

Freedom of Speech in Berlin: Past and Present

Debora Scatena

German Honors/Communication Studies Major

Film Studies minor

Memorial University of Newfoundland

St. John's Campus - Canada - A1B 3X9

Freedom of speech is one possible indicator of a democratic society, and one that stands most prominently in the minds of many. Since Germany has had different kinds of governments through its history, it is worth spending some time to evaluate the effect those have had on culture using the parameter of freedom of speech as a tool to analyse Germany's changes from the end of the 1800s and onward. At the end of the 1800s Berlin started booming, the population and infrastructure expanding, aiming to become a *Weltstadt*, a world city. For the purposes of this essay that is the starting point, and the analysis will end with the *Wende* period, post re-unification and contemporary Berlin.

Excess is a key to look at the extent of freedom of speech and expression, at the end of the 1800s in Berlin, the cabaret was emerging as a communication tool as well as critique of the establishment: "Often prevailing norms had been so internalized so successfully that audiences were unwilling to hear performers who challenged their political or moral values" (Jelavich, 34). That was the Berlin of the early cabaret years, the jokes were "tendentious" (ibid. 33). The artists embodied the art as well as the Berlin attitude¹ in attacking and criticizing the establishment that ruled them. Wilhelmine Berlin was the epitome of the modern city, in continuous expansion and with not enough time to look after the number of people moving to the city. In such context, few people were enabled to express their status freely, many were bound by societal expectations. The few fortunate to express their discontents were artists that would be able to do so on the stage, therefore not stuck into societal schemes. This tendency in freedom of expression within the cabaret continued and evolved, blossoming at its' peak in the Weimar Republic years.

In the early 1930s with the rise to power of the National socialist party things started to change. "An especially bad incident occurred on 12 November 1930, when a group of Nazis attacked some Social Democratic students who were handing out anti-Nazi leaflets. The violence lasted for two hours, as the Nazis beat up men and women whom they took to be Social Democrats or Jews" (Jelavich, 158). This example of violence, against the freedom of expression that had been incorporated as part of the Weimar Republic Constitution, comes to show to what extent freedom of speech as well as democracy are destabilisation factors within a regime. In this case the Nazis had just come to power. Throughout the Third Reich many and innumerable acts against freedom took place, freedom of speech was namely, something people were not able to fulfill in such regime. Furthermore many opponents and liberals ended up having to leave Germany, or in a concentration camp when they voiced their concerns or stated their disagreements with Hitler's totalitarianism.

Subsequent to the end of world war two, the Allied Forces of France, Great Britain, USSR and United States of America occupied Germany as well as Berlin. The intent was to re-establish democracy and prevent the issues related to huge reparations after the Treaty of Versailles, which led to the Nazis getting into power. Contextually, then, it is interesting to look at the legal statues and how they effected Berlin. "The essential war aim of the Allies was to destroy the Nazi system along with its institutions and legal system that supported them. The goal of the war was not only military defeat, but also the mental and social remaking of the enemy" (Stolleis, 169). It is possible to see the cancellation of Nazism and its atrocities as the chance for Germans to become part of a new society within a new Germany, a rebirth that however was limited by the regulations put in place in the different sectors of the city in allowing German cultural expression to rise up from the rubble.

It is significant to look at the history of the film The Murderers Are Among Us (1946) by Wolfgang Staudte to see the contrasts in such policies.

¹The Berlin attitude is associated with a very critical and forthright use of language.

The film was approved at the beginning of 1946 in the Soviet sector, yet changes had to be put in place so that “Staudte at first wanted his male lead to murder the villain in a final scene, and removing the murder was the only change insisted on by the Soviet film officer” (Allan, 27). The representation that play in such feature film can be seen as a portrayal of ideals that were to be passed on to the viewers. The way in which justice is addressed in the film promotes the appeal to a court of justice, which was not yet in place and therefore can be seen as a representation of *Angst*, a mix of anger and anxiety, against all that happened during the Nazi regime, and still the inability to address it as vehemently as likely demanded after the realization of the horrors of those Third Reich years.

