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Terror and Dissent

**Towards the Social Structure of Popular
Protest in the Third Reich 1941 - 1945**

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Chapter Five: The Communist Milieu and 'Crimes' of Dissent

In the first year of Nazi rule, terror was primarily directed against the KPD and its affiliate organisations.⁶⁰³ In the wake of the Reichstag fire, the members of the parliamentary party were arrested and interned *en masse* and many were never released. Tens of thousands of Communists were imprisoned in the first twelve months of Nazi rule alone.⁶⁰⁴ Although the mass arrests and terror of 1933 were not repeated, Communists remained the target of considerable persecution.⁶⁰⁵ Nazi fear of Bolshevism was deep-rooted and pervasive. As we have already noted, members of the KPD and its associated groups received disproportionate punishment for the misdemeanours they committed and were frequent victims of Gestapo surveillance and persecution.⁶⁰⁶ Despite the extraordinary terror directed at the KPD, Communists committed acts of dissent which were characterised by the actions of a proportionately small, yet still numerically significant, number of Communists die-hards who offered continuous and seemingly inexhaustible opposition to Nazism.⁶⁰⁷

What follows is an analysis of the case histories of one thousand and seventy-three supporters of the KPD, either arrested by the Düsseldorf Gestapo, or tried before the Munich Special Court or the People's Court in Berlin. In many respects the KPD milieu was markedly similar to that of the SPD: it was predominantly urban and centred on the large industrial areas of Berlin, Hamburg and the cities of the Ruhr (see table 13, p. 234).⁶⁰⁸ Certainly, the two communities were closely linked, bound by a common heritage and a desire to improve the conditions of the working-class.⁶⁰⁹ The KPD was founded in 1919 and had drawn considerable support from the radical left-wing of the SPD whose members had become disillusioned with the moderate policies pursued by the SPD leadership, particularly the failure to expedite the Socialist revolution desired by many workers and

⁶⁰³ Johnson, E., *The Nazi Terror*, p.162.

⁶⁰⁴ Gellately, R., *The Gestapo and German Society*, p. 40.

⁶⁰⁵ Wachsmann, N., *Hitler's Prisons*, pp. 115 - 116.

⁶⁰⁶ Mallmann, K., 'Die V-Leute der Gestapo', pp. 268 - 269.

⁶⁰⁷ Mallmann, K., 'Konsistenz oder Zusammenbruch', p. 227.

⁶⁰⁸ Schiechen-Ackermann, D., *Nationalsozialismus und Arbeitermilieus*, p. 62.

⁶⁰⁹ Peukert, D., *Inside the Third Reich*, p. 102.

soldiers returning from the war.⁶¹⁰ Resentment at Defence Minister Noske's use of rightwing Freikorps units to crush the Soviet republic in Munich in 1919 and disarm the Ruhr uprising in 1920, had also condemned later attempts at collaboration between the KPD and the SPD to failure and gave credence to the KPD's bitter condemnation of the SPD as 'social-fascists'.⁶¹¹

The KPD has been correctly characterised as a party of protest and the party of the unemployed. There is a clear correlation between the rising unemployment caused by the world economic crisis of 1929 and the growth in support for the KPD.⁶¹² The three file samples further corroborate this explanation for the KPD's electoral success. As we shall see over ninety per cent of the Communists included in the survey had endured prolonged periods of unemployment. An ever greater number of Germany's poor, disaffected young were able to find solace in the egalitarian and utopian ideals of Communism and the KPD's

Table 9

Unemployment and Dissenters

N.B. Percentages refer to each individual milieu

	Unemployment Before 1933 Less Than Twelve Months	Unemployment after 1933 More Than Twelve Months	Unemployment After 1933 Less Than Twelve Months	Unemployment After 1933 More Than Twelve Months
Social-democrats	15 (5.2%)	33 (11.5%)	27 (9.4%)	73 (25.6%)
Communists	156 (14.5%)	831 (77.4%)	637 (59.3%)	452 (42.12%)
Catholics	86 (11.2%)	77 (10.3%)	93 (12.5%)	24 (3.2%)
Individuals	246 (27.4%)	189 (21.1%)	178 (19.8%)	162 (18%)

⁶¹⁰ Evans, R., *The Coming of the Third Reich*, p. 238.

⁶¹¹ Bessel, R., 'Why did the Weimar Republic Fail?' in Kershaw, I., (ed.) *Weimar: Why did German Democracy Fail?*, (London, 1990), p. 154.

⁶¹² Gottschaldt, E., *Antifaschismus und Widerstand: Der Kampf gegen den deutschen Faschismus 1933-1945*, (Heilbronn, 1985). p. 46.

combative demands for radical change (see figure 5, p. 150).⁶¹³ However, it is important to note that unemployment and a growing sense of desperation among many members of the working-class underpinned growing KPD support as much as an absolute and fundamental belief in the values of the party.

Whereas the SPD drew support from skilled workers in tenured positions, KPD voters tended to be unskilled and consequently vulnerable to fluctuations in the economy.⁶¹⁴ As the case histories of seven hundred and forty-three Communists considered in this sample demonstrate, a lack of formal training proved a constant liability; once released from work, many Communists found it difficult and, in many cases, impossible to find new employment (see table 5, p. 151).⁶¹⁵ A deep-rooted fear of Communism deterred businesses from employing known Communists who were seen, above all, as dangerous troublemakers keen to call strike actions.⁶¹⁶ Those fortunate enough to remain in work were subjected to poor conditions and pay. Frequently their work was dangerous and demeaning. It is not surprising that miners and Rhine sailors formed the bedrock of employed KPD support in the industrial Ruhr.⁶¹⁷ The KPD also found considerable support among the Hamburg dock workers.⁶¹⁸ Many Communists experienced a slow descent into grinding poverty which had compounded pervasive feelings of isolation and reinforced loyalties to the party.⁶¹⁹

The Communist milieu was defined by its poverty. Unemployment in Communist communities in the final years of the Weimar Republic was endemic and the working-class poor were almost entirely dependent on the limited welfare payments provided by the Reich and the German states.⁶²⁰ Once access to these payments had been exhausted,

⁶¹³ Peukert, D., *Die Weimarer Republik*, pp. 154 - 155.

⁶¹⁴ Mallmann, K., & Paul, G., *Milieus und Widerstand*, pp. 344 - 345.

⁶¹⁵ Peukert, D., *Die Weimarer Republik*, p.154.

⁶¹⁶ Geary, D., 'Employers, Workers and the Collapse of the Weimar Republic' in Kershaw, I., (ed.) *Weimar: Why did German Democracy Fail?*, pp. 110 - 113.

⁶¹⁷ Peukert, D., *Die Weimarer Republik*, pp. 154 - 155.

⁶¹⁸ Bauche, U., & Eiber, L., (eds.), *"Wir sind die Kraft": Arbeiterbewegung in Hamburg von den Anfängen bis 1945*, (Hamburg 1944) , pp. 246 - 254.

⁶¹⁹ Peukert, D., *Die Weimarer Republik*, pp. 248 - 249.

⁶²⁰ Evans, R., *The Coming of the Third Reich*, pp. 236 - 237.

recipients had little choice but to look to the largesse of local charities, the Churches and increasingly, the charitable organisations of the KPD.⁶²¹ The efforts of the party to provide a level of subsistence for its members engendered a degree of gratitude and loyalty among supporters matched, perhaps, only by the NSDAP. A substantial number of Communists eventually found employment with the party. Eighty-seven (8.1 %) of the Communists surveyed had held paid positions with KPD. Frequently, this work involved considerable indoctrination and schooling. It was also not without risk. The KPD expected its members to fight; to combat Nazism on the streets and to resist the Weimar authorities.⁶²²

The effect of this gradual process of simultaneous indoctrination and dependency was cumulative. It exposed many Communist sympathisers to persecution at the hands of the Weimar state, pushing them into positions of militancy from which it was difficult to return. As this chapter will reveal, this dependency could reach extreme proportions and, consequently, a significant number of Communists were left ill-prepared for a future in which the KPD no longer existed.⁶²³ Perhaps, more significantly, those who played an active role in the KPD had also become known to the Weimar authorities, and after 1933 they were vulnerable to police intervention as the Gestapo made great use of the files compiled by the political polices of the Weimar states. Despite the return to full employment and the desire of the Nazi authorities to integrate former enemies into the 'National-community', a substantial number of Communists found it impossible to conform and continued to live in a shadow world of sporadic employment, poverty and quasi-legality. For many Communists, the negative experience of Nazi rule served only to reinforce their loyalty to the KPD and its ideology.

Some accounts of Communist responses to Nazism have compounded the hagiographical image of the German working-class fostered by historians of the former East Germany and their sympathisers in the West, exaggerating the extent and success of the different

⁶²¹ Bauche, U., & Eiber, L., (eds.) *Wir sind die kraft*, pp. 248 - 250.

⁶²² Evans, R., *The Coming of the Third Reich*, p. 238.

⁶²³ Peukert, D., *Inside Nazi Germany*, p. 104.

phases of KPD agitation.⁶²⁴ This carefully constructed picture of heroic and noble struggle, bears little resemblance to the revelation of proletarian reality in the files. Working class poverty during the Weimar Republic and thereafter under Nazi rule was rarely noble or pleasant. Poor working class areas of German cities were troubled by crime and insanitary housing conditions.⁶²⁵ German society, encouraged by the Weimar and thereafter Nazi press, had developed an obsession with the perceived explosion of criminality.⁶²⁶ The economic collapse had contributed to an upsurge in petty theft, burglary, fraud and muggings, the brunt of which had been borne by poorer communities.⁶²⁷ Two hundred and seven former Communists (19.3%) included in the three samples had previously been convicted for criminal offences, a further six hundred and thirty-three (59%) had been prosecuted for political offences, pointing to a lack of respect for the authorities and the force of the law, engendered, perhaps, by brutal personal experience (see table 1, p. 50).

High levels of crime found a political parallel in endemic street violence which beset the final years of the Weimar Republic and which was carried forward into the Third Reich in the vicious reconquests of 'red' areas at a national level by the different Nazi battalions described so thoroughly by Detlef Schmiechen-Ackermann. Both Anthony McElligott in his study of the Hamburg satellite city of Altona and Eve Rosenhaft in her work on Communist formations in Berlin have also done much to elucidate the extent of the violence directed by both state and party agencies at German Communists.⁶²⁸ McElligott's wide ranging and thorough studies into the interrelationship between the KPD, the NSDAP and the Weimar and Nazi authorities have shown how the predominantly Communist areas of Altona were not only subjected to sustained attacks by the SA but were also the victims of judicial prejudice even before the Nazi take-over. McElligott has demonstrated the extent to which

⁶²⁴ Mallmann, K., 'Konsistenz oder Zusammenbruch?', p. 221.

⁶²⁵ Schmiechen-Ackermann, D., *Nationalsozialismus und Arbeitermilieus*, p.116.

⁶²⁶ Wachsmann, N., *Hitler's Prisons*, p. 19.

⁶²⁷ Wachsmann, N., *Hitler's Prisons*, pp. 19 - 20.

⁶²⁸ See McElligott, A., *Contested City: Municipal Politics and the Rise of Nazism 1917-1937*, (Chicago, 1998); Rosenhaft, E. 'Organising the Lumpenproletariat': Cliques and Communists in Berlin during the Weimar Republic' in Evans, R., (ed.) *The German Working Class: 1888-1933 The Politics of Everyday Life*, (London, 1992), pp. 174 - 200; & Schmiechen-Ackermann, D., *Nationalsozialismus und Arbeitermilieus, passim*.

violence had become a way of life and its manifestation reinforced the ostracism of the KPD milieu. The Weimar police had regularly used considerable force to break up demonstrations organised by the KPD.⁶²⁹ The constant battling of the KPD paramilitary formations with the SA reinforced the widely held perception of a society on the brink of collapse, lending weight to calls for both a prohibition of the KPD and a restoration of order, which had helped to precipitate Hitler's rise to power.⁶³⁰

As we noted in chapters two and three, both the police and the courts were active participants in a sustained campaign of state persecution. The mass arrests of the first year of Nazi rule had deprived communist communities of both their established leadership and the means of organisation. German jurists willingly condemned Communist activists to long periods of imprisonment and passed sentences which were intended to send a clear message to other Communists.⁶³¹ The institutionalised persecution unleashed by both the police and the courts found a counterpoint in the orgiastic violence of the SA battalions. Communists were beaten and on occasion killed in a spree of unorganised attacks in which disgruntled Nazis took their revenge on their communist enemies.⁶³² The Gestapo cracked down on Communist dissent in waves of actions against Communist strongholds routinely resulting in large numbers of arrests and internments (see table 2, p. 56). Spies and paid informants, many former Communists, were used to good effect and indeed were crucial to the uncovering of many underground groups.⁶³³ Working-class areas had also traditionally been the object of a heavy police presence, rendering many acts of Communist dissent susceptible to detection. Although, as we noted in chapter two, the extent of the threat posed by German Communism as claimed by the Gestapo was in no small part determined by the Gestapo's own need to exaggerate or play down Communist activity, it was with some conviction that the Gestapo could claim to have finally defeated German Communism in 1936. Poor Communists, living in crowded tenements where private space

⁶²⁹ Browder, G., *Hitler's Enforcers*, pp. 17 - 18.

⁶³⁰ Wachsmann, N., *Hitler's Prisons*, pp. 54 - 55.

⁶³¹ McElligott, A., 'Dangerous Communities and Conservative Authority: the Judiciary, Nazis and Rough People' in Kirk, T., & McElligott, A., (eds.) *Opposing Fascism*, pp. 39 - 41.

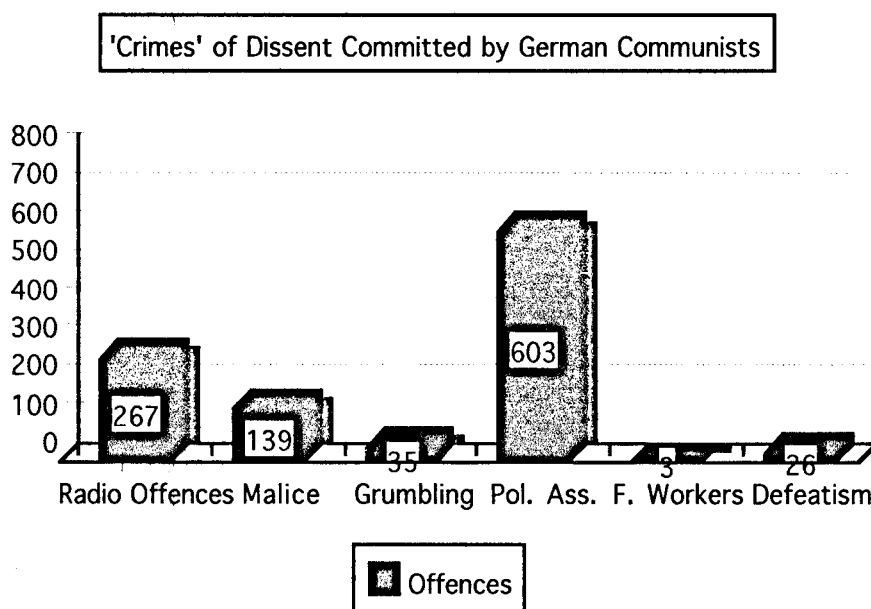
⁶³² Kershaw, I., *Hitler 1889-1936: Hubris*, p. 460.

⁶³³ Mallmann, K., 'Die V-Leute der Gestapo', pp. 268 - 287.

was at a premium, were also likely to be the victims of private denunciations.

Many Communists, particularly those whose association with the party had been characteristically brief, were quickly able to come to terms with Nazi rule and were able to enjoy a level of prosperity denied to them by the economic chaos of the Weimar Republic, even if the economic opportunities created by full employment were more limited than some have assumed.⁶³⁴ However, a substantial number of Communists refused to accept Nazi rule and undertook considerable risks outlined in the chapters on both Gestapo and the courts in their efforts to maintain an illegal party structure. Mostly, such endeavours took the form of illegal party meetings in which the political situation was discussed, propaganda distributed and comrades were given encouragement in the certainty of the final Communist victory.⁶³⁵ The lives of the most hardened Communist dissenters were lonely. Many were

Figure 7



N.B.: Pol. Ass. = Political association; F. Workers = Relationships with Foreign Workers

⁶³⁴ Mason, T., *Social Policy in the Third Reich: the Working Class and the 'National Community'*, (Oxford, 1993), pp. 134 - 136.

⁶³⁵ Peukert, D., *Die KPD in Widerstand*, pp. 423 - 424.

forced to live in hiding, unable to live in their home communities for fear of identification and betrayal and were forced to live off the generosity of comrades who could ill afford such dangerous hospitality. Many Communists remained desperately poor despite the change in national economic fortune. However, the underground KPD survived the initial Nazi onslaught and later Gestapo campaigns in a far more coherent form than the SPD. For some years, but without obvious success, RGO cells tried to infiltrate and control Nazi labour organisations. Red Help, the Communist aid organisations also survived as an underground organisation providing small payments and other such help to the families of Communists punished by the Nazi authorities.

The underground KPD, guided and led by the party leadership in exile in Moscow and by functionaries based in France, Belgium and the Netherlands, demonstrated extraordinary powers of rejuvenation, even during the war when the use of safe-havens abroad was brought to abrupt halt by German military success. The Nazi invasion of the Soviet Union led to an upsurge in illegal Communist political activity after the two years of near inertia and confusion which had followed the signing of the Nazi-Soviet Pact on 23rd August 1939.⁶³⁶ Galvanised by the possibility of a Soviet victory, remote as this might have seemed in the first months of the campaign, and clearer leadership from party leaders in Moscow, the KPD mounted a sustained and energetic campaign of propaganda and recruitment drawing on increasing working-class disgruntlement with the Nazi regime that lasted almost until the end of the war.⁶³⁷ It is a testament to the enduring social and, ultimately, political bonds fostered by the Communist milieu that in the period after 1941 KPD functionaries were able to recruit with some certainty of trust, men and women in the factories of the Reich who had once been sympathetic to Communism, despite the severe punishments such actions carried.⁶³⁸ Not all Communists were engaged in overt political agitation. Many were, as we have seen, social-outsiders isolated from mainstream Nazi society who continued to maintain an

⁶³⁶ Peukert, D., *Die KPD in Widerstand*, p. 341.

⁶³⁷ Mallmann, K., 'Brüderlein & Co.', pp. 274 - 276.

⁶³⁸ Mallmann, K., 'Kommunistischer Widerstand 1933-1935: Anmerkungen zu Forschungsstand und Forschungsdefiziten', in Steinbach, P., & Tuchel, J., (eds.) *Widerstand gegen den Nationalsozialismus*, pp. 120 - 121.

essentially social contact, shaped and defined by their previous political experience, with former comrades (see table 11, p. 200). However, a substantial number of campaign hardened Communists demonstrated absolute loyalty to the KPD in spite of the dangers this entailed, it is this group in particular that characterised the Communist response to Nazism and whose actions form much of the focus this chapter.

Poverty and Trauma

The three file samples record a level of familial disruption unique to the Communist milieu. Communists were far more likely to have suffered from the effects of domestic trauma than the other social-groups considered in this thesis. The rates of violent abuse (cited in one hundred and two cases - 9.5%), alcoholism (one hundred and eighty-three instances - 17.1%) and abandonment (two hundred and thirty-seven cases - 22.1%) were three times higher among Communists than among the other groups surveyed (see also table 7, p. 167). Importantly, both victims and perpetrators were castigated as recidivist and little constructive help was offered by either Weimar governments or the Nazi state to the victims of this abuse.⁶³⁹ Government neglect served only to increase their feelings of

Table 10

Dysfunction and Dissenters

N.B. Percentages refer to each individual milieu

	Alcoholism	Raised in Poverty	Victim of Violent Abuse	Suffered from Psychiatric Illness
Social-democrats	37 (12.9%)	58 (20.3%)	84 (29.4%)	24 (8.4%)
Communists	183 (17.1%)	782 (72.8%)	342 (31.8%)	212 (19.7%)
Catholics	29 (3.8%)	263 (35.3)	146 (19.6%)	97 (13%)
Individuals	73 (8.1%)	312 (34.7%)	63 (7.8%)	86 (9.5%)

⁶³⁹ Wachsmann, N, *Hitler's Prisons*, pp. 46 - 47.

alienation and desperation. For many Germans who reached the age of majority during the crises which beset the Weimar Republic and were socialised in an environment of violence and minimal economic opportunity, the KPD and its affiliated organisations acted as a form of surrogate family; providing a sense of purpose to lives without aim and a limited livelihood to those who had little, as well as a tantalisingly utopian vision of the future.⁶⁴⁰

The KPD drew its support predominantly from younger Germans, born in the first decade of the twentieth Century. Six hundred and thirty-two (58.9%) of the Communists surveyed were born between 1900-1910. A further eighty-nine (8.3%) Communists included in the three file samples were younger (see figure 5, p. 150). In contrast, those born before 1900 constituted only three-hundred and fifty-two (32.8%) of those surveyed. The KPD provided support, guidance and hope in an age of uncertainty. Many of those included in this sample had rejected the moderation of the SPD and its continuous support for the Weimar democracy; unable to discern the promise of improved economic opportunity and an escape from poverty in the policies and political compromises of the SPD. As we shall see, those Communists prosecuted for political 'offences' between 1941 and 1945 belonged to the worst off sections of society. They were poorly educated. Only twenty-four (2.5%) of the surveyed Communists had received anything greater than a elementary education. They were also ill-prepared for life in a changing and turbulent economy. Only one hundred and ninety-three (18%) of those surveyed had received any vocational training. The poor, disenfranchised young were susceptible to the radical aims of the KPD, finding a political home in a society in which they were otherwise largely unwelcome.

The loyalty demonstrated by many KPD members in the face of considerable adversity in the following examination of the files, must be understood in this context. Although membership of the KPD was notoriously fickle and membership of the party was measured in months rather than years, the Communists surveyed in the three samples demonstrated uncharacteristic loyalty to the KPD (see table 6, p. 153). Of the seven hundred and twenty-seven (67.8%) former members of the KPD included in this sample,

⁶⁴⁰ Peukert, D., *Die Weimarer Republik*, p. 249.

six hundred and twenty-one (57.9%) Communists had been a member of the party for more than two years. A further two hundred and sixteen (20.1%) of Communists surveyed had been active supporters of the party, engaging in the political process, and playing a role in the many KPD social and cultural organisations. Only thirty-one (2.9%) of those included in the survey had demonstrated less active support; voting for the party but taking no active role in its organisations. As we shall see, for many Communists the KPD had provided a complete existence; life without it was difficult, if not impossible. A significant number of Communists became entirely bound to the KPD by circumstance, which rendered them unable and, indeed, unwilling to break from their commitment to the party.

Communists and the Files of the Düsseldorf Gestapo

German Communists constitute the largest single group in the Düsseldorf Gestapo sample (see figure 2, p. 88), accounting for four-hundred and thirty-eight of the one thousand files. The 'offences' committed by Communists can be broken down into three broad categories (see tables 8, p. 176., 11, p. 200., and 12, p. 216): Malice (one hundred and eleven instances - 25.3%); radio offences (ninety-eight instances - 22.4%); and political association (two hundred and twenty-nine instances - 52.3%). Evidence of actual, as opposed to suspected, conspiratorial organisation is apparent in and ninety-four cases (41.1%). The political basis of many of the 'offences' is also strikingly high (see again tables 11, p. 200., and 12, p. 216). Political sentiment, rather than circumstantial complaint, is apparent in eighty-nine (80.2%) of the one hundred and eleven cases of Malice, Grumbling and Defeatism. Evidence of considerable commitment to the KPD characterises the sample; membership and active involvement in the different KPD organisations, rather than mere support for the KPD, is cited in three hundred and seven cases (70.1%). The evidence of the Düsseldorf sample supports the assertion that the active political engagement of Communists before 1933, led to probable confrontation with the Nazi regime later.

The political history of Heinrich Wilms is characteristic of the two-hundred and twenty-six

former KPD functionaries included in the three samples who were unable to find acceptance in either Weimar or Nazi society and were instead dependent on KPD largesse and networks of support (21.1%).⁶⁴¹ Wilms was born in Essen in 1890. He received only an elementary education and was thereafter employed as unskilled labourer on construction sites in Essen. He was raised in a poor family. His father had been an alcoholic who died at an early age and his younger sister died of unexplained causes in 1917. Wilms served on the Western Front for the duration of the First World War, and sustained serious injuries to both his arm and his knee. After the German surrender, he found occasional work as a construction worker. In 1923, Wilms was employed as a miner and was able to work continuously in this capacity for twelve months before he was dismissed for reasons unspecified in the his record.

Wilms had joined the KPD in 1924, introduced to the party by radical colleagues. In 1930 he was employed by the KPD as a doorman at the headquarters of the Essen branch of the party, a partial reward for his many years of loyal, active political service. He was also a member of the RGO and the Red Front Fighters' Federation (RFV).⁶⁴² Wilms was quickly promoted through the ranks of the party and in 1931 was appointed as an intelligence officer. His exact role is unclear but his file points to the ideological educational purpose of the position. In 1933 Wilms was arrested for his role in the foundation of an illegal group in Essen. The subsequent police search of his home uncovered his ownership of an illegally acquired revolver. He was sentenced to five years imprisonment for conspiracy to Commit High Treason. During his time in prison, Wilms forged contacts with other political prisoners, his release was consequently delayed until 1940. Once released from prison, Wilms, unbeknown to him, was placed under police surveillance. Like many former Communists unable to exist in very much changed circumstances, Wilms took up almost immediate contact with his former political associates. In 1941, wary of the political nature of these contacts, he was arrested by the Gestapo and placed once more in protective custody.

⁶⁴¹ HStA D: Gestapo 52690

⁶⁴² *Roter Frontkämpferverband*

The life of Ernst Keyer is similar to that of Heinrich Wilms and was shaped by considerable personal misfortune and, ultimately, dependency on the charity of the KPD.⁶⁴³ However, in comparison to Wilms who was finally tried for an essentially informal political association, Keyer was one of two hundred and fifty-seven Communists prosecuted for membership of an organised political grouping. Keyer was born in the small town of Fischhausen on the north German coast in 1898. His father, a farm labourer, had died when he was young and his family had moved to the industrial centre of Duisburg shortly afterwards. Fischer had received an elementary education but was sent out to work on building sites by his mother immediately after its completion. He was unfortunate and only found sporadic work. In 1916, Keyer was conscripted into the army and served until 1918. The war provided Keyer with his first and final regular wage. Once demobilised he never worked again and moved in increasingly radical and desperate circles. In 1923, Keyer joined the KPD. He later became a member of Red Help and various local paramilitary formations. In 1933 he was interned for a year as a known and dangerous Communist. He was arrested again in 1935. The details of his 'crime' are not recorded in his file but in 1935 he was tried by the Higher state court in Hamm for Conspiracy to Commit Treason and was sentenced to five years

Table 11

'Crimes' of Illegal Political Association

N.B. Percentages refer to each individual milieu

	Participation in Essentially Social Associations	Participation in 'Passive' Political Groups	Participation in Organised political Groups
Social-democrats	64 (22.5%)	93 (32.6%)	29 (10.1%)
Communists	55 (5.1%)	247 (23%)	257 (23.4%)
Catholics	4 (0.5%)	18 (1.7%)	5 (0.6%)
Individuals	—	—	—

⁶⁴³ HStA D: Gestapo 37363.

imprisonment. Unusually, he was released from prison in 1940 despite Gestapo fears that his political views remained unchanged and that, despite his internment, he had remained in contact with fellow Communists. In 1941, he was re-arrested. Keyer had joined an underground KPD group shortly after his original release and quickly established himself as the cell treasurer. Keyer was not tried again but was sent directly to Sachsenhausen by the Gestapo in September 1941. There is no mention of his fate in the file.

As we have already noted, the membership of the KPD was disproportionately young (see figure 5, p. 150). Whereas the case histories of Wilms and Keyer are demonstrative of the experiences of many of the three hundred and fifty-two older Communists born before 1900, Georg Hirschmann more closely fits the profile of the majority of Communists supporters encountered in the file samples.⁶⁴⁴ His case was by no means clear cut and is indicative of the awkward circumstances in which many Communists lived under Nazism. Communists remained tainted by their actions and beliefs and were liable for the prosecution of minor misdemeanour. Hirschmann was born in the town of Püttlingen in the Saar in 1908. His father was a carpenter and supporter of the SPD. He received no more than the elementary education provided by the German state and was sent out by his family to earn a wage in 1925. Hirschmann was unable to find work. Indeed, until as late as 1935, when he was sent by the Reich Labour Service to work on a building site in the Düsseldorf satellite town of Moers, he had been unable to find work. Hirschmann's political education began in 1925. He had attended local SPD meetings but, dissatisfied with the moderate views advocated by the Social-democrats, he quickly moved further to the left. In 1929 he joined the RGO and the local Communists sports association.

In 1936 Hirschmann was sentenced by the Higher State Court in Hamm to two years and eight months imprisonment for Conspiracy to Commit Treason. The details of the charge were not recorded in the Gestapo file. After his release he was briefly sent by the Reich Labour Service to work on the West Wall. The war brought a considerable change in circumstance for Hirschmann. He was fortunate to have been declared unfit for active service

⁶⁴⁴ HStA D: Gestapo 36072

and, instead, found work with the arms manufacture Wreden in his home town, Moers, earning a regular wage for the first time in his life. In 1940 he married Maria Zimmermann who bore him a child that year. However, Hirschmann found it difficult to cope with his new and more settled existence. He was frequently absent from work, despite repeated police warnings and regularly met with former comrades. Hirschmann claimed that as a newly wed he had had little choice but to take on a second job as a waiter; his consequent tiredness was the sole cause of his poor work record. The Gestapo were disinclined to believe his protestations and were keen to identify a political cause for his absenteeism. In October 1941, Hirschmann was finally arrested by the Gestapo and sent to a rehabilitation camp without trial.

Extraordinary bonds of both kinship and political determinism developed between many Communists raised in the poor, politically radical suburbs of Germany's large cities.

Alienation from both the political and social mainstream and the ever-present threat of police brutality forged necessary political, and social, friendships of both duration and strength, which later facilitated covert political activity. A trust born of many years of shared experience is apparent in the cases of eight hundred and sixty-seven (80.8%) of the Communists surveyed. This was manifested in the continued association of former comrades, the communal pursuit of political aims and listening to German language Allied radio broadcasts with friends and political acquaintances (see table 8, p. 176). The case of Johannes Rentmeister is indicative of strength of the socio-political bonds which existed between many of the Communists who confronted Nazism between 1941 and 1945.⁶⁴⁵

Rentmeister was born in the town of Oberhausen Sterkrade in 1911. He had been apprenticed as a tailor at the age of fourteen, following into his father's profession but like so many of his contemporaries, Rentmeister had not found employment in his chosen trade. Eventually he found work as a miner at the vast August Thyssen pit in Meiderich near Oberhausen in 1934.

Rentmeister's file records that he had held leading positions in the Socialist Worker's Youth

⁶⁴⁵ HStA D: Gestapo 3932

and the Young Communist Organisation before 1933. In January 1933 Rentmeister had fled to Holland but returned to Germany in July 1933 to help establish a KPD group in Oberhausen. He was arrested in winter 1934 and was sentenced by the Higher State Court in Hamm to one year and six months' imprisonment in 1935. Rentmeister was only released in 1938; regarded as untrustworthy and politically unreliable, he had been held in protective custody for an additional three years. After his eventual release, Rentmeister once again found work as a miner at the August Thyssen pit. In the two years before the outbreak of war, he made some effort to integrate into Nazi German society, joining the DAF, NSV and the RLB. In mid 1942, Rentmeister was conscripted into the Wehrmacht. After his call-up the Gestapo ceased to take an active interest in him. However, the later trial of leading Communist functionary, Willi Seng, in June 1944 revealed further details of Rentmeister's central role within the KPD underground in Oberhausen. Rentmeister had crossed over to the Soviet lines earlier that year. After his release from the camps, Rentmeister had actively worked to reconstruct the KPD in Oberhausen, smuggling KPD literature into Germany with the help of a sister resident across the border in Holland. He had actively tried to recruit new members for the KPD, organising cells and importantly evading Gestapo scrutiny.

Many Communists exhibited not only extraordinary commitment to the Communist cause, but an apparent dependency on the underground structures of the KPD and the informal, social networks of Communist supporters which existed in many former KPD strongholds. Given the brutality to which many Communists were subjected by the Nazi authorities, they appeared unable to abandon the shadowy, high risk world they had inhabited for so many years. Albert Stasch was a former high-ranking member of the KPD who had been unable to flee Nazi persecution in 1933.⁶⁴⁶ He was born in the small East Prussian town of Dzingellen in 1903. Stasch had been apprenticed as a shop salesman in his home town. This he found unfulfilling and moved to Essen in 1921. He quickly found work as a miner and soon became a spokesman for his fellow mine workers. Stasch joined the KPD in 1923 and stood as a KPD candidate in state elections, eventually serving in the state parliament.

⁶⁴⁶ HStA D: Gestapo 37733

In 1933 Stasch was arrested and placed in protective custody. He was released within the year but was re-arrested in 1935, accused of belonging to an underground KPD group. He was tried with twenty others by the Higher State Court in Hamm and sentenced to one year's imprisonment for Conspiracy to Commit Treason. Unlike many former Communists, Stasch was released immediately after the completion of his sentence. However, in 1937, suspected of illegal political activity, he was again arrested by the Gestapo and sent to Oranienburg concentration camp. In the Summer of 1940 Stasch was released from Oranienburg and appeared finally to have accepted Nazi rule, even joining the DAF in January 1942. However, occasional Gestapo surveillance later that year revealed that Stasch still met regularly with former comrades and often goaded colleagues into political discussions. He was re-arrested in the Summer of 1942 and placed in protective custody.

The militancy exhibited in the above cases was not entirely typical of the KPD milieu. Many of the acts of dissent committed by Communists were far more mundane and mirrored many of the trends explored in the previous chapter on the SPD. The Düsseldorf Gestapo arrested ninety-eight Communists for Listening to the German language broadcasts of Radio Moscow. Listening to foreign radio broadcasts provided a point of political focus for many in an otherwise atomised society and demonstrated a commitment to a set of values and a community that had once existed. as the case of Adolf Arndt born in Lodz in 1895 shows.⁶⁴⁷ As a sixteen year old, Arndt had been apprenticed as a milliner. In 1915, aged twenty, he was conscripted into the army and served on the Western Front. He did not return to Lodz after his demobilisation but instead travelled to Krefeld and the cities of the Ruhr in search of work. He was fortunate to have found work in one of the Krupp owned pits in Rheinhausen but his employment there was short lived and within the year he had been dismissed.

