

The Reichstag Fire and the Politics of History

HETT, Benjamin Carter – *Burning the Reichstag. An Investigation into the Third Reich's Enduring Mystery*. Oxford: Oxford University Press, 2014. Pp. 413.

Burning the Reichstag is an intervention in the long and bitter debate about who set fire to the Reichstag on February 27, 1933. More importantly, it is an examination of how historians' interpretations of this episode of Nazi history were influenced by former Nazis seeking to resume careers in the Federal Republic and those who assisted them in doing so, the dynamics of the Cold War, and possibly some historians' fear of public calumny and libel suits. The book has much to teach about the methods by which powerful individuals and states have manipulated, and presumably still manipulate, interpretations of events past and present.

The blaze that gutted the chamber in which the German parliament met took place four weeks after Hitler's appointment as Chancellor and one week before a critical national election. Hitler promptly claimed that the fire had been set by Communists, and in doing so succeeded in frightening the conservative German President, Paul von Hindenburg, into granting the national government wide ranging emergency powers to limit freedom of speech, to ban public meetings, to arrest individuals who threatened security, and "temporarily" to assume control of *Land* (provincial) governments when necessary to restore order. The police and the S.A., the Nazi Party's paramilitary organization, promptly arrested thousands of Communists and socialists, thereby promoting Nazi fortunes in the election held on March 5, 1933. In the weeks that followed the election, Hitler seized control of the remaining independent *Land* governments.

While many contemporaries suspected that Hitler or close associates had ordered the arson to create panic and to provide an excuse to take harsh measures against political opponents, the new authoritarian government of Germany looked for the culprits on the political Left. In a trial that began in September 1933, German prosecutors charged one German and three foreign Communists with the crime, as well as a troubled and partially blind Dutch former Communist who had been found in the Reichstag building as it burned and who claimed to have set the fire himself, Marinus van der Lubbe. The case against the four Communists was so weak that the German Supreme Court refused to convict them; van der Lubbe was found guilty and guillotined. The Nazi regime clung to the story that van der Lubbe had acted on behalf of Communists despite the verdict in the trial.

After the war, historians on both sides of the Iron Curtain argued that the fire had most likely been set by the Nazis themselves, although Hitler's own involvement was often left unclear.¹ In 1959, the postwar consensus was challenged by an official of the Interior Ministry of the West German Land of Lower Saxony, Fritz Tobias, who argued in a series of articles published in the West German weekly magazine *Der Spiegel* that van der Lubbe was alone responsible for the Reichstag fire. According to Tobias, Hitler and his inner circle had been surprised by the news of the fire and had genuinely believed that Communists were the culprits. Tobias attacked the credibility of experts who examined the building shortly after the fire and who concluded that chemicals must have been used to speed up the blaze. He also dismissed as "historical falsifications" accounts of former Nazi insiders who reported after the war or, in one case, while in exile, that in 1933 they had learned of admissions of responsibility by Nazis.²

Following the publication of Tobias' articles and, in 1962, book, several prominent British historians who had previously held the Nazis responsible for the Reichstag fire confessed to error. A. J. P. Taylor wrote in an introduction to the abridged English translation of Tobias' book that "on the Reichstag Fire I was as wrong as everyone else; and I am grateful to Herr Tobias for putting me right Herr Tobias has performed a great service for all those who believe in truly free inquiry."³ Alan Bullock, famous for his biography of Hitler, wrote in a review that he also was inclined to revise his views. Tobias, wrote Bullock, had been motivated solely by "an obsession to get at the truth." "[E]xonerating the Nazis . . . was not Tobias' purpose, nor is it a consequence of his investigations." Bullock did express some curiosity, however, about "why, with great persistence, [Tobias] dug away for years at the evidence . . ."⁴ The fact that Soviet bloc historians and other Communists vociferously supported the theory that Nazis had set the fire likely helped Tobias persuade both Taylor and Bullock to revise their views; mendacity demonstrably tainted much Soviet history of the modern era. The apparent even-handedness of Tobias' interpretation also lent it a certain attractiveness. Tobias rejected both the Nazi theory that Communists had set the fire and the Communist view that it had been the Nazis.

In West Germany as well Tobias' articles and book prompted a rethinking of interpretations of the Reichstag fire. In 1964, Hans Mommsen, then a junior scholar working at the *Institut für Zeitgeschichte*, published an article in the *Vierteljahrshefte*

1 See, for example, Alan Bullock, *Hitler: A Study in Tyranny* (New York: Harper & Brothers, 1958), pp. 237-238; Karl Dietrich Bracher, Wolfgang Sauer, Gerhard Schulz, *Die nationalsozialistische Machtergreifung. Studien zur Errichtung des totalitären Herrschaftssystems in Deutschland 1933/34* (Cologne: Westdeutscher Verlag, 1960), pp. 80-1.

