

# Musician Michael Barenboim, Berlin professors defend Gaza protests at Federal Press Conference

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24 May 2024

The Federal Press Conference (Bundespressekonferenz, BPK), held Tuesday in Berlin, focussed on the protests at universities against the war in Gaza. Professor Clemens Arzt, who teaches constitutional and administrative law at the Berlin School of Economics and Law (HWR), painted a devastating picture of how governments and authorities are disregarding basic democratic rights:

Freedom of assembly is the right to dissent, to differing opinions. Limits are set by criminal law and not by the *raison d'état* of the Federal Republic of Germany or any restrictions due to Germany's foreign policy interests.

Alongside Arzt, Professor Michael Wildt, emeritus historian specialising in National Socialism at the Humboldt University (HU) Berlin; Miriam Rürup, director of the Moses Mendelssohn Centre and Professor of European-Jewish Studies at the University of Potsdam; and Michael Barenboim, Professor of Ensemble Playing and Violin at the Said-Barenboim Academy, answered journalists' questions.

They—along with more than a thousand other lecturers from Germany and abroad—signed an open letter defending students protesting the genocide in Gaza against the repressive measures taken by university administrations and police violence. As the WSWs has reported, the media and government representatives have reacted to the open letter with hysterical attacks.

At the press conference, these attacks were categorically rejected. Wildt and Rürup argued in favour of a “culture of controversy and debate” at universities and for a strengthening of their “self-regulatory powers.”

“Students have a right to demonstrate against the terror of Hamas as well as against the war in Gaza, against the Israeli occupation and in favour of the Palestinian population's right to equal rights and political self-determination,” said Wildt. “Where, if not at universities, where criticism, controversial debates and a culture of controversy belong,” should this debate be conducted?

In an atmosphere characterised by polarisation, high emotions and generalisation, many lecturers were concerned about preserving an open climate of debate at their universities, Wildt continued. “This concern was my motivation for signing the statement. Antisemitism and racism had no place at universities. Anyone, however, who believes that the police will get rid of antisemitism is mistaken. The fight against antisemitism and racism is above all a social task. We

need places at universities where people can discuss these issues openly.”

Rürup described the protest camps as a “sign of a lively culture of debate.” She pleaded in favour of “seeking dialogue.” “Enlightenment, debate, productive debate” are also a form of intervention, she said.

Arzt picked apart the justifications used to break up protest camps and prohibit protests, proving that these actions blatantly violate current laws and case law.

He quoted from a press release by the Berlin police justifying the brutal action taken against a protest camp at the Free University (FU) on May 7. The participants of an “unreported rally” on the grounds of the FU “wore Palestine scarves, held up banners and chanted pro-Palestinian chants, among other things,” the press release says. “At the same time, they set up tents and pavilions in the courtyard.” When the person in charge of the FU submitted a request for eviction and a criminal complaint, “the police broke up the assembly.”

Arzt demonstrated that the police action was illegal in every respect. “So chants were chanted, Palestinian scarves were worn and banners were held up,” he said. “That is the nature of an assembly within the scope of protection of Article 8 of the Basic Law on freedom of assembly. There is no mention of criminal offences at this time, at least in the press release.” Neither the failure to report the assembly nor the fact that it took place on university grounds could justify its dissolution under the current legislation.

Arzt was particularly critical of the FU President Günter Ziegler, who in an interview with the *Süddeutsche Zeitung* on May 17 had justified the dissolution of the protest camp with the protesters' unwillingness to engage in dialogue and discussion, among other things.

“Peacefulness in the sense of Article 8 of the Basic Law cannot be jeopardised by aggressive slogans or the content of statements of opinion, as the courts, including the Federal Constitutional Court, have repeatedly emphasised,” said Arzt. “Even the vigorous shouting of slogans is not a breach of the peace in terms of assembly law or in terms of criminal law. ... The ability and willingness to engage in dialogue are not required by Article 8.”

He also sharply criticised the arbitrary ban on certain slogans by Interior Minister Nancy Faeser (Social Democrats, SPD): “This means that the executive decides, not the parliamentary legislature, as is the case with incitement to hatred, for example. When it comes to Holocaust denial, the interior minister now decides what can still be said in this country. And the police respond to this and initiate

prosecutions. I find this absurd.”

When asked by a journalist whether the right of assembly was being “exploited,” the lawyer replied: “You cannot exploit freedom of assembly. Freedom of assembly is freedom of assembly. Freedom of assembly is the right to hold the most absurd opinions, regardless of whether the majority of society supports them or not.” The limit is set by criminal law.

Arzt warned that he saw a tendency in Germany for the right of assembly and freedom of assembly to be increasingly restricted by the executive.

