

Cambridge University Press
 978-1-107-13204-7 - "Trash," Censorship, and National Identity in Early
 Twentieth-Century Germany
 Kara L. Ritzheimer
 Excerpt
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INTRODUCTION

Censorship in the *Rechtsstaat*, Censorship in the *Sozialstaat*

The final version of the Weimar Constitution, completed in August 1919, promised Germans both the right to free speech and freedom from censorship. Located in a portion of the constitution that itemized citizens' civil rights, Article 118 declared: "Every German has the right, within general statutory limitations, to express his opinion freely by word of mouth, writing, printing, picture or otherwise. No relationship of labor or employment may hinder him in this right, and no one may wrong him if he makes use of this right." In both spirit and practice, this constitutional protection accorded with the repeal of censorship that Germany's postwar interim government had issued on November 12, 1918, just one day after assuming the reins of power following Kaiser Wilhelm II's abdication. But Article 118 contained two additional and significant sentences that read: "A censorship is not had; however, divergent provisions for moving pictures may be made by statute. And statutory measures are permissible for the suppression of trashy and obscene literature, and for the protection of young persons in public performances and exhibitions."¹ In the space of two sentences, Weimar lawmakers distinguished between films and free speech, constitutionalized the suppression of smut, and opened the door to laws restricting young people's access to commercial culture.

In the years that followed, Weimar lawmakers used Article 118 to create two national censorship laws that placed controls on the movie industry and retail pulp fiction trade. Just months after the National Assembly had adopted the new constitution, legislators from nearly

¹ Otis H. Fisk, *Germany's Constitutions of 1871 and 1919* (Cincinnati, OH: Court Index Press, 1924), 172–173.

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every party, with the exception of Independent Socialists, voted in favor of the National Motion Picture Law (*Reichslichtspielgesetz*). This law subjected every newly released film to one of two federal review boards, one located in Berlin and the other in Munich, for consideration prior to its national release. Six years later, and following a much lengthier and more divisive legislative debate, lawmakers belonging to centrist and right-wing parties approved the 1926 Law to Protect Youth from Trashy and Filthy Publications (*Gesetz zur Bewahrung der Jugend vor Schund- und Schmutzschriften*). This legislation similarly created federal review boards and gave censors the authority to determine whether a pamphlet or book belonged on a national registry of "trash" and thereby prohibit retailers from openly displaying listed items or making them available to minors.

This book is a study of how and why lawmakers in this newly crafted parliamentary democracy voted in favor of censorship. It is not necessarily a study of censors and censorship agencies or the movies, books, authors, filmmakers, or publishers that they targeted. Rather, it is a study of how these laws became possible over the course of two regimes and one war. To be more precise, it is an analysis of the rhetoric that anti-"trash" activists (individuals and groups highly critical of serialized colporteur books, dime novels, hero-centered pamphlet stories, melodramas, and crime films) crafted to cultivate public support for censorship both before and after WWI, and the language they employed to legitimate state controls on the emerging commercial entertainment industry despite both Imperial Germany's and the Weimar Republic's expressed commitment to free speech and individual rights.

This anti-"trash" rhetoric took shape in the early 1900s, at nearly the precise moment that beloved fictional heroes such as Buffalo Bill and Nick Carter were galloping into German hearts and homes as the lead characters in hero-centered pamphlet stories, and visionary entrepreneurs were converting vacant retail spaces into early *Ladenkino*, "shop theaters." This language gained momentum as these commercial entertainments percolated into nearly every town and hamlet. Wary observers became attuned to the reality that these were not just big-city pleasures but entertainments that could be found and consumed locally.² Early critics derided films, dime novels, and pamphlet stories for their utter

² "Die Ausstellung von Erzeugnissen modernen Schundliteratur an Schaufenstern betr.," Stadtrat der Kreishauptstadt Heidelberg to Grossherzogliches Bezirksamt Heidelberg, doc. nr. 267, received January 7, 1909, Generallandesarchiv Karlsruhe (GLAK), 356/2.1969/10/1.405.