2 Fritz Tobias, *Der Reichstagsbrand. Legende und Wirklichkeit* (Rastatt: Grote, 1962), pp. 239-44, 530-50; see also Fritz Tobias, "Auch Fälschungen haben lange Beine. Des Senatspräsidenten Rauschnings 'Gespräche mit Hitler'," in Karl Corino, ed., *Gefälscht! Betrug in Politik, Literatur, Wissenschaft, Kunst und Musik*, (Frankfurt/Main, 1996), pp. 91-105.

3 A. J. P. Taylor, Introduction to Fritz Tobias, *The Reichstag Fire. Legend and Truth*, translated by Arnold Pomerans (London: Secker & Warburg, 1964, first edition 1963), p. 16.

4 Alan Bullock, "The Big Frame-up," *The Spectator*, November 29, 1963 (archive.spectator.co.uk/article/29th-november-1963/32/the-big-frame-up, accessed on August 14, 2016). See also Hugh Trevor-Roper, "Accounting for Hitler," *The New York Review of Books* (April 2, 1964).

für *Zeitgeschichte* that adopted Tobias' interpretation. In the same article, Mommsen proposed a general theory of the nature of Nazi rule, one that made Hitler's supposedly *ad hoc* response to the Reichstag fire a paradigm for Nazi conduct more generally. Mommsen suggested that "National Socialism, in contrast to Bolshevism, did not possess a purposeful, well planned revolutionary strategy, but rather thanked for many of its successes impatient, rash, mostly on the spot immediate decisions that demonstrated a great deal of flexibility regarding its general goals."⁵ The theory proved highly influential in the decades that followed.⁶

Hett has found an answer to Bullock's question about the reason for Tobias' persistence in investigating the Reichstag fire. In *Burning the Reichstag*, Hett suggests that "there are hints that Tobias' work on the Reichstag fire might have been at least in part the product of an official commission." (p. 277) After Hett's book appeared, archivists at the German National Archives, which housed Tobias' papers following his death in 2011, found direct evidence that supported Hett's claim. In a 1963 memorandum directed to his superiors in Lower Saxony, Tobias explained that he undertook his investigation of the origins of the Reichstag fire, at least initially, at the behest of senior officials of Lower Saxony. His mission was to investigate the past of a former Nazi official, from 1951 employed as the director of the criminal police of Lower Saxony, who had been attacked in the press for his failure in 1933 to investigate the possibility that the Reichstag fire had been set by Nazis. Tobias' interpretation undermined the premises of this attack, since it suggested that, in fact, the Nazis had played no role in causing the fire. According to the memorandum, Tobias' superiors encouraged him to pursue his research to help counter the "constant, demagogically not at all ineffective rabble-rousing attacks [by the East German government] against the Federal Republic, its leading personalities in the government, in the police, but also in the SPD and the unions."⁷ At the time, Lower Saxony was governed by a coalition led by the Social Democratic Party.

Why does Hett consider this point so important? Governments often commission historical investigations of past events. If Tobias found evidence that exonerated West German police officials who had investigated the Reichstag fire in 1933 from having covered up Nazi responsibility for it, there is no reason for the historical profession to take umbrage. But Tobias' 1963 memorandum raises some red flags. First, Tobias never revealed that he had received such an official commission and always claimed only to be concerned to learn the truth.⁸ An admission that his investigation had originated in an effort to defend a former Nazi police officer would have reduced the credibility of his findings, as Tobias certainly knew. Second, the fact that Tobias undertook his study in part to achieve a particular purpose could explain why he

5 Hans Mommsen, "Der Reichstagsbrand und seine politischen Folgen," *Vierteljahrshefte für Zeitgeschichte* 12 (1964), p. 356.

6 Martin Broszat, *The Hitler State. The foundation and development of the internal structure of the Third Reich*, translated by John W. Hiden (London: Longman, 1981) is one notable example.

7 March 9, 1963 Memorandum by Fritz Tobias, quoted in Benjamin Hett, "'This Story is about Something Fundamental': Nazi Criminals, History, Memory, and the Reichstag Fire," *Central European History* 48:2 (June 2015): 210.

8 Fred Duswald and Fritz Tobias, *Polit-Kriminalfall Reichstagsbrand Legende und Wirklichkeit* (Tübingen: Grabert, 2011), pp. 28-9.

suppressed evidence that differed with his interpretation, defamed individuals who differed with him, and in one instance may have stooped to blackmail.