Like many other Communists, Arndt's life was blighted by unemployment. Between 1920 and 1936, Arndt spent only five summers in work, hawking ice cream on street corners. In

⁶⁴⁷ HStA D: Gestapo 59973

1922, he had been arrested for vagrancy in Hamburg. Two years later he joined the KPD. Although beset by poverty, Arndt had married Sophia Stratmann in 1924 and had two children with her. His marriage did not last and in 1936, they divorced. Despite the collapse of his family life, Arndt remained in contact with his former political comrades. At the time of his eventual arrest in 1943, his eldest son was serving on the Eastern Front, his younger son was in care. Arndt was arrested for listening to foreign radio broadcasts with acquaintances made during his active engagement in KPD politics between 1930 and 1933 and was charged under the radio crimes statute. He had been denounced by neighbours with whom he had quarrelled over the ownership of a ladder. The investigation into the accusation revealed that Arndt had listened to BBC and Radio Moscow broadcasts for many years and that his neighbours had known this, only choosing to denounce him after their altercation.

Many Communists found that their engagement in active politics proved debilitating in later life. Employment opportunities were denied to them despite a growing labour shortage. Only the most menial jobs were open to those with a history of political unreliability. Consequently, they became dissatisfied subjects of Nazi rule and continued to exhibit a loyalty towards Communism and the Soviet Union. Emil Illigmann was initially charged under the Malice statute in 1943 although he was later tried as one of sixty-seven (6.2%) Communists included in the sample tried for Undermining the Fighting Strength of the German Nation.⁶⁴⁸ Like Arndt, Illigmann was a machine-tool operator who had only found permanent work late in life. Illigmann was born in Wuppertal in 1895. He had completed his formal education in 1909 and was apprenticed as a carpenter for three years. In 1915 he was drafted into the army and served until 1920. Thereafter he found work with Gebrüder Kamm, an engineering firm in the town of Ramscheid. Illigmann's employment there was episodic and tied to the firm's economic fortunes. In January 1932 he was finally dismissed from his position and devoted his time to political agitation for the KPD. He had been an active member of the Communist party for four years, occupying various positions within the KPD in Ramscheid. He was also a member of a local KPD affiliated paramilitary

⁶⁴⁸ HStA D: Gestapo 64116

organisation.

In March 1933 Illigmann was arrested and taken into protective custody, accused of organising political disturbances and of possession of an illegal firearm. He spent the following twelve months in police custody. Tainted by his association with Communism, Illigmann experienced considerable difficulty finding work. In late 1935 he was eventually taken on by the Ramscheid firm of Raab & Schäfer as a machine operator on the factory floor, earning the relatively small sum of thirty-three Reichsmarks a week. In Spring 1943, Illigmann again came to the attention of the Gestapo, this time denounced by his colleagues and accused both of spreading malicious and agitational rumour in the workplace and slandering a colleague and German war-hero, Gunther Schäfer. He was also alleged to have claimed that 'It was not the Russians who massacred people but us Germans. We butchered the Russians'.⁶⁴⁹ Illigmann was sentenced to death by the People's Court in Autumn 1943.

Many of the charges of Malice prosecuted by the Düsseldorf Gestapo concerned statements of the individual's support for Communism. In seventy-eight cases either a declaration of loyalty to political Communism or the belief in the ultimate victory of the Soviet Union was articulated. In comparison to this figure, only twenty-six Communists expressed anger at specific Nazi policies and personalities, and only seven voiced criticisms in the wake of the Allied bombing raids which wrought devastation on the cities of the Ruhr. Many Communists remained wedded to the values and aims of their milieu.

Elizabeth Waldecker was arrested for alleged Malice by the Düsseldorf Gestapo.⁶⁵⁰

Waldecker had been born in the town of Bruch in 1884. Her history is indicative of poverty of the KPD milieu. She had married in 1907. Her husband, who remained otherwise unmentioned in the files, was both a militant Communist and a career criminal, who joined the Communist party in 1923 and quickly became an active and violent member. Waldecker was unable to live on her husband's meagre welfare entitlements and was forced to work as a prostitute on Essen's Stahlstraße. Unsurprisingly, she also drank heavily. Waldecker had frequently

⁶⁴⁹ 'Nicht die Russen schlachteten die Menschen ab, sondern das machten (sic) die Deutschen. Wir schlachteten die Russen ab.'

⁶⁵⁰ HStA D: Gestapo 46549

come into conflict with the authorities; initially in 1933 for an unspecified charge and later in 1936 she had been arrested for assaulting an SA man; the details of the charge were not recorded in her file. Six years later, in 1943 she was denounced by neighbours and arrested by the Gestapo for having declared on the street: 'the Reich government can lick my arse, the revolution will soon be upon us!'⁶⁵¹ As crude as her outburst might have been, its political sentiment and the influence of political Communism is clear. No reference is made in her file to her eventual fate.

The Edelweiß Pirates in the Files of the Düsseldorf Gestapo

The ethos of the KPD milieu was not solely maintained by former comrades. The ideas and values of the KPD were also passed on in a more limited and qualified form to a younger generation. As we noted in the chapter on the Gestapo, the Edelweiß Pirates attracted considerable attention from the Düsseldorf Gestapo; accounting for fifty-seven (5.3%) files in the Communist sample. The Edelweiß Pirates were one of several informal youth groups who exhibited considerable independence of thought and confronted many of the proscriptions placed on German youth.⁶⁵² The Edelweiß Pirates were a specifically working-class phenomenon based in the large of urban centres of the Ruhr and the Rhine⁶⁵³.

Edelweiß Pirate groups were formed by young people tired and occasionally angry at the militaristic rigour of life in the Hitler youth.⁶⁵⁴ Mostly they met, hiked and sang together, sporting the Edelweiß insignia: checkered shirts, leather shorts, knee length socks, hiking boots and a metallic Edelweiß badge, which identified them to other Pirates.⁶⁵⁵

Although it is difficult to attach an explicitly political agenda to the many Pirate groups, it is not necessarily useful to explain the behaviour of these young people through the prism of

⁶⁵¹ 'Die Reichsregierung kann mich im Arsch lecken, bald kommt die Umschwung!'

⁶⁵² Peukert, D., *Inside the Third Reich*, p. 154.

⁶⁵³ Kenkmann, A., 'Navajos, Kittelbach- und Edelweißpiraten: Jugendliche Dissidenten im "Dritten Reich"' in Breyvogel, W., (ed.) *Piraten, Swings und Junge Garde*, p. 140.

⁶⁵⁴ Noakes, J., *Nazism 119-1945. Vol. IV*, p. 455

⁶⁵⁵ Kenkmann, A., 'Navajos, Kittelbach- und Edelweißpiraten', p. 144.

adolescent rebellion. The attitudes and actions of many individuals and certain groupings sometimes possessed a political dimension.⁶⁵⁶ The songs they chose to sing at camp meetings and more provocatively on the streets of the cities of the Ruhr were frequently the anthems of disbanded KPD formations.⁶⁵⁷ Certain Pirate groups fought running and violent street battles with Hitler Youth groups on the streets.⁶⁵⁸ Others forged links with KPD underground groups. An Edelweiß Pirate group in Cologne played a limited role in the uprising against Nazi rule December 1944, leading to the public execution of the group's leaders. Many of the young people who joined Pirate groups were the children of former Communists. Almost without exception they hailed from working-class homes and had little chance of social of improving their social lot.⁶⁵⁹ Certainly, there is little concrete evidence to suggest that there is a causal link between the attitudes of the parents and the limited rebellion of their children, but it is unwise to dismiss the possibility, seemingly substantiated by the cases and trends highlighted below; that certain parental values different to those desired by the Nazi authorities were passed on from one generation to the next.

In eighteen of the files concerning Edelweiß Pirates, a specific reference was made to the Communist beliefs of the parents. The true figure was probably higher, as the political orientation of the parent appears only to have been recorded in those cases in which either 'moral degeneracy' or the exhibition of leftist political sentiment, were prosecuted. Peter Standenmayer was member of an Edelweiß Pirate group whose parents were known to have been sympathetic to the KPD.⁶⁶⁰ Standenmayer was arrested in the Summer of 1942 returning from an excursion with his brother and several associates. At the time of his arrest, Standenmayer, like his brother was dressed in full Edelweiß regalia. The group had been spotted singing Communist and Pirate songs. He denied belonging to a Pirate group and claimed he was a member of the Hitler Youth. Further questioning revealed that Standenmayer had left the Hitler Youth some months before, citing the long working hours

⁶⁵⁶ Peukert, D., *Inside Nazi Germany*, p. 164.

⁶⁵⁷ Peukert, D., *Inside Nazi Germany*, p. 158.

⁶⁵⁸ Kenkmann, A., 'Navajos, Kittelbach- und Edelweißpiraten', pp. 146 - 151.

⁶⁵⁹ Peukert, D., *Inside Nazi Germany*, p. 163.

⁶⁶⁰ HStA D: Gestapo 37768

common to many Germans working in the armaments industry for his failure to fulfil his obligation to the Hitler Youth. Standenmayer was born in Düsseldorf in 1927. His home-life was characterised by parental unemployment until late as 1936. Standenmayer had completed his formal education without difficulty and was immediately apprenticed in a munitions factory. His employment enabled him to contribute five Reichsmarks a week to the family income. The Düsseldorf Gestapo formally warned Standenmayer and he was forbidden from wearing Edelweiß regalia again. That both sons had left the Hitler Youth and were allowed to freely associate with a group that shunned Nazi authoritarianism, points to the toleration of anti-Nazi attitude in the Standenmayer home and the maintenance, at least privately, of certain values influenced by those of the KPD to which his parents had once subscribed.

The case of Walter Leuner is one of fifteen investigated by the Düsseldorf Gestapo in which a clear political sentiment was expressed.⁶⁶¹ Leuner was born and raised in the industrial town of Rheydt in the Ruhr. His parents were, like most Edelweiß Pirates, working-class. Leuner finished his compulsory schooling in the summer of 1940 and was apprenticed as a carpenter at local furniture manufacturer. The file does not state when his involvement with the Pirates began. In Spring 1943 he bought a French army revolver from a fellow apprentice for seven Reichsmarks, claiming that he led a group of Edelweiß Pirates. Leuner's group met regularly in the restaurant of Rheydt station. They swore oaths of loyalty to one-another, pledging to defend each other from attack. The group were also overheard making derogatory remarks about the regime and declaring their intention to fight for the KPD once revolution broke out. Leuner was arrested by the Gestapo in early summer 1943 (an exact date is not recorded) and claimed that he was unaware that the Edelweiß Pirates were anti-Hitler youth. His fate is not recorded in the file.

Most Edelweiß Pirates were detained and arrested for more trivial matters and a clear disjuncture is apparent between the aims of and behaviour of young people, and the strictures and crude morality of Nazi wartime society, which only too frequently led to the

⁶⁶¹ HStA D: Gestapo 38044

unnecessary punishment of young Germans for youthful exuberance.⁶⁶² Many simply sought a sense of communal identification with other young people. Herbert Glaubitz was sixteen when he was arrested by a police patrol in April 1941.⁶⁶³ Glaubitz's father was a known former KPD sympathiser but Glaubitz's own behaviour had never given cause for suspicion. He had completed his formal schooling the year before and had been apprenticed immediately to a local munitions factory. At the time of his arrest, Glaubitz was returning from a day trip with friends to the castle at Burg a few kilometres distant from Duisburg. He was dressed, as were his associates, in Edelweiß regalia. However, there was no evidence that an actual crime had been committed. His case is markedly similar to that of Hans Strauch, born in Remscheid in 1921. Strauch had been raised in a working-class area of the city and in 1938 had been apprenticed as a smith at the local Rhemun works. In the Summer of 1941 Strauch was arrested in Burg wearing the Edelweiß insignia on his hat. Strauch denied that he had committed a crime and explained that he went on bicycle tours to relax with friends and to escape the increasing demands of the workplace and the city. Both Glaubitz and Strauch were eventually issued with an official police warning.

Edelweiß Pirates did not always hail from working class homes. The case of Franz-Josef Luig is unique in the Düsseldorf file sample for several reasons:⁶⁶⁴ Luig was only thirteen years old at the time of his arrest in Summer 1943; he was a grammar school student from a stolid bourgeois home; the crime with which he was charged was considerably more serious than those faced by other Edelweiß Pirates in our sample. Unfortunately, the file records few details about Luig or his case. He was born in Krefeld in November 1931. His father was a senior civil servant with the Krefeld municipality and a loyal Nazi of good standing. Luig was regarded as a model pupil at the local grammar school. Yet in 1943 he was arrested in full Edelweiß regalia and charged with distributing literature directly attacking both the Hitler Youth and the regime. He appeared to have acted alone. The file does not provide any further information.

⁶⁶² Kenkmann, A., 'Störfaktor an der "Heimatfront"', p. 196.

⁶⁶³ HStA D: Gestapo 40727

⁶⁶⁴ HStA D: Gestapo 26356

Communists Before the Munich Special Court

The KPD had not managed to establish a political foothold in Bavaria where state politics had traditionally been dominated by the heterogeneous, Catholic Bavarian People's Party (*Bayerische Volkspartei - BVP*).⁶⁶⁵ Only seventy-six (7.6%) trials of Communists for political 'offences' are contained in the Munich Special Court sample (see figure 3, p. 128). In devoutly Catholic Bavaria, the KPD, like the SPD, had found it difficult to win support outside of the large cities of Munich, Augsburg, and Nuremberg. The KPD was widely despised by the majority of Bavarians.⁶⁶⁶ Despite the relative isolation of political Communism in Bavaria, the Communists tried before the Munich Special Court had demonstrated the same attachment to the social milieu of the KPD and its political aims as their comrades in the Ruhr. The Bavarian Political Police and latter the Gestapo had attacked the political Communism in Bavaria with almost an almost unmatched vitriol, arresting more than 5,400 Communists in the first three months of Nazi rule.⁶⁶⁷ Early police operations against the KPD in Bavaria were so successful that on 25th May 1933 the Bavarian Political Police claimed that the KPD in Bavaria had been extinguished.⁶⁶⁸

However, the KPD and its supporters demonstrated remarkable resilience and Bavarian Communists continued to commit 'crimes' of dissent throughout the twelve years of the Third Reich's existence. The 'crimes' of Communist dissent heard before the Munich Special Court mostly concerned Malice (twenty-eight counts - 36.8%), 'radio offences' (thirty-one counts - 40.8%) and relatively trivial instances of political association (thirteen counts - 17.1%). Many of the same trends outlined in the analysis of the files of Communists in the Düsseldorf file sample are present in the Munich Special Court sample, particularly the high level of KPD membership. Party members account for sixty-two (81.6%) of those Communists included in this survey.

⁶⁶⁵ Förster, C., *Der Harnier-Kreis*, pp. 81 - 82.

⁶⁶⁶ Kershaw, I., *The Hitler Myth*, p. 51.

⁶⁶⁷ Gottschaldt, E., *Antifaschismus und Widerstand*, p. 51.

⁶⁶⁸ Gellately, R., *The Gestapo and German Society*, p. 37.

In many respects, the case of Wilhelm Bauer is representative of those Communists brought before the Munich Special Court.⁶⁶⁹ Bauer was born in the village of Unterhausstadt near Ingolstadt in 1895. Bauer's father had worked as a mechanic but had died in 1917. His childhood had not been easy. The family had followed his father from Ingolstadt to Munich in search of work. As a twelve year old, Bauer had been sent to stay with relatives in distant Trier, to escape the hardship of the parental home. After he had finished his schooling, he trained as a plumber. He lived a peripatetic life, moving from town to town in search of permanent employment. Bauer was enlisted into the army in 1915 and served on the Eastern Front, but was seriously wounded and invalided out in 1916. His injury prevented from finding work and he scraped by on a war-pension, supplementing his income through petty crime. Before 1933 he had convicted on three occasions for affray, burglary and theft. Bauer had joined the KPD in 1923 and was a member until its prohibition. Bauer remained in contact with former party comrades after the Nazi take-over, inviting associates to his flat to listen to foreign radio broadcasts, particularly those of Radio Moscow. He was tried in February 1942 and received a surprising lenient two month prison sentence for reasons not elaborated in the trial documents.

Poverty and a degree of familial dysfunction were constant features in the lives of Communist sympathisers brought to trial before the Munich Special Court. Evidence of alcoholism, domestic abuse and personal tragedy are apparent in the cases of forty-two (55.3%) of the Communists included in the Munich sample. There should be little doubt that these experiences helped shaped the characters of many of the Communists surveyed; engendering a lack of respect for an unsympathetic authority, whilst consolidating their loyalty towards the KPD which had provided considerable social and financial support. Max Sanktjohanser was one of many former Communists who never found permanent employment, and instead turned to the KPD for a livelihood and a sense of purpose.⁶⁷⁰ In spring 1942, he was arrested for listening to foreign radio broadcasts and sentenced by the

⁶⁶⁹ BStA M: Sondergericht 10552

⁶⁷⁰ BStA M: Sondergericht 10572

Munich Special Court to one year's imprisonment. Sanktjohanser was the son of a blacksmith. Born in 1916, Sanktjohanser was one of proportionately few Communists to have received any vocational training. He had been apprenticed as a painter and decorator but had been unable to find employment in his trade. Instead, he worked occasionally as a handyman in towns across Upper Bavaria.

Sanktjohanser's association with the KPD had started in 1923, although he did not become a full member of the party until 1931. However, for several years previously, Sanktjohanser had worked as a treasurer for Red Help. His growing radicalism, almost certainly fuelled by his poverty, led him to crime. He had been convicted on numerous occasions; mostly for theft, affray and poaching, eventually serving a three month prison sentence in 1930. In total 52% of Communists tried before the Munich Special Court had criminal convictions, mostly for petty theft and burglary, pointing to the economic desperation, rather than the criminality, of the Communist milieu. Further indications of the social instability of the KPD milieu in Bavaria are provided by the high level of illegitimacy. 56% of former KPD sympathisers in this sample had scioned children extramaritally. Sanktjohanser had fathered two children illegitimately by different women, as well as the two young children born to him by his wife of eleven years. Sanktjohanser's association with the KPD prevented him from finding permanent work. He had held a variety of positions at various factories in the Munich area but was frequently dismissed for supposed unreliability. Only in Spring 1941 was he eventually employed as a painter at the Dornier Works where he worked until his arrest.

Many of the trends highlighted in the case of Sanktjohanser are replicated in the case of Max Schmid, a market trader from Deggendorf in Lower Bavaria.⁶⁷¹ Schmid, born in 1900, was the son of a tenant farmer. The young Schmid had not learned a trade and consequently he experienced great difficulty finding work. His situation did not improve with the return to full employment after 1935 and he remained on the periphery of German society; poor and unemployed. He did not find work until 1940 and even this proved cursory. At the time of his arrest in October 1942, he was again unemployed. Schmid had

⁶⁷¹ BStA M: Sondergericht 1645

managed to scrape a living through the occasional sale of unwanted household items at the Deggendorf market. Frequent illness had made him an unreliable employee and the Reich Labour Service had been unsuccessful in its attempts to find work for him. Schmid had married in 1930 and had four children with his wife. He had also fathered an illegitimate child two years before his marriage.

Like Sanktjohanser, poverty had driven Schmid to crime. He had been convicted on numerous occasions for petty theft and deceit but had never received a custodial sentence. Instead, the courts had demonstrated a degree of understanding for his plight and levied only small fines. Schmid had joined the KPD in 1923 which had provided him with a degree of purpose as well sustenance. He had been an active member of the party, taking part in demonstrations and engaging in political violence. However, he never joined any of its affiliate organisations. After the Nazi take-over Schmid had maintained contacts with his political comrades and frequently met with them to listen to foreign radio broadcasts and discuss the political situation, unable to exist without the social structures the KPD had once provided. He was eventually denounced by neighbours and tried in June 1943, receiving an eighteen month prison sentence.

An inability and, perhaps, even unwillingness to succeed in the Nazi order motivated Ernst Traut to commit a similar crime.⁶⁷² Traut's political beliefs and engagement with the KPD had led to professional failure. His subsequent unemployment, impoverishment and growing dependency on the KPD not only strengthened his commitment to the party but rendered his future integration into mainstream German society less likely and his future antipathy towards Nazism and thus his dissent more probable. Traut was born in the town of Aschaffenburg in Lower Franconia in 1904. His upbringing was considerably more stable than the majority of Communists brought to trial before the Munich Special Court. He was one of only eighteen Communists included in the survey to have been born into a middle-class home. Traut's family had moved to Munich in order that his father might take-up a low-grade civil service job. Traut had completed his elementary education without difficulty and,

⁶⁷² BStA M: Sondergericht 11618

although initially apprenticed as a mechanic, he quickly found employment as a clerk with the city authorities. Traut demonstrated some ability and worked his way through the lower ranks of the civil service after a transfer to the State Office for Weights and Measures.⁶⁷³

Traut's association with the KPD had begun some years before in 1927. His increasingly vocal support for the KPD, found little favour with his employers and in 1929 he was dismissed. Thereafter, Traut devoted his time wholeheartedly to the KPD. He became a treasurer for the local party group and was an active member of the Red Front-fighters Union. He routinely attended party meetings and took part in rallies and demonstrations. His association with party members did not stop in 1933, but the Gestapo was unable to uncover concrete evidence of actual political activity. Traut had regularly met with friends and neighbours who shared his ideology in order to discuss the political situation. In 1935, after six years of unemployment, he found work at the Kustermann brewer as a pourer, earning forty-five Reichsmarks a week. Traut was able to buy a radio, and the broadcasts of the BBC and an unnamed Swiss radio station became the focal point of Traut's meetings with his associates. He was eventually denounced by a neighbour and SA man in January 1943. Traut was tried two months later and sentenced to four years' imprisonment.

Our analysis of the files of Communists tried before the Munich Special Court for political offences reveals the extent of the political radicalism of many KPD supporters. As we have already noted, this radicalism was far from theoretical, extending beyond active, electoral support for the KPD and an engagement in the political process to a preparedness to engage in violence directed not only at other parties but also the institutions of the state. The case of Georg Mayer, tried for Malice in March 1941, is instructive.⁶⁷⁴ Mayer was sentenced to an eight-month prison term for exclaiming in a crowded Kempten cafe that he would hold true to his ideology, and that: '[his] ideology will be victorious'.⁶⁷⁵ He was also reported to have claimed that Nazism had taken everything from him. Mayer was the illegitimate son of a dairy maid, born in the small town of Aichnach in south west Bavaria. He had been

⁶⁷³ *Landesvermessungsamt*

⁶⁷⁴ BStA M: Sondergericht 10363.

⁶⁷⁵ 'Meine Ideen werden gewinnen.'

apprenticed as a butcher, whereafter he travelled throughout the region, surviving on occasional work.

Mayer had joined the KPD in 1928 and, as in the majority of cases elaborated above, he played an active role in the party; regularly attending meetings and taking part in violent demonstrations and clashes with the SA. Like many, he was also dependent on the generosity of the party for his survival. In 1933, Mayer fearing Nazi persecution fled Germany and made his way to Belgium and thereafter to France. During his trial he was accused of having attempted to join the foreign legion but no evidence was given to substantiate this accusation. Mayer returned to Germany in late 1934 but was unable to find work, eventually enlisting with the Reich Labour Service. At an unspecified date, Mayer found work at an abattoir in Aichnach and remained in employment there until his arrest. Mayer's continued faith in an ultimate Communist victory was fostered by his belief that Nazism had brought only personal ruin.

Whilst the experience of Nazi persecution dissuaded many once committed Communists from further political activity, in others it reinforced antipathy towards Nazism, fostering a

Table 12

'Crimes' of Malice and Perpetrators

N.B. Percentages refer to each individual milieu

	Political (or Religious Criticism) or Sentiment Expressed	No Political Sentiment Expressed
Social-democrats	34 (11.9%)	17 (5.9%)
Communists	87 (8.1%)	52 (4.8%)
Catholics	63 (8.4%)	108 (14.5%)
Individuals	78 (8.6%)	214 (23.8%)

hatred which was eventually given voice. Georg Forst was born in the town of Neuern in the Sudetenland but had fled his home after the creation of the independent Czechoslovak state.⁶⁷⁶ His history is similar to the four hundred and seventy-three (44%) Communists in the three samples who offered ongoing dissent to Nazi rule: born into poverty, with childhoods which were marred by the effects of war, familial breakdown and the bitter effects of defeat. Forst had trained as a mason after completing his compulsory schooling. He served in the Austrian army from 1915 until 1918, fighting on the Italian front. After the ceasefire, and unwilling to return to his home, Forst spent the next five years living in Italy living off money earned as an itinerant mason. In 1923 he decided to chance his luck and moved to Germany, eventually establishing a small masonry workshop in a small Upper Bavarian town of Kubitzen in the record but his business did not prosper and in 1932 he was forced to declare himself bankrupt. Thereafter he found no permanent employment until 1938 and lived off the generosity of former comrades and associates in Munich and Leipzig.

The experience of economic failure had compounded his already radical views and he became a full member of the KPD in 1932. His political involvement led to a further decline in fortune; prospective employers were untrusting of his political views. In the summer of 1933 he was arrested as a known Communist and held in protective custody. For several years, Forst managed to keep his political views secret. However, in 1941 he was arrested by the Gestapo for an alleged defamation of Hitler and sentenced to eight months imprisonment. After his release, he was drafted by the Reich Labour Service to work as a mason in Nuremberg, surviving on the small amount paid for compulsory labour. Forst's frustration with his position erupted in a pub in 1942. He declared to the customers at the bar that ethnic Germans were treated less well than their Reich Germans receiving less food and fewer cigarettes. He continued, declaring his faith in both Communism and the ultimate victory of the Red Army over the battalions of Nazism. Forst was sentenced under the Malice Statute to two years' imprisonment. His crime and circumstance were similar to those of thousands of former KPD members sentenced by Nazi courts throughout Germany.

⁶⁷⁶ BStA M: Sondergericht 11372

Communists Before the People's Court

As we saw in chapter three, the trials of Communists dominated the proceedings of Germans tried before the People's Court in Berlin (see figure 4, p. 138). Of the one thousand People's Court cases considered, five hundred and fifty-nine concerned the trial of Communists. Those cases heard before the People's Court were more serious than many of those we have hitherto examined. Whereas many of the cases we have already looked at concerned exclamations of dissent, radio offences, and the informal, albeit frequently political, association of former Communists, those heard before the benches of the People's Court concerned more formal acts of dissent; groupings not only had a clear agenda but an organisatory basis. In three hundred and forty-one cases (60.7%), Communist propaganda had either been produced or disseminated further. In one hundred and twenty-seven (22.6%) instances contacts had been forged with other KPD groups and an explicitly revolutionary agenda was actively pursued. Towards the end of the war, larger numbers of lesser 'crimes' were held before the People's Court. One hundred and twenty-nine cases of Malice, Undermining of the Fighting Strength of the German Nation and Defeatism are also included in the sample. The perpetrators were, however, held to be dangerous, committed Communists and thus their cases were given greater significance. In all but twelve cases (2.1%), the defendants had been previously active in the KPD and demonstrated continued loyalty to the values of the KPD.

As we have already seen, many former Communists were alienated from mainstream German society and exhibited a considerable dependency on the social networks of the KPD, demonstrating continued loyalty to the party after the Nazi take-over. In certain cases this dependency took an extreme form. Former members became wholly dependent on the structures of the underground KPD, wedded to a life in opposition and unable to accept Nazi rule. The history of Hugo Salzmann is indicative of this small but significant group, who comprised one hundred and thirty-two cases in the People's Court sample.⁶⁷⁷ As we shall see, many of those Communists who formed this hardcore, had turned to political radicalism

⁶⁷⁷ WaH VGH 0530 9J 124/42 5H 18/43

at an early age and were unable to break with what quickly became a normality, standing steadfastly behind the programmatic declarations of the party leadership in exile in Moscow.⁶⁷⁸ Indubitably, this hard-core were motivated by political principle. They were also driven to act by an attachment to political agitation and the allure of ongoing political confrontation. As we shall see, past experience had, in part, inured them to danger. Hugo Salzmänn was born in the small Ruhr town of Bad Kreuznach in 1903. Salzmänn was the son of a glass blower and was one of five children. The Salzmänn family was poor as the father was frequently without work. His mother had died of tuberculosis in 1919. Salzmänn, had joined the Communist youth league in 1921 and worked as the treasurer for the local branch before he was branch leader.

In 1927, Salzmänn joined the KPD proper and within in the year had been elected to the town council as a KPD councillor. In 1928 he was appointed Town Secretary for Unemployment, a position he occupied until 1933. During this time, Salzmänn took on ever more responsibility within the local KPD, occupying increasingly prominent positions. In 1929, Salzmänn was appointed area chairman of the KPD and assumed responsibility for the production of KPD propaganda for the town of Bad Kreuznach and its environs, editing the party paper *Missile of Light*.⁶⁷⁹ Wary of his own safety and fearing reprisals in the wake of the burning of the Reichstag, Salzmänn fled to the Saar in March 1933. He spent only a short time in the Saar, before following a promise of work to Paris made by a KPD associate met at a conference in Amsterdam some years before. Salzmänn's employment was short-lived, he argued with his employer and was eventually threatened with extradition by the French authorities. He turned to the generosity of KPD groups in Paris, doing occasional agitational work in return for food and lodging. In 1936, Salzmänn was recognised as a political refugee and his extradition order was revoked. He immediately started to work for the émigré newspaper *Trait d'Union* as well as working for various Communist aid agencies. From the relative safety of Paris, Salzmänn regularly attacked the Hitler regime in the pages of *Trait d'Union*. On 1st September 1939 he was interned as a

⁶⁷⁸ Mallmann, K., 'Kommunistischer Widerstand 1933-1945', pp. 120 - 121.

⁶⁷⁹ *Leuchtrakete*

German citizen by the French authorities at the Vernel internment camp. He immediately applied to join the French Legion. However, his application was still under consideration at the time of the German invasion. His arrest by the Gestapo quickly followed. Salzmann was sentenced to eight years' imprisonment in by the People's Court for Conspiracy to Commit Treason.

The case of Willi Seng and his co-defendants, Wilhelm Beuttel and Albert Kamradt, is demonstrative of the experiences of seventy-two (12.8%) Communists included in the People's Court sample who had become trapped into resistance work in exile and undertook increasingly dangerous illegal political work for the KPD in return for food and financial support.⁶⁸⁰ Importantly, Seng's case is also instructive revealing much about the importance of trust, friendship and fealty to the workings of the KPD underground. Seng's loyalty to the KPD was total and remained so despite the considerable personal hardship his political activities caused. Seng was born in Berlin Schöneberg in 1909. He was apprenticed as a tailor but rarely found work. Growing up in considerable poverty, Seng's energies had been channelled into the radical local politics of the Berlin working-class. His parents had sent him to the local KPD sports club from the age of fifteen. At the age of twenty he was made Representative for Sport for the local party group and was sent as part of a team of German athletes to participate in a Communist athletics competition in the Soviet Union in 1929. Shortly after his return from Moscow, and impressed by the conditions in which the Muscovite working-class appeared to live, Seng strengthened his links with the KPD and joined Red Help.

After the Nazi take-over, Seng devoted himself to working for the illegal party organisation, acting as courier between the remnants of the party leadership in Berlin and different cells throughout the Reich. In April 1934, Seng fled Germany and made his way to Copenhagen, where he made contact with KPD functionaries there. Recognising both his talent for organisation and his apparent fearlessness, he was appointed party leader for the lower Rhine area which encompassed the city of Düsseldorf. His activities included both the

⁶⁸⁰ WaH VGH 0722 2H 52/44 10 (9) J 571/43

co-ordination of the different party groups and organisation of the propaganda in the area. Fearing his imminent arrest, Seng fled to Amsterdam in 1935 and spent two years there working with party functionaries in exile before being sent to Paris in 1937, from where he once again resumed co-ordination of KPD activities in Düsseldorf and Essen. In 1940, Seng was smuggled into the Reich with instructions to meet with Alfons Kaps and other leading functionaries, to plan and implement the rebuilding of party structures in the Reich, opening lines of communication with former comrades about the possibility of resuming work with the party.

Like Seng, Beuttel was by training a tailor. He was born in the small town of Durlach near Baden-Baden. Nine years older than Seng, Beuttel had also grown up in extreme poverty. Experiencing little success as a tailor, Beuttel's political career started at the age of seventeen when he joined the USDP. In 1920 he became a member of the KPD and quickly found a home in a party which actively advocated a new and different order. Like many Communists included in the three samples, Beuttel's membership and association of the KPD was, initially at least, not necessarily the product of intellectual agreement with Communist ideology but of economic desperation and necessity. In 1922 Beuttel was voted on to the city council of Freiburg and served as city councillor until 1929. In 1929 his commitment to the KPD and skills of oratory and organisation were recognised by the Reich leadership who sent him to Moscow for instruction for two years in 1929. On his return, Beuttel was appointed leader of the party in Frankfurt am Main and was elected as an MP into the Hessian state parliament. For Beuttel the KPD had ceased to provide a means of sustenance for a poor tailor but had become a career and a livelihood. In January 1933 Beuttel fled the Reich and made his way to Paris and thereafter to Amsterdam where he became the leader of the party in exile there. His work as a propagandist and fund-raiser brought him into frequent contact with Seng. In the years immediately before the war, Beuttel's influence within the party in Amsterdam waned. However, after the occupation of Holland, Beuttel returned to Germany and worked alongside Seng, trying to reconstruct the KPD in the Ruhr.

The trial record contains fewer details about the life of Albert Kamradt who was born in the town of Goschin near Danzig in 1903. Kamradt was also a tailor, but similarly experienced considerable difficulty finding work in his trade. Before his association with the KPD provided him with both a means of survival and a purpose, Kamradt subsisted on the small wages paid for seasonal agricultural work. Occasionally he was employed as a dredger on drainage projects in North Germany. Kamradt was encouraged by fellow workers to join the KPD. He did so tentatively, becoming first a member of Red Help in 1929 and then, one year later, the KPD. In 1934 Kamradt fled Germany fearing arrest because of his prolific work for Red Help. In Amsterdam, Kamradt made contact with a small group of former Red Help associates in exile. He was provided with a small allowance in exchange for continued agitation for the KPD, strengthening both his dependency on the party and the likelihood of persecution should he ever have returned to the Reich. His case is similar not only to that of his co-defendants but also forty-two other Communists across the three samples, who found themselves trapped in an increasingly vicious circle of greater dependency on the KPD from which there was little chance of escape.