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worthlessness and quickly adopted the terms *Schund* and *Schmutz*, or "trash" and "filth," to convey their disapproval. The term "trash" came to signify mass-produced, for-profit, industrially manufactured commercial commodities that lacked any redeeming cultural or literary value; had the capacity to damage impressionable consumers; and existed beyond the jurisdictional reach of Imperial Germany's legal system. "Filth," Kaspar Maase explains, "was used to describe anything regarded as lewd and erotic which was not, however, forbidden."³

Within a matter of years, activists fashioned an increasingly standardized refrain aimed at persuading the public that these captivating entertainments were dangerous. They also hoped to convince municipal and state authorities to intervene at the point of consumption. In journals, pamphlets, newspaper articles, and appeals to local authorities, reformers asserted that pamphlet stories, serialized novels, and movies were camouflaged poisons capable of forever ruining impressionable readers and moviegoers with their brutal story lines; graphic depictions of violence; and tendency to romanticize thieves, robbers, bandits, and adventurers. In the years immediately preceding WWI, anti-"trash" activists refined their rhetoric with the assistance of pamphlets, journals, and traveling speakers: "trash," they repeatedly warned, was dangerous for the nation's youth. Pamphlet series such as *Buffalo Bill*, *Nick Carter*, *Nat Pinkerton*, and *Sherlock Holmes* were likely to confuse young readers' moral compasses, sully their imaginations with gory images, inspire imitative acts of crime or brutality, and even induce suggestible readers to commit suicide. Early film dramas were capable of invading young people's subconscious mind, brutalizing their character and breeding immoral behavior. This rhetoric was more than just an expression of distaste; it was a strategy calculated to secure stricter state controls of pulp retailers, filmmakers, and theater owners.

This anti-"trash" rhetoric, first fashioned before WWI, needs to be placed in the context of Imperial Germany's strong federalist system. As Katharine Lerman explains, the constitution that formalized German unification in 1871 bound together "four kingdoms, six grand duchies, five duchies, seven principalities, three free cities, as well as the 'imperial territory' of Alsace Lorraine" into an empire that was both a constitutional monarchy and a federalist system.⁴ The architects of this new German

³ Kaspar Maase, "Struggling About 'Filth and Trash': Educationalists and Children's Culture in Germany before the First World War," *Paedagogica Historica* 34 (1998): 14.

⁴ Katharine Anne Lerman, "Bismarckian Germany," in *Imperial Germany 1871–1918*, ed. James Retallack (New York: Oxford University Press, 2008), 31.

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Empire intended it to be a federation of states, and negotiations conducted during unification gave local authorities significant authority and space to preserve regional differences.⁵ The new constitution permitted them to maintain pre-unification structures, including state constitutions, legislatures, bureaucratic systems, laws and legal codes, and separate heads of state. Alon Confino notes that although the federal government gradually involved itself more and more in the realms of education and social and economic policy, “the constitution of 1871 left policy in these and other matters largely to the choice of the states.”⁶ Some states preserved even more impressive rights as enticements to join this new Germany. Bavaria, for example, was able to keep its own separate army in peacetime, while both it and Württemberg preserved their own postal systems.⁷ Furthermore, states also retained control over their electoral systems.⁸ The net result was a federal government that lacked a strong administrative grip on Germany and relied on regional authorities to supplement its short reach. State governments collected direct taxes, administered schools and universities, provided financial assistance to churches, assumed responsibility for poor relief, maintained police forces, and managed judicial systems. Municipal authorities, for their part, assisted in the provision of poor relief and education and assumed responsibility for “urban planning, public hygiene, hospitals, water, gas and electricity supply, and local roads and transports.”⁹

This federalist structure made initial regulation of pulp fiction retailers and early movies theaters a mostly regional issue in late Imperial Germany, and this reality incentivized anti-“trash” activists to craft a compelling case against pulp fiction and film that would pressure and persuade local authorities to enforce existing ordinances and draft new regulatory measures in the provincial towns and rural communities where most Germans first encountered pulp fiction and early movies. Consequently, momentum for censorship developed first at the regional level as reformers published articles in local newspapers despairing of the

⁵ Lerman, 31–33; George G. Windell, “The Bismarckian Empire as a Federal State, 1866–1880: A Chronicle of Failure,” *Central European History* 2 (1969): 300.