What Hett adds to discussions of the origins of the Reichstag fire is above all a very careful evaluation of the testimony of key individuals who had in 1933 been in a position to learn inside information about the origins of the fire. Mommsen's influential 1964 article briefly recounted various contradictory statements made by the members of this small group, and then concluded that none of these individuals could be relied upon, since they had either changed their views over time or were for other reasons not credible.⁹ Hett systematically investigates when different postwar statements were made and in what circumstances, and why certain individuals, such as the commander of the political department of the Berlin police in 1933, Rudolf Diels, might have changed his statements as his circumstances changed. The result is to bring greater coherence and clarity to the evidence. Hett suggests as a general conclusion the need to take seriously the statements of eye-witnesses and participants in historical events, such as Diels and also Hans Gisevius, another Berlin political police official in 1933, if the historian can corroborate significant aspects of their stories, even though not every detail of their accounts may be believable. Even if they contain contradictions and demonstrable errors, eye-witness accounts may nonetheless prove of great probative value when combined with other evidence.

A significant part of Hett's book is based on the work of West German historians over the past two decades, notably Alexander Bahar and Wilfried Kugel, assistance Hett acknowledges. Bahar and Kugel's *Der Reichstagsbrand. Wie Geschichte gemacht wird* contains much of the raw material on which Hett draws.¹⁰ Hett does not accept all of the evidence on which Bahar and Kugel rely and also develops further lines of inquiry. He is also more cautious in identifying the real culprits, especially as one moves up the chain of command in the Nazi Party hierarchy. Questions arise particularly with respect to how much Hitler knew. (pp. 320-1) But Hett, Bahar, and Kugel agree that van der Lubbe alone could not have caused a blaze of the dimensions of the Reichstag fire in the less than twenty minutes at his disposal and with the modest tools he used. All three rely heavily on the reports of experts on the setting of fires, both from 1933 and also since the 1970s. All present strong circumstantial evidence that an S.A. unit trained in the use of flammable liquids prepared the chamber for van der Lubbe by dousing the chairs, tables, and curtains with a chemical accelerant. And all three suggest that Tobias wrongly dismissed the evidence presented by Gisevius, whose 1946 memoirs linked the S.A. to the fire. Part of the significance of Hett's book lies in his careful reexamination and confirmation of many of Bahar and Kugel's findings.

Noticeable by its absence from Hett's study is mention of one early source of inside information about the origins of the fire: Hermann Rauschnig. Rauschnig, a leading member of the Danzig Nazi Party in 1933 and 1934 who broke with the Nazis and left Danzig in 1936, was the author of a famous book based on recollections of conversations he had overheard while meeting with Hitler and other leading Nazis.

9 Mommsen, "Der Reichstagsbrand und seine politischen Folgen," pp. 353-4.

10 Bahar and Kugel's *Der Reichstagsbrand. Wie Geschichte gemacht wird* (Berlin: Edition q, 2001).

In a book first published in 1939 as *Hitler m'a dit*, Rauschning claimed that in 1933 he had heard Hermann Göring, then Prussian Interior Minister, call the Reichstag fire arsonists "his boys" and make a range of other comments indicating knowledge of how the fire was set.¹¹ Since Rauschning himself later wondered whether one could take Göring entirely at his word, perhaps it made sense for Hett not to consider the evidence from Rauschning's book. But Rauschning is another example of an eye-witness who, like Gisevius, was defamed by Tobias because he called Tobias' version of the Reichstag fire into question. Like Gisevius, Rauschning deserves a more balanced approach.¹²

Hett's claim that Tobias employed blackmail to pressure the *Institut für Zeitgeschichte* into supporting his interpretation of the Reichstag fire is among the most serious of the charges he makes regarding Tobias's methods. Hett quotes from a July 1962 letter that Tobias wrote to an editor of *Der Spiegel*, a Tobias ally in this historical war, in which Tobias claimed that the director of the *Institut für Zeitgeschichte*, Helmut Krausnick, was hiding the fact that he had been a Nazi Party member between 1932 and 1934. This information, Tobias wrote the *Spiegel* editor, could be used to pressure Krausnick into supporting Tobias' interpretation of the origins of the Reichstag fire: "Krausnick trembles that his brown past will come out." (p. 287) Hett also quotes from a letter Krausnick wrote Hans Mommsen at the end of September 1962 that shows that Krausnick knew of Tobias' threat to reveal his Party membership, although this letter indicates that Krausnick thought Tobias was interested in revenge, not blackmail. (p. 288) In October 1962, Krausnick decided to cancel the publication of an article critical of Tobias' interpretation in the institute's history journal, the *Vierteljahrshefte für Zeitgeschichte*, an article Krausnick had commissioned in 1960. Hett concludes that this "could hardly be coincidental timing." "[T]hrough threatening . . . Krausnick," Hett writes, Tobias pushed the *Institut für Zeitgeschichte* "to grudging acceptance of [Tobias'] view . . ." (pp. 291, 317; see also p. 289) The institute instead published Hans Mommsen's article, which supported Tobias' interpretation.