In 1935 Kamradt was sent to Dortmund, to forge links with KPD groups in that city but his endeavours met with little success and fearing Gestapo intervention he returned to Amsterdam that year. Two years later, after time spent working for the KPD leadership in Amsterdam, Kamradt was sent to Rotterdam to work for Red Help, to both raise funds and smuggle KPD literature into the Reich with the help of the Rhine sailors who frequently spent time there before returning to the port cities of the Ruhr and Rhine. After the German occupation of Holland, Kamradt was fortunate to evade arrest but continued with his work for Red Help. Eventually, in 1942 he was ordered by the party leadership to return to the Reich to work with both Seng and Beuttel, whom he had met on several occasions in Amsterdam. All three were arrested after an extensive Gestapo operation in the Summer of 1942, which resulted in hundreds of arrests. The three defendants were sentenced to death by beheading by the People's Court in May 1944 for Conspiracy to Commit Treason and Aiding the Enemy. The trial had been delayed by the prolonged and brutal interrogation of the three defendants, information from which was used to target KPD groups

working in cities across the Ruhr, as well as Hamburg and Berlin.

Two hundred and twenty-five (40%) of the Communists included in the People's Court sample were tried collectively. Mass trials served several purposes; firstly, they helped speed the judicial process; secondly, the simultaneous trial of large number of defendants graphically illustrated the conspiratorial nature of resistance and justified the regime's repressive policies. As we have already seen in many of the cases examined above, a large number of Communists were tried for maintaining essentially informal links with former political comrades. In contrast those groups tried before the People's Court possessed a distinct organisatory basis, with clear, if fundamentally unrealistic aims. The case of Karl Schuster aptly illustrates the difference between informal political association and conscious political agitation. Perhaps, more importantly, it enables us to locate the basis of organised dissent in the milieu and the specific bonds of community of the defendants.⁶⁸¹ Schuster, a miner, born in the small Ruhr town of Dankheim near Gelsenkirchen in 1890, was tried with eight others before the People's Court on the 18th July 1944. In total, seven of the ten defendants were sentenced to death for Conspiracy to Commit High Treason. They had been charged with the production and distribution of KPD propaganda and the active recruitment of new members in the workplace and the collection of dues.

Schuster was the child of industrial labourers and had first become a miner shortly after leaving school in 1904. In 1914 he had been conscripted into the German army where his bravery won swift recognition. In early 1915 he was awarded the Iron Cross first and second class. Later that year, Schuster was taken prisoner on the eastern front and spent the remainder of the war in Russian captivity. In 1918, he was released and returned to the Ruhr and the mines of Gelsenkirchen. In 1920 possibly radicalised by his experiences at the front, Schuster joined the KPD. He was soon appointed cell leader and thereafter, Welfare Secretary for the Horst area of Gelsenkirchen. He also became a member of Red Help and the Red Trade Union Organisation. In 1930, Schuster lost his job. The trial documents record that his involvement with KPD deepened, but gives no further details. In

⁶⁸¹ WaH VGH 0187 9J 64/44 2H 80/44

October 1934 he was sentenced by the Higher State Court in Hamm to fourteen months imprisonment for Conspiracy to Commit High Treason. After his release, he again found work as a miner and slowly began to renew his acquaintance with former political comrades, eventually founding and organising his own group and establishing links with other KPD underground cells in the Ruhr area. He was finally arrested on 21st August 1943, the result of a prolonged Gestapo investigation.

Schuster had not acted alone, nor had he placed his trust in the hands of strangers. Three of his co-defendants, Andreas Schillack, Kurt Delbeck and Josef Bayer were also miners, who had worked at the Matthias Stinnes pit with Schuster. Perhaps, more importantly, six members of the group, Schillack, Delbeck, Schuster, Bayer, Heinrich Hamm and Karl Lomberg had been active members of the same KPD branch in Gelsenkirchen. The remaining three all had firm connections to the KPD. Frieda Funk was the wife of an imprisoned KPD supporter. The son of Andreas Schillack, Andreas Schillack Junior, had been brought up in an aggressively Communist household and the final member of the group, Valentin Deinet, was known to have supported the KPD. With the exception of Schillack's son, the members of the group were all of similar age, born within five years of 1900. The bonds of trust which existed between the group did not stem from similarity of employment and political belief alone; rather they were the product of many years of acquaintance. The members of Schuster's group lived either in or close to the Gelsenkirchen suburb of Horst. They had belonged to the same the same KPD sports club and met in the same local pub. The trust and secrecy which determined the survival of the group had been developed over many years of professional, social and political association.

Similar circumstances enabled a KPD group based around the person of Bruno Hämmerling, a plumber from Berlin, to escape detection by the Gestapo until the Summer of 1944.⁶⁸² Hämmerling led a KPD cell in Berlin which had been active throughout the war and was in contact with KPD leadership in Berlin under Anton Saefkow. The group focused on the production and distribution of propaganda. Unusually, Hämmerling's associates were

⁶⁸² WaH VGH 0199 1H 210/44 8J 169/44

slightly older than was otherwise the norm for members of the KPD underground.

Hämmerling himself was born in 1886, the five other members of the group, with the exception of the piano teacher, Judith Auer, were aged fifty-five or older. As we have already seen, most KPD supporters were younger -aged between thirty and forty-five. In total, only fifteen per cent of those surveyed were of similar age to Hämmerling and his associates.

Hämmerling's history is broadly similar to many of those examined so far. However, the bond between he and his associates was only political and in contrast to many of the cases examined so far, was not shaped by either friendship or shared communal experience. He was brought up in considerable poverty and left school without qualifications or the opportunity to gain an apprenticeship. The First World War changed his situation dramatically. He served on both fronts but had been injured, which had prevented him from continuing in front-line service. He was instead trained as a telegraph operator and electrician. This training enabled him to find work with AEG after the war. He later found employment with the German Railways. It was whilst working for the railways that Hämmerling first became involved with the KPD. He first joined the party in 1928 and became both the treasurer for the party cell and the Propaganda Officer for the local party. His involvement with the KPD had led to his dismissal from the Reichsbahn in April 1933. Thereafter he found occasional work as a plumber but, eventually, even this dried up and in 1937 he officially became unemployed. Throughout this time, Hämmerling remained politically active, however, the detail of his involvement is not explained further in the court record. In 1937, Hämmerling, a known and active Communist was approached by the Gestapo and asked to inform on the activities of his comrades. This he refused to do and, fearing reprisal, he went underground, dependent on the support and trust of former comrades, and always in fear of arrest.

Whereas Schuster and his comrades were bound as much by friendship and shared experience as they were by politics, the bonds between the Hämmerling group were purely political. Of the six members of the group, only Hämmerling and Johanna Steinbach

were born Berliners. The others had only moved to Berlin later in life and were bound to the city only through their commitment to the KPD and, since the Nazi take-over, their involvement in illegal party work. Judith Auer, Franz Schmidt, his wife Erna Schmidt, and Johanna Steinbach, had all been members of the party. The only exception, Lucie Beltz had never joined the party but had voted for the KPD. All had joined the party early, devoting at least six years active political service to the KPD before 1933 and had been involved in underground work in the years thereafter. Schmidt had joined the KPD in Berlin after the First World War and had provided assistance to a Berlin Jew fleeing persecution, known in the file only as Strauss. Auer had joined the party in Leipzig whilst at university in 1924 and became increasingly active after her marriage and subsequent move to Berlin in 1926. Auer's marriage to her husband, Erich, had reinforced her commitment to the KPD. Erich Auer was a party functionary in Berlin and after the Nazi take-over had used the family flat to organise illegal political meetings and produce the propaganda. Steinbach lived in the same neighbourhood as Hämmerling and had previously allowed KPD functionaries in hiding to lodge with her. Beltz, an office worker at the Berlin Mitte police headquarters, had at the behest of the KPD, provided German Jews with falsified papers. The six were brought together through their commitment to the KPD and their association with Anton Saefkow. Theirs was a political bond which ultimately ended in tragedy. Hämmerling, Auer and Franz Schmidt were sentenced to death on 31st August 1944; Erna Schmidt, Johanna Steinbach and Lucie Beltz received long custodial sentences.

The Communist Milieu and Dissent: A Summary

The crimes of dissent committed by former KPD supporters were, broadly similar to those perpetrated by former SPD members; namely Malice, radio offences and informal political association. Opportunities to commit dissent were rare and dangerous. However, a significant number of Communists, far greater than the number of Social-democrats, continued to demonstrate their dissatisfaction with Nazi rule between 1941 and 1945.⁶⁸³ Of the one thousand and seventy-three cases of acts of dissent committed by former

⁶⁸³ Peukert, D., *Die KPD im Widerstand*, *passim*.

members of the KPD included in the three surveys, the majority (five hundred and fifty-nine - 51.1%) concerned instances of political association. A further one hundred and sixty-two (15.1%) former Communists were charged under the Malice statute. The remainder (three hundred and thirty-six defendants and suspects - 31.3%) were accused of either radio offences (two hundred and seventy-three instances - 25.4%) or Defeatism (seventy-nine - 7.4%). Frequently the charges were multiple, and concerned two or more indictments of illegal behaviour. The clear difference between KPD and SPD crimes of dissent lies in the detail of the acts perpetrated. Four hundred and fifty-three (42.2%) cases of Communist political association possessed a distinct organisatory basis, aimed not at the maintenance of core political and community values, rather at the survival of organised Communism. Despite considerable fragmentation, incoherence of action and, at times, seemingly futile sacrifice, the KPD remained a political organisation with structures, hierarchy and distinct political aims.⁶⁸⁴

Although the KPD and SPD milieux shared a similar heritage, the KPD milieu was markedly different and certainly more brutal than that of the SPD, shaped by considerable poverty, the experience of lengthy unemployment and persecution (see tables 9, p. 189., and, 10, p. 196).⁶⁸⁵ As we have seen, many former SPD supporters remained isolated from mainstream Nazi, German society, unable and, possibly unwilling to adapt to Nazi rule. The experiences of many Communists were more extreme. Ninety-one percent of all Communists included in our sample had suffered from unemployment. Fifty-three per cent had been without work for more than four years. This statistic must be seen in the context of minimal welfare benefits. To have been unemployed for this amount of time was to have experienced considerable poverty and many cases to have lived without hope. There is little doubt that desperation convinced many to turn to the KPD. In return the KPD provided both a sense of purpose and for many a livelihood, without which its supporters would have sunk further into the mire.⁶⁸⁶ The loyalty engendered by KPD largesse should not be underestimated. Six hundred and thirty-three (58.9%) Communists had been previously

⁶⁸⁴ Gottschaldt, E., *Antifaschismus und Widerstand*, pp. 73 - 74.

⁶⁸⁵ Mallmann, K., & Paul, G., *Milieus und Widerstand*, pp. 341 - 344.

⁶⁸⁶ Peukert, D., *Die Weimarer Republik*, pp 154-155.

prosecuted for political offences and suffered at the hands of the Nazi authorities, many had been imprisoned in concentration camps. Two hundred and fifty-three (23.6%) defendants had been convicted on more than one occasion. Despite their suffering and the experience of persecution, their commitment to the KPD remained considerable.

Seven hundred and sixty-nine (71.7%) former members of the KPD are included in this sample; the remaining two hundred and seventy-three (25.4%) Communists were active supporters of the party. Only thirty-one (3.5%) of those Communists surveyed had demonstrated less active support. The political engagement of the vast majority of the Communists surveyed extended well beyond active political support and extended to participation in the various welfare, sporting and trade union organisations affiliated to the KPD. For many the KPD provided a complete existence. Loyalty to the KPD was enduring and even manifested itself in the anti-Hitlerian attitude of the children of Communists, as seen in the cases of the Edelweiß Pirates interrogated by the Düsseldorf Gestapo. In the many of the cases we have so far examined this dependency proved both debilitating and dangerous, barring those involved from finding work and from adapting to the challenges of Nazi rule, and in one hundred and three cases (9.6%), driving those concerned into a position of continuous opposition to Nazism. Early involvement with the KPD underground also increased the possibility of later prosecution at the hands of the Nazi authorities.⁶⁸⁷ Fear of persecution also drove many Communists underground or into exile, reinforcing their initial dependency on the KPD, and tying them into a cycle of dissent.⁶⁸⁸

The KPD milieu was remarkably homogeneous.⁶⁸⁹ Only twelve (1.1%) Communists included in the three samples did not hail from a poor, working class environment. The majority of Communists in the sample conform to a specific type: male, born between 1900 and 1910. The majority of KPD members had not learned a trade. Those who worked were employed in dangerous and low paid positions. Miners and mine workers account for three hundred and twenty-seven (30.5%) of those surveyed. A further two

⁶⁸⁷ Mallmann, K., 'Konsistenz oder Zusammenbruch?', p. 227.

⁶⁸⁸ Mallmann, K., & Paul, G., *Milieus und Widerstand*, pp. 378 - 379.

⁶⁸⁹ Mallmann, 'Konsistenz oder Zusammenbruch?', p. 228.

hundred and sixty-two (24.4%) former Communists were employed in low wage jobs in the armaments industry. In contrast to the large number of working-class men, included in the survey, women played only a peripheral role in the KPD underground, constituting six per cent (sixty-four cases) of the total (see figure 8, p. 236).⁶⁹⁰ Only seventeen women (less than two per cent of the total number of KPD members surveyed) played an active role in KPD groups (see table 14, p. 235). Mostly, women were convicted for more trivial 'offences'; malice and radio offences account for thirty-six cases alone. Those women involved in organised groups, played a largely subordinate role: providing accommodation and support to functionaries and spouses without any actual involvement in the political and 'criminal' activities of the group, which remained the domain of the male members. Thirty-eight (59%) of the women surveyed were the wives of active members of KPD underground, a further eight were the good friends of male comrades.

The three sets of files reveal a consistent picture of dissent and perpetrator. The majority of Communists included in this sample were born in the first decade of the Twentieth Century to poor working class parents. They were subjected to the most violent extremes of the crises which beset Germany before 1933. Importantly, they came of age at a time at which opportunities for those without education and training were few and were forced to exist on limited welfare payments and occasional seasonal work. The experience of poverty violence and brutality radicalised many Communists, and rendered them contemptuous of authority. Although in the wake of the Nazi take-over, many Communists were able to find an accommodation with Nazism, abandoning politics for the promise of work and enhanced opportunity, those that did so had rarely been involved with the party for long. As the records examined in this sample demonstrate, the majority of those who perpetrated acts of dissent were unusual amongst Communists: they had long histories of association with the KPD and its affiliated organisations.⁶⁹¹ They were, to all intents and purposes, party die-hards. The constant organisation and regeneration of the KPD underground would have been impossible without the profound knowledge exhibited by

⁶⁹⁰ Stephenson, J., *Women in Nazi Germany*, p 110.

⁶⁹¹ Mallmann, K., *Milieus und Widerstand*, p. 336.

many functionaries of their communities and, of the political reliability of their colleagues and comrades. The Nazi persecution of the KPD fed a vicious circle, which tied many Communists to a shadowy existence of continuous political activity, fear and, ultimately, punishment. It is questionable whether support for the KPD would have proved quite so enduring had it not been able to draw on the profound feelings of bitterness, resentment and desperation engendered by Nazi policy.

Chapter Six: Dissent and the Catholic Milieu

The Catholic milieu was very different to both the Social-democrat and Communist milieus. It possessed no clear social or political character and was, by contrast, unusually heterogeneous.⁶⁹² It comprised of members of all of Germany's social classes and included aristocrats, professionals, tenant farmers and industrial workers.⁶⁹³ These disparate population groups were brought together by their belief in Catholicism and its teachings and a deeply felt sense of belonging to the Catholic Church, manifested in the observation of Catholic rights and practices. This heterogeneity is partly explained through the choice of a religious as opposed to a class-based or political categorisation. However, this decision is entirely appropriate. As we shall see in the course of this chapter, a significant number of Germans identified themselves as Catholic, different from the Protestant majority and participants in a distinct and tightly bound community with its own traditions and norms. What follows is an analysis of the cases of seven hundred and forty-four (24.8%) Germans Catholics prosecuted by the Nazi authorities for the perpetration of 'crimes' of dissent (see figure 9, p. 243), acts which frequently bore the clear influence of the teachings of the Catholic Church and a profound faith in Christian values.

In many traditionally Catholic areas of Germany, the Church dominated the lives of communities much as it had done for centuries.⁶⁹⁴ In the small towns and villages of rural Bavaria, the local priest and the Church still stood at the centre of the local affairs.⁶⁹⁵ Time was marked by the peeling of bells announcing the daily service and the calendar was defined by the observation of Sunday mass and the celebration of Catholic festivals throughout the year. In certain Catholic areas of rural Franconia as many as seventy per cent of the local

⁶⁹² Rau-Kühne, C., 'Anpassung und Widerstand: Kritische Bemerkungen zur Erforschung des katholischen Milieus' in Schmiechen-Ackermann, D., (ed.) *Anpassung, Verweigerung, Widerstand*, p. 147.

⁶⁹³ Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 29.

⁶⁹⁴ Breuer, T., *Verordneter Wandel?*, p. 16.

⁶⁹⁵ Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 34.

Catholic population regularly attended Sunday mass.⁶⁹⁶ The expression of religious belief was not restricted to church attendance alone. The Catholic youth organisations could count some 1.5 million members on the eve of the Nazi take-over.⁶⁹⁷ With the exception of the combined youth sporting associations, it was larger than all other similar organisations. Even in the industrialised cities of the Ruhr and Rhineland, belief in Catholicism and the identification of the individual as Catholic held strong.⁶⁹⁸ Catholic workers had traditionally flocked to the urban centres of the Ruhr and the Rhineland to celebrate the annual Carnival marking the beginning of Lent and, in doing so, express their identity. Catholics sought representation through the Catholic trade unions and not the secular trade unions - perceived as atheistic - affiliated to the SPD and the KPD.⁶⁹⁹ Even in times of economic turmoil Catholic workers chose to express a religious rather than class based solidarity.⁷⁰⁰

Politically the majority of Catholics had lent their support to the Zentrum and its sister BVP.⁷⁰¹ The Zentrum had been founded in the aftermath of the Bismarckian persecution of Germany's Catholics in the 1870s which had been intended to wrestle control of the Catholic Church in Germany away from the Vatican and place it under the direct authority of the German state.⁷⁰² The harassment, arrest and imprisonment of priests and leading members of the laity, the forced closure of Catholic schools and religious orders, had left Germany's Catholic community embittered and deeply resentful of the secular, supposedly modernist Liberalism which had sponsored Bismarck's measures.⁷⁰³ The Zentrum had not pursued a specific political ideology.⁷⁰⁴ It had been intended by its

⁶⁹⁶ Blessing, W., "Deutschland in Not, wir im Glauben....": Kirche und Kirchenvolk in einer katholischen Region 1933 - 1949' in Broszat, M., et al (eds.) *Von Stalingrad zur Währungsreform: Zur Sozialgeschichte des Umbruchs in Deutschlands*, (Munich, 1988), p. 13.

⁶⁹⁷ Stachura, D., *The German Youth Movement 1900-1945: An interpretative and Documentary History*, (London, 1981), p. 71.

⁶⁹⁸ Kißener, M., "Nach außen ruhig, nach innen lebendig": Widerstand aus der katholischen Arbeiterschaft' in Steinbach, P., & Tüchel, J., (eds.) *Widerstand gegen den Nationalsozialismus*, pp. 154 - 155.

⁶⁹⁹ Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 45.

⁷⁰⁰ Kißener, M., "Nach außen ruhig, nach innen lebendig", p. 156.

⁷⁰¹ Evans, R., *The Coming of the Third Reich*, p. 90.

⁷⁰² Denzler, G., & Fabricius, V., *Christen und Nationalsozialismus*, (Frankfurt am Main, 1995), p. 28.

⁷⁰³ Evans, R., *The Coming of the Third Reich*, p. 13.

⁷⁰⁴ Evans, R., *The Coming of the Third Reich*, p. 13.

founding fathers to provide protection to Germany's Catholics population and it represented a panoply of opinions.⁷⁰⁵ It provided a political home to both a substantial corpus of deeply traditional, pro-monarchist opinion and a progressive more liberal wing determined to improve the position of Germany's poor.⁷⁰⁶

Manifestations of a specifically Catholic identity were particularly prevalent among those Catholics surveyed. Six hundred and eighty-four (92.3%) of those included in this sample regularly attended Sunday mass. Perhaps more surprisingly, three hundred and nineteen (43.2%) of the Catholics surveyed took communion at least once a week. Many of the Catholics surveyed had also been raised in a specifically Catholic environment. Two hundred and eighty-three (38.1%) of those included in this sample had attended schools run by the Church in which religious instruction was an integral part of the curriculum. A further two hundred and sixteen (29.1%) had regularly attended Sunday school as children. Two hundred and sixty-nine (36.2%) are recorded as having once belonged to a Catholic youth organisation. In comparison, relatively few of the Catholics included in the survey had actively participated in the politics of the Catholic milieu (see table 6, p. 153). Former Zentrum and BVP members account for only forty-one (5.5%) of those surveyed. This number includes fourteen party functionaries, most of whom belonged to the left-wing of the Zentrum and had been vocal in their support for Weimar democracy. Nine (64.3%) of the party functionaries had also been members of the Catholic Trade Unions. Although few of the Catholics included in the survey had taken on party membership, support for the Zentrum and BVP among those surveyed had been considerable. Four hundred and twelve (55.4%) of the seven hundred and forty-four Catholics were known to have voted for one or the other party before 1933.

The Catholic milieu was, as noted, more socially diverse than either the Social-democrat or

⁷⁰⁵ Denzler, G., & Fabricius, V., *Christen und Nationalsozialismus*, p. 29.

⁷⁰⁶ Peukert, D., *Die Weimarer Republik*, p. 89

Communist milieus.⁷⁰⁷ This sample of Catholics prosecuted for the perpetration of 'crimes' of dissent reflects something of that unique diversity (see table 4, p. 93). The sample includes representatives of the clergy, the laity, the professional middle-classes, the industrial working-class, rural landowners and farmer labourers. Priests and members of religious orders account for forty-five (6.1%) of the seven hundred and forty-four cases considered. The prosecutions of Catholics from a specifically middle-class background constitute one hundred and seventy-nine (24.1%) of the total number of cases included in the sample (see also table 4, p. 95). By contrast, industrial workers account for only one hundred and forty-one (18.9%) cases (see table 9, p. 189). Belief in Catholicism was particularly strong in the rural communities of the south and the west of Germany. Three hundred and fifty-four (47.6%) of the Catholics included in the sample hailed from small, towns and villages (see table 13, p. 234). The majority were poor agricultural labourers who had been raised in traditional and devout homes. Acts of dissent committed by the rural poor account for three hundred and thirteen (42.1%) of the cases included in the

Table 13

The Urban/ Rural Divide

N.B. Percentages refer to each individual milieu

	Small towns and Villages (Fewer than 25,000 inhabitants)	Large Towns (25,000 - 100,000 inhabitants)	Cities (More than 100,000)
Social-democrats	13 (4.5%)	46 (16.1%)	226 (79.4%)
Communists	67 (6.2%)	96 (8.9%)	910 (84.9%)
Catholics	354 (47.6%)	178 (23.9%)	212 (28.5%)
Individuals	128 (14.2%)	167 (18.5%)	603 (67.3%)

⁷⁰⁷ Matthiesen, H., & Frank, W., 'Milieus in der modernen Gesellschaftsgeschichte: ergebnisse und Perspektive der Forschung' in Schmiechen-Ackermann, D., (ed.) *Anpassung, Verweigerung, Widerstand*, (Berlin, 1997), p. 63.

survey. In many cases, their lives had barely been touched by modernity.

Whereas the role of women in both the Social-democrat and Communist milieu was peripheral, a substantial number of Catholic women were prosecuted by the Nazi authorities for the perpetration of acts of dissent (see figure 8, p. 236). This sample includes the cases of three hundred and sixty-one (48.6%) Catholic women prosecuted for the contravention of Nazi ordinances. In his analysis of the reactions of the Catholic population of the episcopate of Bamberg in Bavaria, Werner Blessing has emphasised the strength of religious belief among women.⁷⁰⁸ He argued that it was this durability which caused so many Catholic women to risk prosecution in the defence of their faith.⁷⁰⁹ The results of this analysis would appear to substantiate his hypothesis. Moreover, in contrast to the 'crimes' of dissent perpetrated by Social-democrats and Communists, the reactions of German Catholics were not characterised by the actions of one specific age-group. Four hundred and two (54.1%) of the Catholics included in the sample were born before 1900, in contrast to three hundred and forty-two (45.9%) Catholics born after the turn of the century (see figure 5, p. 150). One hundred and sixty-two (21.8%) German Catholics included in

Table 14

The Number of Women Prosecuted for 'Crimes' of Dissent

N.B. Percentages refer to each individual milieu

	Malice (Incl. Defeatism and Grumbling)	Political Association	Radio Crimes	Relationships with Foreign Workers
Social-democrats	5 (1.7%)	9 (3.1%)	2 (0.7%)	—
Communists	23 (2.1%)	17 (1.6%)	18 (1.7%)	6 (0.5%)
Catholics	83 (11.2%)	1 (0.13%)	32 (4.3%)	245 (32.9%)
Individuals	248 (27.6%)	—	37 (4.1%)	27 (3.0%)

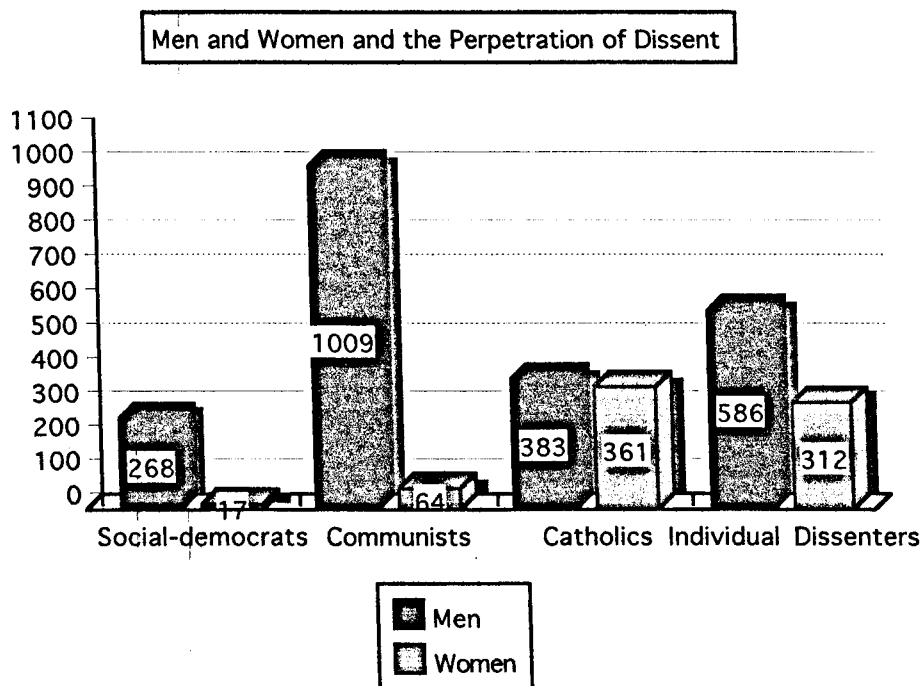
⁷⁰⁸ Blessing, W., "Deutschland in Not, wir im Glauben....", pp. 50 - 52.

⁷⁰⁹ Blessing, W., "Deutschland in Not, wir im Glauben....", p. 51.

the sample were born after 1920. Only thirteen (1.8%) cases concerned the prosecution of younger men. Men born after 1910 had proved most susceptible to Nazi ideology. They were also the cohort subjected to the greatest level of indoctrination. Importantly, in the period considered from 1941-1945 most men of fighting age had already been conscripted to fight. The 'crimes' they committed were heard before the military courts and thus hardly feature in this survey.

Whilst the depth of religious belief and the identification of the individual as Catholic bound the Catholic community, the shape and form of the Catholic milieu was also informed by the particular position of Catholics in German society.⁷¹⁰ German Catholics were acutely aware that they were a minority in a predominantly Protestant land.⁷¹¹ The communal memories of

Figure 8



⁷¹⁰ Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 29.

⁷¹¹ Evans, R., *The Coming of the Third Reich*, p. 91.

the Bismarckian persecution on the 1870s had not faded easily.⁷¹² Many German Catholics had remained deeply suspicious of the central government in Berlin, regarding it as both Prussian and Protestant; its purpose ultimately nefarious.⁷¹³ Historians have pointed to the development of a 'siege mentality' among German Catholics in order to explain the clericalism and religiosity of the Catholic milieu during the Weimar Republic.⁷¹⁴ Many believed their life-style and religion to be under threat. Germany's Catholic population was deeply concerned not only by the growth of secularism which threatened many areas of traditional influence but by the seemingly irrepressible rise of atheistic Marxism.⁷¹⁵ The threat to Catholicism was not only located on the political left. Leading personalities within the Church were worried by the rise of Nazism which they regarded as 'heathen' and 'godless'.⁷¹⁶

Many German Catholics detested Nazism and their experience of Nazi rule was characterised by harassment and persecution (see tables 1, p. 50., and, 2, p. 56).⁷¹⁷ For many Nazi radicals determined to exercise 'total control' over German society, Catholicism was a provocation; it represented the limitations of Nazi power.⁷¹⁸ For the twelve years of Hitlerian rule, the Nazi party was engaged in an ideological struggle with the Catholic Church; manifested in brutal attacks on the persons and institutions of the Church. As many as one in three Catholic priests were subjected to some form of retribution.⁷¹⁹ Some were arrested for their political or religious pronouncements. Others were brought to trial on spurious charges of child abuse or financial misdemeanour.⁷²⁰ In the concentration camp at Dachau over four hundred priests were interned in the *Priesterblock*.⁷²¹ Senior Zentrum politicians were

⁷¹² Evans, R., *The Coming of the Third Reich*, p. 14

⁷¹³ Peukert., *Die Weimarer Republik*, pp. 158 - 159.

⁷¹⁴ Blessing, W., "Deutschland in Not, wir im Glauben...", pp. 20 - 44.

⁷¹⁵ Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 133.

⁷¹⁶ Lewy, G., *The Catholic Church and Nazi Germany*, (London, 1964), p. 10.

⁷¹⁷ Kershaw, I., *The Hitler Myth*, p. 120.

⁷¹⁸ Rau-Kühne, C., 'Anpassung und Widerstand', p.152.

⁷¹⁹ v. Hehl, U., *Priester unter Hitlers Terror: Eine biographische und statistische Erhebung*, (Mainz, 1984), pp. xlii - xliii.

⁷²⁰ Fabricius, V., & Denzler, G., *Christen und Nationalsozialismus*, pp. 90 - 93.

⁷²¹ v. Hehl, U., *Priester unter Hitlers Terror*, p. liii.

arrested and interned throughout the Reich.

Catholic churchgoers were demonstrative in their support for the Church.⁷²² Catholic Churches from across the Reich reported increases in attendance during the twelve years of Nazi rule. Catholic festivals were also demonstratively celebrated and Church leaders were openly applauded when they appeared in public.⁷²³ Hundreds of thousands of Catholics took part in *Corpus Christi* processions in the towns and cities of Bavaria.⁷²⁴ Support for the Church also took a more critical and consequently dangerous form. Many thousands of Catholics openly condemned the anticlerical and anti-Christian sentiments expressed by Nazi leaders (see table 12, p. 216).⁷²⁵ Indeed, local Nazi leaders were even physically attacked after they had publicly disparaged the local clergy.⁷²⁶ Catholics were also vigorous in their defence of Church interests and institutions. Nazi radicals were keen to limit the influence of the Church. Catholics protested at interference by the state in Church run educational establishments, the gradual prohibition of Catholic youth groups and the closure of monastic orders.⁷²⁷ Complaint was manifested in both written and spoken form and, although in many cases it had little effect, such protest was indicative of a groundswell of Catholic anti-Nazi sentiment. However, slowly but inevitably traditional areas of Catholic influence were brought under the control of the Nazi state.

In certain cases, the weight of Catholic protest was so great that the Nazi authorities were forced to reverse deeply unpopular policies. The attempt by the leadership of the north German Gau of Oldenburg to remove the crucifix from classrooms in 1936, caused such unrest in the local population that the measure was withdrawn.⁷²⁸ In a similar move, Gauleiter Adolf Wagner ordered the removal of crucifixes from Bavarian schools on 23rd April 1941. The decision to remove the crucifix was one of a series of policies intended to secularise

⁷²² Rau-Kühne, C., 'Anpassung und Widerstand', p. 153.

⁷²³ Breuer, T., *Verordneter Wandel?*, p. 16

⁷²⁴ Blessing, W., "Deutschland in Not, wir im Glauben....", pp. 5 - 6.

⁷²⁵ Blumberg-Ebel, A., *Sondergerichtsbarkeit und "politischer Katholizismus" im Dritten Reich*, (Mainz, 1990), p. 2.

⁷²⁶ Kershaw, I., *The Hitler Myth*, p. 118.

⁷²⁷ Blumberg-Ebel, A., *Sondergerichtsbarkeit und "politischer Katholizismus" im Dritten Reich*, passim.

⁷²⁸ Blessing, W., "Deutschland in Not, wir im Glauben....", p. 57

Bavarian schools. Wagner had also hoped to replace traditional school prayers with Hitler Youth songs and speeches infused with National Socialist ideology.⁷²⁹ His measures were part of a sustained campaign against the institutions of the Catholic Church in Bavaria. The Gau leadership had already devoted considerable time to the confiscation of monastic property.⁷³⁰ New legislation had also allowed the forcible expulsion of Catholic nuns from their employment in educational establishments.⁷³¹ Wagner's actions caused a storm of protest unprecedented in the history of the Third Reich. Party offices were inundated with complaints at this hugely unpopular move.⁷³² Police reports tell of the pictures of Adolf Hitler intended to replace the crucifix being thrown from classroom windows. For many Catholics, the determination of Nazism to rid Germany of Christian influence was all too clear. Catholic soldiers fighting on the Eastern Front wrote letters in which they openly questioned why they were fighting Bolshevism in Russia only for Bolshevism to be victorious back home.⁷³³ Others questioned what future anti-Christian persecution Wagner's actions portended.⁷³⁴ Frightened by the vehemence of the protests, Wagner was forced into a partial retreat.