⁶ Alon Confino, “Federalism and the *Heimat* Idea in Imperial Germany,” in *German Federalism: Past, Present, Future*, ed. Maiken Umbach (New York: Palgrave, 2002), 73.

⁷ Windell, 299.

⁸ Volker Berghahn, *Imperial Germany, 1871–1918: Economy, Society, Culture, and Politics* (New York: Berghahn Books, 2005), 185, 198–199.

⁹ Mark Hewitson, “Wilhelmine Germany,” in Retallack, *Imperial Germany 1871–1918*, 44–45; Wolfgang Renzsch, “German Federalism in Historical Perspective: Federalism as a Substitute for a National State,” *Publius* 19 (1989): 21.

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impact pulp fiction and movies were having on local youth; issued pamphlets listing the many dangers of "trash"; warned parents that their children might fall prey to these treacherous pleasures; and asked community members to participate in boycotts of the kiosks, bookstores, and stationery shops selling pulp fiction. Characteristic was the oft-repeated warning that "trash" and "filth" could ruin the intellectual, moral, and physical development and well-being of the nation's youth.

Activists' emphasis on youth made strategic sense given Imperial Germany's aspirations to function as a *Rechtsstaat*. Nineteenth-century jurists and legal theorists had defined the *Rechtsstaat* as a constitutional state in which government officials are bound by the rule of law, citizens enjoy equality and political rights, and a system of independent courts guards against administrative arbitrariness. Prior to unification in 1871, several states had adopted constitutions that helped establish a tradition of constitutionalism. Baden and Bavaria, for example, adopted constitutions in 1818 that maintained monarchical rule while also creating a bicameral legislative system.¹⁰ Following unification, on April 16, 1871, the Imperial government adopted a constitution that blended many aspects of the 1850 Prussian Constitution and the 1867 constitution of the North German Confederation.¹¹ David Blackbourn and Geoff Eley note that the production of legal codes, such as Prussia's 1784 *Allgemeines Bürgerliches Gesetzbuch*, coincided with the disappearance and elimination of the "many corporate, seigniorial, and ecclesiastical forms of jurisdiction" that had previously hindered "the realization of formal equality before the law."¹² The concept of the *Rechtsstaat* acquired greater prominence in the 1860s as legal theorists and state governments debated the desirability of producing a unified legal code, first for the German Confederation and, after 1867, for the North German Confederation. National Liberals embraced legal unity as both a tool for consolidating the nation-state and a mechanism for protecting individual freedoms. As Michael John explains, "a national code necessarily implied the introduction of positive laws, which lessened the scope for arbitrary intrusions on the freedom of the individual." In 1873, two years after German unification, work began in earnest on a federal civil code. The Reichstag

¹⁰ Anke Freckmann and Thomas Wegerich, *The German Legal System* (London: Sweet & Maxwell, 1999), 21.

¹¹ Berghahn, *Imperial Germany*, 178.

¹² David Blackbourn and Geoff Eley, *The Peculiarities of German History: Bourgeois Society and Politics in Nineteenth-Century Germany* (New York: Oxford University Press, 1987), 191.

