



25th IVR World Congress
LAW SCIENCE AND TECHNOLOGY
Frankfurt am Main
15–20 August 2011

Paper Series

No. 044 / 2012

Series B

Human Rights, Democracy; Internet / intellectual property, Globalization

Anthony Amatrudo / Fritz Wefelmeyer

National Socialist Law and the Censuring of Modernist Culture, Art and Literature

URN: urn:nbn:de:hebis:30:3-249029

This paper series has been produced using texts submitted by authors until April 2012.
No responsibility is assumed for the content of abstracts.

Conference Organizers:

Professor Dr. Dr. h.c. Ulfrid Neumann,
Goethe University, Frankfurt/Main
Professor Dr. Klaus Günther, Goethe
University, Frankfurt/Main; Speaker of
the Cluster of Excellence “The Formation
of Normative Orders”
Professor Dr. Lorenz Schulz M.A., Goethe
University, Frankfurt/Main

Edited by:

Goethe University Frankfurt am Main
Department of Law
Grüneburgplatz 1
60629 Frankfurt am Main
Tel.: [+49] (0)69 - 798 34341
Fax: [+49] (0)69 - 798 34523

National Socialist Law and the Censuring of Modernist Culture, Art and Literature

Abstract: This paper traces the development of National Socialist cultural and legal policy towards the arts. It examines the role of censorship in this development starting with Hitler's first attempts at power in the Weimar republic. It then looks more closely into aspects of the development of new policies in and after 1933 and their implementation in institutions of the totalitarian state. As the paper shows, policies were carried out within a legal framework that included parliament and constitutional law but they were often also accompanied by aggressive political actions. Racial and nationalistic ideologies were at the heart of the National Socialist discourse about culture. This discourse quickly established modernity as its principal enemy and saw modernist culture (in the broad sense of the word), and especially art criticism, as being under Jewish domination. True German Kultur was set against this; Hitler himself promoted German art both through exhibitions and through policies which included the removal of un-German art and the exclusion of writers and artists who did not conform to the cultural ideal. As Jewish artists and intellectuals in modernist culture posed the greatest threat to the establishment of a new German culture, Nazi policies towards the arts embarked on a process of censorship, exclusion and annihilation. The purpose of these policies was nothing less than the elimination of all modernist (Jewish and 'degenerate') culture and any memory of it.

Keywords: aesthetics, art criticism, censorship, Führer principal, Jews, law, modernity, modernism, Nazism

I. Introduction

This paper will argue that National Socialist laws and public policy towards the arts were intended to defend a particular nationalistic conception of German history. The National Socialists, by making their leader the 'highest source of law' (Carl Schmitt), conflated the concept of law as created in legislative processes with the idea of law relevant to aesthetic judgement and artistic creation, thus providing legality and legitimacy for their policy. The laws which suppressed modernist art were both part of a wider suppression of alternative ideas and a defence of a restrictive notion of Aryan personhood and ideology. The burning of books, of art and of persons was at heart the cleansing, through fire, of those elements not considered compatible with the National Socialist view of the future. The National Socialist future would be pared down to essentials. It would be Jew-free and Aryan and no memories of alternative ways of being a

German would be left to challenge its restrictive basis. If we accept this view we see that the National Socialist's policies towards the arts were central to the Hitlerian plan for a Jew-free future. They were vital to the ways in which Germans would come to think of themselves as German. When no memory of alternative ideas was open to them they would be left to inhabit a German future conjured up out of a National Socialist ideology that would admit no non-Aryan or progressive elements. The paper will concentrate upon the treatment of the German literature and culture, but also highlight the fate of the avant-garde in the visual arts.

II. Historical Backdrop

Hitler made the decision to reformulate his political strategy following the failed Munich putsch of 1923. His aim from then onwards was for the National Socialist movement to accede to power not through the use of violence but by legal means. In concrete terms, this meant participating in elections, taking on government positions and work in parliament – even if this was only done in order to paralyse the parliamentary efforts of the other parties, thereby preventing the possibility of creating a workable legislature. The main task of those in positions of executive power (for example, in the Land government of Thuringia from 1930 onwards) was then to cleanse state institutions of all opponents of National Socialism and to bring party members (or people who sympathised with and supported the movement) into key positions in administration, the police and education, including museums, art colleges and universities. However, in Thuringia there was also an initial attempt to get rid of modernist art by legal means. A decree, bearing the unusual title *Against Negro Culture for German Volkstum* (meaning all things national, racially pure, and ethnic relating to the Volk or people) and published in the official ministerial bulletin, as requested by law, presented the legal endorsement for the police to ban books and cancel plays (Brenner, 1963: 32). On the orders of the National Socialist minister, 70 works of modernism, including pieces by Wassily Kandinsky, Paul Klee, Oskar Kokoschka and Franz Marc, were removed from the Weimar *Schloss Museum*.

Naturally this attempted cleansing and exclusion did not always proceed smoothly. There were a number of scandals and much resistance, for example, in the coalition governments in which the National Socialists took part. Thus the National Socialist Minister for the Interior and Education in Thuringia, Wilhelm Frick (later Minister of the Interior in Hitler's Reich government), was forced to stand down in 1931 following his ruthless attack on state employees. The route Hitler took was also admittedly accompanied by violence *outside* the legal path to

parliament. The SA, for example, took part in street battles and brawls with their political opponents, often communists, and caused considerable public disorder in a number of ways. These continuing and widespread conflicts combined to create increasingly the picture of a republic and democracy in which instability, terror, intimidation and chaos were dominant. The more spectacular the occasion, however, the more they were welcomed by the National Socialists who wanted not only to damage the image and reputation of the Weimar Republic, but also to draw public attention to their struggle against cultural modernism and other art forms. One of the well-known victims of this strategy of terror was the celebrated writer and Nobel Prize winner Thomas Mann who was interrupted during a public speech (entitled *German Address*) in the Berlin Beethoven Hall in 1930 by a writer colleague, a former Expressionist, who had joined the National Socialists very early and who had brought 20 storm troopers with him as support. It is ironic that the subtitle of Mann's speech was *An Appeal to Reason*.

