Documenta’s new “Code of Conduct” paves the way for cultural and artistic censorship in Germany

Sybille Fuchs
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Every five years since 1955, documenta and the Fridericianum Museum have organised the world’s most important exhibition of international contemporary art in the German city of Kassel. The documenta 15 exhibition, which took place in 2022, triggered lengthy debates and a slanderous campaign alleging that a number of artworks selected by the Indonesian curatorial team Ruangrupa were guilty of antisemitism.

Politicians in Germany have outdone each other with calls for political censorship of art and culture, even calling for an end to the documenta exhibitions. Since October 7, 2023 in particular, politicians and the media have been scrutinising artistic statements and cultural policy measures to see whether they can find any criticism of the Israeli government’s genocide against the Palestinians in Gaza, which would contradict Germany’s “Reason of state” relationship with Israel.

On February 10, documenta published a Code of Conduct on its website that acknowledges “its obligation and responsibility arising from this to guarantee protection against antisemitism, racism, and any other form of group-related misanthropy.” The code obliges documenta organisers and employees to adhere to the Zionist definition of antisemitism laid down by the International Holocaust Remembrance Alliance (IHRA), according to which criticism of the policies of the Israeli government is to be regarded as antisemitism, under threat of consequences. “Violations of these rules will be pursued by documenta using the relevant disciplinary and labor law means,” the code states.

This code was drawn up by Metrum, a management consultancy for cultural institutions, and is intended to put a stop to alleged antisemitism by organisers and employees. The code was originally also intended to apply to the artistic management (curators) and thus indirectly to the artists and their works exhibited in future exhibitions. However, there has been a backlash against this blatant attack on artistic freedom and freedom of expression.

Artists correctly feared a restriction of artistic freedom. The “Stand With Documenta” initiative has issued an urgent warning against the dangers of political pressure and launched a petition against this type of code of conduct.

The code asserts in elevated language that documenta seeks to ensure “respect and the preservation of human dignity as the fundamental basis of civilised life in freedom and self-determination.” It also promises to respect the freedom of art and human dignity. In reality, the code is a poisoned chalice. On closer inspection, it is nothing more than a barely disguised form of censorship.

In the *Frankfurter Rundschau*, art historian Hans Kimpel, an expert and author of a standard work on the documenta, suggested that the 15th documenta be cancelled and that the exhibition should no longer take place, due to what he saw as a “botched” and “desolate situation.”

In *Kunstforum*, Ingo Arend argues against such a radical measure: “The art world has no better forum to become aware of life and survival on this planet in all its facets and contradictions.” The documenta summarises the “intellectual situation of our time like no other major exhibition” and has become a “forum for debate about key issues and aesthetics, the infrastructure and working conditions of art.”

The Code of Conduct is a code of censorship

Based on past experience, it is clear that the code that has been adopted is a massive attack on artistic freedom. Any genuine assessment of this document must be made based on study of the political situation.

In many countries, critics of the genocide against the Palestinians are currently being prosecuted as “antisemites.” In Germany, the Social Democratic Party (SPD) and Greens, together with the Christian Democratic Union (CDU), Free Democratic Party (FDP) and the far-right Alternative for Germany (AfD), passed a so-called antisemitism resolution in the Bundestag in November 2024, which is also based on the IHRA definition.

The resolution relativises the Holocaust and has nothing to do with the fight against actual antisemitism or the protection of the Jewish community in Germany. Rather, it aims to justify Israel’s genocide against the Palestinians and its support for the Israeli government. Criticism of this is criminalised and suppressed under the false accusation of “antisemitism.”

The new Code of Conduct for the documenta must be evaluated in this context. While the code in its current version allegedly does not apply to the artistic direction (curators), the reality is very different. In future, the festival’s supervisory board and organisers will do all they can to exclude curators with a critical attitude towards Israel or who have allowed themselves such criticism at some point. Festival employees who hang a work critical of Israel selected by an artistic director could lose their jobs.

The noble promise that “guarantees artistic freedom and the free space for the expression of attitudes and opinions in all conceivable languages of forms, which is indispensable for any artistic activity and is characterized by tolerance and an open view of the world” is completely hollow in view of the Code of Conduct.

Those who receive and accept an invitation to curate will be obliged to abide by the code if their careers are dear to them. Even then, the worst could happen if it turns out that an artist had in the past spoken out against the genocide in Gaza, for example, on social media.

One paragraph in the code already indicates there may well be a kind of pre-censorship, and thus a restriction of artistic freedom:

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> Within three months of their election, the respective Artistic Direction of the documenta exhibition shall present their curatorial concept in a public event, provide information on their position on current developments in the field of contemporary art, and explain how they intend to ensure respect for human dignity while safeguarding the constitutionally protected artistic freedom at the exhibition they curate.