Church leaders also led criticism of Nazism and condemned attacks on both the Church and its institutions.⁷³⁵ In 1935, the German bishops led by Cardinal Bertram of Breslau had protested to the Vatican, and in public sermon, at the treatment of German Catholics, particularly priests, at the hands of the Nazi authorities. Two years later Bertram led a delegation of Bishops to the Vatican to voice their concerns to Pope Pius XI. The resulting Papal Encyclical, *Mit Brennender Sorge*,⁷³⁶ although critical of the suffering of the Catholic Church in Germany, was muted in its condemnation of the regime. Importantly, Hitler escaped personal criticism and National Socialism was not explicitly named.⁷³⁷ However, it

⁷²⁹ Blessing, W., "Deutschland in Not, wir im Glauben....", p. 57.

⁷³⁰ Blessing, W., "Deutschland in Not, wir im Glauben....", p. 56.

⁷³¹ Hürten, H., 'Katholische Kirche und Widerstand', in Steinbach, P., & Tuchel, J., (eds.) *Widerstand gegen den Nationalsozialismus*, (Berlin, 1994), p. 190.

⁷³² Kershaw, I., *The Hitler Myth*, p. 178.

⁷³³ Blessing, W., "Deutschland in Not, wir im Glauben....", p. 58.

⁷³⁴ Hürten, H., 'Katholische Kirche und Widerstand', p. 189.

⁷³⁵ Hürten, H., 'Katholische Kirche und Widerstand', pp. 182 - 183.

⁷³⁶ *With Burning Concern*

⁷³⁷ Cornwell., *Hitler's Pope*, p. 182.

caused outrage among the Nazi leadership. In a two hour, hate-filled speech, Göring announced the retaliatory resumption of morality trials.⁷³⁸ Church leaders were also critical of the Nazi policy of forced euthanasia first begun in 1939. On 11th August 1940 Germany's Catholic bishops meeting at the Fulda Bishops' Conference issued a protest at the policy of the forced extermination of the mentally and physically handicapped.⁷³⁹ Finally on 3rd August 1941 the Bishop of Münster, Cardinal August Clemens Graf von Galen, made public his opposition to the euthanasia policy in a sermon delivered in the St Lamberti Church in Münster. Galen's explicit condemnation of the killing of so-called 'unworthy life' was reproduced in pamphlet form and distributed across the Reich.⁷⁴⁰ The unrest caused at the revelation of this hitherto secret policy led to the official termination of the 'Euthanasia Action' although the killings continued in a more limited and different form in centres throughout Germany.⁷⁴¹

The reactions of Catholics to Nazi rule were complex and rooted in the peculiar position of the Catholic population in Nazi society. Widespread hatred of the anticlerical and anti-Christian attitudes of the party were countered by an admiration for Hitler, who was regarded by many Catholics as a 'good' Christian, if not in the traditional churchgoing sense.⁷⁴² Like most Germans, Catholics also celebrated Germany's resurgence, particularly the restoration of the economy and the regime's foreign policy successes (see also table 3, p. 62).⁷⁴³ However, admiration for Hitler was tempered by widespread fear of the future. The relationship of the Catholic Church with the Hitler regime was also complicated. Cogent of the need to protect German Catholics, the Church sought a *modus vivendi* with the Nazi state.⁷⁴⁴ On 1st July 1933 a Concordat was signed between the Vatican and the Reich government which guaranteed the religious freedom of Catholics in return for the withdrawal

⁷³⁸ Cornwell., *Hitler's Pope: The Secret History of Pius XII*, (London, 2002), p. 183.

⁷³⁹ Noakes, J., & Pridham, G., *Nazism 1919 - 1945: Vol. 3 Foreign Policy, War and Racial Extermination*, (Exeter, 1997). p. 1035.

⁷⁴⁰ Noakes, J., & Pridham, G., *Nazism 1919 - 1945: Vol. 3*, p 1036.

⁷⁴¹ Burleigh, M., *The Third Reich: A New History*, pp. 402 - 403.

⁷⁴² Kershaw, I., *The Hitler Myth*, p 106.

⁷⁴³ Mallmann, P., & Paul, G., *Milieus und Widerstand*, p. 145.

⁷⁴⁴ Cornwell., *Hitler's Pope*, pp. 131 - 156.

of the Catholic Church from the political affairs of the German state. In public, Catholic leaders were careful to differentiate between Hitler, the German state and the Nazi party, singling out only the latter for criticism whilst demonstrating their loyalty to both the Führer and Germany.⁷⁴⁵ Many leading churchmen regarded, the anticlericalism of party radicals as an unfortunate facet of the system to be endured but never liked. Indeed, Nazism was seen by many Church leaders as the lesser of two evils.⁷⁴⁶ It was hoped that Nazi Germany would prove a bulwark against Soviet power, protecting European, Christian civilisation from the rise of this atheistic menace.⁷⁴⁷

Although Church leaders were vocal in their condemnation of attacks on the Church and expended considerable energy opposing attacks on Christian doctrine and Church practice, the response of the Church to the inhumane treatment of first Germany's and then Europe's Jewish population was much less pronounced.⁷⁴⁸ The Church failed to condemn the attacks on Jewish property and persons during the *Reichskristallnacht* pogrom, although a number of individual priests did express criticism at the treatment of Germany's Jews. The Church also remained silent when confronted with the extermination of Europe's Jews. Nor had Catholic leaders condemned the brutal persecution of other enemy groups. The Church's silence on issues outside of the 'Church' struggle, stands in clear contrast to the brave actions of Catholics on a variety of other issues. Although understandable from an institutional perspective and demonstrative of the difficult position of the Catholic Church in Germany under Nazism, the failure of the Catholic Church in Germany to condemn Nazism at its inhumane worst remains morally regrettable.

The Catholic milieu was never subjected to the same pressures as either the SPD and the KPD milieux. Although Germany's Catholic community attracted both the superstition and animosity of Nazi party radicals and individual Catholics were indeed as we previously noted the frequent objects of police and judicial persecution, Catholics unlike either their

⁷⁴⁵ Kershaw, I., *The Hitler Myth*, p. 109.

⁷⁴⁶ Cornwell, J., *Hitler's Pope*, p. 7.

⁷⁴⁷ Cornwell, J., *Hitler's Pope*, p. 261.

⁷⁴⁸ Breuer, T., *Verordneter Wandel?*, p. 292.

Social-democrat or Communist compatriots were never officially declared 'Enemies of the People' and never had to endure the full force of Nazi terror.⁷⁴⁹ German Catholics were an important if not wholly welcome part of the 'National-community'.⁷⁵⁰ As a consequence the Catholic milieu was better able to survive the myriad and difficulties of Nazi rule. Importantly, the Church also provided an institutional focus for the Catholic milieu, as we have just noted, able to direct opinion and mobilise support in times of need. Even in the final years of the war, when the regime demanded absolute loyalty from its citizens, German Catholics could identify themselves and continue to observe the sacral rites of their belief themselves without real feel of persecution, provided these did not clash with perceived Nazi interests. Despite the prohibition of many of its affiliated organisations, there is little evidence, in contrast to both the Social-democratic and Communist milieux, that the Catholic milieu was in any way numerically diminished.⁷⁵¹ Indeed, reported figures for church attendance point to the growth of Catholic religiosity during the tumult of war.⁷⁵²

The sample reveals considerable evidence of the strength of Catholic identity. Many of the 'crimes' perpetrated were in the detail unique to the Catholic milieu and point to the profound influence of Catholic teachings and values on the individual. A substantial number of clergy and lay Catholics perpetrated acts in defence of the interests of the Church. These constitute fifty-seven (7.6%) of the seven hundred and forty-four files included in the sample. The sample also includes examples of complaint proffered by German Catholics at the treatment of Catholics in the occupied territories. Over four hundred of the Catholics included in the survey demonstrated an ability to reject aspects of Nazi ideology. Catholics disproportionately offered friendship to those of supposed 'lesser' races, subscribing not to Nazi racial doctrine but the teachings of Catholic universality. Two hundred and ninety-six (39.8%) of the seven hundred and forty-four Catholics surveyed were arrested or tried for their purportedly 'improper' friendships and acquaintances with French and Polish Russian Prisoners of War and Foreign workers detailed to farms and factories throughout the Reich.

⁷⁴⁹ Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 108.

⁷⁵⁰ Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 141 - 142.

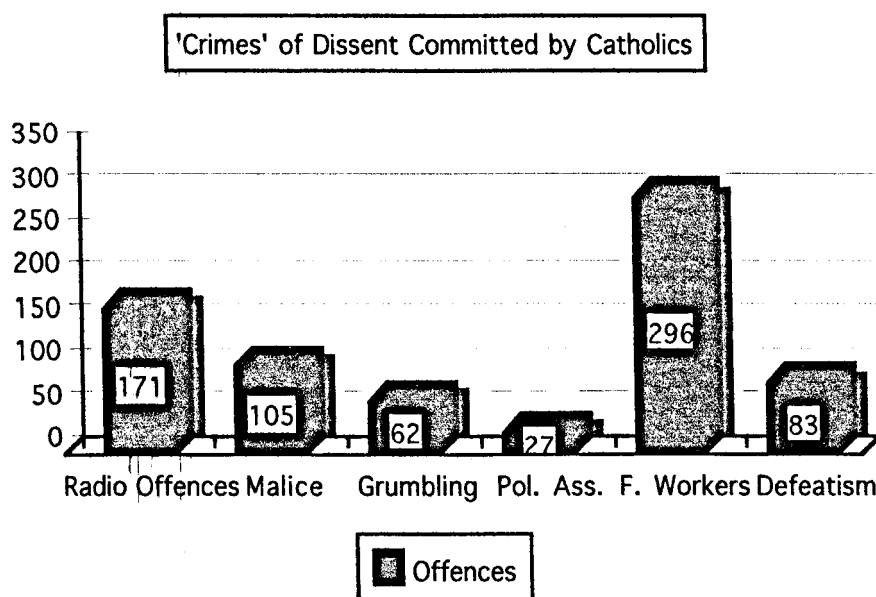
⁷⁵¹ Blessing, W., "Deutschland in Not, wir im Glauben...", p. 11.

⁷⁵² Blessing, W., "Deutschland in Not, wir im Glauben...", p. 12.

Similarly, thirty-three (4.4%) Catholics expressed disquiet at the Nazi policy of forced euthanasia, which ran contrary to Catholic conceptions of the sanctity of life. Six individuals made explicit reference to the sermon of Bishop August Clemens Graf von Galen of Münster on 3rd August 1941. The relatively small number of prosecutions pertaining to criticism of the policy of forced Euthanasia included in the sample does not give due representation to the weight of Catholic anger at this issue, rather it is indicative of the nature of the survey. Large numbers of prosecutions conducted at a specific point in time (in the wake of Bishop Galen's sermon) are unlikely to feature strongly in a survey concerned with dissent during all of the final four years of Nazi rule. The thirty-three such cases are but the tip of a much larger iceberg.

One hundred and thirty-four (18.9%) cases concern attempts either to defend the church or to maintain traditional Catholic practices and observations despite their restriction and prohibition. The slaughter of animals for religious feasts continued (four examples). In

Figure 9



N.B.: Pol. Ass = Political association; F. Workers = Relationships with Foreign Workers

traditional Catholic communities, attacks on the Church and its personages by local Nazi party leaders were regarded with great severity, provoking vociferous criticism (eighteen cases) and physical abuse (three cases). In contrast, Catholics were rarely involved in organised, political dissent.⁷⁵³ The 'crimes' they perpetrated were mostly defensive in character. The majority of the Catholics surveyed did not confront the regime on the basis of a political principle; nor did they articulate or organise a Catholic alternative to Nazi rule. The three file samples record only twenty-seven (3.6%) cases of organised, political dissent. In five examples, the individuals concerned had either been involved with the Catholic trade union movement or had belonged to the political left of the Zentrum; their antipathy towards the regime was rooted in a class, rather than religious, solidarity; influenced by liberal, humanism. The remaining twenty-two cases of organised political dissent were mostly committed by men of conservative, nationalist and avowedly Catholic views. They perceived in Nazism a 'godlessness' and, ultimately the ruin of Germany, although they were in concord with many of Nazism's political goals and objectives. In eleven examples German Catholics conceived of German salvation through monarchist, authoritarian rule, imbued with an essentially Catholic understanding of order.

In contrast to the previous two chapters in which the three file samples were dealt with separately, 'crimes' of dissent perpetrated by Catholics will be analysed across the three file samples according to the 'offence'. Proportionately few Catholics were tried before the People's Court and it would be difficult to justify a separate analysis of these 'offenders'. An analysis focused on the 'offences' perpetrated will fully allow an investigation of Catholic responses to Nazi rule between 1941 and 1945, enabling the extrapolation of motivation without the danger of unnecessary repetition.

⁷⁵³ Becker, W., 'Politischer Katholizismus und Widerstand', in Steinbach, P., & Tüchel, J., (eds.) *Widerstand gegen den Nationalsozialismus*, pp. 242 - 245.

The Catholic Clergy and the Defence of the Catholic Church

Forty-five (6.1%) Catholic priests are included in our survey. Catholic priests were obvious targets for Nazi persecution. They stood at the centre of Catholic communities and informed the actions and responses of their congregations to the wider world.⁷⁵⁴ The arrest and intimidation of the local priest enabled the effective control of the local population in many Catholic areas.⁷⁵⁵ Twenty-four Catholic priests are included in the Düsseldorf Gestapo sample, in comparison to eighteen Catholic priests tried before the Munich Special Court. Only three of the priests included in this sample were tried before the People's Court. Two of the priests who were tried before the People's Court had been charged with Conspiracy to Commit Treason; accused of participation in conspiratorial, pro-monarchist groups based in the South of Germany, where pro-monarchist and Bavarian nationalist sentiment were closely allied. In both cases, the priest concerned had provided an explicitly Catholic theological framework for the discussion of a future, post-Hitlerian order. The third priest included in the People's Court sample, Dr Wolfgang Haacke of Hamburg was additionally accused of organising classes of Catholic instruction and through so doing, consciously undermining the regime.⁷⁵⁶

In all but six (13.3%) cases, Catholic priests were arrested and tried under the terms of the Malice Statute. Accusations of Malice brought against the Catholic clergy differed from the cases of Malice we have examined in the previous two chapters. In only three (6.6%) cases was a direct criticism of the regime explicit. All three cases were heard before the Munich Special Court. Father Johann Gnogler, a parish priest in the district town of Rottenburg in Lower Bavaria, had on a Summer's day in 1941, declared in a local pub to a soldier home on leave that the political situation was considerably worse than it appeared.⁷⁵⁷ He continued, explaining that the war was misguided: German losses were far higher than had been reported in the Nazi press. He was sentenced to three months imprisonment. In

⁷⁵⁴ Blessing, W., "Deutschland in Not, wir im Glauben....", pp. 3 - 5.

⁷⁵⁵ Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 252.

⁷⁵⁶ See p. 259.

⁷⁵⁷ BStA M: Sondergericht 10194

contrast, Father Ludwig Brunner, a priest in the Bavarian village of Münchham articulated an older concern. In January 1942, Brunner complained to his congregation during a sermon of the communisation of Germany; directly equating Nazism with Communism.⁷⁵⁸ Brunner was found guilty by the Munich Special Court and sentenced to six months' imprisonment. This was not Brunner's only clash with the authorities. He had previously been indicted for making a similar statement in February 1940. He had previously described the Nazi party as heathen and unchristian and publicly lamented the gradual erosion of Christian values in German society.

A more dangerous and explicitly political sentiment was articulated by Laurenz Stammel, a teacher and priest from the industrial city of Krefeld.⁷⁵⁹ Stammel had been born in 1879 and had been educated at the university of Bonn. He had been a life long member of the Zentrum and had been involved in local Zentrum politics and was a member of the local Workers' and Journeymen's Union (*Arbeiter und Knappenverein*). Stammel was a known opponent of Nazism and had frequently voiced criticism of the regime, both from the pulpit and in the classroom. Stammel subscribed to a liberal and humanitarian interpretation of Catholicism, not apparent in the Munich Special Court sample. He was a keen supporter of democracy and had in 1941 declared his desire to see the restoration of Weimar democracy. He had also criticised the conduct of the war, citing the appalling and unnecessary casualties suffered by Polish forces. On two previous occasions he had been disciplined by his employer, the St Antonius School in Krefeld, for publicly holding the regime responsible for the corruption of German youth. Stammel was fortunate. The Gestapo chose only to fine him and not to pursue his case through the courts. His status as a priest and his popularity with his congregation afforded him some protection from police persecution. Many priests received more severe sentences for lesser 'crimes'. In seeking to explain the relative leniency with which Stammel was treated, we ought also to entertain the possibility that the officer investigating the case was also a Catholic and empathised with Stammel's views. However, this conjecture remains unproven.

⁷⁵⁸ BStA M: Sondergericht 11227

⁷⁵⁹ HStA D: Gestapo 43253

Stammel's case is, however, the exception and not the rule. Mostly, 'crimes' of Malice committed by Catholic priests concerned the defence of the Church and not expressions of political opinion. In eight cases (17.7%), five of which were heard before the Munich Special Court, priests had warned their parishoners of the 'new heathenism' in the wake of attacks on the Church and the clergy. It is important to note, that in the cases surveyed, the association of Nazism with heathenism was not intended as a condemnation of the regime's foreign policy objectives or a criticism of the conduct of the war; rather it was a reaction to a specifically local circumstance, particularly the treatment of the local Catholic population. The case of the Bavarian priest, Adolf Kiderle, is instructive⁷⁶⁰. Kiderle had complained to his Kempten congregation of the sacrilegious confiscation of the Church bell in December 1941, its smelting and eventual use in the manufacture of aircraft parts. For Kiderle this was yet another example of Nazism's determination to interfere in the affairs of the Church and further proof of the National Socialism's anti-Christianism. This final and almost personal attack on Church property had precipitated the elderly priest's and long-time member of the Zentrum's outburst. Kiderle was sentenced to six month's imprisonment in January 1943.

Twenty-six (57.7%) of the Catholic priests surveyed were prosecuted for the continued practice of certain Catholic rituals and traditions, despite their prohibition by the Nazi authorities. The maintenance of religious practice and tradition took different forms, some more contentious than others. However, each case is demonstrative of the determination of Catholic priests to assert the independence of the Church. In four cases parish priests refused to raise the Swastika flag on Church land in spite of the wishes of local Nazi party bosses, citing the sanctity of consecrated Church land. In six (13.3) cases, Catholic priests continued to instruct children, providing young people with a Catholic, moral framework and counterpoint to the secular teachings of the schools and Hitler Youth. In not one of the six cases did evidence exist that National Socialism itself had been criticised Three (6.6%) priests; two in the Ruhr and one in Bavaria, had complained to parishoners about the abuses of the clerical office. The case of Alfred von Itter of Krefeld is indicative of this small

⁷⁶⁰ BStA M: Sondergericht 11577

group.⁷⁶¹ Von Itter was born in the Solingen in 1883. He had been ordained in 1908 and had worked in the cities and towns of the Ruhr as both a priest and Grammar school teacher. He had been a member of the Zentrum until its dissolution in July 1933. In the Summer of 1940, von Itter had condemned the Protestant Reich Church as 'ungodly' during a sermon and had criticised the politicisation of religious offices. He had since been under Gestapo postal surveillance of which he later became aware. Von Itter had complained to his congregation of this intrusion which he claimed compromised the sanctity of his office. He was warned by the Gestapo in 1943 to refrain from voicing his complaints to others.

In a further three cases, Catholic priests refused to bury 'murderers' on consecrated land. In a case which was in all regards similar to the other two, the Krefeld priest, Josef Fröschen,⁷⁶² demanded to know whether the deceased husband of a local woman had 'died in an accident or killed at war?',⁷⁶³ before consenting to the burial in 1944. In contrast, five Catholic priests, held services to commemorate German soldiers who had fallen on the battlefields, reading a roll-call of the local dead. Arnold Kochen was a Düsseldorf priest, resident in the suburb of Düsseldorf Materborn.⁷⁶⁴ Kochen had been a member of the Zentrum before 1933. However, his behaviour since the Nazi take-over had been entirely orthodox. However, in the spring of 1942, Kochen held a service in commemoration of the young men from Materborn who had died fighting during the war. Kochen was arrested by the Gestapo and warned against the perpetration of such deliberately defeatist acts. In the remaining five cases concerning Catholic clergy, priests had voiced their concerns at the arrest and perceived persecution of good, Catholic Germans; criticising the 'excesses' of the regime, without making explicit the subject of their condemnation. In only two cases were the priests concerned prosecuted. In both instances, the priests were sentenced to three months' imprisonment by the Munich Special Court.

The majority of Catholic priests prosecuted for the perpetration of acts dissent were older,

⁷⁶¹ HStA D: Gestapo 11193

⁷⁶² HStA D: Gestapo 61830

⁷⁶³ 'verunglückt oder gefallen?'

⁷⁶⁴ HStA D: Gestapo 31407

born before 1890. Only five (11.1%) of the Catholic priests surveyed had been born after 1900. Some commentators have pointed to the nationalistic, proto-Nazi attitudes prevalent among younger members of the clergy.⁷⁶⁵ However, the sample is too small to draw such concrete conclusions about the political outlook of the Catholic priesthood. It is however clear, that many priests detested Nazism. In so far, the findings of this study tally with those of Ulrich von Hehl. Many priests felt able to support the broad foreign policy objectives of the regime and, indeed, shied away from behaviour which might have been construed as unpatriotic, but were vehement in their criticism of the Nazi movements anti-Christian attitudes and attacks on church institutions denouncing them as 'Godless', 'unchristian' and even 'Communists'.⁷⁶⁶

Zentrum Activists and Dissent

Twelve (29.3%) of the forty-one members of the Zentrum included in the sample were prosecuted by the Düsseldorf Gestapo. A further ten (24.4%) members of the Zentrum and its sister Bavarian People's Party were tried before the Munich Special Court, accused of political misdemeanour. A further nineteen (46.3%) Zentrum and BVP members and supporters were tried before the People's Court for their part in conspiratorial groups operating, in all but two cases, in the south of Germany (see table 11, p. 200). These will be dealt with separately towards the end of the chapter. Five (12%) Zentrum activists were arrested by the Düsseldorf Gestapo for their alleged political association. Their number include two former Zentrum MP's: Heinrich Strunk⁷⁶⁷ and Johanna Zumege.⁷⁶⁸ Both Strunk and Zumege had been observed meeting with former Zentrum colleagues in the final months of 1943. The Düsseldorf Gestapo did not regard their actions as serious enough to have merited action until the summer of 1944, when in the wake of the assassination attempt on Hitler, possible opponents of the regime were arrested and interned.

⁷⁶⁵ Mallmann, K., & Paul, G., *Milieus und Widerstand*, pp. 109 - 110.

⁷⁶⁶ v. Hehl, U., *Priester unter Hitlers Terror*, *passim*.

⁷⁶⁷ HStA D: Gestapo 52554

⁷⁶⁸ HStA D: Gestapo 5988Q

Both Strunk and Zumegen had belonged to the left-wing faction of the Zentrum. Zumegen had sat on the housing and welfare committees of the Düsseldorf municipality and had devoted considerable time to charitable work in Düsseldorf. Strunk, a former director of the German Stegerwald Bank⁷⁶⁹ and, later, the Essen based German People's Bank,⁷⁷⁰ had served as an MP in the Prussian State parliament from 1920 to 1923. He had also served as a senior official in the Christian Metalworkers' Union.⁷⁷¹ Few details are revealed in the files about the lives of either Strunk or Zumegen, apart from prominent reference to their devout, Catholic upbringing. In contrast to Zumegen, who had after 1933 withdrawn entirely from her previously public position, Strunk had previously clashed with the Nazi authorities. He had loaned money to a former Centre Party MP, Imbusch who had later fled Germany, fearing persecution but had not been charged with an 'offence' by the Gestapo. Both Strunk and Zumegen had been raised strict Catholic homes. Both had attended Catholic schools and regularly received Communion. Additionally, Strunk had as a child belonged to a Catholic youth organisation and sporting club. Although both Strunk und Zumegen had established their political home in the more liberal faction of the Zentrum, belief had played a central role in the formation of their identities.

Whereas, Strunk and Zumegen had been inspired to participation of sorts in Catholic, political organisation by their long association with Zentrum politics, Dr August Hoff a member of the Zentrum of twenty years standing, had been prompted to act by less secular concerns⁷⁷². Dr Hoff was not a priest, but a former director of a Duisburg museum who had been dismissed from his post in 1933, because of his supposed political unreliability. In 1942 Hoff had delivered a lecture condemning the 'new heathenism' of Nazism, building on references he had made in an unnamed article written in 1939. He was arrested and held in protective custody for short time. Although, Hoff's condemnation of Nazism had not been explicit, his actions were part of a broader trend of nonconformist behaviour. Hoff had forbade his children to give the Nazi salute; describing it as 'un-

⁷⁶⁹ *Stegerwaldische Deutscher Volksbank*

⁷⁷⁰ *Deutsche Volksbank*

⁷⁷¹ *Christlicher Metallarbeiterverband*

⁷⁷² HStA D: Gestapo 59638

Catholic'. In 1939, he had moved to Cologne, whereafter he had become involved in a Catholic, theological discussion group. He remained under Gestapo surveillance until the end of the war.

Five (12.1%) former members of the Zentrum had condemned the conduct of the war as 'unchristian'. It is important to note that in each of the five cases, that the members of the two Catholic political parties had neither criticised the conduct of the war in the Soviet Union, nor the treatment of Europe's Jews but rather the treatment of soldiers serving in Europe's predominantly Catholic armies: the Poles, the French and the Belgians. The case of Adam Brandmueller of Schweigerdorf in Upper Bavaria is indicative of this group. Brandmueller had joined the Bavarian People's Party in 1900.⁷⁷³ He was the son of peasant farmers. As a child he had attended the local Catholic school. He had also been sent to Sunday School. Through both inheritance and marriage, Brandmueller had improved his circumstance significantly and become a relatively wealthy man. Brandmueller employed forced Polish labour on his farm, as did many of Bavarian farmers. It is possible that Brandmueller's attitude was shaped by this proximity and consequent knowledge gleaned from former Polish soldiers and civilians but this remains conjecture. Brandmueller had sent a series of letters, written under the pseudonym, Johann Schmitt, to the Munich office of the Reich Radio Service, condemning the 'unchristian' conduct of the war and the treatment of 'christian brethren'. Brandmueller was charged with Malice and sentenced by the Munich Special Court to nine months' imprisonment.

Four members of the Zentrum and its sister BVP (two in Bavaria and two in the Ruhr), were prosecuted for listening to German language foreign radio broadcasts. In three of the cases, the individual had listened to radio broadcasts alone. Tellingly, the three individuals concerned all had sons serving in the Wehrmacht (see table 15, p. 278). It is probable that no political or religious motive underpinned their actions, rather they sought accurate information about the course of the war. The case of Johann Schwabl was, however, different and points to the existence of small groups of Catholics, who similar to many

⁷⁷³ BStA M: Sondergericht 11248

Social-democrats, tried to keep the values of their milieu alive through the informal meeting of former party members and associates.⁷⁷⁴ Schwabl had been a member of the Bavarian People's Party until its dissolution. He was a farmer from the small village of Inzell, near the town of Traunstein, in Southern Bavaria. He was tried with two friends and former political associates, Adam Kress and Philipp Kecht, by the Munich Special Court in the Summer of 1942 for listening to German language foreign radio broadcasts and sentenced to two years' imprisonment. Schwabl was a known pessimist who had criticised the 'unchristian' policies of the regime before. Although he was not critical of the totality of Nazi policy, he like Strunk und Zumegen, were increasingly concerned at the excesses of the regime and sought debate and solidarity with former party colleagues.

The Defence of a Traditional way of Life

A small number of Catholics defied the proscriptions of the regime in order to maintain a traditional way of life, defined and characterised by the influence of the Catholic Church and its festivals. Each of the thirty-three (4.4%) cases recorded in the samples, concerned an 'offence' that was essentially trivial and did not necessarily demonstrate a rejection of the values of the regime but did, however, indicate a willingness in certain circumstances to place an allegiance to the Catholic Church above that of Nazism. It is of note that each supposed 'offence' had taken place in small, isolated villages, where the Church still exercised a considerable hold on the local population. In nine cases (five in Bavaria and four in the Ruhr), farmers illegally slaughtered livestock to provide meat for the communal celebrations of Catholic festivals. As the meats were not sold, these 'crimes' cannot be regarded as black-marketeering. In five incidents, Catholics were reported to the police for ignoring proscriptions on the celebration of festivals. Klara Hagenbucher, the wife of a farmer from the small Bavarian market town of Grafing near Munich was convicted by the Munich Special Court of Malice and sentenced to six months' imprisonment in August 1942.⁷⁷⁵ Hagenbucher had been asked by the Local NSDAP leader not to decorate her house so

⁷⁷⁴ BStA M: Sondergericht 11656

⁷⁷⁵ BStA M: Sondergericht 11401

ostentatiously for the feast of *Corpus Christi* at a time when so many young Germans had given their lives to the war effort. Hagenbucher rounded on the man, holding her crucifix to his face stating 'the crucifix gets rid of rogues'.⁷⁷⁶

Whilst the 'crimes' that were committed by this small group were in their detail trivial and did not fundamentally challenge the regime, the perpetrators were representative of a small body of the Germany's Catholic population, willing to ignore the ordinances of the Nazi regime and risk punishment in order to maintain the traditions of a way of life that that was peculiar to them. They cannot be easily bracketed into age a particular age-group and few conclusions can be drawn from the equal gender divide. However, the thirty-three German Catholics punished for these small acts of defiance were, without exception, from isolated, devoutly Catholic, farming communities. All bar two (94%) of those included in this sample had attended Catholic schools. Twenty-five (75.7%) of the thirty-three individuals were described in their records as regular churchgoers. A further eighteen (54.5%) had been members of Catholic youth and sporting organisations. Their histories point to the existence of a rural micro-milieu dominated by calendar and institutions of the Catholic Church, in which the life of the local community could take precedence over the wishes of the Reich government.

German Catholics and Foreign Workers

The cases of German Catholic women accused of improper relationships with foreign workers constitute the largest single group of trials heard before the Munich Special Court. They account for one hundred and eighty-three (18.3%) of the one thousand trials surveyed. A further thirty-two (3.2%) Catholic men were tried for their relationships with foreign workers. Investigations into this same 'offence', account for eighty-one (8.1%) of the cases brought to the attention of the Düsseldorf Gestapo, the majority of which (sixty-two cases - 76.5%) concerned the relationships between German, Catholic women and foreign workers and POWs. A majority of the cases considered were of a sexual nature, despite

⁷⁷⁶ 'Kruzifix, tuts doch den Schlawiner weg'

the Church's proscription of sex before marriage. Whilst these relationships appeared to have been tolerated in certain Catholic communities, there is little evidence to suggest that their sexual nature was in any way condoned. Such cases constitute one hundred and eighty-eight (63.5%) of the two hundred and ninety-six total cases.

The behaviour and attitudes of these men and women must be understood within the context of Nazi racial ideology. Relationships, both friendly and sexual, between Germans and those of supposed 'lesser' races, were forbidden under law for fear that such 'contamination' might corrupt the 'purity' of German blood.⁷⁷⁷ The punishments for those who transgressed the law were draconian, particularly for the foreign worker's concerned. German women were routinely sentenced to more than one year's imprisonment for their purported immorality. The punishments meted out to foreign workers were determined by Nazi understandings of race and the nationality of the individual involved.⁷⁷⁸ Polish men were routinely executed for their alleged transgressions, often on often on inconclusive and circumstantial evidence.⁷⁷⁹ In contrast French men received only short custodial sentences for their supposed misdemeanour.⁷⁸⁰

In twenty-five cases (8.5%) German Catholics had helped plan the escape of foreign workers, providing clothing, supplies, directions and helping with transportation. This willingness to abet the illegal return home of foreign workers was the result of friendships which had grown out of proximity. The case of Anna Schwarz is instructive.⁷⁸¹ She was born in the Upper Bavarian village of Rechtmehring in August 1921. Schwarz had grown up in a poor, devoutly Catholic home. Her father was an ironsmith who died during Schwarz's infancy. Schwarz had moved to Munich in 1938 in search of work and found employment as a domestic servant. In 1940, she sought new and more lucrative employment in one of Munich's munitions factories. There, she became acquainted with André Delacour, a

⁷⁷⁷ Burleigh, M., & Wippermann, W., *The Racial State 1933-1945*, (Cambridge, 1991), *passim*.

⁷⁷⁸ Heusler, A., 'Prävention durch Terror', pp. 226 - 229.

⁷⁷⁹ Gellately, R., *Backing Hitler*, p. 169.

⁷⁸⁰ Heusler, A., 'Prävention durch Terror', p. 226.

⁷⁸¹ BStA M: Sondergericht 11472

French POW. Gradually, a friendship developed between the two and in the autumn of 1942, Schwarz agreed to help Delacour escape. She purchased a railway ticket to Basle and provided the Frenchman with twenty-five Reichsmarks to help him on his journey. Unbeknown to both Delacour and Schwarz, their machinations had been observed by a factory watchman who denounced the two to the Munich police. On the night of the planned escape, when the tickets and monies were to be exchanged, they were arrested. Schwarz was found guilty by the Munich Special Court and sentenced to one year and three month's imprisonment in October 1942. No mention is made in the trial documents of Delacour's fate.

Why were so many German Catholics prosecuted for this offence? Partly, the answer is to be found in the doctrinal teachings of the Catholic Church. Universality was a central tenet of Catholic belief which placed religious identity above nationality or race. Many German Catholics recognised their religious brethren in forced labourers. Others were deeply influenced by the Christian, humanitarian tradition and sought to bestow kindnesses on those less fortunate than themselves. Ulrich Herbert has noted the importance of the parish priest in determining the reaction of the local population to foreign workers.⁷⁸² In Bavaria in particular many Catholic priests risked persecution to allow foreign workers to celebrate mass.⁷⁸³ Catholic communities followed the example set by the clergy and accepted foreign workers into their lives in defiance of Nazi proscriptions. In thirty-two (11%) cases, platonic friendships developed between German Catholics and foreign workers. Mostly, those German Catholics who had been prosecuted for non-sexual relationships with foreign workers, had exhibited small and occasional acts of kindness to the men and women with whom they frequently shared the home or their employment. In twenty-seven (84.3%) cases, this supposedly improper conduct had involved little more than the provision of food, clothing and cigarettes, despite their prohibition by the Nazi authorities. Whilst many such relationships were determined, in no small part, by loneliness or, in other cases, by desire, it should be remembered that in Protestant areas, relationships between Germans

⁷⁸² Herbert, U., *Hitler's Foreign Workers: Enforced Foreign Labor in Germany Under the Third Reich*, (Cambridge, 1997), pp. 65 - 66.

