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*A German Pogrom: The Kristallnacht  
in History and Memory*

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Late in the evening of 9 November 1938, Germany erupted into violence. Through the night, and well into the following day, marauding Germans-- most, but not all of them, members of Nazi party organizations-- destroyed many of the country's synagogues and vandalized thousands of Jewish homes and Jewish-owned businesses. They killed dozens of Jews, physically abused many more, and rounded up tens of thousands of Jewish men to be sent to concentration camps, where hundreds would perish in the following weeks.

The pogrom was a monumental event for several reasons. It was the single instance of large-scale, public, and organized physical violence against Jews inside Germany before the Second World War. It unfolded in the open, in hundreds of German communities, even those with very few Jewish residents, and took place partly in broad daylight; it inaugurated the definitive phase of so-called "Aryanization," i.e., the coerced expropriation of German Jewish property; it led to a dramatic rise in applications

for emigration among German Jews, further exacerbating the Jewish refugee crisis; and it intensified diplomatic tensions between Germany and other countries, which had already suffered considerably as a result of the Sudeten Crisis.

For all of these reasons, the pogrom has received a great deal of scholarly attention. In fact, it counts among the most widely written-about events in the history of Nazi Germany. For a very long time, descriptions of the pogrom conformed to the narrative that was established by the German historian Hermann Graml in his work of 1953.<sup>1</sup> The key elements of this narrative are as follows: First, the pogrom, it is often claimed, marked a dramatic departure from what had been a predominantly legal and bureaucratic strategy for persecuting Jews; second, the pogrom was initiated, organized and coordinated by the Nazi Party and agencies of the German government; third, the perpetrators of the pogrom consisted almost exclusively of members of the SA and other Nazi Party organizations, with very few "ordinary" Germans spontaneously joining in the violence; and fourth, the majority of the population disapproved of the violence and destruction of property.

This standard narrative of the Kristallnacht is the collective product of a large number of talented historians

working in Germany, Britain, the United States, and Israel. It would be both arrogant and inconsistent with the historical evidence to suggest that this version of the Kristallnacht story is fundamentally wrong. But it is also true that historical interpretations have a way of becoming established and institutionalized, so that they are reproduced uncritically from one generation of historians to the next. In the case of the Kristallnacht, I think that several elements of the standard narrative do need to be reconsidered, not with a view to overturning them radically, but rather with a view to introducing more nuance, more precision, and a heightened understanding of the complexity of the event. This reconsideration has, in fact, been underway for several years, especially in German-language scholarship, several examples of which I'll discuss later on.

Drawing on my own research and that of other historians, my forthcoming book on the "Kristallnacht" will present a synthetic narrative of the pogrom that will challenge the historiographical consensus in several important respects.<sup>2</sup> It will reconstruct microscopically the course of the violence not only in several urban neighborhoods, but also in smaller cities and towns, where a significant percentage of German Jews resided. It will feature a detailed portrait of the backgrounds, actions, and motivations of some of the

perpetrators, and will thereby contribute to the ongoing discussion about the nature, depth, and breadth of anti-Semitism in Germany during the Nazi period. It will weigh the importance of anti-Semitism against the role played by other factors that contributed to the violence, such as masculine camaraderie, drunkenness, greed, personal grudges, group pressure, and ritualized behavior. It will seek to situate the pogrom in the context of Nazi anti-Jewish policy as experienced by German Jews. It will assess attempts by German prosecutors and courts to bring the perpetrators of the pogrom to justice after 1945. And it will examine the manner in which Germans and Jews remembered and memorialized the pogrom after 1945.

I would like to address, first, how I think my book will challenge the existing dominant narrative; second, how it will attempt to transcend the familiar dichotomy between perpetrator (Nazi) and victim (Jewish) perspectives; and third, how it will attempt to integrate the events of November 1938 into a much bigger story of how the Pogrom was adjudicated, remembered, and commemorated after the collapse of the Nazi regime.