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adopted the *Bürgerliches Gesetzbuch*, the Civil Code, in 1896, and it took effect on January 1, 1900. It was one of several legal codes produced during the late nineteenth century, including the German Commercial Code (*Gewerbeordnung*) in 1861 and the National Code of Criminal Law (*Reichsstrafgesetzbuch*) in 1871. While the latter prohibited libel, blasphemy, obscenity, and lèse majesté, the 1874 Press Law released the press from licensing regulations as well as prepublication censorship. Collectively, Imperial Germany's legal system protected adult men's and women's ability to satisfy their entertainment appetites, just so long as their tastes did not stray toward the lewd or vulgar.¹³

Quite early in their campaign for stricter controls, anti-"trash" campaigners discerned the several strategic legal advantages to be gained vis-à-vis the *Rechtsstaat* by emphasizing the special dangers that "trash" and "filth" posed to young people. This language aligned with a growing awareness among members of the medical profession as well as social reformers, educators, and parents that childhood, adolescence, and youth were distinct and significant phases of moral, intellectual, and physical development – phases of such importance that they warranted special protection. This rhetoric also corresponded to a rising anxiety among authorities and participants in youth salvation campaigns about the leisure choices of working-class youth, the so-called *schulentlassene Jugend*, "school-released youth."¹⁴ Most importantly, this language provided activists and authorities who favored regulatory controls with a means for circumventing the legal barriers presented by the *Rechtsstaat*. Youth signified a mutable population group that could demonstrate the harmful impact "trash" was having on naïve and impressionable viewers. It was not uncommon for a newspaper article discussing a young criminal, for example, to locate the origin of his or her criminal behavior in an addiction to pamphlet stories. And since the late eighteenth century, and particularly after unification, public authorities had been assuming greater responsibility for youth welfare and signaling an increasing willingness to intervene on behalf of young people in that most sacred of spaces: the family. When activists emphasized the damage that unregulated pulp retailers, filmmakers, and movie theaters might have on young

¹³ Michael John, *Politics and the Law in Late Nineteenth-Century Germany: The Origins of the Civil Code* (New York: Oxford University Press, 1989), 43–45; see also Gary D. Stark, *Banned in Berlin: Literary Censorship in Imperial Germany, 1871–1918* (New York: Berghahn Books, 2012), 2.

¹⁴ Derek S. Linton, "Who Has the Youth, Has the Future": *The Campaign to Save Young Workers in Imperial Germany* (New York: Cambridge University Press, 1991), 1–7.

consumers, they portrayed censorship as a form of youth protection, not a violation of free speech or constitutional rights. Activists' reliance on this rhetoric indicates that Imperial lawmakers placed a high premium on constitutionalism and the concept of a free press.

This language, first crafted to convince regional authorities to take action against "trash," proved to be durable and malleable, capable of surviving regime changes and war. Prior to WWI, activists transformed the term "trash" into a catchall phrase that accommodated concerns ranging from the impact industrialization was having on family structures to the Social Democratic Party's worrisome appeal among young workers. This category became an "empty" one, a blank slate onto which contemporaries might project their shifting anxieties.¹⁵ What remained constant though was the way in which youth, replete with symbolism, helped make this category compelling and instrumental in the pursuit of new censorship laws. Before WWI, as the rapid pace of urbanization and industrialization was quickly transforming Germany and its population, activists used the term "trash" to take aim at the serialized books, dime novels, pamphlet fiction, and early film dramas that embodied the dramatic and negative impact that capitalism was having on both cultural production and the population. Activists continued to use "trash" during WWI to describe pulp fiction and film, but the term assumed new layers of meaning that reflected the belief that culture should align with the "seriousness" of war and that publishers and filmmakers should manufacture entertainments that supported and sustained the declared *Burgfrieden*, the political truce that Kaiser Wilhelm II announced at the start of WWI. In the midst of this total war, a new category of "trash" emerged: *Kriegsschundliteratur*, "wartime trash." This term referred to pamphlet stories that used the warfront as a backdrop for outlandish tales in which hero-adventurers eluded death and single-handedly won battles. Critics complained that these stories lacked the proper gravitas demanded by war and ignored the valuable contributions of the average soldier. After 1918, "trash" continued to signify pulp fiction and movies, but in the aftermath of war and defeat, activists focused on those items that threatened the nation's moral recovery, particularly publications and movies that teetered on the edge between provocative and prurient. The National Socialist leaders who came to power in 1933 tailored the terms "trash" and "smut" to fit their own political and racial needs; in the hands of Nazis, "trash" now described

¹⁵ Nancy R. Reagin, "Recent Work on German National Identity: Regional? Imperial? Gendered? Imaginary?" *Central European History* 37 (2004): 279.