⁷⁸³ Herbert, U., *Hitler's Foreign Workers*, p. 65.

and foreign workers were considerably less common.⁷⁸⁴ The nationalist attitudes inherent in German Protestantism at the time did not encourage fraternisation with foreign workers. Nor was it sanctioned by the Protestant clergy.⁷⁸⁵ The possibility of a relationship with another Catholic, although of different nationality, did not run counter to the values of German Catholicism.

The majority of those prosecuted for the sexual nature of their relationships with foreign workers were young women aged between sixteen and thirty. This particular group account for one hundred and thirty-six (72.3%) of those thus prosecuted. Only fifteen (7.9%) women of those similarly convicted were older. The thirty-eight (18.2%) Catholic men found guilty of the same offence were mostly older; aged forty and above. Only three younger Catholic men are included in the sample. The young, German, Catholic women included in the survey and charged for their 'improper' conduct, were, with eight exceptions, from poor backgrounds. They had received only a limited education and were employed either as farm labour, working dextrously for long hours with few comforts, or in the munitions factories of the large cities, in which entertainments were increasingly rare. The divide between urban and rural dweller is exactly equal. Tellingly, the majority (one hundred and seven cases - 57%) had been educated Catholic schools where the lessons of the Sunday sermon had been reinforced in the classroom. These women were linked not only through the nature of their 'offence' but also through their universal exposure to the teachings of universality and Catholic brotherhood propounded by the Church which enabled them to see past the racially determined proscriptions on daily life in Nazi Germany.

The case of Anna Engl is representative of many young Catholic women from villages of rural Bavaria tried for their relationships with foreign workers.⁷⁸⁶ Engl was born in the village of Eden, near the town Trostberg in south-west Bavaria in April 1914. She was the daughter of peasant farmers. Her early life had not been easy and reveals much of the poverty of Bavarian, peasant farmers. Engl's mother had died during the failed birth of her fourth child.

⁷⁸⁴ Gellately, R., *Backing Hitler*, p. 180.

⁷⁸⁵ Herbert, U., *Hitler's Foreign Workers*, pp. 65 - 66.

⁷⁸⁶ BStA M: Sondergericht 11276

Anna had been forced to raise her younger, disabled sister, the consequence of another difficult pregnancy, alone, whilst her depressive father toiled the land. She had received little education and had never moved from the village of her birth. Anna had spent her working life as a dairy maid, employed by both her father and other local farmers. In 1939 she had become pregnant by a boy from the village and possible cousin who had later been called up to serve in the Wehrmacht. The file records that there was little prospect of a wedding and their child was raised illegitimately. In August 1940 the French POW Franz Macet was detailed to the Engl farm. Macet and Engl worked in close proximity. A relationship developed which quickly became sexual. Engl broke off the affair after she realised she had become pregnant by Macet and the Frenchman was subsequently transferred to a farm in a neighbouring village. Engl was tried before the Munich Special Court and sentenced to one year's imprisonment in April 1942.

German Catholics, Malice and Listening to Foreign Radio Broadcasts

Two hundred and seventy-six (37.1%) of the German Catholics surveyed were prosecuted for 'alleged' Malice offences and listening to foreign radio broadcasts (see tables 8, p. 176., and, 12, p. 216). One hundred and three Catholics were investigated by the Düsseldorf Gestapo for the offences cited above. Sixty-two German Catholics were tried before the People's Court for infringements of the Radio crimes statute or Grumbling. The remaining one hundred and fifty-seven Catholics included in this sample were prosecuted in trials heard before the Munich Special Court. Whereas, the expressions of Malice investigated in the previous two chapters on Social-democrat and Communist dissent regularly contained a political sentiment derived from the values of those highly politicised, working-class milieux, the same claim cannot be made of those German Catholics similarly prosecuted. There is no intrinsic link in the majority of the surveyed cases between the values and opinions expressed and either the values of political Catholicism or the teachings of the Church. Most had no history of political participation. The offences they had committed were determined by circumstance. Fifty-three of the German Catholics

included in the two samples and charged with Malice had complained about the war, articulating the view that Germany would eventually lose. Forty-four German Catholics had complained of the declining standard of living. A further thirty-nine of the German Catholics surveyed had expressed irritation at the perceived incompetence and corruption of the leading Nazi personalities at both Reich and local levels.

Expressions of discontent grounded in either religious considerations or the values of political Catholicism were recorded in fifty-seven cases. Twelve (21.7%) cases focused on the conduct of the war and the treatment of Catholics abroad. The case of Josef Miehl is typical of the sentiment expressed by Catholics.⁷⁸⁷ His upbringing was also typical of those Catholics similarly prosecuted. His formative years had been dominated by the influence of the Church. Miehl had been educated in a Catholic school. He had also been a member of a Catholic sporting association. Miehl regularly attended Sunday mass and was a keen participant in Catholic festivals. Miehl was a Munich factory worker employed at the BMW plant in Munich. In the summer of 1942, he had engaged a plant foreman and NSDAP loyalist, Wilhelm Burner, in conversation, stating that if German soldiers continued to treat their enemies so poorly, then war would be lost: greater solidarity should have been exhibited to fellow Catholics abroad. In November that year he was sentenced to one year and eight months' imprisonment.

Thirty-three cases concerned criticism of the policy of forced euthanasia. Therese März was born in Traunstein in June 1887.⁷⁸⁸ Like Miehl, März had been raised in a strict Catholic home. As a child she had been sent to a convent school. März was a devout Catholic and took communion at least once a week. She had grown tired of the attacks by local Nazis on the Church. In the autumn of 1942 she was denounced by a neighbour to the Gestapo for a series of critical remarks made about the regime and its policies since the outbreak of war. Like many devout Catholics prosecuted under the Malice statute, the sentiments expressed by März were profoundly influenced by her faith. She had criticised the removal

⁷⁸⁷ BStA M: Sondergericht 11544

⁷⁸⁸ BStA M: Sondergericht 11584

of crucifixes in 1941, describing the Gauleiter of Munich as unchristian. She had also expressed concern at the Euthanasia action, stating that Bishop August Clemens Graf von Galen was justified in his attack on this barbaric practice. She was sentenced by the Munich Special Court to four months imprisonment in January 1943.

Whereas, German language foreign radio broadcasts provided a point of communal focus to Social-democrats and Communists, the same does not appear to have been true of German Catholics (see tables 8, p. 176, and, 15, p. 278). One hundred and seventy-one (22.9%) German Catholics were prosecuted for listening to foreign radio broadcasts. In but three cases, there is no evidence in either the Düsseldorf Gestapo or Munich Special Court samples that listening to German language foreign radio broadcasts served a political purpose, reinforcing the values of German Catholics antipathetic to Nazism (see table 8, p. 178). Instead, it seems that German Catholics listened to foreign radio broadcasts to inform themselves about the course of the war. Whilst this might be indicative of a broad distrust in the Nazi press and Reich Radio Service, it is not demonstrative of anti-Nazi sentiment. Tellingly, one hundred and two German Catholics prosecuted for listening to foreign radio broadcasts, had sons or husbands serving in the Wehrmacht.

Catholics Before the People's Court

Twenty-two Catholics were tried before the People's Court in Berlin, accused of Conspiracy to Commit Treason (see figure 4, p. 138). Seventeen (77.3%) of this number had either belonged to the right-wing of the Zentrum or the Bavarian People's Party. Three of the German Catholics thus tried were wealthy landowners. With the exception of four (18.2%) tenant farmers and one (4.5%) railway worker, the remaining members of this group were middle-aged, and, also, middle-class: two doctors, one teacher and one lawyer are included in their number. Three women, each the wife of one of the landowners are also represented in the sample. Three Catholic priests were also tried for their participation in such groups. The conspiratorial nature of these groups should not be exaggerated.

Certainly, those tried met regularly with their compatriots to discuss the worsening political situation. One of the groups concerned had also established contact with a like-minded circle in Austrian Carinthia. However, no other political action had been undertaken by any of the individuals concerned. The opinions expressed by the seventeen were avowedly nationalist. Nine of their number had joined the NSDAP between 1933 and 1935 and had demonstrated enthusiasm for many aspects of Nazi rule. They were not in disagreement with many of the fundamental, public aims of Nazism. Rather, they had become perturbed at the course of the war and the inevitable ruin that continued Hitlerian rule was bringing. Discussions focused on the future shape and nature of Germany. The vision of the future that was articulated was authoritarian, and, in eleven cases, pro-monarchist. It was, however, deeply rooted in traditional understandings of Catholic Christianity and the relationship of a powerful, hierarchical Church to an authoritarian state.

Three Catholic priests were tried for Conspiracy to Commit Treason. The case of Dr Walter Haacke is representative of the 'theological' involvement of Catholic priests in conspiratorial groups.⁷⁸⁹ Haacke provided religious instruction and guidance to a small group of six Catholics living in Hamburg in 1944, leading discussion groups in which the significance of Catholic teaching to everyday life was emphasised. Haacke had also expressed criticism of Nazism not only to the fellow members of his group but also in letters sent to members of his congregation serving in the Wehrmacht. He had cautioned against the unnecessary ill-treatment of Catholics in occupied nations. Importantly, he had voiced concern at 'Godless' Nazism, regretting the failure of the Austrian Bishops to counsel against the Anschluß with Germany in 1938. Haacke, a doctor of theology who had studied in Rome and at the University of Münster, had been ordained in 1939 and had been a resident of Hamburg ever since. He was a deeply religious man, raised in the small, traditionally Catholic town of Meppen and was eager to see the restoration of certain 'Christian' values he perceived as lost. His views were determined by his religious belief and not by a political ideology. Indeed, Haacke refrained from criticising specific Nazi policy.

⁷⁸⁹ WaH VGH 6J 201/44 2H 13/45

Dietrich Hagemann (tried with Haacke) was a teacher and serving officer in the Wehrmacht, perturbed by his experiences both in occupied France and as a translator at a POW camp. Hagemann was by no means antipathetic to Nazism but had found reason to return to the Catholic values which had shaped his childhood. He was the son of a Berlin civil-servant and devout Catholic. Hagemann had regularly attended mass and continued to do so after he was stationed in predominantly Protestant Hamburg. Haacke, the local parish priest, increasingly provided counsel to the young man, eventually inviting him to attend the illegal classes he hosted at his home. Hagemann had, on several occasions, expressed his desire to see the end of the war, even declaring that the situation could not worsen. Like Haacke, Hagemann had become disillusioned with the course of Nazi rule. His compulsion to seek solace in Catholic instruction was not necessarily indicative of a wider rejection of Nazism but rather his discomfort at specific experience of Nazi policy which jarred with a set of values to which he had been exposed since early childhood. Both men were sentenced by the People's Court in Berlin to long custodial sentences.

The Catholic Milieu and Dissent: A Summary

Germany's Catholic communities had demonstrated considerable resistance to the electoral inroads of Nazism before 1933. Although some of Germany's leading Catholics had welcomed Hitler's promise to restore German greatness and restore the strong Christian foundations of the state, a significant number of German bishops remained suspicious of Nazism, regarding it as 'godless' and violent.⁷⁹⁰ Germany's Catholic's leadership were keen to preserve the many advantages won by the Catholic community during the Weimar Republic.⁷⁹¹ However, they were also concerned for the position of the Church in a modern society and were fearful of the rise of Bolshevism.⁷⁹² Both the Church and the political representatives of Germany's Catholic population were increasingly vocal in their support for an authoritarian solution to Germany's crisis.⁷⁹³ The Catholic bishops eventually withdrew

⁷⁹⁰ Hürten, H., 'Katholische Kirche und Widerstand', p. 182.

⁷⁹¹ Evans, R., *The Coming of the Third Reich*, p. 88

⁷⁹² Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 54.

⁷⁹³ Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 56.

their opposition to Nazism, in pursuit of the Concordat which they believed would secure the improved status of the Catholic population. The Church's official toleration of Nazism slowly transformed into cautious and qualified support for the Hitler regime.

A significant and always troublesome number of Catholics were moved to commit acts of dissent in defence of the Catholic Church, its teachings and its institutions.⁷⁹⁴ Catholics were charged and prosecuted for Malice. Fifty-four (7.3%) German Catholics had articulated criticism of the regime in the wake of Nazi attacks on the Church and its traditional spheres of influence, particularly the removal of crucifixes from classrooms. A further thirty-one (4.2%) German Catholics had expressed discomfort at the treatment of Catholics in the occupied territories, expressing their solidarity for their fellow Catholics, in spite of the idea of German racial supremacy propounded by Nazism. Teachings of Catholic universality helped enable three hundred and twenty-seven (43.9%) of the German Catholics included in the sample to overcome the taboos and proscriptions on 'racial' intermixing and engage in friendships and sexual relationships with Catholic foreign workers. Thirty-three (4.4%) of the German Catholics surveyed defied the Nazi wartime legislation to continue to celebrate Catholic festivals and observe traditional religious practices. Although their behaviour was not necessarily indicative of wider rejection of Nazi ideology, their acts were a clear affirmation of their Catholic identity.

Only a small number of the German Catholics surveyed engaged in more explicitly political acts. In total twenty-seven (3.8%) of the Catholics surveyed had tentatively engaged in illegal political activity, discussing the political situation and planning for post Hitlerian future. Importantly, these groups did not possess an organisatory basis. Rather they were informal associations of like-minded persons. In the cases of the five Zentrum activists arrested by the Düsseldorf Gestapo, the individuals concerned met with their former political colleagues. A political kinship also provided the basis for political association in the cases of the two Zentrum activists from the Ruhr tried before the People's Court. Importantly, the Zentrum activists prosecuted for this essentially informal association hailed from the political

⁷⁹⁴ Mallmann, K., & Paul, G., *Milieus und Widerstand*, p. 140.

left of the Zentrum. Although members of these groups had not confronted Nazism, they had begun to plan for a post-Nazi order rooted in the traditions of Catholic humanism. In contrast, to the clear political foundation of the informal Catholic groups uncovered in the Ruhr, the groups founded in the Germany's South were clearly rooted in local communities. In each example, the groups consisted of the local priest, the landowner, and village notables: the teacher, doctor or lawyer. Whereas the ideas articulated by the groups in the Ruhr were influenced by liberal Catholic thought, the thinking of the Catholic groups in the south of Germany was more conservative. Indeed, the members of these groups had been supportive of many of the aims and policies of Nazi rule. However, they were fearful of German ruin, and the possibility of Bolshevik victory, and were keen to articulate a Catholic, authoritarian vision of a future Germany, which would provide a bulwark against Soviet aggression.

Those German Catholics prosecuted for political association were disproportionately of middle-class origin. Only five (17.2%) of the twenty-seven Catholics thus prosecuted had not studied at university. Importantly, only six of their number were born after 1900. They had wide experience of governance different to Nazism, and had achieved considerable success during the fourteen years of Weimar democracy. However, this group constitutes only a small minority of Catholics prosecuted for 'crimes' of dissent. A significant number of Catholic priests were arrested and tried for a variety of offences, most notably Malice. Of the thirty-seven (4.9%) Catholics prosecuted for their criticism of the Euthanasia action, six had made direct reference to the sermon of Bishop August Clemens Graf von Galen. Thirty-two (71.1%) of the forty-five Catholic priests prosecuted by the Nazi authorities included in the three samples, had spoken in defence of the traditional practices of the Church. This sentiment was echoed in the cases of fifty-seven members of the laity prosecuted for Malice.

The majority of Catholics prosecuted for 'crimes' of dissent were poor and in (71.2%) five hundred and twenty-nine cases had only received an elementary education. Three hundred and fifty-four (47.5%) of the German Catholics surveyed were from small, rural

communities, the remainder hailed disproportionately from the working class communities in the Ruhr and the larger cities of Upper Bavaria. The files surveyed demonstrate the continued influence of the Church and Catholic teaching on Catholics from poorer communities. Despite the determination of the Nazi authorities to eradicate the considerable influence of the Catholic Church over the education of young people, the involvement of the Church in Germans schools remained considerable and its clear influence is discernible in many of the crimes committed. Limited criticism of the Nazi regime was proffered by all sections of the Catholic community and especially by women. Three hundred and sixty-one women (48.5%) were prosecuted for dissent, in comparison to three hundred and eighty-three (51.5%) Catholic men.

Catholicism had provided many Germans with certain values and perspectives different to and incompatible with those espoused by Nazism. For churchgoers the twelve years of Nazi rule were characterised by the growing number of restrictions on religious practice. Conflict between German Catholics and Nazism occurred predominantly in those areas where Nazi demands clashed with Catholic traditions. The Catholic Church itself was concerned with its own long term survival and was unwilling to antagonise the Nazi leadership in matters that did not directly concern the Church.⁷⁹⁵ It provided the Nazi regime with qualified support, exerting its influence to guide the opinions of Germany's Catholic population.⁷⁹⁶ However, German Catholics motivated by strongly held religious belief were vehement in their defence of the Church and its practices. Although the 'crimes' of dissent included in the three samples might have been comparatively small in scope and, indeed, insular, they nevertheless exposed the individuals concerned to considerable risk and danger. Their analysis remains crucial to our understandings of popular reactions to Nazi rule, particular among communities where a strong ideological counter to Nazism existed.

⁷⁹⁵ Evans, R., *The Coming of the Third Reich*, pp. 363 - 365.

⁷⁹⁶ Mallmann, K., & Paul, G., *Milieu und Widerstand*, p. 74

Chapter Seven: Individual Dissenters

Forms of dissent can be seen in all sections of German society. They were not limited to those social and political groupings which had been most antagonistic towards Nazism before 1933: the Communists, Social-democrats and Catholics. Eight hundred and ninety-eight (29.9%) individuals constitute this sample of Germans who were not associated with a specific political or religious movement and, yet, were prosecuted for 'crimes' of dissent. They are listed in the records as 'unpolitical', with no history of political participation. Although Germans from all walks of life committed 'crimes' of dissent, certain trends emerge from the sample, which should be borne in mind when considering the results of the following analysis. Importantly, the 'crimes' committed by Germans who did not subscribe to a specific set of religious and political beliefs, although broadly similar to many of the 'crimes' examined in previous chapters, were rarely intended as a confrontation with the Nazi regime. Nor were they rooted in a specific set of beliefs and traditions, rather they were, with the exception of acts of espionage, informed by everyday complaints and concerns.⁷⁹⁷ Importantly, many of those who voiced complaints were not necessarily aware of the *political* nature of their actions nor their possible ramifications.⁷⁹⁸

Six hundred and thirty-seven (70.9%) of those included in this sample were from working-class backgrounds (see table 4, p. 93). Partly, the predominance of working-class dissent in this sample must be traced back to the source material. The Düsseldorf Gestapo presided over an overwhelmingly industrial, working-class area. Its records reflected this demographic fact. However, the findings of that sample should find balance in the records of the Munich Special Court. Upper Bavaria, in contrast, was a predominantly rural, agricultural area and the acts of dissent tried before the Munich Special Court are in keeping with the region's demography. In seeking to explain the preponderance of working-class dissent we are forced to return to the practice of Nazi terror. As we noted earlier, working-class Germans were more likely to come to the attention of the police and the Nazi authorities. Nazi leaders

⁷⁹⁷ Johnson, E., *The Nazi Terror*, p. 306.

⁷⁹⁸ Mallmann, K., & Paul, G., *Herrschaft und Alltag: Ein Industrieviertel im Dritten Reich. Band I.*, p. 338.

were careful to locate the threat from the political left in working class communities (see tables 1, p. 50., and, 2, p. 56). Working-class Germans were more likely than Germans from other sections of society to be placed under police surveillance.⁷⁹⁹ The crowded tenements in which many working-class Germans lived left them vulnerable to private denunciations. Although it is possible that the choice of source material and both the practice and nature of Nazi terror have inadvertently led to the disproportionate representation of the working-class in this survey, we should not discount as incorrect the possibility that working-class Germans were in reality more likely than other social groups to commit acts of dissent.

We have to exercise considerable caution in the claims that we make of any of the trends that emerge from this sample. In contrast to those Germans whose opposition stemmed from defined political and religious beliefs, the details of the lives of ordinary 'unpolitical' Germans prosecuted for dissent are scarce. Whereas, the Gestapo was keen to associate political belief with an alleged congenital 'criminality', detailing histories of political participation in order to prove incorrigibility and add further substance to the prosecution,⁸⁰⁰ this proved more difficult in the cases of many Germans who had lived ordinary lives untouched by contact with the authorities and the political parties and organisations of the Weimar Republic. Consequently, we are unable to recreate in much detail the lives of many 'unpolitical' Germans and are only able to point with some difficulty to the motivation of individuals prosecuted for the perpetration of 'crimes; of dissent.

A clear majority of the individuals included in in this sample had been raised in urban working-class homes and would have been regularly exposed to the values and influences of both the SPD and the KPD (see table 13, p. 234). As we noted in the preceding chapters, the landscape of Germany's industrial cities was dominated by the politics of the political left. Indeed, the politics of the left had dominated the social life of many working-class communities.⁸⁰¹ Similarly, many libraries and educational establishments also

professed party political loyalties through which party doctrine was disseminated. Certainly,

⁷⁹⁹ Peukert, D., *Die KPD im Widerstand*, pp. 125 - 130.

⁸⁰⁰ Lauf, E., *Der Volksgerichtshof und seine Beobachter*, pp. 166 - 167.

⁸⁰¹ Evans, R., *The Coming of the Third Reich*, p. 84.

many of these nominally political associations possessed a significant social dimension, which, it has been plausibly suggested, overrode their political aspect.⁸⁰² However, we should not underestimate the political influence of these institutions and organisations: they remained conduits for the dissemination of political opinion and ideas, which fed into the psyche, providing many working-class Germans with a latent moral and ideological counterpoint to the claims of Nazism

Perhaps more so than other social groups, the German working-class made considerable and unwelcome sacrifices in the service of Hitler's war, which gave cause for grievance.⁸⁰³ The war effort demanded long and rarely remunerative working hours in the factories of the Reich, despite an overall increase in average wages.⁸⁰⁴ German cities were also increasingly subjected to the devastation caused by Allied bombing raids which not only led to growing disillusionment among the general population,⁸⁰⁵ but resulted in the destruction of inner city, working-class districts, rather than the leafy suburbs further from city centres or the small, rural towns untouched by the war in the air.⁸⁰⁶ The human cost of the bombing was not to be measured in the large number of casualties alone but in the innumerable difficulties, which exacerbated the already taxing circumstances of everyday life: the constant disruption to local transport systems and the relocation of factories to supposedly safer areas reinforced the drudgery of the working day. The devastation of housing and subsequent billeting of homeless families to surviving property, removed one of the last remaining private spheres in German society. For many Germans, the home became a public space, shared with strangers who might neither be trusted nor liked, giving rise to yet further disgruntlement.⁸⁰⁷ The limited availability of basic foodstuffs was also a source of complaint, particular for working-class Germans who were frequently without the means to supplement their ration entitlements with foods bought on the black market or grown at home.⁸⁰⁸

⁸⁰² Walter, F., & Matthiesen, H., 'Milieus in der modernen deutschen Gesellschaftsgeschichte', pp. 52 - 53.

⁸⁰³ Carsten, F., *German Workers and the Nazis*, p. 137.

⁸⁰⁴ Carsten, F., *German Workers and the Nazis*, pp. 128 - 130.

⁸⁰⁵ Kershaw, I., *The Hitler Myth*, pp. 202 - 203.

⁸⁰⁶ Taylor, F., *Dresden: Tuesday 13 December 1945*, (London, 2004), pp. 132 - 146.

⁸⁰⁷ Stephenson, J., *Women in Nazi Germany*, p. 97.

⁸⁰⁸ Stephenson, J., *Women in Nazi Germany*, p. 99.

Complaint at the lack of food resulted in the arrest and persecution of thirty-two of those included in the sample.

The German working-class had also been witness to the pernicious brutality of Nazism. As we have seen in previous chapters, working-class areas and known left-wing strongholds had been subject to violent 'reconquest' during the first months of Nazi rule and community leaders had been arrested and punished.⁸⁰⁹ Furthermore, the identification of Bolshevism as the prime enemy of Nazism, led to the heavy-handed repression of many working-class residential districts by the Nazi authorities.⁸¹⁰ Consequently, working-class Germans were more likely to have known victims of Nazi brutality or to have suffered themselves than members of other social groups.⁸¹¹ Whilst there is little evidence to suggest that this policy of persecution led directly to growing working-class disloyalty, we should not ignore the real possibility, borne out by the following analysis, that this exposure to Nazi brutality might well have engendered a more critical reaction to Nazi policy and rule.

Those individuals who lived at the periphery of German society were also likely to proffer complaint at both their own circumstances. This sample includes the cases of three hundred and twelve (34.7%) Germans who were shunned by wider society because of their poverty or their perceived social inadequacy. Two hundred and twenty-eight (25.4%) Germans included in this sample were poorly paid, earning less than thirty-five Reichsmarks per week. More tellingly, victims of social dysfunction and domestic trauma account for one hundred and forty-three (15.9%) of those included in the sample (see table 10, p. 196). In seventy-three (9.1%) cases, reference was made by the prosecuting authority to the alcoholism of the accused. Indeed, in forty-nine (6.1%) cases, the 'offence' had been committed in a pub (see table 7, p. 167). A further sixty-three (7.8%) Germans included in this sample and prosecuted for 'crimes' of dissent, had been either the victims or perpetrators of domestic violence. In both instances, the individuals concerned had not succeeded in life and had become locked into a cycle of failed employment and poverty,

⁸⁰⁹ Schmiechen-Ackermann, D., *Nationalsozialismus und Arbeitermilieus*, pp. 710 - 713.

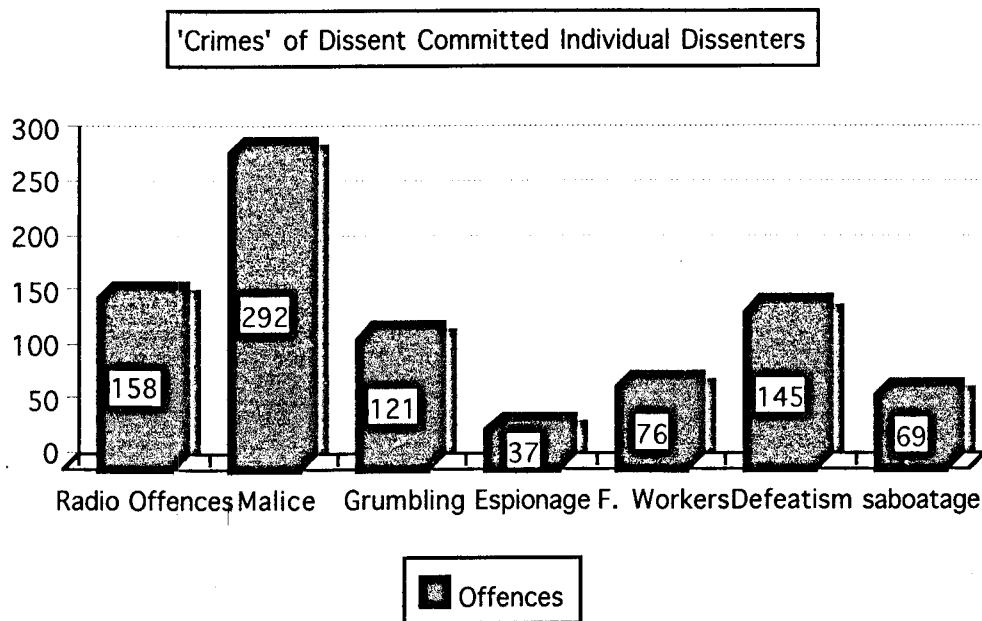
⁸¹⁰ Peukert, D., *Inside Nazi Germany*, p. 104.

⁸¹¹ Peukert, D., *Inside Nazi Germany*, pp. 104 - 105, & pp. 118 - 119.

which, although not necessarily caused by the policies pursued by the Nazi regime, had not prevented either the regime, or the war with which it was so closely associated, from becoming the target of their anger. A significant minority of those prosecuted for 'crimes' of dissent, had been previously prosecuted. In total, one hundred and twenty-seven (15.9%) Germans included in this sample held prior convictions; eighty-three for minor criminal offences; forty-five for political offences (see table 1, p. 50). Convictions for Malice accounted for twenty-nine of the forty-five previous prosecutions, in contrast to only twelve counts of Conspiracy to Commit Treason.

Dysfunction was not limited to any specific social class (see table 4, p. 93). Indeed, as we shall see, the purported National Socialists of good social standing, who had made considerable personal profit from the betrayal of state and industrial secrets to the French, had not only exhibited unusual patterns of behaviour: freely associating themselves with their avowed enemies; willingly engaging in adventures of considerable risk and betraying

Figure 10



N.B.: Pol. Ass = Political association; F. Workers = Relationships with Foreign Workers

the state to which they had once professed loyalty, but had also demonstrated considerable personal dysfunction. The ten (1.2%) National Socialists tried for treason included in the survey had all lived peripatetic lives in which a propensity to alcohol and other narcotics played a role; six had spent more than two years living abroad, where, no doubt many initial contacts with foreign Secret services had been made. Similarly, the professional lives of these ten men had been characterised by upheaval and an apparent refusal to settle into a career. Seven of the ten National Socialists prosecuted for treason had changed profession on at least three occasions.

However, it would be incorrect to presume that dissent was mainly attributable to personal difficulties. Although a substantial proportion of the cases considered in this sample were informed by a conception of the perpetrators own victimhood, the overwhelming majority of the 'crimes' cited below, were committed by men and women with little or no established grudge against the regime. Instead, their acts are indicative of the increasing difficulties and frustrations faced by the majority of Germans during wartime. The acute need for trustworthy information led many Germans to contravene the draconian radio offences Statute in order to glean much needed reliable information about the course of the war and the fate of loved-ones.⁸¹² Many Germans were also sick and tired of the war which had blighted their lives.⁸¹³ The actions of many of the individuals considered here, were reactions to the detrimental impact of aspects of Nazi policy on everyday life and, indeed, were in many circumstances compatible with continued support for the regime.

Malice

Large numbers of Germans were charged with Malice (see table 12, p. 216). One hundred and eighty-seven Germans (20.8%) included in the Düsseldorf Gestapo sample were prosecuted under the Malice statute. A further one hundred and fifteen (12.8%) Germans not identified as Catholic and therefore not included in the analysis of Malice 'offences' in the

⁸¹² Johnson, E., *The Nazi Terror*, p. 322.

⁸¹³ Kershaw, I., *The Hitler Myth*, pp. 222 - 223.

previous chapter, were tried before the Munich Special Court. Forty-three (46.7%) were Protestant. The confessional and political identity of the remaining forty-nine defendants was not recorded in the trial documents but should not necessarily lead us to draw unsubstantiated conclusions to their beliefs and loyalties. Only rarely were the opinions expressed indicative of a wider oppositional stance. In all but seventy-eight (25.8%) cases, the sentiment voiced was related directly to a specific circumstance and, although these remarks were possibly representative of a growing disillusionment with both National Socialism, the war and the growing disparity between Nazi propaganda and the reality of everyday life in the final years of the Third Reich, there is little evidence in the records to suggest that sentiments expressed were representative of waning support for the regime. In fifty-nine (19.5%) cases, the Nazi leadership, at either local or national-level, had been the object of criticism. However, in only eleven (18.6%) of the fifty-nine cases had this criticism had been unrelated to a specific circumstance and event; and directed instead at the regime more generally.

This findings of this sample corroborate the conclusions reached by Peter Hüttenberger in his analysis of the 'crimes' of Malice before the Munich Special Court in the pre-war period.⁸¹⁴ As we shall see, many of those prosecuted for Malice were 'outsiders'; known for their criminality, dysfunction or the external differences of their lifestyles. They were not only vulnerable to prosecution by the agencies of the state but they were, as we noted in chapter two, the likely objects of private denunciations. Their Social difference, and often poor standing within the communities in which they lived, rendered them not only likely targets of the regime's ideologically determined persecution but also of traditional social bigotry. Thirty-three (10.9%) of those included in this sample and prosecuted for infringement of the Malice statute had been convicted previously. Twenty-six (78%) of their number had been prosecuted for *criminal* rather than *political* 'offences'. Theft and burglary account for eighteen of the twenty-six cases. Four Germans had been convicted for infringement of the wartime economic legislation, in three cases for the abuse of the ration card system. The remaining four had been found guilty of violent affray.

⁸¹⁴ Hüttenberger, P., 'Heimtückefälle vor dem Sondergericht München 1933-1939', pp. 492 - 518.

In contrast, only five (1,7%) individuals had been convicted of listening to foreign radio broadcasts and only four (1.3%) had been previously convicted of Malice. The case of Franz Wittkamp of Düsseldorf is indicative of this small number.⁸¹⁵ Wittkamp's Gestapo file reveals few details of his life. He had been born into a Catholic family in 1884 but had renounced his religious beliefs later in life. Like ninety-three percent of those Germans tried for Malice and included in this sample, Wittkamp had only received an elementary education. At the time of his arrest, he was employed by the State Railways as an engine driver. On three previous occasions, Wittkamp had been accused of having made defeatist, anti-Nazi remarks. However, the exact details of the charges are not included in his file notes and on only one occasion in 1941 had he actually been prosecuted. In August 1944 Wittkamp had publicly expressed his considerable personal satisfaction at the attempt on Hitler's life, regretting Stauffenberg's and his fellow conspirators' lack of success. His case was passed to the Higher State Court in Hamm but the verdict of his trial was not recorded in the Gestapo file. Wittkamp had no history of recognisable political participation. We should not, however, dismiss his sentiment as solely the product of circumstance. Wittkamp, like the vast majority of those Germans surveyed, hailed from a poor, working-class background. Despite, his professed non-alliegiance to the political parties of the Weimar Republic, there is little doubt that he would have been exposed to the ideas and influences of the KPD, the SPD and the Centre Party. Wittkamp also exhibited a propensity to alcoholism. Indeed, on three occasions he had voiced limited criticism of Nazism in local pubs. Although his outlook had initially been neither demonstrably or wholly anti-Nazi, we can, nevertheless, point to traces of a growing dislike for the Hitler regime, rooted, perhaps but not conclusively, in the more traditional politics of the German working-class.