In 1949 as the Grundgesetz was put in place, freedom of speech became a constitutive part of the life of the new Germany born out of the rubble and trying to annihilate the memory of the Nazi years. It is worth noting that article 5 of the Grundgesetz is in fact the one that deals with the issue. It states that: “Everybody has the right freely to express and disseminate their opinions orally, in writing or visually and to obtain information from generally accessible sources without hindrance. Freedom of the press and freedom of reporting through audio-visual media shall be guaranteed.” (Michalowski, 199) Furthermore, it also states that there “shall be no censorship.” (ibid, 199) Overall, it takes a stand against the past and what Germans experienced in the Nazi years, thus reinforcing the value of the individual within society and its’ ability to accomplish and become a valued member of such society through one’s ideas. This can be seen as a great starting point for individuals as well as a country overcoming their worse period in history, and trying to deal with it afterwards, being able to maintain the chance for single persons from minorities to enrich the social structure, which then had a chance to renew itself.

Similarly were critics made in the early 60s in the German Democratic Republic, in a system that proclaimed itself as democratic, but lacked in such qualities, especially in the freedom to criticize itself. The climax to such situation can be seen in the GDR in the forbidden DEFA (*Deutsche Film Aktiengesellschaft*, German film limited) films such as *Spur der Steine*, *Berlin um die Ecke* and *Das Kanninchen bin ich* among others; those films in fact took a stab at the system and its ideals. In brief “to build socialism required tapping the formative energy of the populace whose interests legitimized the project. But populaces are volatile entities, they may define their interests differently from the way their ruling elite does; under ‘real socialism’ this disparity led to the paradoxical condition that of citizens of the GDR” (Allan, 132). The films listed above, by focusing on workers conditions and criticizing them openly violated the representation of ideal of the GDR, therefore they were banned and their directors as well as other artists involved were prevented from working in other projects for long time or ended up leaving the GDR itself.

Similarly it is interesting to look to Western Berlin to how the RAF, *Rote Armee Faktion* or Red Army faction raised socialist and communist related issues to awake a system that was somewhat inert in realizing its lack of recognition to the individual. Ulrike Meinhof, a journalist who joined the Red Army faction (going from active civilian to social militant), can be seen as a key figure to look at how speech and its use were used to challenge the system. “Meinhof reacted against the injustices of capitalism and patriarchy but did so in way that refused compassion. Rainer suggests that feminists think compassionately about the legacy Meinhof left behind, and view it more with pity than as an ideal for the feminist struggle toward equality” (Hake, 144). Sabine Hake points out in her book how Meinhof’s critical view, in reaction to the violence of the RAF, and its message, did not lead freedom of speech forward. That can be seen as appropriate, since ultimately RAF caused harm to itself at the end. It ceased to exist and to harm others due to the actions of the West German Federal Criminal Investigation Bureau. Even so one can see such extreme expression enabled, therefore part of a somewhat democratic society.

One of the seldom most extreme acts of relating to freedom of speech and expression can be seen in the Berlin of November 1989, when the Wall fell. Certainly one can see a deconstructing progress of annihilating the border from both sides on a political level, Gorbacev with Perestroika just as well as the weakened GDR Politburo, policy office. Furthermore the declaration that the borders would have been opened enabled the citizens of the GDR to act upon something, but the sheer joy and lack of violence through such process indicate the ability of two emerging societies to deal and communicate peacefully among one another.

The results of the actions of that day have led to many contrasts in today's Berlin. Technology such as the internet has enabled German to express their ideas on the world wide web, the most blatant example of that is Openleaks.org founded by Daniel Domsheit-Berg, an advocate of whistle blowing and freedom of information. In conclusion one can see how the landscape of freedom of speech has changed within Berlin from the late 1800s to now. One way to look at its role is however to see how slowly but certainly more and more individuals have gained access to it, and through it have been able to enrich the society of their time initially up to shape up what it is known as the Berlin Republic today.

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