As the German official in charge of classified materials (*Geheimschutzbeauftragte*) affirmed, the previous government did not select incriminating data in particular. He explained bluntly that he had agreed in those days of decision and destruction with the chief of the central administration of the chancellor's department that the files should vanish indiscriminately. He is quoted as saying, "in order to search pointedly for incriminating material, too many members of the staff would have had to be employed, so that in the end [the task] would not have been manageable at all. Therefore general deletion was the only solution."[15]

However, the findings of the committee's investigation of the missing files in 1998 were not as negative as one might expect. Quite a lot of the lost information could be retrieved. First, this was made possible by finding the voids, which was not an easy task. A lost file, after all, can only be discovered if there exists a hint that something is missing. In order to detect a gap in a stack of records, it is necessary to combine the real and the symbolic. A retrieval system for files such as index cards or a registration of some kind serves as a reference between the two universes. So even if files are destroyed, the signifier of the destruction still exists and reveals the loss—unless it is destroyed itself. In an administration becoming more and more interlinked, that kind of total elimination seems less and less likely. At least records kept in parallel files point at what is missing. In order to prevent this from happening, the chancellor's headquarters reduced computer links from the beginning. Like all powerful institutions, it worked on the basis of total asymmetry: nobody had access to the headquarters computer system, but all governmental computer systems ran through the headquarters system. By that structure, the chancellor's headquarters gained optimal control over file links within the different offices and retained autonomy in cancelling the information stored only in its own system .

The findings of the filing search committee reported missing files and index-card systems, yet in most cases, copies existed so the allegedly lost information could be recovered. In terms of computer files, nearly all data of the period in question were deleted. But the committee found 99 backup files in the chancellor's office with almost 1 million specific data files. The committee differentiated between lost paper files and lost computer files, thereby unwillingly affirming the line of defense of the "suspects"[16] mentioned above. But the difference they made had no strategic purpose. It was instead tied to the logic of the respective recovery possibilities of conventional and computer files. One could almost make a correlation between the simplicity of elimination and the chances of retrieval: the less manual work involved in the act of elimination, the higher the chances of restoring the information and vice versa. The classical paper files, which exist in shredded form, are usually restored by applying complicated archaeological practices. For the recovery of "Stasi-files," special methods were developed which adopted and refined the archaeological work of combining the puzzles of ancient broken pottery. The edges of torn paper documents, for example, were scanned horizontally and vertically using a computer so that the two corresponding sides, the positive and negative, could be found and attached again, as in the use of a symbolon,[17] which is taken literally here.

With respect to deleted electronic data, the recovery process is less tedious, at least if they are deleted in a so-called salvage mode, known to ordinary computer users as the delete key. In that case, the cancelled information can be made readable again with some technical effort—this was the case with the first deletions in the chancellor's headquarters. Later data was purified in saver

mode, the so-called purge mode. With that mode of deletion, the information is irretrievably lost. Although the virtual bonfires in the purge mode are far from a medieval purgatorio—they do not leave ashes and smoke behind—the activation of this mode seems, even in modern rational times, to be a prerequisite for salvation. Deliverance means—in a bureaucratic as well as in a religious context—forgetting or deleting what has been recorded in the files or accordingly in the book of life. In other and more profane words: out of file, out of the world contains a promise of salvation, however unfullfilable it will be in the end.

Notes

1. Max Weber, *Economy and Society. An Outline of Interpretative Sociology*, vol. 2 (Berkeley / Los Angeles / London: University of California Press, 1978): 957.
2. For details on this proverb as well as on files and filing-systems in general see Cornelia Vismann, *Akten. Medientechnik und Recht* (Frankfurt a. Main: Fischer Verlag, 2000) forthcoming as *Files: Mediatechnique and the Law* from Stanford University Press.
3. See Cornelia Vismann, "Von der Poesie im Recht oder vom Recht in der Dichtung–Franz Kafka und Johann Peter Hebel." In: *Fremdheit und Vertrautheit. Hermeneutik im europäischen Kontext*, edited by Rainer Enskat and Hendrik J. Adriaanse (Leuven: Peeters, 2000): 275–282
4. Thomas-Michael Seibert, "Aktenanalysen. Zur Schriftform juristischer Deutungen." In: *Kommunikation und Institution*, vol. 3 (Tübingen: Narr, 1980): 34.
5. Weber, *Economy and Society*, 992.
6. For this and the following paragraph with further reference see Cornelia Vismann, "Cancels: On the Making of Law in Chanceries." In: *Law and Critique*, 7:2 (1996): 131–151.
7. Jacob und Wilhelm Grimm, "Kanzlei." In: *Deutsches Wörterbuch*, Bd.11 (München: Deutscher Taschenbuch Verlag, 1984 [Reprint of the Edition Leipzig 1873].
8. Niklas Luhmann, *Organisation und Entscheidung* (Opladen: Westdeutscher Verlag, 2000): 160.
9. Michael Cahn, "Das Schwanken zwischen Abfall und Wert. Zur kulturellen Hermeneutik des Sammlers." In: *Merkur* 45 (1991): 674–690.
10. For a good description of "Reißwolf" see *Meyers Großes Konversations-Lexikon*, 6th ed (Wien / Leipzig: Bibliographisches Institut, 1909), vol. 16.
11. *Gemeinsame Geschäftsordnung der Bundesregierung* (Common order for the management of the federal government), annex: *Registratur-Richtlinie* (Registration-guideline); *Bundesarchivgesetz* (Federal archive law for storage of closed records).
12. Thomas Kleine-Brockhoff and Bruno Schirra, "Operation Löschtaste." In: *Die Zeit*, 20 July 2000, 3.
13. Their task was limited to the investigation according to the federal disciplinary statutes (Bundesdisziplinarordnung). Since this law applies only for lower ranking staff, the investigation committee had no authority to question the chancellor himself or other high ranking officials who actually ordered the elimination of the material. It became thus an investigation into the shadowy world of elimination at work behind the scenes of political responsibility.
14. Kleine-Brockhoff and Schirra, "Operation Löschtaste."
15. Confidential annex to the "Hirsch-Report," witness hearing minutes, quoted in Thomas Kleine-Brockhoff and Bruno Schirra, "Operation Löschtaste."
16. They are not suspects in the strict legal sense, because the committee did not do the work of a state attorney.
17. See Michel Foucault, "La vérité et les formes juridiques." In: *Dits et écrits*, vol. 2 (1970–1975) (Paris: Gallimard, 1994): 558–623.