The first generally accepted conclusion that requires our attention is that the officially sanctioned violence of the Kristallnacht marked a dramatic departure from what had previously been a legal and bureaucratic strategy for persecuting Jews. The magnitude and intensity of the violence directed at Jews in November 1938 were certainly unprecedented in Nazi Germany. But historians of Nazi Jewish policy between 1933 and 1938 have begun to take a critical look at the familiar distinction between legal and bureaucratic antisemitism, on the one hand, and violent antisemitism, on the other. Although a legal-bureaucratic strategy was central to the systematic marginalization of German Jews, instances of violence were much more common than is generally assumed. Many historical works have tended to refer to "isolated" incidents, but violent attacks and physical intimidation were, in fact, routine in Germany after January 1933.<sup>3</sup> In most cases the perpetrators of these attacks were members of the SA, the Stormtroopers. The frequency of violent attacks on German Jews increased considerably during the year 1938. Both the annexation of Austria in March and the war scare known as the May Crisis provoked waves of violent incidents. The upward trajectory of anti-Jewish violence continued through the summer and the fall, when they were further exacerbated by the Sudeten

Crisis. The fear of war against external enemies inflamed paranoia about the supposed internal Jewish enemy. Taking into account this trend toward increased antisemitic violence, historians have begun to revise the still dominant conceptualization of a clear boundary between a "legal" phase of Jewish persecution before November 1938 and a "violent" phase inaugurated by the pogrom. Viewed in light of this continuity, the November pogrom can be seen more as a culmination of a trajectory of violence that was already evident for months beforehand, and less as the dramatic rupture it is usually represented as having been.

The second element of the standard narrative of the Kristallnacht that we need to consider is the assertion that the pogrom was initiated, organized, and coordinated centrally. Examined in the narrow chronological context of November 9th and 10th, 1938, this is indeed how the events can logically be understood. But the chronology of Kristallnacht was actually a good deal more complicated. The event that sparked the pogrom occurred on the morning of Monday, November 7<sup>th</sup>. This was the shooting of the Paris-based German diplomat Ernst vom Rath by Herschel Grynszpan, a despondent Jewish teenager whose Polish-born parents had recently been rounded up in Hannover and dumped in the no-

man's land between Germany and Poland, together with thousands of other Jews. The shooting was reported on German radio later that same day. Before nightfall on the 7th, anti-Jewish riots erupted in around the city of Kassel. The rioting spread to neighboring towns in the region of Electoral Hesse on the following night.

These localized riots are indeed mentioned in much of the existing scholarship on the Kristallnacht, but are rarely analyzed in depth. Historians have failed to sufficiently appreciate the causal link between the local anti-Jewish riots of November 7th and 8th, on the one hand, and the *national* pogrom that commenced on the evening of November 9th, on the other. When looking at the entire period from November 7th to November 10th, rather than only at the 9th and 10th, as has usually been done, the pogrom looks less like an atrocity that was initiated at, and orchestrated from, the top, and more like the nationalization of a series of localized anti-Jewish actions. On the evening of November 9<sup>th</sup>, the national leadership-- specifically Adolf Hitler and Joseph Goebbels-- decided not to suppress, but rather than to embrace the violence. Their reasons for doing so were several. They wished to facilitate the transfer of Jewish-owned property into "Aryan" ownership; to accelerate the departure of Jews from Germany in



anticipation of a coming war; to throw some red meat to antisemitic radicals among the Nazi movement's rank-and-file; and to demonstrate to the German people that certain important national goals would be attainable only through violence.

The most thorough examination of the events of 7 and 8 November 1938 is that of Wolf-Arno Kropat in his book *"Reichskristallnacht."*<sup>4</sup> Relying in large part on postwar trial testimony, Kropat reconstructs in impressive detail the events in Kassel and Electoral Hesse. A careful reading of the book, and a comparison of the claims made in the book with the primary documentation on which they are based, raises important questions about some of Kropat's conclusions. One of these is Kropat's contention that the pogrom in Kassel on 7 November was intended by Goebbels as a "pilot pogrom." The main evidence Kropat provides is postwar testimony establishing that the violence in Kassel was instigated by the local propaganda coordinator (Gaupropagandaleiter). Kropat reasons that this Nazi official would not have acted on his own initiative; an order must have come from higher up. Because the Gauleiter was clearly opposed to pogroms on tactical grounds, Kropat concludes that the local propaganda official must have received an order from Berlin, i.e., from Goebbels. This