III. National Socialist Law and Policy After 1933

From the outset the National Socialists, in power, were peculiarly taken with the arts. Amongst the party elite Hitler had aspired to Art College and as a down and out in Vienna spent his meagre finances on tickets to the opera. Goebbels had studied literature and obtained a doctorate for a thesis on German poetry at Heidelberg University. He also wrote a novel. Alfred Rosenberg had qualified as an architect. We detect a real emphasis upon the arts throughout the National Socialist period. Upon their coming to power in 1933 the *Gesetz zur Wiederherstellung des Berufsbeamtentums* (the professional civil service restoration act) was passed and this allowed the National Socialists to dismiss all non-Aryan government employees from their jobs. The effect of this Act upon the arts was to dismiss huge numbers of academics, museum curators and government administrators. It was conceived to give a racial and political basis to employment. The jobs vacated by Jewish employees would be filled by persons disposed to attack modern art as degenerate, Jewish and Bolshevik. The Act was used to mobilise prejudice against modern art and to ferment anti-Bolshevik and anti-Jewish sentiment. The notion was that modern art was implicitly radical. Its meaning was ambiguous and therefore it could never be compatible with the straightforwardness of National Socialist ideas of solidarity, certainty and racial purity.

In 1937 the National Socialists conceived of an exhibition which would show off those modernist (un-German) works which it explicitly frowned upon. The *Entartete Kunst* (Degenerate Art) exhibition was originally opened in Munich and showed off a range of works

(paintings, books and sculptures) to the German public. *Entartete Kunst* demonstrated what was unacceptable to the National Socialist state, namely modernist art of all kinds. The exhibition ran for four months and toured both Germany and Austria. At the same time the National Socialists put on another exhibition, the *Grosse Deutsche Kunstausstellung* (Great German Art Exhibition) which showed off works of art approved of by the National Socialist state. The National Socialist state had thoroughly politicised the aesthetic realm. In 1933 the National Socialists had come to power in a blaze of book burning. Thousands of books were burned, announcing to all a new policy towards the arts. *Entartete Kunst* was important but it was only one aspect of a much wider policy towards modernist and un-German elements in the arts and public life. The policy was planned and coordinated and prefigures the Holocaust. Later on the world would come to know that the National Socialists did not only burn books and works of art (Adam, 1992: 127).

IV. Abiding by Law in Power

Hitler himself, however, was always careful not to stray from the path to absolute power made available to him by the existing parliamentary system and, in January 1933, took a further decisive step towards this with his appointment as Reich Chancellor. Indeed, it is interesting to note that his gradual progress to the definitive seizure of power took place entirely within the limits of the law and was accompanied throughout by a legislative process that seemed to be operating within parameters set by the Weimar constitution. It is, of course, true that this political activity within the framework of the laws and decrees passed by parliament and Reich President was always accompanied by the use of violence, blackmail, extortion and other attempts including the abuse of office to eliminate opponents. The new laws themselves also made it increasingly possible and even easy for the state to abuse its power. Nonetheless, Hitler was not seen to exercise power outside the rule of law and was anxious to maintain the public image of a state that did not manifestly clash with its constitutional foundation – an image that could be presented both within Germany and to the rest of the world. Indeed, the Weimar constitution was never formally repealed (Tyrell, 1983: 57). Even the state of emergency, which was decreed following the burning of the Reichstag in February 1933, was brought about entirely legally through an emergency decree of the Reich President. What is more, the so-called enabling law, intended to free the new government from the power to decree emergencies by the Reich President and from the necessary approval of new laws by the Reichstag and Reichsrat, was passed in Parliament with the necessary two thirds majority. Following the death of Reich

President von Hindenburg in August 1934, Hitler also took on this office, thereby installing himself as the supreme political power in the new Reich which had by now effectively established itself as a dictatorship. Hitler then called himself Führer *and* Reich Chancellor, a combination which gave his role as Führer an added air of legality or at least created the impression of being somehow connected to an established “Rechtsordnung” (legal order).

However, the new law under National Socialist legislation had nothing to do with the “Rechtsstaat” of the Weimar Republic. Already in his “basic thoughts on establishing a Reich Chamber of Culture (Reichskulturkammer)”, Joseph Goebbels had noted that National Socialist cultural policy was concerned with the total “seizure of artist and writer, in their creative work, in the way they spend their lives and in what makes their lives meaningful.” The Chamber, soon to be established, was meant to be the professional body to represent but also to direct artists and writers, and take on a corporative structure while under the complete control of the state. It was not an association that, as Goebbels put it, “stressed the equality of the economic interests of its members”. With the creation of this Chamber the state was said by Goebbels to be slowly transformed from a “Rechtsstaat” to a “Staat der Schaffensgemeinschaft” (state of creative community) (Brenner, 1963: 56). Membership of the Chamber was essential for the exercise of a profession. Jews were excluded from it and members had to adhere to National Socialist ideology or would find themselves excluded. The “Gesetz zum Berufsbeamtentum” (law on professional civil service) led to the dismissal of “non-Aryan” civil servants. Further decrees and state orders followed with the aim of curbing modernist influences in culture, for instance by the suppression of jazz music. Two further separate institutions ensured that the literature which from now onwards was produced and read in Germany, (particularly by party members) was in accordance with National Socialist ideas and concepts. There were the “Reichsstelle zur Förderung des deutschen Schrifttums” (Reich Centre for the Advancement of German Writing) under Alfred Rosenberg and the “Parteiamtliche Prüfungskommission” (Party Supervisory Commission) under Philipp Bouhler. No book could be published in Germany without the approval of the Reich Centre under Rosenberg (Ritchie, 1983: 72-3).