The large number of individuals of working-class background included in the three sample should not come as a surprise. The relative frequency with which members of the German working-class were prosecuted for supposedly oppositional 'offences' does not

⁸¹⁵ HStA D: Gestapo 65866

necessarily point to a ground swell of working-class discontent, but rather makes clear the disproportionate sacrifices made by the German working-class during the war, noted above. Although there are certain superficial parallels between the 'crimes' of Malice cited here and those examined in previous chapters, the 'crimes' listed here were also different in certain key respects. However, some experiences were common to all working-class German regardless of their affiliations. The general decline in living standards was felt particularly by the members of the urban working-class.⁸¹⁶ Indeed, few working-class Germans possessed the capital to purchase goods on the black market, and without the access to farm and local produce enjoyed by many rural dwellers, Germany's poor, urban population had to survive on ever smaller ration entitlements.⁸¹⁷ It is unsurprising that those included in this sample expressed criticism of alleged Nazi corruption (twenty-one cases) and articulated the belief that the country was headed for ruin (twenty-seven cases). However, whilst many of the 'offences' committed by Social-democrats, Catholics and Communists were markedly similar and often motivated by the same sense of frustration and anger, they were also informed by a real belief in another ideology. Complaints were substantiated through the claim that conditions would be better under a different system. In contrast, the 'crimes' of Malice investigated in this sample were informed by the perpetrators own sense of victimhood. However, their remarks, although critical, were still contingent with continued support for the regime. They did not represent a broadly anti-Nazi sentiment.

Importantly, as we have noted in previous chapters, the German working-class had been subjected to considerable Nazi provocation, which accentuated personal grievances. For instance, working-class residential areas had been the target of violent Gestapo and police searches intended both to flush out opposition cells and maintain a clear and obvious repressive presence. Both circumstance and ideological determinism ensured that the German working-class were allowed little room to grumble and express frustrations. Herbert Hielscher, a shop worker from Wuppertal, expressed both frustration at Nazi policy and

⁸¹⁶ Ayçoberry, P., *The Social History of the Third Reich 1933-1945*, (New York, 1999), pp. 168 - 172.

⁸¹⁷ Stephenson, J., *Women in Nazi Germany*, pp. 99 - 100.

solidarity with the wider working-class community.⁸¹⁸ Hielscher was born in 1892. He had completed his compulsory schooling and thereafter had been apprenticed as a shop-worker, employed to work in the same chemist's shop as his father before him. He had married in 1915 and his wife had borne him a daughter. In December 1943, Hielscher was arrested, accused by his son-in-law, then serving as a soldier on the Eastern Front, of malice. Hielscher had said: 'We have almost certainly lost the war and after the war we workers will have to work and be poorer than we were before'. He continued: 'I've always said, when the National Socialists win power, then there will be war, and we have it now'.⁸¹⁹ Hielscher's eventual fate is not recorded in the trial documents.

Whereas accusations of Malice in the Ruhr tended to be informed by the traditional values of the German working-class and a perception of disproportionate suffering, Malice 'offences' committed in the south of Germany, tried before the Munich Special Court, focused on the perceived incompetence and venality of the Nazi authorities, manifest in general complaint at the dwindling supply of food in relation to the relative luxury with which wealthier members of German society still lived and the proscriptions on everyday life. As we have already noted in previous chapters, women played only a marginal role in the expression of political dissent. However, women frequently vented grievances which were not necessarily motivated by a political ideology, but rather by more domestic and parochial concerns, which in forty-eight cases were linked to the incompetence of party officials. Mathilde Wernitzig was one of the forty-five women prosecuted for Malice in the sample, who did not profess a political or religious loyalty. Wernitzig was a Munich housewife, married to a plumber employed at a Munich aeroplane factory.⁸²⁰ In the Spring of 1942, Wernitzig had been denounced by a neighbour with whom she had enjoyed a cordial acquaintance. She had remarked on the fear felt by local people during a recent, but then still rare Allied, bombing raid. She continued, claiming that it was a shame that the

⁸¹⁸ HStA D: Gestapo 32328

⁸¹⁹ 'Den Krieg werden wir ganz bestimmt verlieren und nach dem Krieg werden wir Arbeiter arbeiten müssen und ärmer sein als vorher... Ich habe es schon immer gesagt, wenn die Nationalsozialisten an der Macht kommen, dann gibt es Krieg, und den haben wir jetzt.'

⁸²⁰ BStA M: Sondergericht 11364

bombers had not flown further to the Munich suburb of Laim -where many of Munich's leading NSDAP functionaries lived- because the rich and the fat were rarely punished. Wernitzig was sentenced to six months imprisonment by the Munich Special Court.

Wernitzig had not demonstrated a propensity to disobedience. Both she and her husband had always been regarded as loyal followers of Nazism. Indeed, her trial notes reveal a woman who was very ordinary. Before her marriage, Wernitzig had held a variety of secretarial posts with different Munich firms. She had never excelled in life but nor had she failed. Her crime is indicative of a growing frustration felt by a growing body of Germans with Nazi rule. Closer analysis of the file sample reveals that both older men and women, aged forty-five or more, were disproportionately likely to express anger at aspects of Nazi rule. Both groups suffered from the large number of everyday restrictions which had been imposed by the Nazi authorities since the outbreak of war. Importantly, in contrast to many younger men who had reached majority during the economic crisis, they had not necessarily perceived salvation in Nazism: older men, certainly, had other experience of governance both good and bad. Similarly, German women bore the brunt of many everyday, domestic hardships; forced to provide sustenance for families on ever more meagre rations and increasingly work long and unremunerative hours in factories.⁸²¹ It is unsurprising that expressions of dissatisfaction were often voiced by these two groups. It is a theme that will recur throughout the chapter.

The file sample makes clear that these vocal manifestations of dissent were not necessarily the product of a fundamental anti-Nazi attitude, only tangentially discernible in five cases, but rather of anger determined by a specific and often localised circumstance. In thirty-eight cases Germans were prosecuted for the spreading of malicious rumour, indicative more of the lack of coherent and trustworthy news rather than anti-Nazism. Importantly, the variety of cases prosecuted also make clear that Germans were not permitted considerable room to

⁸²¹ Stephenson, J., *Women in Nazi Germany*, pp. 99 - 100.

grumble, as has been argued by certain commentators.⁸²² Even the most banal and trivial of complaints were dealt with considerable severity. A Düsseldorf woman who had donated a pair of children's boots to the Winter Help, justifiably complained of the corruption of the local Party leadership, when she saw the same boots on the feet of the son of the local Nazi Party leader.⁸²³ She was arrested by the Gestapo and interrogated at length and held in protective custody for three months before being released with a police warning.

Radio offences

A substantial number of Germans listened to the German language radio broadcasts of both the BBC and Radio Moscow throughout the war (see table 8, p. 176). This sample includes the cases of one hundred and fifty-eight (19.8%) Germans prosecuted for this 'offence'. Both the BBC and Radio Moscow were regarded as more trustworthy than the Reich Radio Service under the direction of the Ministry of Propaganda and Public Enlightenment. As the war dragged on the need for reliable news from the front became increasingly acute. The Reich Radio Service's coverage of the battle for Stalingrad and the announcement of probable victory shortly before a crushing defeat had demonstrated just how great the chasm between propaganda and reality had become.⁸²⁴ Germans sought rare and reliable information about loved ones serving at the fronts. The BBC regularly announced the names of members of the German armed forces who had fallen into British hands, providing much need relief to concerned loved-ones starved of such information (see table 15, p. 278).⁸²⁵ Twenty-seven (17.1%) of the one hundred and fifty-eight Germans prosecuted for radio offences in this sample had expressed in their defence a concern for family members serving in the Wehrmacht. A further fifty-six are recorded as having family members serving in a branch of the armed forces. In total, sixty-one Germans

⁸²² Johnson, E., *The Nazi Terror, passim*. Johnson argues that the Nazi authorities allowed ordinary Germans considerable latitude to complain, provided that they did not hail from communities specifically targeted for persecution. However, the evidence from the file sample indicates that a great many incidents of grumbling were prosecuted, regardless of the beliefs and loyalties of the perpetrator.

⁸²³ HStA D: Gestapo 65762. The case of Elizabeth Halfmanns

⁸²⁴ Kershaw, I., *Hitler 1936-1945: Nemesis*, pp. 551 - 557.

⁸²⁵ Johnson, E., *The Nazi Terror*, p. 322.

were prosecuted by the Düsseldorf Gestapo for radio offences, in addition to seventy-three Germans brought to trial before the Munich Special Court, and a further thirty-one individuals tried before the People's Court under the terms of the Radio Crimes statute.

Only fifteen (9.5%) of the prosecutions for infringement of the wartime radio ordinances reveal evidence of wider anti-Nazi feeling, manifest more in distrust at Nazi propaganda rather than personal word and deed. Otto Leers was a DVP supporter, born in Gelsenkirchen in 1903.⁸²⁶ His case is indicative of this small number body of anti-Nazi sentiment. Leers had listened to foreign radio broadcasts for many years. Initially, he had listened to Radio Strasbourg and Radio Luxembourg. However, after the fall of both France and Luxembourg, Leers had started to listen to the German language broadcasts of the BBC. Leers had found life uncomfortable in Nazi Germany. He had been a member of the Stahlhelm from 1920 until 1921 and had been prosecuted on no fewer than eight previous occasions for his part in violent political demonstrations. Leers had fought as a volunteer during the final months of the First World War and had been detailed to the Reichswehr units ordered to quash the Communist uprisings in both Munich and Upper

Table 15

The Perpetration of Radio Crimes and Everyday Worries

N.B. Percentages refer to the radio crimes committed by members of each individual milieu

	Child Serving in the Wehrmacht	Husband Serving in the Wehrmacht	Expressed Distrust of the Reich Radio Service
Social-democrats	71 (60.1%)	1 (0.8%)	12 (4.2%)
Communists	81 (30.3%)	8 (2.9%)	16 (2.6%)
Catholics	73 (42.7%)	54 (31.6%)	7 (4.1%)
Individuals	39 (24.7%)	44 (27.8%)	9 (5.6%)

⁸²⁶ HStA D: Gestapo 48077.

Silesia. He was widely regarded as highly intelligent and spoke fluent French. Yet, at the time of his arrest in January 1941, Leers was employed as an unskilled auxiliary worker at the Berzelius Steel Mill in Duisburg. His professional life had been a source of considerable personal frustration; he had rarely been in employment for more than twelve months at a time and his employers had frequently levelled charges of absenteeism against him. Leer's antipathy towards Nazism was not only realised in his determination to listen to foreign radio broadcasts, almost irrespective of risk, but in his willingness to divulge salacious gossip gleaned from foreign radio broadcasts to others, leading to his eventual denunciation by a colleague at work.

Otto Leer's case was, however, the exception rather than the rule. The majority of Germans prosecuted for radio offences included in this sample were motivated by less political concerns. The case of Elizabeth Maria Nolte points to many of the more everyday worries which affected ordinary Germans.⁸²⁷ Nolte was born and raised in the city of Wuppertal. She was a practising Protestant and had married her husband, Karl, an office worker, in 1920. Neither she nor her husband had ever participated in active politics. Nolte was from a poor working-class background and had worked throughout her life, despite raising two sons, aged twenty-one and sixteen at the time of her arrest in November 1942. Nolte worked as a sale's assistant in the local haberdashery but had on occasion worked in the local munitions factories. Her eldest child was a serving soldier. Nolte regularly listened to BBC German language broadcasts, worried both for the safety of her son and the course of the war. She was eventually reported to the Gestapo by a neighbour who had warned Nolte against listening to foreign radio broadcasts on many occasions previously.

Nolte was one of thirty-five German working-class women convicted of listening to foreign radio broadcasts. The history of the others are broadly similar to that of Nolte. As we noted, earlier, these largely unpolitical 'crimes' of dissent, were committed disproportionately by older men and women of all ages from working-class backgrounds: those men and women whose ordinary, existence had been most disrupted by the oppressive grind of life in

⁸²⁷ HStA D: Gestapo 6804

wartime Germany. One hundred and twenty-four (78.5%) of the one hundred and fifty-eight Germans prosecuted for radio offences included in the sample were working-class. However, this high number might reflect more the terroristic practice of the Gestapo and the ease with which radio crimes 'committed' in tenement blocks might be discovered and denounced by neighbours, than the actual listening habits of Germans during the war. Although, there is little evidence to suggest that these 'offences' were linked to the values and politics of a specific milieu, they were nevertheless informed by a circumstance particular to the situation of the German industrial working-class.

Sabotage

Acts of suspected industrial sabotage were investigated with some regularity by the police and courts and account for only sixty-nine (7.7%) of the eight hundred and ninety-eight cases considered here. Only eight women are included in this sample, a reflection both of Nazi attitudes to women and work, despite the large number of women working in the factories. Forty-two (68.7%) of the sixty-one men prosecuted for industrial sabotage were born between 1890 and 1905; thirteen (21.2%) were older and only seven (10.1%) were younger. The majority of cases prosecuted lacked a clear political or oppositional basis, despite the contrary claims of the prosecuting authority, and the *political* nature of the prosecution. Although these 'crimes' were prosecuted as intentional, political acts, the files reveal no substantial evidence that this was, in fact, the case. In forty-three cases the available evidence points more to negligence than an intentional criminal act. In a further eleven cases, workplace machinery was intentionally sabotaged to delay the pace of production to the benefit of the individual and the workforce, rather than to the detriment of German war effort. The files contain only one example of white collar sabotage but in this case it is almost impossible to locate an intentional, political motivation.⁸²⁸ In only fourteen of

⁸²⁸ HStA D: Gestapo 14514. The case of Theodor Rosenhauer of Solingen. Rosenhauer had mislabelled test tubes used in experiments intended to help develop an exhaust for a new fighter aircraft for the Luftwaffe. Rosenhauer's carelessness had brought an end to that development programme. During his interview with the Gestapo, Rosenhauer acknowledged his carelessness but denied intentional sabotage.

the cases is evidence of political intention discernible.

There is little doubt that Germans tired of the long hours and poor conditions they were required to work during the war and that a feeling of exploitation, apparent in four cases, caused enthusiasm for the Hitler regime to wane. The case of Matthias Overzier is indicative of this trend.⁸²⁹ Overzier was a plumber by training from Mönchen-Gladbach. He had rarely displayed an interest in politics. Indeed, his considerable disinterest in politics had been noted by local Nazi officials. He was employed by the Wilhelm Marrien Leichtmetallbau which manufactured components for aircraft. In September 1942, Overzier intentionally damaged a metal press used in the production of aluminium parts causing considerable harm not only to the press but also bringing production to a halt. Overzier also had a history of absenteeism and when confronted with his crime, had declared 'Throw me out! I'll be happy to get out of this pigsty!'⁸³⁰

Table 16

Sabotage and Political Motivation

N.B. Communists and Social Democrats who committed acts of Sabotage were tried for treason often in association with other charges, mostly political association tried as treason

	Acts Perpetrated With a Clear Political Motivation	Acts Perpetrated to the Benefit of the Individual	Acts of Unintentional Sabotage
Social-democrats	–	2	–
Communists	9	33	17
Catholics	–	7	16
Individuals	14	11	43

⁸²⁹ HStA D: Gestapo 17089

⁸³⁰ 'Schmeißt mich doch raus! ich bin doch fröh, wenn ich dem Saustall heraus bin!'

In contrast to Overzier who had acted only out of personal motives, Michael Schilling, a munitions worker, was determined to hamper the German war effort to help expedite an Allied victory.⁸³¹ Schilling's story is unusual and it is unfortunate that much of his file was destroyed in a bombing raid in 1943. Schilling was born in 1904 to Catholic parents. His childhood was unremarkable and his adulthood was spent labouring in Düsseldorf's munitions factories. Despite his parents' religious beliefs and his own working-class background, Schilling had not supported either the Zentrum, the KPD or the SPD. Instead, he had been drawn to Nazism. In 1933 he had joined the SA and had remained a member for more than a year. He was also a member of the NSV and the RLB. It is not clear what caused Schilling's disillusionment with National Socialism. However, he admitted during his interrogation, to having acted consciously: his earlier enthusiasm had turned to disgust. In August 1942, Schilling used oversized drill-bits in the manufacture of aircraft components, seriously delaying their assembly. His eventual fate is not recorded in his Gestapo file.

Relationships with Foreign Workers

As we noted in the previous chapter, a significant number of German Catholics engaged in relationships with foreign workers forced to work on German soil; able to ignore Nazi racial ideology and the proscriptions on racial interaction, extending both Catholic loyalty and friendship to forced labourers. Protestants and the irreligious also engaged in relationships with foreign workers, only in smaller number: seventy-six (9.5%) of such cases are included in the sample. Relationships with foreign workers often sprung from unexpected quarters. Fourteen (18.4%) National Socialists were prosecuted by the Gestapo in Düsseldorf for the relationships with foreign workers. A further nine (6.8%) National Socialists were convicted by the Munich Special Court for their improper association with foreign workers. In all but eighteen (23.7%) cases, friendships had been formed in the confines of the large industrial plants to which foreign workers were often detailed. Those relationships not founded in such circumstances, were formed on farms of the Ruhr hinterland and Lower Bavaria; in eleven (61%) cases between the farmer and his labourer. Twenty-seven

⁸³¹ HStA D: Gestapo 73080

(35.5%) of those Germans prosecuted for their relationships with forced labourers were women. However, proportionally few of the relationships were of a sexual nature. Indeed, only nine (33.3%) of the twenty-seven such cases pertained to a sexual relationship. All twenty-seven Germans were of working-class origin; the majority employed as part of the war effort in the munitions factories of the Ruhr cities.

The case of Julius Matthe is indicative of such cases.⁸³² Matthe was a resident of Essen and a senior porter and shunter with the national railways, employed at a siding attached to an unnamed Essen armaments factory. Matthe had not demonstrated an interest in politics before 1933, but had thereafter become a loyal follower of National Socialism. He had served briefly on the Eastern Front in 1914 but was wounded and taken prisoner by the Russian army. Matthe spent the next six years in a Russian POW camp. There he learnt Russian but expressed neither empathy nor liking for his captors. Although no evidence exists in his file to suggest that Matthe subscribed to racist ideology, he had nevertheless been subjected to Nazi racial indoctrination. Russian forced workers had been detailed to the armaments factory where Matthe worked since 1941, but only in 1944 did he first start to converse with them. In the Spring of 1944, Matthe helped plan the escape of a Russian forced labourer, even providing a bicycle to aid his flight. Matthe was denounced by colleagues and arrested by the Gestapo. He was kept in protective custody for a week. What happened to Matthe thereafter is not recorded.

There should be little doubt that proximity to the supposed enemy and *lesser* other, enabled many Germans to overcome the proscriptions on purportedly improper association between Germans and forced labourers from the occupied territories. The relationships of Germans with foreign workers examined here, differ from those which developed between many Catholics and foreign workers analysed in the previous chapter. As we saw many Catholics rejected aspects of Nazi racial ideology on principle and recognised immediately the essential humanity of those Catholics from occupied countries brought to labour in the Reich. As many as twenty-four (31.5%) of the Germans included in

⁸³² HStA D: Gestapo 5179.

this sample were moved by the same intrinsic humanity, bestowing gifts and kindnesses on those who had less. However, it should be remembered that these kindnesses were never immediate; a friendship of sorts required time to develop. In contrast, the relationships of seventeen (22.4%) Germans with foreign workers were in some way exploitative and based on a position of sexual, economic or social power.

Friendships with forced labourers did not constitute a complete rejection of Nazi racial values. Indeed, the treatment of foreign workers often reflected notions of racial supremacy. Relationships between Germans and French POWs were more equitable and less abusive than those between Germans and workers from the Soviet Union. The discerning of humanity demonstrated by the Germans thus prosecuted was often restricted to the one individual or a very small group of foreign workers under the command of the German in question. In many respects the finding of this sample again corroborate the conclusions of Ulrich Herbert.⁸³³ Relationships were often compromised by the positions of relative power enjoyed by the German participant and the vulnerability of the foreign worker. As we have noted, the recognition of human qualities in one individual did not necessarily have wider application. However, the risks involved in such relationships were considerable, and those Germans included in this survey were but a small minority. In contrast, most Germans were deeply suspicious of foreign workers who were mostly treated with disdain and brutality.

Defeatism and Undermining the Fighting Strength of the German Nation

The prosecution of Defeatism and Undermining the Fighting Strength of the German Nation, gathered pace as the likelihood of an ultimate German victory diminished. The Nazi regime increasingly believed that final victory might be achieved through determination and willpower alone. Instances of contrary opinion were ruthlessly prosecuted. Charges of Defeatism and the Undermining of the Fighting Strength of the German Nation account for fifty-seven (7.1%) cases investigated by the Düsseldorf Gestapo and eighty-eight (11%) cases heard before the People's Court included in this sample. Those prosecuted for

⁸³³ Herbert, U., *Hitler's Foreign Workers*, *passim*, & esp. p. 124

Defeatism were mostly but exclusively of working-class origin, not only reflective of the determination of the Nazi authorities to clamp down on the possibility of working-class dissent, but also, as Robert Gellately has argued, of the reticence of the German middle-classes to approach and resolve neighbourhood quarrels through the police.⁸³⁴ One hundred and twenty-three (84.8%) of those Germans convicted for the charges listed above were from working-class backgrounds. Many of the statements made were little more than observations of everyday life. The case of Michael Kipnik is instructive and similar to seventy-four other cases in which complaint was made about the situation of ordinary Germans during the war.⁸³⁵

Kipnik was a miner born in the small town of Neu Sysdroy in 1889. He had worked in the mines since 1914. Kipnik had been a member of the German People's Party and the Christian Mine Workers Union. He had not been particularly active in either organisation. Indeed, he had no record of political participation or oppositional activity after the Nazi take-over. In June 1942, Kipnik had declared to friends in a pub that he had lost thirteen pounds in weight since the outbreak of war because of the lack of basic food stuffs. When confronted by another customer unknown to him, Emil Grimalzki, Kipnik retorted that Grimalzki had no idea what he was talking about: neither Grimalzki nor his children had fought. Kipnik's attitude was similar to many of those prosecuted for Defeatism. He had tired of the sacrifices that both he and his children were required to have made. At the time of Kipnik's arrest, his eldest son was serving in the Wehrmacht and his younger son was required to work long hours in the Thyssen Steel Mills in Duisburg. Kipnik's eventual fate was not recorded in his file.

Not all incidents of dissent were grounded in everyday experience, others were firmly rooted in the political or absolute belief that the war was lost. Women were almost as likely as men to have voiced a waning faith in German victory and account for sixty-three (43.4%) of the prosecutions considered, but in contrast to German men, their cases were less likely

⁸³⁴ Gellately, R., *The Gestapo and German Society*, pp. 144 - 145.

⁸³⁵ HStA D: Gestapo 65140.

to be tried before the People's Court. A determination, informed by the regime's conceptions of gender and fallibility, not to unnecessarily prosecute women, led to the trials of only a small number of women for Defeatism before the People's Court; only three (3.45) women are included in the sample.⁸³⁶ Of the one hundred and forty-five Germans tried for either Defeatism or Undermining the Fighting Strength of the German Nation, one hundred and thirteen (77.9%) were born before 1900, reinforcing one of the key trends already noted in this chapter. Tellingly, forty-three (29.6%) of those prosecuted before the People's Court were accused jointly by the State Prosecutor of Communist Machination.⁸³⁷ Although little actual evidence existed to support these claims, they were reflective of the Nazi authorities determination to prove the existence of Communist conspiracy in order to justify many repressive measures.

The case of Willy Karl Müller is indicative of this relatively large group of Germans prosecuted before the People's Court.⁸³⁸ Müller was born in 1892 and had spent much of his life in the working-class suburb of Berlin Neu-Kölln. He had trained as a carpenter but had been forced to abandon this chosen trade because of a physical weakness made worse by injuries sustained during the First World War. After his mobilisation in 1918, Müller had found occasional work as a baker but eventually this also ceased. From 1925 to 1934, Müller rarely worked, living instead on a meagre war pension. Müller had been a member of the SPD from 1920 to 1922 but had demonstrated little interest in active politics. In 1922, unable to afford his membership dues, Müller withdrew from the party and thereafter exhibited little interest in politics. In 1937 he found permanent work with the Berlin machine part manufacturers, Gebrüder Krüger & Co, and appeared content with his improved lot. Certainly, Müller had been exposed to the traditional politics of his milieu, but his file contains little evidence to suggest that he subscribed with any conviction to the political ideology of either the SPD, or even, the KPD. In April 1942 Müller was arrested and charged with Undermining the Fighting Strength of the German Nation and Communist Machination. He had been accused of defaming Hitler with a colleague in an Air Raid shelter.

⁸³⁶ Richter, I., *Hochverratsprozesse als Herrschaftspraxis im Nationalsozialismus*, p. 64.

⁸³⁷ *kommunistische Ausstrebungen*

⁸³⁸ WaH VGH 0530 10J 139/42 2H 298/42

No evidence was brought by the State Prosecutor to substantiate the charge of Communist Machination. Although his file records that he was drunk at the time and, more importantly, was not only unused to drink, but had been a loyal member of the 'National-community'. These circumstances were not, however, taken into account and Müller was sentenced to death.

Espionage

Instances of treason and espionage committed by Germans unattached to a specific political movement were rare and account for only thirty-seven (4.6%) of the cases included in the survey. As we have noted in previous chapters, the Nazi authorities regarded a variety of 'crime' as treason. Those cases considered here, include ten cases of desertion prosecuted as treason by the Gestapo, twelve cases of espionage, eleven cases of conspiracy and four cases of what, under different circumstances, might have been tried as Malice and from which, given the small size of the sample and the very different perpetrators, we can draw few conclusions. The Düsseldorf Gestapo sample alone, accounts for thirty-four (92%) of the cases considered. The remaining three cases; one of espionage; one of conspiracy and one of the expression of treasonable sentiment were tried before the People's Court.

It is important that we do not attach too much significance to many of these acts of supposed treason. In only sixteen (43.2%) instances did the circumstances of the 'crime' undermine the integrity of the Nazi state. The majority of the 'crimes' committed were insignificant in their effect or, indeed, were more the product of Gestapo paranoia than an intention to betray the state. Heinrich Pollmann of Essen was a Nazi loyalist and member of the NSDAP from 1930 until his expulsion for non-payment of dues in 1934. Pollmann was charged with espionage in 1943 for having found but not reported a flak operators manual. He spent several months in protective custody.⁸³⁹ Similarly, Ilse Schmidt, a cook on a Rhine pleasure cruiser, had spoken too freely with soldiers home on leave; her naive flirtations had

⁸³⁹ HStA D: Gestapo 34333

been regarded as an attempt to solicit confidential information.⁸⁴⁰ Schmidt was subjected to a six month Gestapo investigation before the case was eventually dropped for a clear lack of evidence.

More so than in the preceding chapters, it is difficult to draw compelling conclusions about the social circumstances of the 'perpetrators' and their possibly motivation. Nevertheless, the sample provides us with interesting examples of reactions to Nazi rule. Two of the Germans charged with treason included in the sample were accused of plotting against the life of Hitler.⁸⁴¹ Few details are recorded in either file and indeed little evidence pertaining to either a conspiracy or actual planning is recorded. Crucially, the intended method of assassination was not recorded by the officers investigating the cases. Both men, Martin Hauber and Alfred Wehner, arrested in June 1941 and January 1942 respectively, were from middle-class backgrounds: both were also involved with the manufacture and sale of cars and had travelled extensively. However, the files reveal few further details of their lives, save for their apparent disinterest in politics.

Genuine cases of espionage and treason account for twenty-two of the thirty-seven files considered here. As we have noted previously, a significant number of KPD sympathisers working the freight barges which ploughed between the inland Rhine ports and the coast at Rotterdam were mined for information by agents working for the French Secret Service. Our sample of Germans unattached to the three main oppositional milieux includes a further two Rhine sailors accused of working for the French Secret Service. It is noteworthy that their supposed activities had only been uncovered after the defeat of France and the consequent acquisition by the German security services of confidential French documents, detailing the activities of French agents in Germany. However, the majority of those prosecuted for treason were from middle-class, nationalist backgrounds. Our sample includes ten long term members of the NSDAP and one member of the SS all of whom had been raised in comfortable, middle-class homes.

⁸⁴⁰ HStA D: Gestapo 16494

⁸⁴¹ HStA D: Gestapo 444351, & HStA D: Gestapo 38656. Alfred Wehner and Martin Hauber respectively.

Viktor Ritter von Tepser was born in Vienna in 1892.⁸⁴² Although Austrian by birth, von Tepser considered himself German and had spent much of his adult life in Germany. Tepser had been born into a middle-class, military family. His father had served as a captain in the Austrian-Hungarian army. As a boy, von Tepser had been sent to an officer cadet school and had started his career in the Austro-Hungarian military, serving as both a captain on the Russian Front and as an aide to the Austro-Hungarian General Staff. In the immediate post-war period, von Tepser moved in increasingly radical, German Nationalist circles, eventually joining the NSDAP in 1926. At an unspecified point, von Tepser was convicted by an Austrian court of spying for Germany. After the completion of a short sentence, von Tepser left Austria for Germany and settled in Düsseldorf, eventually finding employment with the Reich Labour Service as a surveyor. The eventual details of von Tepser's arrest by the Gestapo are not recorded in his file. He was known to have spied for the French and have been in regular contact with an agent of the French Secret Service. Similarly, his fate also remains unrecorded. There is little doubt that von Tepser's commitment to German Nationalism was real. Indeed, he incurred considerable personal risk in the pursuit of his political beliefs over a period of many years. He was, however, a deeply amoral man, motivated to work for the French not from a sense of principle, but rather by personal greed. Von Tepser received a considerable wage from the Reich Labour Service, earning more than 505 Reichsmarks per month. His file makes no mention of financial embarrassment or any other circumstance which might have made the payments he received from the French irrefusable. Instead, investigating officers intimated that the monies he received from the French were both handsome and regular.

A similar lack of principle underpinned the actions of nine National Socialists arrested for espionage. The case of Wilhelm Blessig is in many ways representative of this number.⁸⁴³ Blessig was born in 1893 and had spent his working life employed at the large Mannesmann plant in Düsseldorf. Blessig was a member of the NSDAP and had joined

⁸⁴² HStA D: Gestapo 31562.

⁸⁴³ HStA D: Gestapo 13705.

the SA in 1929 and had later, at an unspecified date, joined the SS rising to the rank of Standartführer. Blessig had previously been suspected of treason in 1935 but the charges had been dismissed. The later Gestapo investigation into Blessig's activities, undertaken after the fall of France, revealed the extent of Blessig's covert actions, despite his professed nationalism and loyalty to National Socialism. Blessig had worked for the French for more than ten years, passing on military secrets gleaned through contacts in the SS and the Wehrmacht. He had also divulged economic information stolen from Mannesmann, handing information to the French through a contact at Cologne station. Blessig was from a comfortable middle-class background and did not want for money. However, certain information alluded to in his file, points to a life perhaps more colourful than at first imagined.

Despite his nationalism, Blessig, had developed a close friendship with one of the commanders of the French occupation zone in 1923. His compromising and, ultimately damning, international contacts went further: Blessig had an uncle who lived in London. The unusual circumstances of his life were further compounded by rumours of a morphine addiction. Blessig's case bears similarities to that of von Tepser and the eight other National Socialists tried for either espionage or treason. All were from middle-class homes, six of whom had developed contacts with foreign nationals either in Germany or abroad. Importantly, all appear to have been motivated by greed and personal gain. They received substantial payments from the French Secret Service, and also, possibly, the secret services of Britain and Belgium. The payments made for information often doubled the already substantial salaries of the perpetrators. In not one instance did the perpetrator appear to have been motivated by principle or an abhorrence of the regime. Despite the substantial number of Germans motivated to take action against the regime by a political or moral principle, noted in previous chapter, in this most dangerous of areas, money remained the prime motivating force.

Individual Dissenters and their 'Crimes': A Summary.

'Crimes' of dissent committed by Germans unattached to the major political groupings of the Weimar Republic, were perpetrated predominantly by members of the urban, working-class, although representatives of all social groups are included in the sample. As we have already seen, members of the working-class were not only likely to have been exposed to values different to those of Nazism, but were also likely to have suffered disproportionately under Nazism, giving greater cause for complaint and dissatisfaction than among other sections of German society. The long working hours spent in munitions factories, the worsening supply of basic goods and the devastation of German cities caused by Allied bombing raids, hit the working-class hard. However, it is important, that we note that these hardships rarely led to expressions of truly *political* dissent, apparent in only forty-four of the two hundred and eighty-eight (15.8%) cases of Malice, Defeatism and Undermining the Fighting Strength of the German Nation prosecuted by the three agencies we have considered. Save for the clear exception of sixteen (43.2%) of the thirty-seven cases of espionage examined above, the 'crimes' of dissent analysed above mostly revolved around either complaint at everyday circumstance, or were reactions to a specific events rather than a rejection of Nazism.

Certainly, many of the Germans included in this sample belonged to communities and groups with clear social and cultural parameters. However, the files examined here reveal little of the shared values and traditions apparent in our previous samples. Nor, where certain communal values and traditions did exist, were they necessarily incompatible with the demands of Nazism.⁸⁴⁴ Moreover, it would be problematic, and, ultimately, untenable to label the wider working-class community as a milieu, and seek the roots of any opposition examined here in that otherwise pertinent concept. The peculiarities, bonds and characteristics of the Social-democrat, Communist and Catholic communities which allow them to be so usefully defined as milieux, are, in the most part, absent. There is little evidence to suggest that many of the members of the German working-class considered

⁸⁴⁴ Ayçoberry, P., *The Social History of the Third Reich*, pp. 167 - 172.

here, were actively involved in a community pulling in the same direction and represented by the same institutions and organisations. Certainly, a great similarity in experience binds many of those included in the sample. However, a similarity of circumstance did not, it appears, lead to the creation of a single, communal mindset, or solidarity, which informed the actions of those who committed 'crimes' of dissent. Rather, the clear majority of the 'crimes' examined here, emerged from a personal frustration with everyday experience shared by many Germans and were not informed by a latent animosity fostered by an unavoidable awareness of the traditional left-wing politics of the German working-class.

We have looked at reasons for this preponderance of working-class dissent, even discussing the possibility that the source material might lead to a slightly imbalanced understanding of dissent as perpetrated by non-political Germans. We have noted that working-class communities were subjected to disproportionate police surveillance and considered that working-class Germans were more likely than their compatriots from other social groups to be the victims of private denunciations. Indeed, a cursory overview of the locations in which these crimes were committed points to the vulnerability of working-class Germans to denunciation and the attentions of party or police spies. Two hundred and eighty-seven (35.9%) 'crimes' were committed in a public place; forty-nine (6.1%) had been committed in a pub; twenty-eight (3.5%) in a shop; seventeen (2.1%) on public transport; and one-hundred and ninety-three (24.2%) in the workplace, where loyal party members were keen to report those who did not show absolute loyalty to the regime. Despite the vulnerability of working-class to both denunciation and detection, we should not doubt that to most intents and purposes, we have an accurate picture of dissent. Perhaps, more importantly, we have a very clear idea of what the regime regarded as dissent and sought to punish.

