Berlin, one-time capital of a great world power, is today a city of contrasts and complexities bordering upon the fantastic. It is a beleaguered island, dignified by the term "enclave," isolated within the Soviet occupation zone. It is many times divided—a geographically, economically, politically and governmentally.

The postwar governmental structure of Berlin has been comprised of variegated layers of authority and jurisdiction, both Allied and German, varying from the district administrations of the boroughs to the central city governments, from the unilateral Allied sector administrations to the multilateral Allied Kommandatura and the Allied Control Authority for Germany. In addition, the administration of Berlin has been vitally, if not always directly, affected by the jurisdiction and activities of the Allied High Commission, the German Federal Republic and the Soviet-controlled regime of East Germany.

Berlin therefore is one of the strangest governmental phenomena of our times. It is "capital" or "headquarters" of seven major governmental units, including: (1) four occupational regimes—the defunct but technically extant Allied Control Authority, the Allied Kommandatura, the Soviet Control Commission for Berlin or the former Soviet Kommandatura, and the unilateral Soviet Control Commission for Germany; (2) one so-called German "national government"—the Soviet Zone of Germany; and (3) two metropolitan governments, each of which claims to possess valid jurisdiction over the entire city—the Berlin government based on the 1950 Constitution operating in the western sectors, and the East Berlin government. In addition, there are four unilateral Allied occupation sector administrations, and 20 city administrative sub-units (boroughs), with their own respective local governments.

This provides a total of some 30 units of government, each with its own jurisdiction, powers and governmental machinery. Few cities have been simultaneously subject to as much government as thus has characterized Berlin during the past few years.

Allied Kommandatura

The Kommandatura, comprised of the four Allied Berlin commandants and their staffs, was established in 1945 as the ranking quadripartite Military Government agency for the city of Berlin. Each of the four commandants was in charge of his own sector of the city, and together they
met to deal with city-wide problems and to manage affairs with the central city government.

The Kommandaturat is among the oldest World War II Allied occupational agencies still in operation, having now been in existence for more than six years. There were 207 formally recorded sessions of the commandants (the ranking organ of the Kommandaturat) during the period from July 1945 to July 1951. Other organs of the Kommandaturat, particularly its committees, have met even more frequently.

The Kommandaturat has its unusual aspects. For more than six years it has existed as a quadripartite agency de jure, but for the last three years it has only been tripartite de facto. It issues orders to a government possessing theoretical jurisdiction over the entire city of Berlin, but actually it has been able to enforce its legislation only in a portion of it.

The Kommandaturat originated simply as an informal meeting of the Allied commandants for Berlin, and it rapidly developed into a hierarchical group of organs comprised of the Berlin commandants, the deputy commandants, a series of committees and sub-committees and a servicing secretariat. The major changes in its organizational structure have pertained to the committees and sub-committees.

Changes also have taken place in the fundamental authority and functions of the Kommandaturat since the Soviet walkout on June 16, 1948. The three Western Powers have devised their own arrangements, while leaving the door open to eventual Soviet return.


The Statement of Principles was drafted at the same time that the Allies were devising the Occupation Statute for Western Germany and was issued to define their authority and functions in Berlin. It specified only certain limited powers that were retained by the Allies, including such matters as disarmament and demilitarization, reparations, deconcentrations and decartelization of industry, displaced persons and refugees, and foreign affairs.

It returned all other legislative, executive and judicial powers to Berlin. Additional authority was relinquished by the Western Allies on March 8, 1951, in the "First Instrument of Revision of the Statement of Principles," issued when the Occupation Statute also was formally revised for Western Germany. While the relinquishment of authority by the Western Powers was not so great for Berlin as it was for Western Germany, nevertheless there were significant changes, especially in the field of legislative review.

Other important modifications concerned the procedures and practical functioning of the Kommandaturat. In the first place, the rule of unanimity, together with the absolute unilateral veto, was supplanted by the majority rule in the Agreement on a Revised Internal Procedure. This tended to democratize the voting system and diminish unilateral obstructionism, which had so seriously impeded the previous activities of the Kommandaturat.

In this agreement, however, the Western Powers provided that under certain circumstances, each element of the Kommandaturat could appeal serious disagreement to the Allied High Commission. But an ad hoc procedure has been evolved under which such formal appeal has never been necessary.

Secondly, whereas originally the Allied Kommandaturat was required overtly to approve all city legislation before it could become legally effective, the Statement of Prin-
The author of this article is professor of government and politics at the University of Maryland, temporarily on leave of absence to serve with the Historical Division, Office of the Executive Secretary, HICOG. This article is a condensed summary of a historical monograph Dr. Plischke recently completed, entitled “Berlin: Development of its Government and Administration.” During the past year he also has completed the following studies for the Historical Division: “History of the Allied High Commission for Germany: Its Establishments, Structure and Procedures” (published early in 1951); “Revision of the Occupation Statute for Germany;” “Development of Allied High Commission Relations with the German Government;” and “Evolution of the German Federal Government, 1949-1951.”

as the police, press, education and civil service, not to mention the more important political tools of food, fuel and housing.