V. Blacklisting and Suppression

When Hitler came to power the so-called black lists appeared with names of authors and books which did not seem to be in agreement with the new political direction and were thus to be removed from public libraries and book shops. Black lists also formed the basis for the public

burning of “Jewish”, “decadent” and other books on 10th May 1933 in a number of German cities. In Berlin alone 20,000 of these “un-German” books were destroyed. This was called an act of national cleansing, to which undesirable foreign authors were also subjected. “The literature of the cities”, Matthew Fishburn notes, “of Communist agitators, of Jewish-Bolsheviks was to be staunchly resisted in favour of true German Volk literature: no more nihilism, internationalism or Asphaltliteratur would be tolerated” (Fishburn, 2008: 33). This well organised action, supported by Goebbels, was accompanied by the disciplining and finally also imprisoning or exiling of a large number of writers. In this way the National Socialists eliminated their cultural opponents as aggressively as their political enemies. Thomas Mann, for example, was originally not put on the black lists (though his brother Heinrich Mann was) but already during the Weimar period he had been sent a burnt copy of his novel *Die Buddenbrooks* through the post by an irate right-wing reader. In Goebbels’ journal *Der Angriff* (*The Attack*) the demand was made that Thomas Mann should no longer have the right to call himself a German writer. When it became apparent that Mann had left Germany in February 1933 and was not planning to return immediately, measures were taken to seize his accounts, along with his house and all its contents. Post addressed to him from Germany was inspected and a document was found which provided the pretext that he owed tax and must therefore have his property confiscated. In the summer of 1933 the deputy head of the Bavarian police in Munich and leader of the SD, Reinhard Heydrich, issued a warrant for his arrest (Harpprecht, 1996: 746). Thomas Mann had already been forced to step down from the *Prussian Academy of Arts* in March 1933. To force him into either returning to Germany or renouncing his citizenship the consulate refused to re-issue his and his wife’s passports when these expired. However, Thomas Mann chose wisely and stayed abroad. He was finally deprived of his citizenship in 1936 and the University of Bonn stripped him of his honorary doctorate the same year.

VI. National Socialist Ideology and Aesthetics

While Thomas Mann and others went into exile, the National Socialists, now in power, could develop their cultural policy on a grander scale, based on a nationalist and racial ideology. Already in *Mein Kampf*, written in 1924, Hitler had elaborated the theoretical foundations of a ‘völkische Weltanschauung’ (world view based on the centrality of one’s Volk), in which the various races and their differences constitute the actual agencies and forces driving history and social life. At the same time, however, he makes it clear that these races are not equal in their

value and right to exist. Rather they are engaged in what he sees as the eternal struggle, dictated by nature, between the strong and the weak (Hitler, 1936: 420-45). According to his theory, the state itself has no intrinsic value; rather it represents just the means towards an end, namely to politically facilitate and maintain the life of its citizens or subjects as members of a race. The individual is a part of the race who, despite acting as a single being, lives in relation to their own race and not, as for example in Marxism, in relation to the interests of their class. Indeed, Hitler sees Marxism as an extreme form of materialism from which humanity is rightly trying to distance itself by striving towards higher ideals. For Hitler, existence would have no meaning without higher ethical and spiritual aims, although these aims cannot be pursued if the racial foundations of society are corrupted by the mingling with alien blood. Hitler highlights here the alleged bastardisation and the racial takeover by black people (“Vernegerung”). Initially then a Volk state (völkischer Staat) must be established which, for example, prohibits marriage between members of different races. It is worth noting here that racial cleansing, establishment of a new state and the pursuit, for example, of aesthetic ideals go hand in hand. In this context, it is also interesting to note that Hitler explicitly identifies as worthy ideals the “beautiful” and the “sublime”, in other words, two concepts from the realm of German Neo-Classicism and German Idealism (Hitler, 1936: 421). However, he fails to define these terms in any more detail. As is the case with other concepts he used, they simply allow him to accentuate and emphasize a specific complex of positive characteristics and attitudes, in which the nature of a people and its aspirations can be particularly clearly or strikingly demonstrated.

This becomes especially clear when it is a question of differentiating a National Socialist aesthetic from the rejected concepts of modernity. It is thus striking that, in a speech given to mark the opening of the Great German Art Exhibition in Munich in 1937, Hitler treats modernity and beauty as incompatible, as opposites, and makes some attempt to define the former, whilst leaving the latter relatively undiscussed (Hitler, 2007). About the art which is poised to penetrate the new social order he has nothing more to say than that it will be beautiful and decent. Further information is not given and this reticence is quite deliberate on his part: “The question has often been asked as to what being German actually means. Amongst all the definitions which have been proposed over the centuries by a large number of people the most valid of all seems to me to be the one that does not seek to provide an explanation but rather aims to establish a law. The most beautiful law in the world, however, which I can imagine as a task for my people has already been articulated by a great German: To be German means to be clear. (...) From this law

we can derive a universally valid yardstick by which to measure the right kind of art – right because it corresponds to the true being of our people”(Hitler, 2007). As the law itself is described as “beautiful”, the definition of German art seems to become circular and therefore inconclusive. What is meant to be defined is presupposed by the definition.

Hitler trusts in the power exercised by a specific combination of words: they are intended to evoke associations and appeal to vague, shared convictions and attitudes. *Ex negativo* then, by means of the strong, disparaging criticism of modernity, especially modernist art (this mortal enemy of the new German art), the listener is meant to arrive at a definition of what National Socialist art is. The new art itself is meant to be first created and then *directly* experienced by the German people. In other words, National Socialist art is not produced through a kind of public discourse, by being discussed and critically analysed, but through the direct and unmediated contemplation of great artworks by the German people. The role of intermediary between art and the public – previously performed by newspapers, journals, publishing houses, the market and private galleries and so on was mistrusted by the National Socialists and thus suppressed. Indeed, even during the Weimar period many were suspicious of these go-betweens as they were seen as being very much under the influence of Jewish intellectuals, dealers and gallery owners.

VII. Modernity as an Ideological Enemy in National Socialist Discourse

The National Socialists wanted to undermine the notion of class struggle which informed left-wing political analysis and replace it with an idealized view of a harmonious and integrated German life, though the flip-side of such an analysis was racial exclusion. They built their mass support with an appeal to overcome the alienation of capitalism by building a socially integrated Reich. What is certain is that National Socialist propaganda right back to the 1920s sought to exploit the real need for social coherence after Germany’s defeat in 1918 (Bracher, 1991: 66- 71). At the end of the Weimar Republic there were six and a half million unemployed Germans and many others in low paid and insecure or part time work. The National Socialists appealed to the unemployed but also to the middle classes who feared a real breakdown of legal order and Hitler appealed to such fears in his speeches (Zeman, 1964: 36). After 1918 German political life is characterized by confusion, political ferment and street-fighting; some threw their arms up at the disunity of Germany, still others deplored the divide between rich and poor and it is this that Hitler sought to exploit. National Socialist demagogy was focused on a united nation, and it berated the Communists, Jews and progressive modernists who argued for a more complex and

nuanced understanding of the polity of inter-war Germany. The National Socialists saw order as the paramount element in political and social life. It simply could not deal with the idea of diversity in political discourse as a positive and healthy element. To the National Socialists the notion of a plural political discourse was akin to madness. The social theorist Colin Sumner has noted: “There was a systematic slandering of the vision of modern artists as similar to the vision of the mentally ill. Modernist artists were censured as being like the deformed, the homosexual, the black, the communist, the criminal – sick, socially useless mutants suffering from racial inferiority who might be destroyed” (Sumner, 1994: 64- 65). This is the context of *Entartete Kunst*. The censure came first, of art, of persons, and then came the inevitable action of destruction (Amatrudo, 1996: 76).