Elsewhere it states that "the freedom of artistic work and activity within the framework of the laws applicable in Germany" must be guaranteed.

On this basis it can be expected that the required early presentation of the curatorial concept for an impending exhibition will be picked apart by the media and politicians and scrutinised with a magnifying glass for "antisemitism" or other alleged breaches of the code.

The management of documenta also reserves the right to take a stand against exhibited works itself. The Code of Conduct states:

> Insofar as documenta judges artistic forms of expression to be in conflict with the principles of conduct manifested in this Code of Conduct, it reserves the right to comment on its resulting stance and, if necessary, also express this through contextualization in the immediate visual context of the exhibited works of art.

In this way, documenta management apparently wants to protect itself against artists daring to express criticism in their works. This would open the floodgates to agitation by politicians and the media.

Cultural policy as an instrument of war policy

In recent years, official German cultural policy has developed into a shameless instrument for the propagation of war propaganda and the justification of genocide. This was already evident in the campaign against the first selection committee for the new artistic director of the next exhibition, documenta 16 in 2027.

In the second week of November 2023, the media, led by the *Süddeutsche Zeitung*, launched a fierce smear campaign against the renowned Indian author and cultural worker Ranjit Hoskoté, who was part of the six-member selection committee. Hoskoté, who has close ties to Judaism, had signed a pro-Palestinian proclamation directed against a Zionist and reactionary Hindu event in India.

Germany's Minister for Culture Claudia Roth (Greens) joined the chorus of those demanding censorship. Roth called for a guarantee that public funds would not be misused to finance antisemitic, racist and other inhumane art and cultural projects:

> There will only be a financial contribution from the federal government for the next Documenta if there is a joint plan and visible reform steps towards clear responsibilities, a genuine opportunity for the federal government to participate and standards to prevent antisemitism and discrimination. I do not yet see a basis for this.

Roth then demanded more opportunities for the federal government to exert influence. As a result of the campaign, the entire committee resigned and it took months before a new one could be put together that found favour with the media and politicians.

In November 2024, the Kassel City Council followed Roth's request and voted in favour of expanding the documenta supervisory board to include two of Roth's representatives as well as the chairperson of the newly created Expert Advisory Board.

This Expert Advisory Board is also intended to ensure that the "artistic freedom" of the world art exhibition does not stray from the prescribed paths of "reasons of state." The "experts" are to advise the management on what falls under the categories incriminated by the Code of Conduct. In short, it is a transparent attempt to allow the gagging of art under the label of "freedom." This is all a bureaucratic-repressive nightmare.

In July 2024, the new selection committee, consisting of Yilmaz Dziewior, Sergio Edelsztein, N'Goné Fall, Gridthiya Gaweewong, Mami Kataoka and Yasmil Raymond, chose a new artistic director for documenta 16. Yilmaz Dziewior spoke of a difficult decision: "Our discussions reflected the complexity and entanglement of the current situation of documenta."

Naomi Beckwith, Deputy Director and Chief Curator of the Guggenheim Museum in New York, was chosen as curator. The documenta supervisory board, chaired by Kassel's mayor Sven Schöller, welcomed the choice and appointed Beckwith. So far, the choice has not been criticised by the media or politicians.

The disputes surrounding documenta 15 and the further attacks on artistic freedom have led to considerable unrest in the international art and cultural scene. There are already justified concerns among artists about political censorship and restrictions on their creative opportunities in Germany.

After all, there have already been numerous cases of censorship and hostility, not least at the last Berlinale, where the film *No Other Land* was vilified as antisemitic by the German authorities and media. There have also been withdrawals and refusals by international artists and cultural professionals to become involved in Germany or to perform here.

Recently, the artist Fareed Armaly turned down the Käthe Kollwitz Prize awarded by the Academy of Arts. According to the Academy of Arts, the artist justified his refusal with a "disturbing trend towards censorship in Germany."

The Code of Conduct for the documenta, with its gagging provisions, further restricts freedom of art and expression in Germany. It imposes a straitjacket of censorship on culture as a whole and encourages subordination to the authorities and self-censorship. Due to the great importance of documenta, it can also be assumed that this example will set a precedent.

In view of the AfD's attempts to interfere in cultural policy, as it recently did with an attack on the Bauhaus in Dessau in favour of its nationalist ideology, any restriction of the freedom of art plays into the hands of deeply reactionary forces and must be decisively rejected.

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