While Hett has shown that Tobias considered blackmail, he has not proven Tobias actually carried it out, or, if he had, that Krausnick acted in response to it: it is a possibility, not a demonstrated fact. Hett's account suggests that there were other reasons that might have led to the withdrawal of the offer to publish the article critical of Tobias's interpretation. Journals do reject articles, even ones their editors encourage authors to submit. What was distinctive about this rejection was that in a November 1962 letter to the author, Krausnick forbade him to publish elsewhere the manuscript he had prepared for the *Vierteljahrshefte für Zeitgeschichte* and to

11 Hermann Rauschning, *Hitler m'a dit. Confidences du Führer sur son Plan de Conquête du Monde*, translated by Albert Lehman (Paris: Cooperation, 1939) p. 98; Hermann Rauschning, *Gespräche mit Hitler* (Zürich: Europa Verlag, 2005), p. 76.

12 Studies that have urged a critical but not entirely dismissive approach to Rauschning's book include Theodor Schieder, *Hermann Rauschnings 'Gespräche mit Hitler' als Geschichtsquelle* (Oplanden, Westdeutscher Verlag, 1972); Pia Nordblom, "Wider die These von der bewussten Fälschung. Bemerkungen zu den *Gesprächen mit Hitler*," in *Hermann Rauschning. Materialien und Beiträge zu einer politischen Biographie*, Jürgen Hensel and Pia Nordblom, eds. (Osnabrück: fibre, 2003), 151-74; Marcus Pyka, Introduction to *Gespräche mit Hitler*, by Hermann Rauschning (Zürich: Europa Verlag, 2005), I-XV.

cite in any future publication the documents regarding the Reichstag fire that he had obtained from the *Institut für Zeitgeschichte*. The institute in this way made itself a party to efforts to suppress expression of a point of view that it had come to consider erroneous. (pp. 289-93) The institute's conduct was first revealed about fifteen years ago; Hett seeks to provide additional context.¹³ An alternative explanation might instead stress Krausnick's desire that the institute not be associated with an apparently discredited, Communist inspired, interpretation of the Reichstag fire. Perhaps Krausnick feared that the institute might become a defendant in a libel suit if the author whose article it had commissioned published it elsewhere and used sources from the institute's holdings. Hett shows that Tobias and his allies used suits brought under West German libel laws, as applied by a generally conservative judiciary, to stifle disagreement with their views of the Reichstag fire.

Hett's study teaches lessons of lasting relevance, especially, but not only, to historians of dictatorships that seek to shape the historical record to suit their interests. Historians of such governments and societies must become adept at drawing inferences from evidence that is not water-tight, since such regimes have the power to suppress documents and eliminate witnesses to create a historical record. The twentieth century is full of instances: among the best known are the Katyn Forest massacre of Polish army officers on Stalin's orders in 1940 and Nazi killings of the handicapped, Jews, and Soviet POWs. Recent efforts of the Russian government to eliminate individuals who knew too much about or displayed too much curiosity regarding the apartment bombings that took place in Russia in September 1999 – an event that played a role in the development of Putin's dictatorship analogous to that of the Reichstag fire in Germany – is a more recent example.¹⁴

When Hett began his investigation of the Reichstag Fire in 2008, Fritz Tobias warned him about the dangers of the project. "Do you know what happens to people who write about the Reichstag fire?" Tobias asked. (p. 328) Hett was not deterred. Courage was required both because the field had been so thoroughly ploughed and because taking a clear position on one side of the debate or the other, and in particular against the Tobias camp, would expose him to defamatory attacks on his professional abilities, something that, regrettably, Hett has had to endure. Historians of the Nazi period and of modern Europe should be grateful to Hett for pursuing this project despite the risks.

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13 "Zur Kontroverse über den Reichstagsbrand," *Vierteljahrshefte für Zeitgeschichte* 49 (2001): 553; see also Hersch Fischler and Gerhard Brack, "Zur Kontroverse über den Reichstagsbrand. Stellungnahme zu der in der Julinummer der Vierteljahrshefte für Zeitgeschichte 2001 publizierte Notiz," *Vierteljahrshefte für Zeitgeschichte* 50 (2002): 329-34.

14 David Satter, *The Less You Know, The Better You Sleep. Russia's Road to Terror and Dictatorship under Yeltsin and Putin* (New Haven: Yale University Press, 2016); "The Litvinenko Inquiry. Report into the Death of Alexander Litvinenko," January 2016, Chairman Robert Owen, accessed on October 20, 2016, <https://www.litvinenko inquiry.org/.../Litvinenko-Inquiry-Report-web-version>.