VIII. Art Pedagogy and Art Criticism

Though Hitler criticised and censured modern art, he was anxious to evade the kind of public discourse established through art criticism, reviews and commentaries in newspapers and elsewhere, along with contacts between publishers, critics, and dealers and others. Moreover, he wanted to be seen to do so. By both condemning modernist and other art forms and the critics, journalists and institutions, that, in his view, manipulated and persuaded the public to accept these as genuine and truly German, and by refusing to talk in detail about the coming revival of true art, he sets his own Great German Art Exhibition speech of 1937 up as an example of the way the German people will be introduced to truly German art. More specifically, journalists and critics of old will be replaced by press commentators who take the party line and by experts who collect exemplary works for public showing. Art pedagogy replaces art criticism. This speech itself marks a new phase in Hitler’s engagement with modernism and other art. Four years have now passed since he came to power. The fight against modernity, which was seen as a direct threat both to the National Socialist movement, and to the racial health of the German people, now makes way for the use and exploitation of modernity as an exhibit. It is thus only logical that in his speech Hitler should twice refer to the exhibition *Degenerate Art (Entartete Kunst)* which also opened in Munich, in the Archaeological Institute, a day later. Visitors to the Great German Art Exhibition and people who have heard or read his speech should, according to Hitler, have a first-hand experience and, through their own contemplation rather than reading art criticism, come to a “healthy” judgement of the value of art forms. A comparison was further elaborated in a book by Adolf Dressler entitled *German Art and Degenerate Art* published in

1938, which presented reproductions of both art forms facing each other on opposite pages with an accompanying commentary. The *Degenerate Art* exhibition itself recorded more than 2 million visitors altogether, far more than the Great German Art Exhibition of 1937.

Hitler is thus deliberately vague about the aesthetic value of German art. The public had no option but to silently accept what was presented to them in pictures and sculptures, whether German or degenerate, and trust the Führer. Curators and selection committees in their wisdom to choose the most appropriate German art. Goebbels and his associates in the Reich Chamber of Culture had long since started to ban art criticism from the review sections of newspapers, along with debates in public houses and cafes like the famous *Romanisches Café* in Berlin. Moreover, the broad and vague definition of Germanness proposed by Hitler made it possible to relate National Socialist ideology to long-standing and widespread beliefs and concepts about the essence of a person's "völkish" identity. In this way the most disparate works and opinions, especially in the area of literature, could, by means of vague formulae and themes, be seen as part of the same striving for a new Germany (Schoeps, 2004: 16). These themes were, Klaus Vondung has stated, mainly German Volkstum i.e. the heroism of the First World War and the fight for National Socialism. It was primarily concerned with ideological belief and commitment, and the cultish aspects ("Weihe") of the movement (Vondung, 1983: 248). However, what this kind of literature seemed to have in common was the idea that all artistic endeavour should aim to restore the "Volksgemeinschaft" as "Blutsgemeinschaft" (Vondung, 1983: 264). This aim, Hitler decreed, could only be achieved if modernist and other modern art forms, and with it Jewish criticism (which he saw as the driving force behind modern art and literature), were both fundamentally repudiated and finally totally destroyed. However, it should be noted, the actual identification of artists and works of art as modernist, especially in the areas of literature and architecture, turned out to be more complicated than Hitler claimed (Delabar, 2007). National Socialist architecture in particular had already adopted a number of modernist features. In addition, some modernists were even party members or collaborated with the regime as their services were sought after (Petropoulos, 2000: 10.)

It is interesting to note that in his speech of 1937 Hitler endows culture with a greater significance than either the political or the economic sphere of society (Hitler, 2007). Culture is here the all-embracing expression of a people's racial strivings and German visual art, along with literature, theatre, film, dance, music, and architecture, are meant to fulfil and represent its higher aspirations as an ever-growing community and body of people strongly united by Blut und Boden

(blood and soil). It is incidentally this aspect of Hitler's thinking that has led some recent researchers to re-address the balance between his political and military interests and his cultural and art policies (Spotts, 2002). Indeed, Hitler did indeed think that cultural achievements would vouch for a people's right to existence which is not guaranteed but must be constantly pursued and asserted in an ongoing struggle with other races. If a people's right to existence stands and falls with the value of its cultural achievements, especially in the arts, then it would be self-defeating to maintain the old liberal model of a balance of interests and a democratic co-existence of any art forms as well as an art criticism exercised by individuals who are alien to the German people. In this respect Hitler is therefore drawing on the *decisionism* which many years previously Carl Schmitt had admired in the Führer in connection with the Enabling Act: "There is no prouder testimony of a people's right to existence than its immortal achievements. I was therefore always determined – were fate once to give us the power – never to discuss these things with anyone, but rather to make decisions" (Hitler 2007). With the removal of Parliament as the source and originator of new laws in 1933, the Führer became this source. His was now the last and absolute power of decision making arising from his self-assumed responsibility towards a biological entity of superior dignity and value – the German Volk. According to Carl Schmitt, the Führer was now "the highest judicial authority who administers justice and creates law directly". His deeds were not subordinated to justice, but were "themselves the highest form of justice". "The judiciary power of the Führer derives from the same legal source from which all rights of every people spring. ... All right stems from a people's right to existence." (Schmitt, 1940: 200).