A few weeks ago, the Berlin police chief appeared before the press and said that she did not understand the discussion about restrictions on freedom of assembly. Only 17 out of 35 demonstrations had been banned. “This statement shook me to the core, I have to admit as an expert in assembly law,” said Arzt. “By my reckoning, we have banned less than 17 assemblies in the previous five years. ... The trend is increasingly moving towards a restrictive interpretation of freedom of assembly, which completely contradicts the freedoms we developed since the Brokdorf judgement by the Federal Constitutional Court in the mid-1980s up until recently.”

Michael Barenboim was the only person on the podium who openly supported the protesters’ concerns. His introductory speech culminated in the sentence: “For me, one thing is certain: the students not only have the right to protest, they are right to protest.”

The musician has long campaigned for the rights of Palestinians. He has been a member for 24 years of the West-Eastern Divan Orchestra, founded by his father, the conductor and pianist Daniel Barenboim, in which Jewish, Palestinian and musicians from all over the Middle East play.

Barenboim directly addressed the reason for the student protests—“namely the devastating violence in Gaza. Over 35,000 dead, almost 80,000 injured and over 10,000 more are presumed missing under the rubble. Destroyed hospitals, schools, universities, mosques and churches. A starving population, many of whom have been displaced several times, is trying to survive somehow in inhumane conditions.” More children have been killed in Gaza in the first four months of this year than in conflicts worldwide in the last four years.

Barenboim pointed out that Israel had been charged with genocide before the International Court of Justice and that this charge had been considered to be plausible. The judges had voted by an overwhelming majority of 15 to 2 in favour of taking up the case. He mentioned the denunciation of the Palestinians as “human animals” by Defence Minister Galant and the invocation of “Amalek” by Prime Minister Netanyahu and quoted the relevant biblical passage: “Do not spare them, but kill men, women, children and infants, cattle and sheep, camels and donkeys.”

At the end of the press conference, Barenboim emphasised once again that the oppression of the Palestinians was the cause of the conflict. There were three categories of Palestinians: In Gaza, they have been living in an “open-air prison” for many years, in the West Bank under a “violent, illegal occupation,” and in Israel, where they make up 20 percent of the population, officially as “second-class citizens”—since the passing of the infamous Nation State Law of 2018.

It was not possible to stand by Israel as an idea and support the occupation at the same time, he stressed. This also contradicts the German Basic Law, which states: “Human dignity shall be inviolable.” This also applies to the Palestinians. The Holocaust is probably the worst crime in human history. But it was committed by the Germans. “The Palestinians had nothing to do with it. The

Palestinians were not part of it.”

A stream of the remarkable federal press conference, made available by the media platform “Jung & Naiv” on YouTube, triggered a storm of enthusiasm in the chatroom. Within a day, there were around 600 comments, all of which expressed their approval and thanked the professors taking part.

“This HOUR is a beacon of democracy in times of diminishing light,” said one user, referring to the title of Eugen Ruge’s bestselling novel from 2011. “An astounding discussion! Actually, many things would have been taken for granted 5-10 years ago. But the fact that something like this is possible TODAY, I had tears in my eyes for an hour,” states another. “I’m sitting here with my mouth open and can’t believe how brave Prof Barenboim is—and he’s only presenting facts. But these are hushed up in Germany.”

The discussion continues in the same vein: “Finally some normal people”—“We need more voices of such great personalities in the country”—“Can’t they just govern Germany?”—“Wow, very good points of view. Why don’t these people have advisory positions in the government?”—“Balm for the soul!”—“I haven’t heard so much common sense from Germany for a long time,” etc.

There is considerable public concern about the current war propaganda and antisemitism agitation used to justify arms supplies and financial support for the far-right Israeli regime. “I am very critical of the Israeli government and also of Germany’s arms deliveries to Israel. But I am anything but an antisemite. It was so hurtful to have to hear this all the time,” wrote one participant. “Politicians are failing across the board when it comes to this issue and foreign policy! It is precisely the one-sidedness of politics that fuels antisemitism,” noted another.

Many complained about the disinformation campaign by the public media, major newspapers and politicians. “This press conference should be on German television all day long,” says one comment. Others also criticised the fact that the stream of the press conference was not being shown on public broadcasters.

One chat participant commented, “That was by far the best press conference I’ve ever heard in Germany. With all the other rubbish that is handed out at press conferences, I increasingly got the impression that Germany can’t possibly be the nation of poets and thinkers.”

Memories of Germany’s dark history also came to mind. One participant expressed this, writing, “Such a dialogue and such voices are what can redeem Germany from its dark past (and currently, a dark future too).”

The discussion reveals the growing public revulsion with the prevailing policy of war and repression. The more violently the state and police take action against young protesters exercising their democratic rights and demonstrating against a genocidal war, the broader are the lies and distortions in the media, leading to a growing realisation on the part of many workers and young people that the time for resistance is approaching.

“We not only have the right to protest, we have the duty as humans to protest!!!” wrote one commentator.



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