The real difference is that Soviet authority is not openly defined. It functions behind the scenes through agents who head the Socialist Unity Party (SED) and the East Berlin government and who are indoctrinated in Communist principles and practices.

Berlin Government

Since 1945 Berlin has had several changes of city government. The first was that originally established by the Soviet authorities in 1945; the second was based upon the temporary constitution of 1946 and the third was founded on the more permanent constitution of 1950.

In the meantime, however, because of the success of the liberty-loving democratic elements of the city in freeing themselves from the entanglements of Communist minority control, the Communists, with Soviet assistance, created a fourth Berlin government. This was based upon

Soviet Control Commission for Berlin

Since the Soviet commandant withdrew from the Allied Kommandatura, the Soviet Kommandatura, or more recently its successor, the Soviet Control Commission for Berlin, has dealt directly with the affairs of East Berlin. The Soviet Government has no published prescription of its authority comparable to the Statement of Principles, a fact which often has been utilized for propaganda purposes. On the surface, its status, therefore, appears to be more liberal than that of the Western Powers.

But the distinction is more apparent than real. Soviet authority is all-inclusive. It would be difficult to imagine that the East Berlin government is able to exercise free, impartial judgment in the administration of such matters

Berlin Senate occupies executive bench during session of the House of Representatives. Free Berlin’s fighting governing mayor, Dr. Ernst Reuter (left, front row), and its mayor, Walther Schreiber (beside Dr. Reuter) are shown with Berlin’s senators.

JANUARY 1952
— but only tangentially in conformity with — the temporary constitution of 1946.

The constitution of 1950 provides that Berlin is both a German state and a city. The government it created is of the "cabinet" type, as distinct from the "presidential" type based upon a clear-cut separation of legislative, executive, and judicial powers among three equal and coordinate branches of government.

The new legislature — the House of Representatives — is unicameral. It supplants the hybrid bicameral system existing under the 1946 temporary constitution, in which there was a city assembly and a Magistrat, the latter serving as executive but also being possessed of legislative authority, which it shared with the assembly. Under the present constitution of 1950 only the House of Representatives exercises legislative responsibility.

The executive is collective, comprised of a Senate headed by the governing mayor, famed Prof. Ernst Reuter, and the mayor, Dr. Walther Schreiber.

The members of the Senate are "responsible" to the legislature, being elected and removable by it. Its sessions are in the nature of cabinet meetings, where decisions are made on governmental policy and programming. Senate members head the various administrative departments.

Prior to the split of the city in November 1948, the judicial system of Berlin comprised 14 local courts, one state (or district) court and the supreme court of Berlin.

West Berlin currently has nine local courts, one state (or district) court and its supreme court. The highest court of appeals is the Supreme Federal Court of Germany. Besides these ordinary courts for civil and criminal matters, administrative courts serve as a means of protection against questionable administrative measures. By a law promulgated in early 1951, there is one administrative court and a court of appeals, to which individuals may appeal against orders and decrees of an administrative agency.

The government of Berlin under the 1950 constitution is a workable government. It is based upon democratic principles. Many of the weaknesses of the traditional German governmental pattern under the Weimar Constitution and under the National Socialists have been rectified. Its success thus far has been due, in part, to the ability, vision and statesmanship of its leaders, such as Governing Mayor Reuter, Mayor Walther Schreiber and Dr. Otto Suhr, president of the House of Representatives.

Of noteworthy interest from the long-range point of view, is the fact that the government of Berlin was devised in such a fashion as to accommodate East Berlin. It was planned to apply to the entire city, which it presumes to do de jure. For East Berlin to come under the constitution of 1950 and the Berlin government, it would be necessary to hold an election to select the share of the members of the House of Representatives and to form a new government.

West Berlin is eager for this to happen. But the leaders of the East Berlin government realize that, should this occur, they very possibly would be relegated to the position of an extremist minority in the opposition.

**Berlin and the West German Republic**

Among the more acute governmental problems of Berlin is its relationship to the German Federal Republic. Berlin is not a constituent part of Western Germany. Although denied original membership by the Allies, the government and people of Berlin have never given up their desire or their campaign for inclusion in the West German government.

Berlin hopes for the eventual rescinding of the Allied reservations with respect to both the German Basic Law and the Berlin Constitution of 1950, which denied it the privilege of becoming the 12th integral state of the Federal Republic. In the meantime, the Berlin authorities have been seeking by various means to circumvent the limitations of those reservations. The "12th state question" therefore is far from settled.

There appears to be an increasing fear in Berlin that the Federal Government and the people of West Germany are growing cool toward its aspirations and that the West Germans are reconciled to the status quo. One of the results of this trend has been the genesis of a new policy, namely, the establishment of an independent City of Berlin, perhaps under United Nations auspices and control. While this policy is only in its infancy — and viewed merely as a secondary choice— nevertheless, its very emergence reflects the seriousness with which Free Berlin has been groping for a solution to its problems.