What is now increasingly apparent is that Hitler is also the ultimate judge of art who is no more dependent on the approval of art criticism and public intellectual discourse than he is on that of parliament. By analogy with his legislative power in Parliament, he exercises his right to condemn and approve art. And as the Führer's right stands in contrast to any kind of legal positivism (Kelsen), so his aesthetic norms stand in contrast to the value and price of art as created in a market sphere with the help of Jewish intellectuals. It is an essentialist viewpoint, not a positivist one: Art serves and develops what is already in existence, but needs to be protected, supported and further advanced; namely, the Volk and its right to existence. For this reason only, Hitler speaks of a "*law*" when, in the context of German art, he tries to define the essence of Germanness. Germanness for him does not indicate something that has already been realised and completed, but something that needs to be developed and brought into full existence. To be essentially German therefore demands action from everyone in the same way a law stipulates

certain forms of action and behaviour. The analogy with the sphere of law ensures the *legality* of Hitler's actions in the realm of art; however, the *legitimacy* of both, law-making and art creation is guaranteed through their eminent racial and volkish responsibility and duty.

IX. Political Life and Aesthetic Experience

In detailing Walter Benjamin's critique of fascist aesthetics Frederic Spotts has argued: "Hitler's fascism anaesthetized politics. The rallies were a microcosm of Hitler's world: a people reduced to unthinking automatons subject to the control not of the state, not even the party but of him personally – and that unto death. Never before was there a clearer example of aesthetics used to promote enslavement and heroic death" (Spotts, 2002: 69). The National Socialist Party after 1933 worked systematically to create new works of art and architecture, sculpture, literature, music and industrial design which upheld their ideology. All of the arts were conceived of in terms of as moral projections of the Germanic ideal. Soon after coming to power the *Haus der Deutschen Kunst* was built as a cultural bulwark against modernism. Rosenberg and Goebbels gave lectures there concerning the degeneracy of modernist artistic forms. What is certain is that the role of the arts to form a national identity, for what was still a young nation, was prioritised by the National Socialist hierarchy. Visual artists, architects, cinematographers and others involved in the cultural arts were given an elevated position under the National Socialists and the state greatly increased the number of scholarships, competitions and exhibitions. Though the art produced under the National Socialists did not question the existing order it was avowedly anti-modernist and sterile. At the forefront of National Socialist art policy was the marginalising of progressive thinking, notably Marxist thinking with its ideas about class struggle as a revolutionary force in society. These ideas were replaced by racial theory, though such ideas were in turn themselves tied to a very real need to develop social cohesion in the fractured Germany after 1918 (Bracher, 1991: 66-71). There was, of course, an active Left in Germany but it was defeated in the war of ideologies through the greater concentration upon the systematic anti-modernist ideas and nationalism, themes the National Socialists made their own. National Socialism manipulated history and appealed to an idealised Germanic past and in doing this gained support in a time of turmoil and in so doing influenced the political consciousness of ordinary people.

In the nineteenth century Germans had sensed a contradiction between modern production with its largely urban context and mechanised production with the attainment of a proper

character. Germany had a largely agrarian economy. The countryside, the mountains and the ancient mystic woods were seen as quintessentially German: modernity and urban life was viewed with some scepticism. We should remember that Schiller's *On the Aesthetic Education of Man* was, in part at least, written as a call to preserve Germany from the fate of modernising dangers that had shown themselves in the French Revolution. Germany had always feared the alienating tendencies of modernity. The fear of alienation and disconnection had been an aspect of German cultural and political life since, at least, the second half of the eighteenth century. In a very real sense National Socialist policies towards the arts were both part of a pre-existing history of anxiety about modernity and exploitative of them. After all many Germans perceived National Socialist political discourse as no more than a call for a return to the certainties of *gemeinschaft*. The classic statement of this was outlined by Hitler in *Mein Kampf*. As Nolte has recorded: "The innate strength of the seemingly powerful pre-war Germany was weakened – according to *Mein Kampf* – mainly by an 'industrialization which was unbridled as it was harmful', and which entailed a dangerous regression of the farming class. The aristocracy of the sword gave way to the aristocracy of finance ... This signalled an alienation of property as against the employee, and the internationalization of the economy. This mammonization led at the same time to the Hebraization of spiritual life." (Nolte, 1965: 403-4). The basic ideological appeal of National Socialism was in its vision of a harmonious social order in which all Germans could feel secure; if only by looking down on those elements which were antithetical to it. Modernity, in all its forms, would need to be eliminated and since the Jews were equated with it they were deemed not to be true Germans and seen as in the vanguard of the supposed modernist onslaught they too would be eliminated. The National Socialist idyll was set somewhere in the past; it was rural and it was pure – and yet, it pretended to be forward-looking, non-conservative, embracing new technology and art forms. Alfred Rosenberg, one of the ideologues of the National Socialist Party certainly equated city life with the undermining of German cultural integrity. He wrote; "The metropolis began its race-annihilating work. The coffee houses of the asphalt men became studios; theatrical, bastardized dialects became laws for ever-new directions. A race-chaos of Germans, Jews and anti-natural street races." (Rosenberg, 1970: 149) The National Socialist view of modernity was entirely negative and yet its attitude to the past was not so much reverential as selective and manipulative. Germany was a relatively new country. The Germans had been under the Austrian yoke for centuries. There was a greater sense of regional identity, especially in Bavaria, than of national identity. The National Socialists sought to esteem the present by

arranging various elements of the past in a pastiche fashion. It can be argued that, in this regard, National Socialist aesthetics were post-modern; in that censures of the present were selected from the cultural legacy of the past.

X. The Führer Principle in the Arts

The Führer principle, mentioned above, was also to be applied in the realm of the arts. It was part of what the National Socialists called *Gleichschaltung*, the “coordination and subordination of all aspects of life to National Socialist Party doctrine” (Ritchie, 1983:1). Goebbels succeeded in implementing this in the administrative structure of the *Reichsministerium für Volksaufklärung und Propaganda* (Reich Ministry of National Enlightenment and Propaganda) as well as in all organisations dealing with art which were linked to the ministry. However, he also kept reminding his department heads (in a letter with the subject line *Führer principle* written in 1941!) to act in accordance with the Führer principle and “to get rid of all vestiges of democracy, all votes, and all majority decisions” (Brenner, 1963:191). In fact, Goebbels had already bowed to Hitler’s superior artistic judgement as early as 1933 when the latter while visiting ordered him to remove immediately from his home a number of Expressionist paintings by Emil Nolde: though Nolde was himself a party member. By 1937, however, it was no longer just a simple matter of disposing of a few expressionist paintings from private houses. Soon after the opening of the Great German Art Exhibition Hitler gave the “kunstrichterlich” (art judgemental) order that German galleries and museums should be closely searched for any modernist works. An army of “art hunters” was dispatched and about 17000 objects were found, confiscated and finally taken to a warehouse. With this, modern art had now definitely disappeared from all German museums, galleries and other public places. Hitler himself inspected the seized works in order to reassure himself as to the success of this action. Pieces that were not sold abroad disappeared into Göring’s private collection or were put into storage. Most of them, about 5000 objects, were finally burnt in 1939 on Goebbels’ order. Hitler had called modern painters “imbeciles”, “shrewd impostors”, “sensationalists”, “plasterers” and “canvas smearers”. (Spotts, 2002: 156) and promised when he had finished with them that they would vanish without trace: “It would be”, he said, “as though they had never existed.” The burning of art, four years after the burning of books in 1933, was the redemption of this promise. The burning of people was next on the agenda.