The German historians Detlev Peukert and Elke Fröhlich have in two separate studies

looked at the issue of 'individual' dissenters.⁸⁴⁵ Both have pointed to the attempts of the individual to restrict the encroachment of Nazism into their daily life. In certain cases they have pointed to acts of criticism as perhaps hinting at a more fundamental rejection of Nazism and an almost moral motivation. However, these conclusions are not substantiated by the findings of this survey. Many of the individuals included in this survey were as we have seen motivated to act by a sense of their victimhood. Their 'crimes' demonstrate considerable anger at the particular hardships endured by the German working-class, but not an intentional rejection of Nazism or a determination to limit the everyday impact of Nazi policy on the life of the individual.

Those middle-class National Socialists who engaged in espionage belonged to an unusual subgroup, separate from the middle-class mainstream. However, it would be to overstate the case to suggest that the particular upbringing of these individuals led either directly to a decision to commit treason or triggered a questioning of the validity of Nazi ideology. Certainly, a faculty for languages and access to foreign nationals helped to facilitate their eventual course of action, but they cannot themselves be regarded as motivating factors. Nor should we point to the compromise of specific, if unusual, principles which forced these ten men into a dangerous and and ultimately, fatal, course of action. There should remain little doubt that this small group of German men were primarily motivated by the handsome payments made to them by the French, Belgian and British Secret Services. It also remains possible, but ultimately unproven, given the limited details of their lives recorded in the files, that these men were motivated by an enjoyment of risk and adventure. They had lived colourful and peripatetic lives, with little salient stability, in which in five of the ten cases, personal risk had played a considerable role.

However, incidents of treason and espionage form only a small proportion of the total

⁸⁴⁵ See Fröhlich, E., (ed.) *Die Herausforderung des Einzelnen: Geschichten über Widerstand und Verfolgung. Bayern in der NS Zeit. Vol. 6*, (Munich/Vienna, 1983); esp Fröhlich, E., 'Ein gelehrter Sammler: Rudolf Griss in Berchtesgaden' in Fröhlich, E., (ed.) *Die Herausforderung des Einzelnen*, pp. 193 - 208; & Peukert, D., *Inside the Third Reich*, pp. 150 - 155; and Peukert, D., *Ruhrarbeiter gegen den Faschismus: Dokumentation über den Widerstand im Ruhrgebiet 1933-1945*, (Frankfurt am Main, 1976), *passim*.

number of 'crimes' in the sample. The majority of 'offences' prosecuted were, as we have noted, altogether more banal and concerned complaint at specific circumstance or articulation of the clearly deteriorating military situation, the desire to glean trustworthy information as to the course of the war, and in the cases of the twenty-seven Germans included in this sample tried for their friendships with foreign workers, a human decency learnt through familiarity. It is important that we recognise that complaint rarely came from unexpected quarters. Those Germans who had benefited least from Nazi rule offered criticism not only of their own situation but also of the relative advantage of Nazi bosses (twenty-one examples). More tellingly, the sample includes large numbers of Germans who had suffered some form of domestic trauma (one hundred and thirteen examples - 14.1%) and had been unable to find success, in the form of either career advancement or improved social status, in the Nazi 'National-community'. A proportionately small but, nevertheless, still significant, number of individuals had been previously convicted by the Nazi courts, and yet still exhibited a willingness either to defy the Nazi authorities on specific issues or continued to voice more general criticisms. Although, the majority of these convictions were for criminal rather than political offences, it, nevertheless, reinforces the fact that those who had already suffered at the hands of the Nazi authorities, were willing to confront the regime.

Two hundred and thirty-eight (29.8%) of the individuals included in this sample had committed 'crimes' as a reaction to a specific event; forced to act out of a sense of desperation. Although, the criticisms of the regime articulated were frequently damning and born of genuine anger and, increasingly, fear of almost inevitable defeat, until very late in the war such criticisms were still related to specific facts or events; the perceived inadequacies of the rationing system and the long working hours in poor conditions which were increasingly characteristic of German industry, or the damage inflicted by Allied bombing raids and subsequent difficulties caused by the devastation to housing stock and transport. They were not necessarily indicative of a widespread rejection of the regime and its policies.⁸⁴⁶ Even declarations that the war was lost, prosecuted as either Defeatism or Undermining the Fighting Strength of the German Nation, were rarely a rejection of the

⁸⁴⁶ Kershaw, I., *The Hitler Myth*, pp. 202 - 207.

values of the regime so much a statement of the obvious, despite the best efforts of the Ministry of Propaganda and Public Enlightenment to put a more positive spin on the calamitous military situation. Although the actions of most of the ordinary Germans included in this sample were regarded by Nazi authorities as oppositional, and were indeed, frequently the consequence of deep personal frustration and real fear, as well as exhaustion at the continued fighting, only a small number of those surveyed, in contrast to those included in the sample of SPD and KPD supporters surveyed previously, had rejected the regime entirely. Until almost the end of the war, support for Hitler and his regime, manifest in the popular outrage which greeted the news of the assassination attempt on the Führer's life, continued to defy Allied expectations of collapse.⁸⁴⁷ Many of the Germans included in this sample were otherwise loyal servants of the Nazi state, who found their loyalty to the Hitler regime tested by increasingly trying circumstances. They were among the many millions of Germans who fought for Hitler to the end, pledging support and reserves of strength and endurance when the war was already lost.

⁸⁴⁷ Kershaw, I., *Hitler 1936-1945: Nemesis*, pp. 698 - 701.

Conclusion

Milieu

Although, milieu is an historically contentious term and the subject of considerable academic debate, it has proved useful to our analysis of the motivations of individuals prosecuted for the perpetration of 'crimes' of dissent between 1941 and 1945. Milieu, defined as a community of people bound by communal organisations and experiences which reinforced a particular mindset, represented by its own political party and possessing a keen sense of its own identity distinct somehow from the rest of society, applies better to the numerous subgroups which characterised the Weimar Republic and the Imperial Germany than many other social models.⁸⁴⁸ An analysis of the reactions of Germans to Nazism that did not take the influence of these social, cultural and political groupings into consideration would be ultimately unsatisfying. A study based solely on social class or political affiliation would be inappropriate, failing to account for the threefold political division of the German working-class and the social diversity of each grouping. These were not communities bound by any single factor but rather entities bound by a similarity of experiences and mutual ideals and aspirations, given political form in the representations of SPD, the KPD and the Zentrum.

Although the three groupings considered in this thesis were far from identical, and there is clear difference between the essentially political character of the Social-democrat and Communist communities, and the religious bond of Catholicism, the institutions, organisations and mechanisms of social cohesion which bound these communities were similar in their reach and construct. As we have seen, the individual's experiences of partisan indoctrination, cultural submersion and participation in the respective organisations of each milieu, bore a marked similitude. There are exceptions to the rule; such as persons who did not conform to certain communal norms, but this does not in any way denigrate either the validity of the concept of milieu to this thesis. The attitudes and actions of many of the

⁸⁴⁸ Walter, F., & Matthiesen, H., 'Milieus in der modernen deutschen Gesellschaftsgeschichte', pp. 46 - 54.

perpetrators were specific to their milieu, informed by the guiding philosophies and practices of its primary representatives; both political and religious. The reactions of the three thousand individuals included in the survey to Nazism require an approach altogether more sympathetic to the realities of German society. Similarly, a failure to consider the political, social and communal traditions of those Germans who contravened a doctrinaire and political legal code, leaves a great many questions unanswered: understanding of reactions to Nazi rule become one dimensional and superficial. In contrast, the use of 'milieu' demands that we take note of the peculiarities and idiosyncrasies of German social development, and attach due significance to the cultural, social and political heritage of those Germans, who, within the limits of their possibility and within the parameters of Nazi terror, perpetrated acts of dissent.

The Gestapo

The Nazi regime derived considerable satisfaction from its popular acclaim.⁸⁴⁹ Although the Nazi party had been unable to win the support of the majority of German in free elections, the regime quickly won the hearts and minds of many of the Reich's citizens.⁸⁵⁰ The tremendous potential for opposition to Nazism which existed in the massed ranks of the labour movement and political Catholicism, dissipated in the face of the violence which established Nazi hegemony. Nazism was never all things to all Germans. Hitlerian policies caused deep dissatisfaction in certain sections of society. Yet the opposition that did emerge to Hitler was fragmented, limited to a relatively small number of Germans and largely powerless to act. That Nazi rule met with so little pronounced opposition and such tremendous loyalty can only, in part, be explained through the Hitler regime's undoubted foreign and domestic policy successes, which for a short time bought stability, prosperity and national pride to a nation which had suffered military defeat, economic calamity and unprecedented social unrest. The acquiescence of the German people was ensured in no small part by the Gestapo and the other agents of Nazi terror.

⁸⁴⁹ Kershaw, I., *The Hitler Myth*, p. 258.

⁸⁵⁰ Johnson, E., *What we knew*, pp. 329 - 333.

Although the vast majority of Germans had few or no dealings with the political police, the Gestapo was central to the maintenance of Nazi rule. It was developed as an independent agency, freed from bureaucratic and political constraints, intended to weed out and destroy the enemies of the regime. However, most Germans did not live in a state of total fear, in which unexpected arrest and brutal and unwarranted punishment were everyday occurrences. Rather, the Gestapo and other terror agencies were successful in creating an atmosphere of menace and intimidation which dissuaded many Germans from offering opposition to Nazi rule. Recent scholarship has done much to challenge long-held preconceptions of the Gestapo and its workings. Correctly, the perception of the Gestapo as an omnipotent force, staffed by ideological fanatics and capable of posting spies on every street corner in the Reich, popular in much immediate post-war literature, has been fundamentally discredited. A far more nuanced picture of the primary instrument of Nazi terror has emerged. The Gestapo was a far smaller and more professional force than was initially assumed. Perhaps more importantly, studies of the Gestapo have revealed that Nazi terror was targeted; selectively directed at the ideologically determined enemies of Nazism. For most Germans, the Gestapo was neither arbitrary nor indiscriminate in its exercise of terror.⁸⁵¹

However, certain scholarly conclusions, reached on the basis of the detailed investigation of particular aspects of Gestapo activity need some revision when applied to the workings of the secret police more generally. The Gestapo has been characterised as a 'reactive' organisation which drew heavily on the experience and expertise of ordinary policemen; men who had first established careers in the different police forces of the Weimar Republic and had shown little propensity to the violence which later became commonplace.⁸⁵² The Gestapo has also been correctly characterised by some as a radical organisation, driven by ideology and very different to the former political police forces of the German states. However, there is little to be gained in pursuing this apparent contradiction, as neither fact

⁸⁵¹ Mallmann, K., & Paul, G., *Die Gestapo im Zweiten Weltkrieg, passim*.

⁸⁵² Gellately, R., *The Gestapo and German Society*, pp. 50 - 75.

precludes the other. Firstly, many of the career policemen who survived the limited purging of the police were nationalists who willingly bought into Nazi ideology. Secondly, the process of radicalisation was both subtle and gradual; rational career policeman who had once prided themselves on their professionalism were capable of the zealous fulfilment of fanatical duties.

Importantly, there is little evidence to suggest that the non- National Socialist backgrounds of many Gestapo officers acted as an ideological brake. Police decisions were rarely made to the advantage of the accused. The few such instances encountered in the survey are best explained through circumstance and context. Cases were dropped on the basis of scant evidence, and a lack of police time but not as consequence of any generosity of spirit on the part of the investigating officers. It is also important that we note that those cases which were dropped were of little significance and mostly concerned unsubstantiated accusations. On only one occasion was a charge of Treason dropped on the basis of a lack of evidence. This survey does not reveal any evidence of a case dropped on the basis of a moral, personal or ideological prerogative. In general, the Gestapo was ruthless in its persecution of ideological enemies and those suspected of more serious 'offences'.

Commentators have also focused attention on the targeted nature of Gestapo terror. The selective targeting of Gestapo terror was the product of circumstance; the constraints on Gestapo resources prevented the persecution net from being spread more thoroughly. However, Gestapo practice was also a recognition of a reality, there was little need for the Gestapo to prosecute other social groups who offered little or no opposition to Nazism. The concentration of attention on the channelling of resources at specific groups where ideology had determined opposition and enmity would most likely spring, has encouraged historians to reach conclusions which are ultimately misleading. The targeting of terror at specific groups has led some commentators to suggest that many Germans were left alone, free to grumble and criticise without fear of prosecution.⁶⁵³ As this survey has

⁶⁵³ Johnson, E., *The Gestapo and Ordinary Germans*, pp. 353 - 355, & Johnson, E., *What We Knew*, pp. 346 - 354.

demonstrated, Germans from all sections of society were prosecuted for political offences, many seemingly trivial. Gestapo terror had also always possessed an arbitrary quality which underpinned the otherwise selective practice of the Gestapo.

Similarly, historians have also pointed to a limited field of potential targets: Communists, Social-democrats, dissident Catholics, Jews, Jehovah Witnesses and so-called Asocials.⁸⁵⁴ We should be wary of placing too great an emphasis on this particular aspect of Gestapo practice and of defining 'targeting' too narrowly. Hundreds of thousands of Germans fell victim to Gestapo brutality. Many millions of Germans were potential targets of Gestapo persecution had the regime chosen to persecute all those it deemed hostile and unworthy of life within the 'National-community'. The boundaries between 'National-comrades' and 'Community-aliens' and 'Enemies of the state' were fluid and were regularly altered. Ever greater numbers of Germans were labelled and subsequently persecuted in this manner. Moreover, the Gestapo did not need to practice terror more widely. The experiences of individuals prosecuted by the Gestapo often filtered back to the home community, fuelling rumours not only of Gestapo brutality but also of the effectiveness of the National Socialist security apparatus. The effect of the arrest, interrogation, trial and punishment of an individual were much less localised than the historical use of the term 'targeting' and its application to the practice of Gestapo terror has hitherto implied.

There is also little evidence to suggest that in the persecution of opposition, the Gestapo was a reactive organisation reliant on denunciation from the wider populace. Certainly, an unfortunate number of Germans were willing to denounce their Jewish neighbours. Denunciation was also key to the uncovering of less serious German 'crimes' of dissent. Commentators have been correct to highlight the lack of resources which prevented Gestapo intervention in an essentially private and domestic sphere.⁸⁵⁵ Indeed, there remains little doubt that denunciations from the general public played an essential role in the

⁸⁵⁴ Gellately, R., *Backing Hitler*, pp. 257 - 259.

⁸⁵⁵ Dörner, B., 'Gestapo und "Heimtücke": Zur Praxis der Geheimen Staatspolizei bei der Verfolgung von Verstoßen gegen das "Heimtückegesetz"' in Mallmann, K., and Paul, G., (eds.) *Die Gestapo: Mythos und Realität*, p. 325.

creation of the myth of Gestapo omnipotence. However, it is also clear that the Gestapo was not reactive in the persecution of both organised opposition or ideological enemies. In this circumstance, denunciation played only a marginal role. The majority of prosecutions brought to trial before the People's Court did not have their origins in denunciation but rather in police surveillance and investigate work.

The Gestapo was an effective instrument of repression, which within the ideological framework set out by the Nazi regime functioned with both professionalism and efficiency. It was not the only mechanism of enforcing control. Indeed, we should not assume, that because the Gestapo did not expend energy actively controlling certain groups that Nazi power was not exercised through other means. Many areas of everyday life were controlled through other agencies, particularly the NSDAP and its affiliated organisations which allowed the Party to exercise control both in the workplace and through, numerous local activists, in the home. The opprobrium and concentration of historical scholarship on the activities of the Gestapo, has until recently obscured the role of other agents Nazi control. The traditional, established police forces of the German state which nominally existed to undertake criminal investigations and keep order also afforded the Hitler state further means of control. Both the Orpo and the Kripo frequently lent resources and manpower to the Gestapo and at times acted almost as a proxy for the political police, helping both with the deportation of German Jews and the arrest of suspected dissidents.

The Courts

The German courts provided a necessary legalistic corollary to the extra-legal terror exercised by the Gestapo. Historians of Nazi Germany have frequently turned to Ernst Fraenkel's analysis of the Nazi state to explain the complex and antagonistic relationship which existed between the Gestapo and the courts. Fraenkel famously characterised the Nazi state as a 'dual state' comprising of both 'normative' (legal) and 'prerogative' (extra-legal) agencies and institutions.⁸⁵⁶ The courts of Nazi Germany have been somewhat

⁸⁵⁶ Fraenkel, E., *Der Doppeltaat*, *passim*.

misguidedly understood by certain legal historians as an example of the 'normative' state, which uncomfortably coexisted with the 'prerogative' police and SS state. However, to place too great an emphasis on the 'normative' aspects of the Nazi courts, is to ignore many of the arbitrary procedures and decisions made by the courts: such a clear cut division of functions is unconvincing. There is little evidence to suggest that the German legal system and the Nazi courts, in particular, were committed to upholding the rule of law as laid down in the never retracted Weimar constitution, nor that they pursued goals different to those of the police. The characterisation of the legal system as 'normative', fails to recognise many of the nuances in Fraenkel's original analysis. Fraenkel was careful only to describe certain aspects of civil and criminal procedure as normative; those laws which governed the economy and civil society, the maintenance of which was necessary to prevent a descent into total anarchy.⁸⁵⁷ Fraenkel also tempered this qualification. He was keen to emphasise the willingness of jurists to suspend legal rights and breach legal procedure, attributes associated not with the 'normative' but with the 'prerogative' state. More importantly, Fraenkel made clear that he did not regard either the People's Court or the Special Courts, the two courts which came closest to embodying the Nazi conceptualisation of Justice, as part of the 'normative' state.⁸⁵⁸ Rather, Fraenkel identified both the People's Court and the Special Courts as parts of the 'prerogative' state, pointing to the active support given by both courts to the arbitrary, politically determined measures of the police state, and the political verdicts passed by jurists in both courts.

The courts were not the first weapon of choice for the Nazi leadership. Many leading Nazis would have liked to do away with the courts entirely and instead rely on the arbitrary powers of the police. However, this ambition remained little more than a pipe dream, rendered unnecessary by the willing collaboration German jurists, and unlikely through the potential resistance of many Germans to radical change of existing establishment structures. The antipathy of many leading Nazis towards the legal profession has clouded some historical assessments of the repressive and terroristic role of the courts. The criticisms levelled at

⁸⁵⁷ Fraenkel, E., *Der Doppelstaat*, pp. 126 - 128.

⁸⁵⁸ Fraenkel, E., *Der Doppelstaat*, pp. 86 - 88, & pp. 104 - 112.

jurists by the Nazi leadership, particularly the charge that judgements were not harsh enough, have given substance to the claims of many former Nazi jurists facing prosecution after 1945, that they operated constitutionally and condemned only those deserving of punishment. A number of legal historians have drawn unnecessarily on the self-justificatory testimonies of Nazi jurists. They have stressed the continuities between the justice systems of the Weimar Republic and the Third Reich, placing emphasis on an apparent positivism and the legality of many judicial conclusions.⁶⁵⁹ However, an undue emphasis on legality and continuity necessarily comes at the expense of illegality and difference. Certainly, in specific fields; personnel; civil procedure and criminal prosecution, considerable continuity existed between the two legal systems. However, in many other fields of law, claims of continuity are difficult to sustain. Indeed, where continuities did exist they rarely lasted for the full twelve years of Nazi rule,

German jurists played a leading role in the criminalisation and prosecution of political dissent. Legal experts laid down the legal basis for the prosecution of dissent. They not only played an active role in the promulgation of legislation criminalising political activity, but were also leading advocates of the reform of what they regarded as an unnecessarily liberal legal system: pushing for the speedier trial of supposed traitors; the curtailment of defendant's rights; and, more generally, the harsher treatment of Communist and Marxist enemies. Already before 1939, judges had pushed the interpretation of existing laws to their limits and taken ready advantage of the loose formulation of new laws in their efforts to enforce the 'total claim' made by Nazism on German society. The Special Courts in particular, convicted tens of thousands of Germans for the nebulous and often, in their detail, trivial 'crimes' of Malice and Grumbling. The evidence employed to secure convictions was frequently spurious and prosecutions were often determined by the political beliefs and associations of the defendant. Sentencing also contained a political bias: Communists and Social-democrats were more likely to receive lengthy prison sentences than those Germans who had not previously adhered to a specific political ideology.

⁶⁵⁹ Lauf, E., *Volksgerichtshof und seine Beobachter*, p. 283.

The legal system also performed a key function in the extermination of party and state enemies. In the pre-war period, the punishment of political opponents remained overwhelmingly within the jurisdiction of the courts. During the war the remaining vestiges of considered legal deliberation and correct procedure were abandoned almost entirely. New laws governing the conduct of civilian life in wartime were brought into force, which criminalised many aspects of everyday life and decreed draconian punishment for seemingly trivial 'offences'. Although the number of cases dealt with directly by the police without reference to the courts increased dramatically, the courts remained crucial to the expansion of the terror directed at Germans; refusing to question the legal validity of new laws and handing down verdicts which bore little relevance to the supposed fact of the 'offence', and punishments which were disproportionate to the 'crime'.

In the frenzied final years of the war, draconian punishment rather than the establishment of guilt or innocence increasingly became the key purpose of trial.⁸⁶⁰ The scars of the collapse of the home front at the end of the First World War ran deep in the psyches of German jurists and Nazi leaders alike.⁸⁶¹ Fearing a similarly cataclysmic collapse of morale and order, Hitler, exhorted judges to shore up domestic morale through the brutal treatment of traitors, doubters and grumblers. German jurists passed more than sixteen thousand capital sentences during the twelve years of Nazi rule, the vast majority (14,000) during the final four years of the war.⁸⁶² Capital sentences were routinely passed not only for the most serious of crimes, but increasingly for less serious offences, which had once carried only short custodial sentences.

Legal terror was a public phenomenon and popular understandings of terror were shaped as much by rumour and gossip, informed by the experiences of friends and acquaintances, as they were by its revelation in the press and radio. There is also some truth in the assertion made by Robert Gellately, that terror was not only played out in the public

⁸⁶⁰ Wachsmann, N., *Hitler's Prisons*, p. 385.

⁸⁶¹ Wachsmann, N., *Hitler's Prisons*, p. 389.

⁸⁶² Lauf, E., *Der Volksgerichtshof und seine Beobachter*, p. 20.

sphere, but that terroristic measures were endorsed by a substantial majority of Germans.⁸⁶³ Certainly, evidence exists to suggest that the wide coverage of trials in the press was intended to court the favour of ordinary Germans. The crackdown on crime and 'Community-aliens' was indeed popular. Publicly, terror was directed at the undeserving; those who had abrogated their rights to live as part of the wider 'National-community'. Nazi terror, in all its manifestations, and not only in its exercise, was selective. However, we should be wary of pursuing this argument. At its most brutal and nasty, the terror directed at ordinary Germans by the Nazi state was rarely public. The image of terror presented in the press was also frequently tempered by an emphasis on the educational and reformatory aspirations of both the camps and prisons.⁸⁶⁴ Indeed, whilst certain political trials with a clear use to the regime's propaganda machine received widespread coverage, many less palatable and difficult cases were not given mention in the press.

The reporting of Nazi terror also served another key purpose; that of deterrence, unnecessarily obscured if we grant too much credence to notions of consent and favour explored above. The serving of justice has always been informed by the need to control furtive populations through judicial punishment. However, in Nazi Germany terror and deterrence were attributed an importance unique in western jurisprudence. The harsh and increasingly arbitrary sentences passed by the Special Courts and the People's Court were delivered with deterrence in mind. Nazi leaders were able to note with some satisfaction that fear of the Courts was widespread.⁸⁶⁵ The many public and rumoured manifestations of legal and extra-legal terror, the certainty of arrest and brutal and final punishment were all intended to deter Germans from adopting a stance antagonistic towards Nazism. Notices of trial and punishment drew popular attention to the brutal and swift nature of Nazi retribution and not the procedural desiderata of the trial itself. More explicitly, notices of trial verdicts and of executions carried clear warnings to the general public. Certainly, these measures, did not discourage all Germans from committing crimes of dissent entirely, nor from breaking the law more generally. In the general turmoil of the

⁸⁶³ Gellately, R., *Backing Hitler*, pp. 6 - 8.

⁸⁶⁴ Stargardt, N., *Witnesses of War: Children's Lives under the Nazis*, (London, 2005). p. 56.

⁸⁶⁵ Müller, I., *Hitler's Justice*, pp. 150 - 152.

final year of the war, large numbers of Germans ignored prohibitions on looting, black marketeering and grumbling, compelled to act by desperation, greed, personal gain and a desire to voice critical sentiment in a time of crisis. However, there remains little doubt that the atmosphere of pervasive menace generated, in no small measure, by the different agents of legal terror helped enforce Nazi will and order until the very end.

Germans, Nazism and Terror

The responses of ordinary Germans to Nazi rule were many and varied. A significant proportion of the German populace was unashamedly enthusiastic in its approbation of Hitler and drew considerable pride from its support for a regime which had brought about a return to full employment, restored national honour and until the final two years of the war, had won a series of stunning diplomatic and military victories against Europe's dominant powers.⁸⁶⁶ Support from other sections of the population was less unanimous. Germans were able to lend support to aspects of Hitlerian policy and celebrate certain Nazi successes, whilst turning a blind eye to less palatable Nazi politics or retreating into a private world unencumbered by the demands of Nazi politics. For others, Hitlerian rule represented a lesser evil and a welcome respite from the perceived chaos of Weimar Republic.

Where the Hitler regime did not receive enthusiastic approval, it was tolerated by individuals keen to live as best as they could in increasingly difficult and unusual circumstances. Importantly, responses to the Hitler government were shaped by a general preparedness across most social groups, and the governing elite in particular, not only to accept a form of authoritarian government as the only realistic solution to the endemic problems of the Weimar Republic, but to accept as an unfortunate necessity the many abuses of civil liberties and rights which characterised Nazi rule.⁸⁶⁷ In their willingness to compromise with Nazism and make a pact with the devil, to elicit personal gain from the

⁸⁶⁶ Kershaw, I., *The Hitler Myth*, p. 258.

⁸⁶⁷ Evans, R., *The Coming of the Third Reich*, pp. 441 - 451.

successes of Nazi policy, and not to question the fundamentals of Nazi rule, Germans closed the door on other alternatives to Nazi rule and became beholden to a system of government that served only to strengthen its stranglehold through the total control of all aspects of life

'Crimes' of Dissent

Of course, not all Germans were willing followers of Hitler. As the findings of the previous chapters have demonstrated, a significant number of Germans from all social, political and religious groups risked brutal persecution and committed 'crimes' of dissent, defying the proscriptions of an increasingly draconian legal code. Dissent took many forms. In its most extreme manifestation, dissent represented an absolute rejection of the values and politics of Nazism, manifest in acts intended, ultimately, if mostly unrealistically, at the overthrow of the Nazi state. However, 'crimes' of dissent were rarely so clearly informed by politics or by a distinct ethical or moral stance. In the clear majority of cases, the political nature of the 'crime' was not, at first glance, clear. Only in the extreme conditions of a dictatorship could the many different and frequently, seemingly innocuous 'offences' we have encountered in the course of this thesis, be regarded as 'political'. However, dissent in all its many forms, involved a transgression of laws which had criminalised what was understood by the Nazi authorities as political behaviour, and which recognised this behaviour as a rejection, at least in part, of Nazism.

Between 1941 and 1945 Germans committed a great number of different political 'offences'. Although the 'offences' considered were understood by the Nazi authorities as political, they were not necessarily informed by political considerations but rather by personal circumstance and the extraordinary reality of daily life in the Third Reich. 'Crimes' which lacked both a clear political motivation and content account for eight hundred and seventy-six (28.9%) of the total of three thousand cases. Certain key points of irritation were routinely expressed by Germans. These ought to be regarded as triggers; probable,

but not necessarily exclusive, causes of dissent. The dwindling supply of basic food stuffs was a constant source of disgruntlement, manifested in one hundred and sixteen (3.9%) of the cases surveyed. In most circumstances, it was those Germans whose situation was most desperate and who had suffered most under Nazism, who transgressed the law.

Tellingly, the majority of cases included in our survey were committed by working-class Germans. Cases of Malice in particular reflected the defendant's own working-class preconceptions and prejudices. Complaint at the ration entitlement found an echo in comments, usually made in ignorance; at the abundance of certain foodstuffs in both England and the Soviet Union; and expressions of disgust or mockery at the venality of Nazi bosses and the lives of professed luxury they purportedly led. The duration of the war and its disastrous consequences for ordinary Germans were also a constant source of complaint. Communists, Socialist-democrats, Catholics were as likely as Germans who had not subscribed to a particular ideology to voice essentially apolitical complaint in the aftermath of bombing raids or the notification of the death of a loved one, as happened in two hundred and sixty-six (8.9%) cases. Complaint and criticism generally followed in the wake of a specific event. A further one hundred and forty-one (4.7%) had voiced criticism in the wake of a military defeat. In total five hundred and twenty-three (17.4%) Germans included in the survey had committed a crime of Malice, Grumbling or Defeatism in the aftermath of some form of severe trauma.

It is equally difficult to discern a political motive in many of the cases of sabotage considered (see table 16, p. 281). Of the one hundred and fifty-two cases examined, only forty-eight (31.6%) of the cases had a clear political motivation, through which the actions of the individual had been intended to hamper the German war effort and expedite Allied victory. The majority of cases of the sabotage prosecuted by the Gestapo and courts, including the cases of fifty-seven Communists and two Social-democrats were intended instead to delay production to the benefit of the individual, earning the perpetrator a welcome respite from frequently arduous conditions of war time production in Nazi Germany, whilst the machinery in question was repaired. The many different categories of 'crime' analysed in the course of

this survey demonstrate the preparedness of Germans to take action and voice criticism.

Only in the cases of two hundred and forty-four Communists, one hundred and eighty-seven Social-democrats and a very small number of Catholics is it evident that foreign radio broadcasts were listened to for ideological succour. Three hundred and forty-six (47.1%) of the the seven hundred and thirty-four individuals tried for alleged 'radio' crimes had done so with a political purpose. For many Germans, especially those who had joined small oppositional groups, foreign radio broadcasts provided a much needed source of solidarity and ideological renewal. In telling contrast, the remaining majority, whose actions and testimonies had not displayed the slightest trace of a political motivation, had sought badly needed information about the course of the war, which was not disclosed by the Reich Radio Service, particularly as the tide of war turned against Germany. The details of military defeats, casualty numbers and the true extent of bombing raids were rarely made public by the Ministry of Propaganda and Public Enlightenment for fear of demoralising the home population. They could only be gleaned from the German language broadcasts of the BBC and Radio Moscow, and the radio services of the remaining, neutral European nations.

Although the vast majority of cases survey concerned members of the working-class, dissent was not a socially exclusive phenomenon (see table 4, p. 93). The middle-classes also committed 'crimes' of dissent. Middle-class Germans constitute only two hundred and eighty-two (9.5%) of the files analysed here. However, it is clear that at least a small proportion of middle-class Germans shared some of the animosities directed at the regime by working-class Germans. Certain commentators have emphasised the relative unwillingness of the German middle-classes to turn to the police for the resolution of conflict to explain the lack of evidence for middle-class crimes of dissent.⁸⁶⁸ Also, the Gestapo did not regard the German middle-classes as a political threat and consequently paid little attention to their activities.⁸⁶⁹ However, proof of middle-class dissent is to be found in a

⁸⁶⁸ Gellately, R., *The Gestapo and German Society*, p. 129.

⁸⁶⁹ Gellately, R., *The Gestapo and German Society*, p. 130.

number of accounts of the war years.⁸⁷⁰ This personal testimony reveals not only a willingness to criticise the regime, but within, certain circles, a toleration of that criticism. The examples of middle-class dissent included in the survey make clear that individuals exhibited considerable circumspection before voicing sentiments critical of the regime or its policies. As was true of all social groups, expressions of discontent were only made to close friends and trusted associates.

The complaint and criticism proffered by middle-class Germans was not as broad in scope as that voiced by their working-class counterparts. The findings of the sample would suggest that many members of the German middle-classes remained largely unaffected by the extraordinary circumstances of wartime until as late as mid 1943. The sample does not include a single example of middle-class complaint at the scarcity of foodstuffs or other goods, pointing to the availability of other food sources to those on higher incomes. Rather, middle-class complaint focused on the duration of the war, the behaviour and attitudes of party officials and other leading Nazis. Complaint was also directed at attacks on the Catholic Church and clergy which were regarded in the fourteen such examples included in our survey as vulgar and 'un-German'. Only two examples of middle-class anger at the damage inflicted by allied bombing raids are recorded in the sample, and both incidents had occurred only in 1944 when bombing raids on the major German cities had become unavoidable fact of daily life.

The survey includes only one example of the prosecution of a middle-class German for sabotage. Although those middle-class Germans who were not conscripted into the Wehrmacht worked increasingly long hours, their white-collar employment was far less arduous than the conditions endured by their working-class counterparts in the factories of the Reich.⁸⁷¹ Workplace disgruntlement did not have the same resonance in middle-class circles as it did among German workers. Consequently, acts of sabotage committed by middle-class Germans were rare. Similarly, the file samples contain only four examples of

⁸⁷⁰ The diaries of Marie 'Missie' Vassiltchikov are particularly revealing of dissatisfaction among well to do middle-class circles, Vassiltchikov, M., *The Berlin Diaries 1940-1945*, (London, 1999), *passim*.

⁸⁷¹ Ayçoberry, P., *The Social History of the Third Reich*, pp. 148-150.

the prosecution of a middle-class Germans for their relationships with foreigners. Members of the German middle-classes rarely interacted with the foreign workers labouring in the factories and farms of the Reich. The results of the survey would suggest that the middle-classes had less cause for complaint than members of the working-class and that despite the sacrifices demanded by the war, many were able to remain loyal to Hitler.