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publications and books that threatened the well-being of the youth as well as the greater *Volk*, particularly pamphlets and texts written by Marxist, pacifist, and Jewish writers.

The rhetoric's enduring assertion, that "trash" threatened youth, undoubtedly reflects authentic anxieties about young people during an era of major social and economic change. Such language certainly aligned with Progressive arguments, emerging in the 1890s, that juvenile delinquency had its origins in material and social conditions, not innate character weaknesses.¹⁶ But this rhetoric also needs to be understood as part of an evolving strategy in favor of censorship that initially took shape among regional reformist groups and acquired national prominence in the years immediately preceding WWI.

While many studies on "trash" do not interrogate this rhetoric, some scholars have explored the various agendas activists were able to advance through these attacks on pulp fiction and film. Kaspar Maase has revealed these campaigners to be middle-class activists, mainly librarians, social workers, clergymen, and teachers (80 percent in fact) who were eager to reassert adults' jurisdiction over children and definitions of childhood, establish the middle-class's authority over cultural production and notions of taste, and secure educators' control over popular education.¹⁷ Additional studies have likewise characterized these campaigns as a defensive effort on behalf of the educated bourgeoisie to "defend their position as intellectual and cultural leaders of the nation,"¹⁸ preserve good taste and morals,¹⁹ and maintain a "social order at whose head the educated male bourgeoisie had set itself."²⁰

¹⁶ Larry Frohman, *Poor Relief and Welfare in Germany from the Reformation to World War I* (New York: Cambridge University Press, 2008), 141–144.

¹⁷ Kaspar Maase, "Die Straße als Kinderstube. Zur ästhetischen Säuberung der Städte vor dem 1. Weltkrieg," *Dialektik: Beiträge zu Philosophie und Wissenschaften* 2 (1994): 49–78; Kaspar Maase, "Die soziale Bewegung gegen Schundliteratur im deutschen Kaiserreich: Ein Kapitel aus der Geschichte der Volkserziehung," *Internationales Archiv für Sozialgeschichte der deutschen Literatur* 27 (2002): 45–123; Kaspar Maase, "Struggling about 'Filth and Trash,'" 15.

¹⁸ Peter Jelavich, "'Am I Allowed to Amuse Myself Here?' The German Bourgeoisie Confronts Early Film," in *Germany at the Fin de Siècle: Culture, Politics, and Ideas*, eds. Suzanne Marchand and David Lindenfeld (Baton Rouge: Louisiana State University Press, 2004), 230.

¹⁹ Georg Jäger, "Der Kampf gegen Schmutz und Schund: Die Reaktion der Gebildeten auf die Unterhaltungsindustrie," *Archiv für Geschichte des Buchwesens* 31 (1988): 163–191; Scott Curtis, "The Taste of a Nation: Training the Senses and Sensibility of Cinema Audiences in Imperial Germany," *Film History* 6 (1994): 445–469.

²⁰ Gideon Reuveni, *Reading Germany: Literature and Consumer Culture in Germany before 1933*, trans. Ruth Morris (New York: Berghahn Books, 2006), 251.

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While there is a tendency to accept reformers' concerns for youth as genuine, Maase has suggested that this rhetoric may have functioned as a pretext for an agenda to control young people rather than defend them.²¹ Gideon Reuveni similarly argues that reformers may have exaggerated the scope of the problem, in this case the enormous growth of the pulp industry, to legitimate their activism.²² Luke Springman rightly argues that this emphasis on youth enabled activists to shift "the issue from freedom of the press to public health and safety."²³ This book builds on these assessments and explains how activists aimed to achieve these objectives by crafting a rhetoric prior to WWI that accorded with, not ran counter to, Germany's *Rechtsstaat* structure.