It is therefore hardly surprising that an artistic and literary politics based on the Führer principle would also try to discredit and eliminate modern art criticism, alongside the actual products of modernity, be they of Jewish or non-Jewish origin. Modern criticism stands in direct contrast to the Führer principle. It is liberal, broad-minded and international; its criteria are flexible rather than set in stone; it is more concerned with formal questions; it adopts a critical attitude towards religion, ideology, militant nationalism, and also traditions, especially when these claim absolute authority and validity. Moral norms and political engagement are admitted into its discourse but are not allowed to become directive and prescriptive. Nobody is excluded: its patron is Goethe, with his concept of world literature; all styles and developments are accepted and it trusts in the artistic integrity of the individual artist. It celebrates innovation but accepts a canon of significant works from the past that is subject to constant review. (Kiesel, 2004: 360). The self-confidence of modern criticism was a thorn in the flesh of the National Socialists. Hitler suspected, as mentioned before, that modernism would not exist at all, were it not for the public attention paid to it by art criticism in feuilletons, in lectures and discussions, in journals, on the radio, but also by publishers, in museums and galleries and finally in society's educational institutions. However, just as modernity without art criticism was unthinkable, so too was art criticism without Jews.

In the year of the opening of the Great German Art Exhibition a study by Wilhelm Stapel appeared which gave a detailed analysis of "Jewish art criticism as a manifestation of decadence" (S L Gilman). The study is the compendium to Hitler's statements on the subject and clearly articulates the National Socialist opinion on the "subversive" effect of Jewish activities in German culture (Stapel, 1971). It attempts to demonstrate in some detail why Jews – because of their racial difference – find it hard to understand German literature and especially its poetic qualities. It argues that, being unable to become great writers themselves, they forced their way into areas of art criticism and bourgeois patronage that were just establishing themselves in the 18th century and, feeling alien and unwelcome in Germany, found their true home in polemics. According to Stapel, they were thus responsible for the erosion of the difference between "Dichter" and "Literat", the former acting out of semi-divine inspiration and talent, with the lofty ideals of his people in mind, and the latter a mere wordsmith promoting and led by facile ideas and short-lived intellectual concerns. The Jews were said to have succeeded in introducing the formal-aesthetic principle into the study of literature because of feeling alien in German culture and therefore unable to identify with German literary subject matters and themes. Technical

perfection, formal artistry and “Gekonntheit” (craftsmanship) were established as universally valid criteria, whereas the interests and concerns of the German people, when taken up by an author, were disparaged as “non-artistic tendencies”. Stapel maintained that formalism in literary criticism had also, under the influence of Naturalism, led to psychological exposure. Elements of the psyche, which up until then had been kept under control by means of a “volksmässig” (folk) ethos of shame, were now laid bare in literature and sullied German culture. In the capitalist market literary criticism had adopted a mediating role between reader and book producer which pushed “true” German writers to the side lines. Since newspapers, journals, books and publishers were all closely inter-connected, an undifferentiated mass had now been formed in which differences between cultural products, activities and roles were expressed solely in financial terms. However, the aim of Jewish cultural politics in all of this, according to Stapel, had been obvious right from the beginning; it was “through literature to become publicly acceptable” and “to further assimilation” (Stapel, 1971: 225).

XI. Art Criticism and the Jews

It is hardly surprising that the National Socialists should refer to the most significant literary journals of the Weimar Republic in an attempt to prove their theory of the Jewish origins of art criticism. The editors of *Der Sturm* (Herwarth Walden), *Neue Rundschau* (Samuel Fischer) and *Die Weltbühne* (Siegfried Jacobsohn and then Kurt Tucholsky) were indeed Jews, but this was certainly not the case with all of them. For example, Franz Pfemfert, editor of *Die Aktion*, was not Jewish and neither was Carl von Ossietzky who took over *Die Weltbühne* from Tucholsky. However, National Socialist ideologues were not interested in detailed differentiation. Instead they aimed to further identify social groups or classes which had supported modern culture. In particular, they saw in the bourgeoisie a whole social class which had played into the hands of modernism and whose “cultural and biological degeneration” created the ideal conditions for the spread of a literary Jewry in Europe. According to the National Socialist viewpoint articulated by Martin Hieronimi in 1938, the bourgeoisie as a class had become emancipated in the 18th century, but had slowly lost its contact to the living German Volkstum and then begun to destroy itself, a process which was accelerated by the reception of international – and in particular, French – literature (Andre Gide, Emile Zola, Romain Rolland and Julien Green). The positive beginnings of “bürgerliche Literatur” (literature of the third estate and its citizens) in the time of Weimar Neo-Classicism and before had led to the decay and death of the literary bourgeoisie in the 20th

century who were intoxicated by the decadence of Jewish writers like Arthur Schnitzler (Hieronimi, 1971; 210).