**East Berlin**

East Berlin continues under the control of its own puppet government, engineered in a rump session of the city
legislature in November 1948. It pretends to function under the temporary constitution of 1946, under which Soviet authorities exercise a unilateral veto over all legislation, appointments and dismissals.

The government of East Berlin is headed by Mayor Fritz Ebert, eldest son of the first President of the Weimar Republic. It is far from democratic. Aside from not conforming to its own constitutive act of 1946, there are such fundamental deficiencies as: (1) lack of a guaranteed bill of rights to protect the individual against the arbitrary encroachments of the government; (2) defunctness of the legislature — rule is rather by executive decree; (3) lack of impartial, independent judicial authority, as exemplified by the political control of judges and the existence of people’s courts; (4) prohibition of the freedom of political parties to organize and participate freely in public activities; and (5) the absence of any elections since 1946.

The East Berlin government is closely associated with that of the Soviet Zone of Germany. Yet it is excluded from the governmental regime established in the Soviet zone of occupation. This permits a possible reunification of the two portions of Berlin without simultaneously requiring the reunification of all Germany. It also results in this peculiar situation: a portion of a city serves as the capital of a “country” (East Germany) without constituting an integral segment of it.

Politics and Elections

Since the surrender, three elections have been held in Berlin — in 1946, 1948 and 1950. In the election of 1946 the Communists suffered serious defeat. No subsequent elections, therefore, have been permitted in East Berlin.

The chief political parties in West Berlin today are the Social Democratic Party (SPD), the Christian Democratic Union (CDU) and the Free Democratic Party (FDP). A number of minor parties also participated in the 1950 elections, including the German Party (DP); the Bloc of Expellees and Victims of Injustice (BHE); the Conservative party, the Free Social Union (FSU), and the Independent Social Democrats (USPD). None of these lesser groups received sufficient support to achieve representation in the House of Representatives.

In East Berlin, the chief party is the Socialist Unity Party (SED), produced by a forced merger of the Communists (KP) and Social Democrats (SPD) in April 1946. It is Communist in all but name. There are also the East-Christian Democrats and East-Liberal Democrats, splinter groups affiliated with the Socialist Unity Party under the bloc program of the National Front. Real competition among these parties does not exist, and the Communists remain in control.

The election of 1948 was held during the Berlin blockade, which had important effects on its outcome. In the West Berlin election campaign of 1950 — while the Communist threat continued to be ever present — local issues were given greater attention. Perhaps the most important of these was the question of socialization versus free enterprise.

Toward the end of the campaign, however, the issue of associating West Germany with the Western security program was introduced and became the principal topic of West German leaders who campaigned in Berlin. Because of the negative stand taken by leaders of the West German Social Democrats with respect to the question of future realignment, the Berlin Social Democrats lost some of the support they enjoyed in the election of 1948.

When the election returns were in, the Social Democrats still ranked first, but their vote dropped from 64.5 percent in 1948 to 44.6 percent in 1950. The Christian Democrats again ranked second, polling 24.6 percent, as compared with 19.4 percent in 1948. But they were closely followed by the Free Democrats, who made an even better showing by increasing their share from 16.1 to 23.1 percent. Thus, for the first time since before World War I, Berlin’s parliament does not have a left wing majority. The government of Berlin is comprised of a “grand coalition,” including the Social Democrats, Christian Democrats and Free Democrats.

One of the important conclusions to be drawn from the experience of postwar Berlin is the growing political maturity of the electorate — provided that it is able freely to participate in uncontrolled elections. This has been evidenced in a number of ways.

It was manifested, for example, in the refusal to succumb to Communism despite its devious political machinations, such as bribery with promises of better food rations, exhortation to boycott the ballot box, threats of reprisals of various kinds, and actual physical violence. Political maturity has been evident in the high percentage of voter participation in Berlin elections. (This participation amounted to 92.3 percent in 1946, 86.3 percent in 1948, and 90.4 percent in 1950.) When, in 1950, the voters rejected the splinter parties, including those of the radical right, it was shown again.

Political maturity was similarly manifested by the political parties. The Social Democrats gave evidence of political sagacity and courage in refusing to amalgamate with the Communists (SED), at a time when such action may have appeared to be to their political advantage. The parties — both liberal and conservative — have indicated their willingness to compromise their immediate interests in forming the “grand coalition” in order to present a united front against the pressure and design of the Communists.

The fundamental imponderable of Berlin politics is the strength and position of the Communist Party, under whatever name it may choose to masquerade. The people of Berlin hope for the eventual reunification of the city, but the people of the western sectors do not appear to be anxious to achieve it if the price is a government dominated by Communists. The parties of West Berlin also hope for reunification, but not at the expense of their dissolution by such a Communist-controlled minority government.

Eventual reunification of the city is coupled with the reunification of all Germany. Without it, Berlin’s critical economic and financial problems remain virtually unsolvable without outside assistance, and its governmental life remains a paradox. Without it, the city of Berlin continues to be a house divided against itself.