This book also rethinks how and why the 1920 film law and the 1926 publications law, two pieces of legislation so at odds with the democratic promise of Weimar, first became possible. Prior studies have attributed the National Assembly's adoption of Article 118, the constitutional article permitting future censorship laws, to fears among lawmakers about moral corruption, political radicalism, and the impact that *Aufklärungsfilme*, so-called enlightenment films, were having on the public.²⁴ What previous scholars have overlooked though is the way in which the Weimar Republic's commitment to functioning as a *Sozialstaat*, "a social people's state," played a critical role in facilitating censorship. While the new constitution transformed Germany into a political democracy that recognized popular sovereignty as the source of state power, it also privileged social rights over individual political rights. This prioritization, in fact, limited the new republic's ability to describe itself as a liberal democracy. Meanwhile, Weimar's social commitments, particularly those regarding youth and the gendered institutions of motherhood and marriage, armed proponents of centralized censorship with a ready-made argument for controlling consumption of both movies and pulp. Censorship, they could and did argue, was a fulfillment of the *Sozialstaat*'s expanded welfare obligations. These constitutional commitments, conversely,

²¹ Maase, "Struggling About 'Filth and Trash,'" 15.

²² Reuveni, *Reading Germany*, 255.

²³ Luke Springman, "Poisoned Hearts, Diseased Minds, and American Pimps: The Language of Censorship in the *Schund und Schmutz* Debates," *The German Quarterly* 68 (1995): 412.

²⁴ Peter Jelavich, *Berlin Alexanderplatz: Radio, Film, and the Death of Weimar Culture* (Berkeley: University of California Press, 2006), 127–128; James D. Steakley, "Cinema and Censorship in the Weimar Republic: The Case of *Anders als die Andern*," *Film History* 11 (1999): 190.

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weakened the position of those groups *opposed* to censorship. They could only warn that such laws would henceforth be used to impose political censorship on groups critical of the government and conservative institutions.

Germany did indeed experience a moral panic in the months immediately following WWI, but what most contributed to censorship was widespread anxiety that the war had destabilized prewar gender norms for both men and women. The war had mobilized 13 million men, nearly 20 percent of the population in 1914, asked women to become breadwinners and single parents, and left many families broken.²⁵ Lawmakers from nearly all sides of the political spectrum came to support censorship, especially the film law of 1920, because they viewed it as a tangible weapon that federal authorities could use to protect and defend gender norms deemed crucial to the nation's literal and metaphorical rebirth.

And finally, in tracing anti-"trash" activism and censorship laws over three regimes, this book rethinks the continuities that linked Imperial Germany, the Weimar Republic, and the Third Reich. Prior work has noted the contributory role that prewar anti-"trash" campaigns played in the passage of Weimar's two censorship laws, contemplated links between Weimar and Nazi legislation, and discerned rhetorical links between Weimar activists and Nazi leaders. Klaus Petersen, for example, identifies a "strong semantic affinity" between the "puritan propaganda" advanced by conservative and right-wing morality campaigners who participated in the battle against "trash" and Nazi ideas about "German Culture." He argues that National Socialists were able to capitalize on the unfixed meaning of the slogans devised to battle "trash" to advance their own racial ideology.²⁶ Important scholarship has also discerned Weimar's pre-1933 "cultural death" in the self-censorship that these laws encouraged, and it has traced a growing gulf between the political left and right in the wake of the divisive legislative debates that surrounded the drafting and passage of the 1926 law.²⁷ Some have even mistakenly described the 1920

²⁵ Richard Bessel, *Germany after the First World War* (New York: Oxford University Press, 1993), 5.

²⁶ Klaus Petersen, "The Harmful Publications (Young Persons) Act of 1926. Literary Censorship and the Politics of Morality in the Weimar Republic," *German Studies Review* 3 (1992): 519–520.

²⁷ Jelavich, *Berlin Alexanderplatz*, xii; Margaret F. Stieg, "The 1926 German Law to Protect Youth against Trash and Dirt: Moral Protectionism in a Democracy," *Central European History* 23 (1990): 47–48.