XII. *Kultur* as Ideology

The banal censure of anti-Semitism was crucially nurtured through law: and yet it also was rooted in the climate of 1920s and 1930s Germany, which itself contained profoundly anti-modernist ideas and upheld a restricted notion of German identity. Moreover, the notion of Germany itself was still something of a novelty after unification in 1871. Unification was superimposed over religious affiliation (overwhelmingly made up of Lutheran, Reformist and Roman Catholic Christian communities) and masked vast differences in terms of regional economic development. The National Socialist policies towards the arts should be understood therefore in terms of the development of a particular view of German culture rather than the defence of an underlying canon of artistic endeavour. The National Socialists wanted to develop an arts policy that would support its ideology. The defeat of Germany in 1918 had ushered in a period of great political and economic upheaval. It was a period of great uncertainty and the appeal of the National Socialists lay partly in their ability to furnish an ideology with which to interpret such difficult times. National Socialism did not champion the German artistic achievement; rather it re-packaged elements of it, simultaneously devaluing it and making it more easily understood. The National Socialists erected a cultural facade. They had no ability, or wish, for genuine culture. Goethe the great cosmopolitan, for example, was twisted to serve narrow nationalistic requirements. The past was reinterpreted and German cultural history was reassembled. In political terms, as Glaser has argued, the word ‘German’ was used to express an absolute value. “Whatever was German remained unequalled whatever was unequalled was called German” (Glaser, 1978: 171). There was claim to national uniqueness. The modernist conception of culture was juxtaposed unfavourably with the supposed depths of German culture. All culture which was not German was considered inferior. The period 1918-33 was called criminal by Goebbels simply because it was considered a time when Germany had dabbled with internationalism (Bracher, 1991: 329). National Socialist laws would provide a framework for the installation of values and to this end law would increasingly be drawn into the aesthetic realm through the regulation of art, architecture, literature and music. The National Socialists claimed that the great achievements of German culture and political life had been thwarted in 1918 by un-German elements, notably of a modernist and Jewish nature. The Jews, avant-gardiste and progressive forces had, the National

Socialists argued, betrayed Germany in 1918 and throughout their period of power they would serve as scapegoats. Jews and especially Jewish artists were constructed as degenerate, weak and internationalist: indeed no less than the counter-image of the National Socialist ideal.

We can see how National Socialism was itself the outcome of certain cultural and sociological developments, much older than National Socialism itself. National Socialism borrowed heavily, but selectively, from the German canon. There would be public support for the arts but only for those forms which cohered with the official standard. The choice between different artistic forms, in this case between traditional and modernist ones, was a political one. In their naivety the aesthetics of National Socialism were simply that abstract styles were equated with modernity and progressive politics, whereas traditional styles were conceived of as conservative. Of course, such a reductive account undermined anything novel. In architecture, for instance, buildings expressed blankness, the power of permanence and order. This was no accident, for National Socialism did not care for spontaneity and upheld the strength of the state, and its institutions, over its citizens. National Socialism was fixated on infiltrating its ideological message into all aspects of German life and culture, broadly defined, was the main vehicle for this. (Let us recall here, in passing, that Bormann had made Hitler personally rich by aggressively marketing *Mein Kampf* and ensuring that all married couples were given a copy at their wedding service. Moreover, that copies were also given to serving members of the military. Therefore, National Socialist Germany was unique in 1930s and 1940s Europe in that many millions of Germans had read the manifesto of their leader. Germans were aware of the ideological tropes of National Socialism.) Culture would be 'pure' and strong and it would overcome the vagaries of social class to make Germany strong again. Art, in all its forms, was to be a communal experience. However, any culture that did not coalesce around these National Socialist ideals would be censored: after all the National Socialist *Weltanschauung* was totalitarian as well as pastoral.

XIII. Sign Up and Join the List

The National Socialists did not want to limit themselves to the aggressive condemnation of Jewish and liberal-bourgeois literary criticism and modern art in general. The Reich Chamber of Culture (Reichskulturkammer) mentioned above was the instrument used to impose the legal and political means of control, suppression and destruction. As an application for membership to the Chamber was compulsory for all practising artists, writers and journalists, those people who did

not fit the bill of the National Socialist art policy could easily have their application turned down or, if they were already members, be excluded. Once they had been excluded they were not allowed to publish, perform or exhibit in public. Literary and art criticism, as practised in the leading journals and reviews of the Weimar period, was effectively terminated by the “Schriftleiter” law of October 1933. All opponents were barred from working in newspapers and journals or for publishers, and a new generation of National Socialist artists and writers was now able to take their place.

Nonetheless, the new art and literature had little of substance to offer. Even Hitler angrily dismissed the selection panel for the first Great German Art Exhibition because many of the works selected were banal and mediocre, frequently imitating 19th century art. There was as yet very limited evidence of the great art that had been promised. Nonetheless, politicians, party functionaries and ideologues seemed to have a very clear idea what direction art and literature had to take and which subjects should be covered: “It is the communities of fundamental blood links: family, tribe, Volkstum. It is the connection between people and the past of their families and their Volk and the impact of this connection on the future – everything which is now known as Volkswerdung (the becoming of a Volk or people). It is belonging to a landscape and to the living forces and eternal laws of nature. It is religious works of many forms which all nonetheless present the individual in larger contexts. It is also the values of loyalty, restraint, form-giving in the domain of both ethics and aesthetics.” (Kluckhohn, 1971: 202) Goebbels, bearing in mind the propaganda effect of his words, added to it: “German art of the next decade will be heroic; it will be like steel; it will be romantic, non-sentimental, factual; it will be national with great pathos and at once binding, or it will be nothing” (Watson, 2010: 646).

XIV. The Process of Censure, Exclusion and Annihilation

The parallel between the fate of modern art (in all its forms) under the National Socialists and European Jewry is stark: both were publicly censured and systematically excluded from German public space and then physically destroyed. The temporal order is straightforward - censure followed by exclusion and annihilation (Amatrudo, 1996: 79). The attack on modernist art, and against Jewry, was about the expunging of such ideas and people from the consciousness of future generations. This was the basic methodology of National Socialist policy towards the arts. It is also noteworthy that by mixing, or confusing, the modernist aesthetic with the Jewish labour of artists, authors, musicians and painters the destruction of art prefigures the destruction of

persons. The arts were used to censure the Jewish contribution to German civic life. These contributions were to be eliminated from German polity but the ultimate aim was elimination from history itself. The racist violation and removal of Jews from National Socialist German cultural life was a fundamental denial of their human rights but it anticipates the Holocaust (Amatrudo, 1997: 81).