Two thousand one hundred and two (70.1%) of the cases included in the survey concerned Germans who had either been loyal supporters and members of the political parties which had opposed Nazism before the Nazi seizure of power, the SPD, the KPD and the Catholic Zentrum, or had strong ties with the Catholic Church and professed a religious rather than political identity (see table 6, p. 153). It would be incorrect to suggest that because of the political backgrounds of the individuals concerned, the greater proportion of these 'offences' were demonstrably 'political'. A substantial number of the 'crimes' examined were not informed by political considerations: Food shortages, bomb damage and the extraordinary conditions of war affected the political and apolitical in similar measure. However, most cases pertaining to the actions of Social-democrats and Communists, and to a lesser extent Catholics, possessed a clearer political dimension (one hundred and ninety-three - 82.6%). One hundred and eighty-six (65.2%) Social-democrats, five hundred and fifty-nine (52.1%) Communists and twenty-seven (3.1%) Catholics were prosecuted for their continued association with former political comrades and colleagues. These groupings took different forms. One hundred and twenty-one (15.7%) individuals were prosecuted for their participation in essentially social associations of former political comrades. Three hundred and fifty-eight (46.4%) of those included in the survey belonged to groups which had a clear political purpose but did not engage in any political activity. Two hundred and ninety-three individuals (37.9%) - the majority of whom were Communists (two hundred and fifty-seven) - were involved in more active political associations with clear, hierarchical structures, engaged in the production and distribution of propaganda and literature.

Three hundred and fifty eight individuals included in the survey had participated in groups a

specific political purpose intended to provide more than a form of social support to former comrades. Typically, they did not engage in political agitation or seek either to combat or overthrow the Nazi regime through their own actions. Nor did they possess formal structures. Their membership consisted almost exclusively of old friends and acquaintances. A personal as much as a political kinship bonded the members of such groups together. Members met not only to discuss the political situation but also to plan for a post-Hitlerian future. Needless to say, the arguments put forward and the positions advocated were imbued with the ideology and aims of the political parties of the Weimar Republic to which the individuals had once belonged. The discussions of the shape and form of a future post-war order were neither binding nor feasible, rather they represented the desires of a small number of Germans far from centres of power and influence, who to varying degrees were politically opposed to Nazism and chose to express their political hopes and aspirations with like-minded colleagues and acquaintances of long-standing.

Social-democrats in the main tended to form such passive political groupings, a possible reflection of the cultural-political traditions of the Social-democrat milieu (see table 11, p. 200). Ninety-eight (34.3%)⁸⁷² Social-democrats were prosecuted for their participation in such groups, in comparison to twenty-seven (3.4%) Catholics and two hundred and thirty-four (21.8%) Communists. Members tended to be stereotypical representatives of the SPD core constituency: skilled workers in their late middle age. Associations of former Communists were similarly homogenous and representatives of the KPD's young and radicalised pre-1933 rank and file account for the majority of cases. Only the Catholic sample is more varied but the numbers involved are small and do not lend themselves to conclusions of real significance. These groups were only conspiratorial in the very loosest sense, despite the considerable efforts of the Gestapo and State Prosecutors to prove otherwise. In only eighteen (5%) cases had contacts been established with other groups. It is also extremely doubtful that these groups received any external direction or were part of a wider illegal party structure. The development of these groups was organic and determined by local circumstance and need. These groups represented an attempt to

⁸⁷² The percentage figures refer to the individual milieu sample.

maintain some form of ideological party political cohesion on the parts of the participants and were possibly intended to form at a local level the rump structure for the political parties of the future Germany.

Two hundred and ninety-three individuals included in the survey had belonged to more actively political groupings. Communists dominated such groups and groups differed considerably from those we have previously considered. Firstly, they possessed clear hierarchical structures and actively sought to recruit new members, specifically to replace those who had fallen victim to Nazism. Secondly, these groups received external direction and acted in accordance with the programmatic declarations of the party leadership in Moscow. Thirdly, they were actively engaged in the production and distribution of propaganda literature intended to weaken the regime. Fourthly, they did not exist in almost complete isolation but entertained contacts with other KPD cells. Unsurprisingly, the members of these politically active opposition groups were KPD die-hards; men who had come of age in the years immediately after the signing of the armistice in 1918; men who had suffered considerable hardship during the difficult years of the Weimar Republic and, as we have seen, endured the collapse of their personal worlds since 1933.

Many of the less serious 'offences' perpetrated by Communists bore superficial resemblance to the 'crimes' committed by non-Communists. However, even where a similitude did exist, the 'crimes' of Communists demonstrated a clear political purpose and shape largely absent in the actions of their compatriots. Thirty-one (54.4%) of the fifty-seven Communists prosecuted for perpetration of acts of sabotage (often combined with charges of Treason) had damaged factory machinery in order to impede German armaments production. Only twenty-six (45.7%) Communists had consciously delayed production to their own advantage and win brief respite from the demands of factory life. Less serious 'crimes' also possessed a political colour specific to the Communist milieu. Complaint at the lack of food stuffs available to ordinary Germans was accompanied by claims of the abundance of food in the Soviet Union. Similarly, observations that the war was lost went hand in hand with a barely disguised enthusiasm for the coming Soviet, rather

than Allied, victory. The radical and overtly political nature of many of the 'crimes' committed by German Communists stand in clear contrast to the politically ambiguous shape of the majority of 'offences' considered in the survey.

The 'crimes' of dissent committed by German Catholics, tended to be in support of those issues on which the Church leadership, at both local and national level, had taken a clear lead. A majority of the Catholics were prosecuted for 'crimes' which displayed a loyalty to a specifically Catholic identity. Many of the Catholics encountered in the course of this survey, were vociferous in their complaint and demonstrated considerable bravery in their defence of both the interests of the Church and the preservation of a sense of Catholic identity, different from both the Protestant majority and the contrary demands of atheist Nazism. The survey reveals the considerable depth of anger among Catholics directed at Nazism in the wake of the public revelation by Bishop August Clemens Graf von Galen of the Nazi policy of the forced Euthanasia of the physically handicapped and the mentally ill. The Nazi treatment of Catholics abroad also caused bitter resentment among local congregations, particular when the visceral behaviour of the Wehrmacht and security police formations in occupied Europe had been condemned by local Catholic leaders. Significantly, Catholic criticism of Nazism often took a 'Christian' form; Nazism was damned as 'heathen', 'unchristian' and 'Godless'. The invocation of a specifically Christian lexicon was more than an affirmation of the individual's own sense of Catholic identity. It was also an expression of clear difference with Nazism and the crimes and abuses with which it was increasingly associated.

Just as Social-democrats had sought to mitigate the certain Nazi backlash through a deliberate policy of non-provocation, Germany's Catholic community also sought to protect itself from the possibility of sustained state sponsored persecution. The survey includes only twenty-seven examples of Catholic participation in political groups (see table 11, p. 200). Significantly, fifteen (55.6%) of the Catholics prosecuted for their role in passively oppositional political groups had belonged to the leftist, trade-unionist wing of the Zentrum. Although Catholics rarely engaged in confrontational, political activity, many actively

defended a specifically Catholic way of life. Thirty-three (4.4%) Catholics were prosecuted for the celebration of religious festivals despite their prohibition in wartime. Similarly, Catholics forged friendships and showed kindness to Catholics in defiance of Nazi proscriptions. The trials of Germans prosecuted for their relationships with foreign workers, were dominated by the cases of young Catholic women.

Perpetrators and Motivation

This thesis has examined the personal histories of three thousand Germans as presented in the documents of the People's Court, the Munich Special Court and the files of the Düsseldorf Gestapo prosecuted for the perpetration of 'crimes' of dissent, with the dual aims of, firstly, shedding new light on the motivations for that action and secondly, identifying the influence of milieu on the actions and thoughts of individuals. The use of information collated solely by repressive agencies might raise the question of the reliability of not only the information itself, but also the validity of the conclusions reached on the basis of that information. However, the careful and intelligent treatment of the sources should preclude the possibility of dubious and spurious declamation. We should not doubt that in many respects the documents are flawed: they are to certain extents self-justificatory; the language employed is not only hyperbolic but the presentation of fact is often greatly exaggerated, confessions were also routinely extracted under torture. Importantly, no voice was given to the defendant; statements were recorded in the third person, interpreted by the offices of either the police or the court.

However, hyperbole remains easily identifiable. The exaggeration of fact pertained mostly to the seriousness of the crime together with the role and, at times, responsibilities of the defendant. Those individuals charged with listening to German language foreign radio broadcasts, for example, were clearly, not, under that specific circumstance, members of a wider conspiracy in anything but the loosest possible sense. Importantly, we should bear in mind that there was little or no impetus and, more significantly, no need for the prosecuting

authorities to falsify information relating to the lives of the individuals concerned. Under the terms of the Nazi legal codex a 'crime' had been committed. Although trials before both the Special Courts and the People's Court were highly politicised and served a clear political purpose, they were not show trials in the truest sense of the term. Many hearings were a clear abuse of pre-existing legal norms and procedures. However, innocents were only very rarely subjected to the ignominy of a sham trial for the purposes of political expediency. Trials were also the consequence of long investigations, normally lasting some months and, in a smaller number of cases, years. Evidence of guilt was acquired through a number of means other than torture. Uncomfortable as it might be, we should also not assume that information extracted under torture was necessarily false. If used correctly the three sets of files represent a rich, and relatively underused, resource.

The results of the survey are in many ways unsurprising but are, nevertheless, compelling. As we have noted, most population groups are represented in the survey. Working-class men form a clear majority of those represented, accounting for two thousand four hundred and sixty-two (82.06%) of the total files. This is possibly a reflection of the source material and the biases inherent in it, rather than an entirely accurate representation of the topography of dissent. However, the files of the Munich Special Court which was responsible for the prosecution of dissent in predominantly rural Upper Bavaria should act as a counterbalance to the urban bias of the Düsseldorf Gestapo files. Importantly, there is little compelling evidence from other sources to challenge the key findings of the survey. The prosecutions of Germans associated with the three groupings most obviously antagonistic towards Nazism dominate the file sample. The prosecutions of Germans of no-fixed political beliefs make up only a minority of the three thousand cases considered (eight hundred and ninety-eight cases - 29.9%). Unsurprisingly, a core constituency is readily identifiable in the Social-democrat, Communist and Catholic samples.

The majority of Social-democrats included in the survey were older, skilled working-class men with long histories of loyalty to the SPD. Male members of the SPD born before 1900 account for two hundred and thirty-eight (83.5%) of the two hundred and eighty-five

Social-democrats considered. One hundred and sixty-four (68.8%) of that number also had strong ties to SPD cultural and social associations. Not all Social-democrats fitted this stereotype and the sample includes examples of the prosecution of middle-class Germans (twenty-nine - 10.2%) and women (fourteen - 4.8%), as well as younger workers (twenty nine - 10.2%). But they remain the exception rather than the rule. The ideas, traditions and aspirations of that milieu proved difficult to leave behind, particularly as the majority experience of Nazism was, in the main, negative, shaped by distrust, social isolation and relative poverty. Indeed, the influence of the Social-democratic milieu was, as we have seen, apparent not only in former party members' determination to recreate a covert, if diminished, private world but also in the details of the 'crimes' themselves, which were, to many extents and purposes, informed by the guiding notions of non-confrontation, constitutionality and the preservation of Social-democratic ideals and structures in the face of adversity.

Similarly, the Communist sample, is dominated by the prosecutions of former party radicals, the majority of whom belonged to the cohort which came of age in the aftermath of the First World War (born between 1900 and 1910) and whose adulthoods were beset by limited educational opportunity, unemployment and poverty. The personal histories uncovered in the files reveal that those who had committed most to the the KPD, were likely to have suffered most under Nazism. Members of KPD clearly went to considerable lengths to keep the ideas and values of the party alive, even if the expression of this antipathy remained limited. Neither Nazi repression, nor the social and economic ostracism faced by many members of the KPD dissuaded a significant number of KPD members from participating in illegal political activity. Five hundred and sixty-seven (52.8%) of the Communists included in the survey had participated in illegal party meetings. A further four hundred and nineteen (39%) Communists had been involved either in the production and distribution of party literature. One hundred and ninety-seven (18.4%) had played an active role in the illegal party organisation, collecting dues and facilitating the flow of information and command from the Party leaders to the rank and file.

The Communist milieu was not entirely homogenous even if the majority conformed to the type outlined above. The sample also included examples of middle-class intellectuals who had gravitated towards the far left during the Weimar Republic. Their loyalty to the KPD and the values of Communism had not been shaped by the brutal experience of urban poverty, personal desperation and the influence of KPD social and cultural organisations, but rather by abstract idealism and a moral repugnance of Nazism. Older men and women are also represented in the Communist sample (accounting for three hundred and twenty-nine [30.5%] and sixty-two [5.8%] respectively). Tellingly, these persons were also members of Germany's poorest urban communities. In many areas of Germany, Communist agitation provided the only opportunity for those disenchanted with the Nazi regime to give action to their disgruntlement. Significantly, a small number of Germans included in the survey and tried for their membership of Communist groups (twenty-three) or for their participation in 'Communist' agitation (nineteen) who had no previous links to the KPD and little or no experience of the Communist milieu.

In contrast, in terms of class, occupation and age, the Catholics included in the survey form an altogether more heterogeneous group. Certainly, the core of Zentrum functionaries and priests, as well as leading members of the Catholic laity are represented, but do not constitute a majority of the cases examined (seventy-six [10.2%] of seven hundred and forty-four Catholics). The majority (seventy-one - 93.4%) of this group were born before 1900 and were, almost by definition, middle-class. They were almost exclusively male, and the sample includes only three female party functionaries. The relatively low level of Zentrum membership found balance in the extraordinarily high level of regular church attendance and participation in Catholic social and cultural associations. Ninety-two per cent of those surveyed and for whom statistics are available attended mass at least once a week. Over forty per cent took communion on a daily basis. Those Catholics prosecuted for the perpetration of acts of dissent had retained a clear conceptualisation of both their otherness and the vulnerable, minority status of Catholicism in a predominantly Protestant land. In those areas where Catholic teaching and Nazi doctrine clashed, particularly with regard to the jurisdiction of the Catholic Church and its associated institutions, they chose to

act in defence of their Catholic heritage when conflicting demands were made of their loyalties.

Women constitute three hundred and sixty-one (48.5) of the seven hundred and forty-four Catholics included in the survey, their number bolstered by the large number of young German women prosecuted for their relationships, both sexual and platonic, with foreign workers (see table 14, p, 235). Older male Catholics, born before 1890, were also active in the defence of the Church and Church interests and account for one hundred and ninety-seven (26.5%) cases. Although a spectrum of backgrounds is evidenced in this group, one salient trend emerges, which holds true of the entire survey. Young men are noticeable only through their absence. Indeed, men born after 1910, the cohort most susceptible to Nazism constitute only one hundred and twenty-three of the three thousand files. This is indicative of not just the pressing demands of employment and military service, but, more importantly, the extent of indoctrination among the young.⁸⁷³

It would be wrong to assume that the majority of the three thousand Germans considered in the survey were ordinary men and women who lived ordinary lives. Across each sample there are numerous examples of individuals whose lives did not correspond to more established norms. The number of individuals raised in relatively stable homes, who held down steady jobs and who did not demonstrate an extremity of either political or religious belief is proportionately small, accounting for only two hundred and eighty-nine (9.6%) of the three thousand cases examined. Interestingly, the majority of this number (one hundred and sixty-eight - 58.1%) were women. It is important that we note that only thirty-two members of this particular corpus committed more serious 'crimes' punishable with long periods of imprisonment or death. Among those who had exhibited a profound loyalty to a political party, manifest in many years of party membership and participation in organisations affiliated to that party, only two hundred and fifty-four (25.2%) of one thousand and nine individuals had led lives characterised by a fulfilled home life and stable employment. Of this number, forty-eight (18.9%) had been born into middle-class homes.

⁸⁷³ Stargardt, N., *Witnesses of War*, pp. 13 - 16.

A further one hundred and sixty-two (63.7%) individuals were born to SPD voting, skilled, working-class families.

By contrast, the majority of those surveyed had led lives which were altogether less stable. Educational attainment was universally low (see table 5, p. 151). Only two hundred and eighteen (7.3%) individuals had received anything more than an elementary education. Proportionately few workers had received any vocational training (four hundred and thirty-three of two thousand one hundred and twenty-six - 20.4%). Perhaps more significantly, when explaining deep-rooted disgruntlement and discontent, one thousand five hundred and eighty-one (52.7%) individuals had experienced periods of unemployment (see table 9, p. 189). In four hundred and thirty-nine (14.6%) cases, individuals remained unemployed long after the return to full employment in 1936-1937. Episodic work and low pay also characterised the experiences of one thousand two hundred and sixty-three of those included in the survey. Poverty left many vulnerable to a host of other social problems, which reinforced the ostracism of the individual (see table 10, p. 196). Rates of alcoholism, criminal behaviour, and incidents of domestic violence were also unusually high among those surveyed. The rate of alcoholism among the Communists encountered in the survey was on average three times higher than that recorded in the three other samples (see table 7, p. 167). Rates of familial abuse and trauma, domestic violence, psychiatric illness and learning difficulties were also considerably higher among Communists than supporters of other political parties. Although it would be disingenuous to speculate that the presence of an alcoholic father was in some way the cause of later actions, it is equally unwise to suggest that the experience of trauma in the home in an increasingly unforgiving society in which resources were scarce, did not engender either a radicalism, a disdain for a discredited present or a belief in an utopian future, in certain individuals.

Perhaps more tellingly for our understanding of the actions and behaviour of the individuals considered, levels of political participation among Social-democrats and Communists were very high (see table 6, p. 153). Nine hundred and fifty eight of one thousand three hundred and fifty-eight of the Social-democrats and Communists surveyed had been members of

their respective parties. Moreover, eight hundred and twenty-nine (61%) Social-democrats and Communists were not only members of their respective parties but had also participated actively in the cultural and social organisations associated with that party. Many were already known to the authorities. Similarly, among the Catholic sample, levels of church attendance and involvement in other Church organisations was also high. Somewhat more difficult to locate, given that the explicit recognition of the fact in the files would have been tantamount to official acknowledgement of the limitations of certain Nazi policies, but nevertheless fundamental to any treatment of dissent in the Third Reich, is the pervasive feeling of helplessness and personal suffering apparent as a consequence of Nazi governance.

Neither enthusiasm nor toleration were immutable. The files reveal two hundred and eighty-eight (21%) instances of the return of either Social-democrats or Communists to illegal party work after periods of toleration of and, indeed, enthusiastic support for Nazism. Many Germans who were able to make a peace of sorts with Nazism, later reassessed their loyalties: firstly, after the launch of Operation Barbarossa on 22nd June 1941; secondly, following the German surrender at Stalingrad on 31st January 1943; and thirdly, in the final year of war when defeat at the hands of the Allies appeared ever more certain. Whether these events were causal is, again, unclear. We should not discount the influence and effect of contemporaneous drives by KPD functionaries to recruit new members. The war also crystallised a growing dissatisfaction and antipathy, grounded in the turgid banalities of daily life. Personal tragedy and misfortune also acted as catalysts, as was the case in three hundred and seventy-two (32.1 %) decisions to take part in illegal political activity. The attitudes of many Catholics towards Nazism were characterised by ambiguity. A significant proportion of Catholics were broadly supportive of aspects Nazism; for many hostility only existed where Nazi policy clashed with Church interests and practices. However, no degree of enthusiasm could preclude the later possibility of disgruntlement and discontent, as initial antipathy towards Nazism did not prevent its later embrace.

Germans were motivated to perpetrate 'crimes' of dissent by many different factors, some

of which are easier to locate in the files than others. Without the aid of detailed personal memories which are sadly lacking, it is impossible to state with absolute certainty the exact motivation of many of the three thousand Germans considered in the survey. However, in many cases the file samples make as clear as possible the probable motivations and, significantly, expound, sometimes at great length, the personal philosophies, beliefs, life histories and moments of catharsis of the individuals concerned. The survey makes clear that the importance of political belief is not to be underestimated. Those who committed the most serious 'crimes' of dissent, predominantly Communists, but also smaller number of Social-democrats and Catholics, were motivated by a deep-rooted ideological conviction. In contrast, reactions and abhorrence at specific aspects of Nazi policy were rare. In the majority of cases, antipathy to Nazism predated Hitler's appointment as Chancellor, and was by turns exacerbated by the brutal persecution of individuals, if also, at times, ameliorated by the successes of the Nazi regime. However, even an essentially political motivation was often mitigated by other circumstances, particularly, poverty and isolation but these factors should not lead us to question the importance of political and religious belief.

Even cases in which the primacy of the political appears self evident, were not necessarily clear cut. Many Communists became trapped in oppositional circles unable to sever their bonds with the KPD and integrate into Nazi society. The KPD and its affiliate organisations had provided financially for many poor Germans, forgotten by and isolated from mainstream society. This generosity and support engendered considerable loyalty. However, a dependency on KPD largesse came at an unforeseeable cost. Two hundred and twenty-eight (21.2%) of the Communists surveyed were drawn into a self-perpetuating cycle of illegal party work, trapped between a very real fear of arrest and punishment and the need to survive. Their lives were dogged by the stain of political unreliability, economic exclusion and an ever greater dependence on the KPD. The cycle of need and service into which many KPD members were drawn was felt more acutely by those members of the KPD who fled Nazi persecution to live in exile. The isolation felt by many former party members in the Reich was compounded for those abroad by problems

of language and cultural difference, as well as the innate superstition and enmity of the host governments. Among this group unemployment was pervasive. The KPD exile organisations provided the only realistic source of sustenance. Tellingly, only three (2.5%) of the one hundred and eight Communists who had fled abroad were able to break decisively from the KPD.

The immediate motivation of five hundred and eighteen formerly politically active individuals was determined less by ideology and more by personal circumstance: dissatisfaction with employment and the conditions of work; dismay at the supply of basic goods; war weariness; anger at the damage inflicted on communities by Allied bombing raids; the perceived and real corruption of many Nazi officials; and the loss of a loved one. However, even under these circumstances, we should not negate the influence of long-held political and religious beliefs, which had prevented full and proper integration into the 'National-community', and were, no doubt, sharpened by immediate and personal experience. Although, in such cases politics and religious belief might not have been the prime or immediate source of motivation, they, nevertheless, provided a bedrock upon which antipathy and enmity towards Nazism were founded. The extent of their former politicisation is in most cases simply too great to be ignored.

The actions of those Germans included in the survey who had not exhibited an active political loyalty were generally informed by the disruptions caused by the war and the increasingly harsh conditions of working-class life. The responses of many Germans to these difficult circumstances were influenced by a variety of factors, some more immediate than others. Many retained a sense of working-class identity, manifest in limited expressions of solidarity and a perception of their otherness, that was never wholly subsumed by a sense of belonging to the Nazi 'National-community'. The specific incidents which triggered the actions examined during the course of this survey were often the culmination of a process of both disgruntlement and disenfranchisement. A growing sense of alienation and discontent was particularly pervasive among working-class Germans who had tired of making sacrifices in the name of the German war effort whilst others, specifically high-ranking

party officials, continued to enjoy a life of arrogant comfort and little privation.

Nor should we underestimate the importance of situational factors and isolated and unexpected moments of catharsis, when explaining possible motivation, particularly with regard to those individuals whose relationship to Nazism was ambivalent. The experience of suffering and loss, of property, kin and status, frequently provoked expressions of anger and also hate (manifest in two hundred and forty-seven cases - 8.2%), turning once loyal, but by no means necessarily enthusiastic, citizens into opponents of the regime. Of less immediate effect, perhaps, was the growing realisation that the war was lost, and that denial of the fact, and indeed, suppression of anger at other aspects of Nazi rule, was increasingly futile. Without doubt the perception that there was little left to lose, either at a personal level or more generally, informed the actions of many individuals towards the end of the war. The increasing certainty of German defeat offered succour to many Germans antipathetic to Nazism and many previously politically active Germans were evidently encouraged by the coming Allied victory and the possibilities it brought with it. Minds turned to the political future of a Germany free from Nazism.

Although numerically insignificant to the survey, accounting for only 0.3% of the three thousand cases examined, it is nevertheless important that we consider the role and allure of money. It was money and personal greed, rather than ideology or even a sense of patriotism to a different conception of Germany, which motivated the ten Nationalists and one time National Socialists tried for Treason. The sale of military and industrial secrets to foreign powers posed a greater threat to the security of the Reich than any of the other 'crimes' we have examined. It is perhaps, pertinent to the complexities inherent in the analysis and understanding of the motivations of those Germans who confronted Nazism, that the actions of these ten National Socialists, which of all the 'crimes' considered here best correspond to traditional, western understandings of treason, should not have been motivated by a sense of higher, moral purpose, an atavistic belief in a different ideology, or personal trauma but by the altogether more base notion of personal gain. Money also informed the actions of others. As we have noted, Communists were dependent for their

economic survival on the payments made to them by the KPD. However, under the circumstances peculiar to that group, the acceptance of monies in return for service is altogether more understandable; few had any real choice given the extent of their isolation from the economic and social mainstream.

Milieu and Dissent

This thesis has concentrated on the influence of milieux on the actions, thoughts and motivations of three thousand Germans who were prosecuted for 'crimes' which were regarded by the regime as 'political' and are classified here as dissent. In concluding, it would be judicious to return once more to this concept. The influence of milieux on the individuals included in the survey varies hugely in its extent. In one thousand two hundred and thirty-four cases it is clear, and, indeed, at times, profound. In other cases it is less obvious and in others still, almost indiscernible. However, it is certain that the 'crimes' examined in this thesis would make little sense if regarded only on their own merit, divorced from the social, cultural and political backgrounds of the perpetrators. In each case and to varying degrees, values at variance with those of Nazism, learnt in the home and reinforced by the institutions and organisations of that community, are apparent. As we have seen, in certain cases, this could take extreme form, particularly among those who had once led what were essentially oppositional groupings, regardless of later moves towards acceptance and accommodation.

Those Social-democrats and Communists who associated only with former comrades, reinforced their values through discussion and listening to foreign radio crimes and committed 'crimes' with clear and readily understandable political parameters represent the most extreme manifestation of the influence of milieux recorded in the sample. So thorough was their engagement with their milieu that they were left both unwilling and unable to deal with a different order in which the institutions and organisations that had given physical definition and structure to their respective communities no longer existed. It is difficult, if not

impossible, to separate the violence and the poverty of the Communist milieu from the radicalism and desperation of thought and action of many of the Communists tried for dissent. Many young Edelweiß Pirates, raised in the former Communist strongholds of the Reich, were exposed to values in the home and in the community which ran counter to those of Nazism and took on some of the external trappings of Communist affiliation. The passivity of many Social-democrats can only be fully explained with due reference to the politics of the SPD and the communal memories of that milieu. The party leadership's continued exhortations to constitutionality and a genuine fear of persecution shaped by the bitter memories of the Bismarckian repression of the 1880's engendered an acute sense of paralysis that did not change during the twelve years of Nazi rule.

In an altogether different manner, the influence of both the Social-democrat and Communist milieux influenced the actions of many of the ostensibly non-political working-class Germans included in this survey, if only tangentially. Expressions of working-class solidarity and the frequently recorded notion of a working-class 'otherness' alien to wider society, were a rejection of the Nazi 'National-community' and, whilst by no means indicative of a different belief system, represented the influence of the dominant working-class milieux, experienced either at distance or only in part. The indirect influence of milieux is also to be observed in the actions of many Social-democrats and Communists convicted of less obviously political 'crimes'. Had their involvement in their communities before 1933 been less pronounced, then their lives under Nazism would indubitably have been easier and their disgruntlement curtailed. The different file samples make plain that too active a past involvement with either the KPD or the SPD hampered employment prospects and increased social ostracism.

The influence of the Catholic milieu is readily identifiable in the 'crimes' of dissent perpetrated by German Catholics between 1941 and 1945. The values of Catholicism had traditionally been propounded from the pulpit and the responses of Catholics to wider events were in no small part shaped by the lessons of the Sunday sermon. There is little evidence that the leading role of the Church in traditionally Catholic areas changed; the

reactions of ordinary Catholics were informed by the proclamations of the clergy. In the small towns and villages of the rural Bavaria, the local priest continued to exert an influence on local opinion. The lingering, communal memories of the Bismarckian persecution of the Church had given shape to the responses of Catholic leaders to the challenges of the modern world. Catholic opposition to Nazism was restricted to matters of perceived religious and theological importance. In areas in which Nazi ambition and traditional Church authority clashed, Catholics bravely asserted their Catholic identity in the face of the Nazi challenge. Despite their prohibition during wartime, Catholics continued publicly to observe banned religious festivals, risking both prosecution and punishment in order to celebrate their faith. Loyalty to the Catholic church, reinforced through the experience of Sunday schools and Catholic cultural and sports associations, went undiminished.

The details of many 'offences' reveal the pervasive influence of the Catholic milieu on Catholic Germans. Attempts to resurrect both proscribed Catholic youth groups and discussion groups in which a specifically 'Catholic' way of life and perspective were propounded outside of the Sunday service, point to a determination to maintain a set of Catholic values threatened by the increasing demands of Nazism. Similarly, the actions of many of the young Catholic women prosecuted for their relationships with foreign workers are unimaginable, were it not for their exposure to Catholic teachings of brotherhood and universality. Whilst it would be foolhardy to suggest that the link is casual, thus denigrating the experiences of the individuals concerned, we should not doubt that the majority of these young women (one hundred and thirty-two [53.9%] of the two hundred and forty-five such cases) raised in small and strict Catholic communities, acted as they did without external influence. Notions of Catholic universality had long been a central tenet of Catholic teaching and had informed complaints at the treatment of Catholics in the occupied territories. The evidence from the sample points both directly and indirectly to the influence of Church teaching on the behaviour of these women which led them to risk punishment, humiliation and ostracism.

It is clear that milieux affected individuals in different ways and to varying degrees.

Unsurprisingly, in a survey of Germans who had committed 'crimes' of dissent, the traces of three milieux which had existed in opposition to Nazism are clearly discernible. However, most Germans, indeed, the great majority of Germans were able to abandon the values, traditions and bonds of their milieux, swept up in a heady mixture of patriotic fervour, opportunism and genuine enthusiasm for Nazism. Others were able to hide or suppress ideas and notions, which this thesis has demonstrated had, in certain cases, great staying power, only to rediscover them in the aftermath of the war; emerging as good and loyal citizens of either the German Federal Republic or the German Democratic Republic. This thesis has maintained from the first that without systematic study of memoirs which were sadly only too rarely written, it remains almost impossible to locate the exact motivation of the actions of the individuals considered here. Yet, if this thesis has proved anything, it is that the actions of the three thousand individuals considered here are clearly linked to their pasts and the pervasive influence of the milieux in which they were raised.

The files of the three thousand Germans surveyed are but a fraction of the total number of cases of dissent prosecuted by the Nazi authorities and shed only limited, but nevertheless valuable, light on both the extent of dissent and the motivation for such actions. The true measure of dissent in Nazi Germany will remain a matter of academic conjecture as only proportionately few court and police files survived the war; the vast majority were destroyed either intentionally by Nazi officials eager to hide the crimes of the regime, or fell victim to Allied bombs. Only a minority of Germans committed 'crimes' of dissent. Their sum is to be measured in hundreds of thousands and not millions. However, they represent the tip of a much larger iceberg of dissent. Their number is not only significant but also raises important questions about the responses of ordinary Germans to Nazism. The 'offences' considered in the course of this thesis were committed during the final years of the war, when many of the limited freedoms which had once existed had long since disappeared. The war years were characterised by a massive expansion of the parameters of Nazi terror, culminating in the final and bloody breakdown of all established judicial and legal norms. The terror that Germany had so successfully exported to the occupied territories finally came home. Under such conditions it is almost surprising that any 'crimes' of dissent were

perpetrated at all. The refusal to show mercy to doubters and, indeed, deny all Germans the right to object to the regime, was underpinned by a logic of which only the Nazi regime was capable. It rested on Nazism's plebiscitary appeal. At the last press conference to be held at the Ministry of Propaganda, Goebbels callously stated that '[Nazism] did not force the German people. They appointed us'.⁸⁷⁴ He had conveniently overlooked the fact that as he spoke mobile execution squads were roaming the streets of Berlin and other large German cities, delivering final punishment to anyone who wavered in their support for the doomed regime and that for twelve years past his colleagues had presided over a terror apparatus that had sent tens of thousands of his countrymen to their deaths.

The sheer number of Germans prosecuted for 'crimes' of dissent should bring us to question the notion of a people governed on the basis of consent which has gained such credence in recent historical scholarship. Although the Hitler regime enjoyed widespread popularity, and, indeed, at times, could count on the support of the overwhelming majority of its citizens, this thesis has shown that opposition existed to a large number of Nazi policies and was not confined to any specific population group. However, 'crimes' of dissent were disproportionately committed by Catholics, Communists and Social-democrats raised in communities with their own distinct identity and values which provided a firm foundation for future opposition to Nazism. It was only from these milieux with their long established social and political bonds - the essential preconditions for conspiratorial work - that serious, organised acts of dissent emerged.

It is not the purpose of this thesis to indulge in counterfactual history, but it is possible that without the real threat of prosecution, far larger numbers of Germans would have risen against the regime. Hitler was undoubtedly a very popular leader. However, it would be misleading to speculate that the many diverse and disparate individuals represented in the survey, would have been able to have bonded together to form a unified opposition with a coherent platform of political aims and objectives. Opposition to Hitler was deeply fragmented and incoherent, divided as much by history and the deep fissures which scarred

⁸⁷⁴ Fest, J., *Inside Hitler's Bunker: The Last Days of the Third Reich*, (London, 2004). p. 56.

German society before 1933, as the atomisation of German public and private life that occurred after the Nazi take-over. The many manifestations of discontent and disagreement examined in the course of this thesis were not necessarily indicative of a total rejection of Nazism but were frequently reactions to specific policies or extraordinary events. It is their very existence, in a society shaped by pervasive menace, lurking threat and the very real possibility of terror which should surprise, rather than the nature and motivation of these actions. The threat of terror was a necessary corollary to popular acclaim during the twelve years of the Third Reich's existence. The police and the courts remained effective vehicles for the enforcement of terror until the capitulation of the German armed forces on 8th May 1945.

Few, if any, of the cases examined here reveal histories of heroism previously lost to history. Instead, set against a backdrop of a war that was almost certainly lost, many of the 'offences' included in the survey were characterised by moral and political compromise and almost certain fear of the future. A good number of actions were morally ambiguous, determined as much by the personal and the selfish as the altruistic and the selfless. Others were moved by an absolute belief in politics of the milieu in which they had been raised and which had come to define them as people. However, it is necessary that the personal histories we have examined are told in order that we can better understand the responses of ordinary men and women to Nazi rule, without which our knowledge of the reactions to Nazism during the final years of the war would be imbalanced. Regardless of any discomfort that we might feel at the lack of certain clear, political and moral agendas, and the absence of any criticism of the Nazi persecution of the Jews is foremost among them, we should not doubt the bravery of men and woman who consciously risked persecution in this manner, nor the historical significance of their actions; their stories deserve to have been recorded as historical fact.

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