From 1933 the National Socialists invested an enormous amount of time and effort in destroying modernist art because they argued its ontological basis was Jewish and Bolshevik and un-German. Moreover, through their attacks on modernist art the artists themselves were attacked, along with collectors, dealers and those who appreciated the avant-garde. So in linking the production of modernist art to Jewish and Bolshevik origins the destruction of the former prefigured the destruction of the latter. Modernist art was supposedly sick and degenerate and its 'irrationality' was juxtaposed to an Aryan rationality: order was valued over disorder. The role of National Socialist propaganda and its emphasis upon artistic production was vital as, over time, the German people came to see the world as it was presented to them. (Adam, 1992:12- 15)

XV. Conclusion

It is clear that the National Socialists abhorred any form of diversity: be it cultural, political, racial or social. It is similarly clear that many leading National Socialists were taken with aesthetic production: not only Hitler the frustrated artist, but Goebbels who had earned a doctoral degree in German Literature and Rosenberg the architect and many others. Reinhard Heydrich's father had been the director of a music college; Heydrich himself was a talented, and classically trained, violinist. At a lower level one finds men like SS-Major Count Klaus von Baudissin, Hitler's personal advisor on art, who had been the director of an art gallery in Essen before the war. These two elements - a restricted toleration of diversity and a concern for artistic endeavour and form - are the basis for the mindset which sought censure, and would exclude and annihilate those authors and artists with an avant-gardiste outlook. The National Socialists were totalitarians but they were not necessarily crude, or unschooled, and in eliminating certain artistic forms they sought to so construct a world in which only ordered National Socialist visions of the world would be allowed. In filleting the past and fashioning the present they sought to eliminate the formation of any memories which denied their narrow Weltanschauung. In such a fashion both the elimination of old memories and the conscious creation of new ones was central to National

Socialist legal policy towards modernist culture. It both anticipated the holocaust and yet saw beyond it.

Bibliography

- Adam, P. (1992) *The Arts of the Third Reich*. London: Faber and Faber.
- Amatrudo, A. (1996) 'The Nazi Censure of Art: Aesthetics and the Process of Annihilation' in: Sumner, C. (ed.) *Violence, Culture and Censure*. Oxford: Taylor and Francis 63-84.
- Bracher, K. D. (1991) *The German Dictatorship*. London: Penguin.
- Brenner, H. (1963) *Die Kunstpolitik des Nationalsozialismus*. Reinbek bei Hamburg: Rowohlt.
- Delabar, W. (2007) 'Zur Dialektik des Modernen in der Literatur im Dritten Reich' in H. Kiesel and S. Becker *Literarische Moderne. Begriff und Phänomen*. Berlin and New York: Walter de Gruyter 384-403.
- Fishburn, M. (2008) *Burning Books*. Basingstoke: Palgrave.
- Glaser, H. (1978) *The Cultural Roots of National Socialism*. London: Croom Helm.
- Harppecht, K (1996) *Thomas Mann. Eine Biographie*. Reinbek bei Hamburg: Rowohlt.
- Hieronimi, M. (1971) 'Das Ende der literarischen *Bourgeoisie* in Europe' in Gilman, S.L. (ed.) *NS-Literaturtheorie. Eine Dokumentation*. Frankfurt am Main: Athenäum 204-16.
- Hitler, A (1936) *Mein Kampf*. Munich: Franz Eher.
- Hitler, A (2007) *Rede zur Eröffnung der Großen Deutschen Kunstausstellung im Haus der Kunst 1937*
http://www.kunstzitate.de/bildendekunst/manifeste/nationalsozialismus/hitler_haus_der_kunst_37.htm (accessed 19/05/2011).
- Kiesel, H. (2004) *Geschichte der literarischen Moderne. Sprache, Ästhetik, Dichtung im Zwanzigsten Jahrhundert*. Munich: Beck.
- Kluckhohn, P. (1971) 'Die konservative Revolution in der Dichtung der Gegenwart' in Gilman, S.L. (ed.) *NS-Literaturtheorie. Eine Dokumentation*. Frankfurt am Main: Athenäum 183-202.
- Nolte, E. (1965) *The Three Faces of Fascism*. London: Methuen.
- Petropoulos, J. (2000) *The Faustian Bargain. The Art World in Nazi Germany*. London: Penguin .
- Ritchie, J.M. (1983) *German Literature under National Socialism*. London and Canberra: Croom Helm.
- Rosenberg, A. (1970) *Selected Writings*. London: Jonathan Cape.
- Spotts, F. (2002) *Hitler and the Power of Aesthetics*. London: Hutchinson.

- Schmitt, C. (1940) *Positionen und Begriffe im Kampf mit Weimar–Genf –Versailles 1923-1939*. Hamburg: Hanseatische Verlagsanstalt.
- Schoeps, K.-H. (2004) *Literature and Film in the Third Reich*. Woolbridge: Camden House.
- Spotts, F. (2002) *Hitler and the Power of Aesthetics*. London: Hutchinson.
- Stapel, W. (1971) ‘Die jüdische Kritik als Dekadenzerscheinung’ in Gilman, S.L. (ed.) *NS-Literaturtheorie. Eine Dokumentation*. Frankfurt am Main: Athenäum 217-37.
- Sumner, C. S. (1994) *The Sociology of Deviance: an Obituary*. Milton Keynes: Open University Press.
- Tyrell, A. (1983) ‘Voraussetzungen und Elemente des nationalsozialistischen Herrschaftssystems’ in Bracher, K. D., Funke, M. and Jacobsen, H.-A. (eds) *Nationalsozialistische Diktatur 1933-1945. Eine Bilanz*. Düsseldorf: Droste 37-72.
- Vondung, K. (1983) ‘Der literarische Nationalsozialismus. Ideologische, politische und sozialhistorische Wirkungszusammenhänge’ in Bracher, K. D., Funke, M. and Jacobsen, H.-A. (eds) *Nationalsozialistische Diktatur 1933-1945. Eine Bilanz*. Düsseldorf: Droste 245-69.
- Watson, P. (2010) *The German Genius. Europe’s Third Renaissance, The Second Scientific Revolution and the Twentieth Century*. London: Simon and Shuster.
- Zeman, Z. (1964) *Nazi Propaganda*. New York: OUP.

Addresses:

Dr Anthony Amatrudo
 University of Sunderland
 Department of Social Sciences
 Priestman Building
 Green Terrace
 GB-Sunderland SR1 3PZ

Dr Fritz Wefelmeyer
 University of Sunderland
 Department of Culture
 Priestman Building
 Green Terrace
 GB-Sunderland SR1 3PZ