conclusion, however, is not supported by the Goebbels Diaries, from which it is clear that Goebbels had neither ordered nor authorized the violence in Kassel. Moreover, one might ask, if Goebbels had really intended to stage a "pilot pogrom," why do so in Kassel rather than in Berlin, where Goebbels himself was the Gauleiter? I think we need to consider the possibility that the propaganda coordinator in Kassel acted on his own initiative on November 7<sup>th</sup>. This behavior would be consistent with much of what we know about how decision-making functioned in NS-Germany. It was common for mid-level functionaries to initiate actions that were later embraced by leaders higher up on the ladder. If this is how the Reichskristallnacht actually started, then it would not be unusual. It would also help explain why Goebbels, in his diary, seemed genuinely convinced that the pogrom was the product of what he called "the rage of the people" (Volkszorn). Historians have tended either to ignore this diary entry, or to characterize it as a deliberate contrivance intended for future publication. My own contention is that the virulently anti-Semitic minister sincerely believed that the localized pogroms of November 7<sup>th</sup> and 8<sup>th</sup> reflected a genuine anti-Jewish uprising from the grass roots of German society. On the night of 9 November,

Goebbels did not regard himself so much as the originator of the national pogrom, but rather merely as its enabler.

The third element of the standard narrative that requires reconsideration is the notion that the perpetrators of the pogrom consisted almost exclusively of members of the SA and other Nazi Party organizations; in other words, that the circle of Germans who contributed directly to the violence was fairly limited.

Much of my own current research focuses on this particular aspect of the Kristallnacht. My contribution will be based on a close reading of testimony and evidence presented at the trials of Holocaust perpetrators in Germany in the late 1940's. It is not commonly known that several hundred Germans who were involved in the Kristallnacht were prosecuted in German courts-- primarily in the British and American zones of occupied Germany-- between 1945 and 1949. These trials produced an incredibly rich and informative body of material for historians. But only a small number of historians has exploited this documentation, mainly because, until recently, it was hard to use, distributed as it was in the files of county courts around Germany, with access complicated by privacy restrictions. Happily, the Institute for Contemporary History in Munich, in tandem with Yad

Vashem in Jerusalem, has undertaken an ambitious project to copy the records of post-war trials and make them more easily available to historians.

With respect to the November Pogrom, the scholar who has done the most with postwar trial records is Dieter Obst, in his University of Bochum dissertation of 1989.<sup>5</sup> Obst systematically worked through the records of several hundred trials, all of which had been held in the western zones of occupation or in West Germany; he did not have access to materials in the GDR. The book that Obst produced reflected the sociological and quantitative approach to historical scholarship that was fashionable in the 1970's and 1980's. Obst assembled a very large sample of Germans who had been involved in the pogrom in one way or another, and analyzed them according to such criteria as age, social background, geographic origin (urban vs. rural) Nazi-party affiliation, and so forth. The result was a book that remains indispensable to research on the subject. But it also suffers from the sterility that characterized much of the social scientific scholarship of that era. Almost nowhere in the book does the reader gain a sense of the pogrom perpetrators as people. In the process of conveying statistics, the book does very little in the way of telling stories about people, their lives, their motivations, their

standing in their communities, and their relationships to Jews before November 1938. My own book will certainly make use of many of Obst's quantitative data, but it will integrate them into an analysis in which narrative storytelling will be central.

Perhaps the most valuable of Obst's contributions is his emphasis on the multiplicity of factors that determined the behavior of the pogrom perpetrators. The core of the perpetrators was constituted by members of the brown-shirted SA-- the Stormtroopers. On the evening of 9 November, Stormtroopers throughout Germany engaged in rowdy beer-drinking as part of the annual observance of the Beer Hall Putsch. Directives to mobilize for the anti-Jewish action often arrived in the midst of these celebrations. Thus, it was not merely the institutionalized antisemitism of the SA that explains the readiness of the Stormtroopers to behave barbarically on the night of November 9th, but also its deeply rooted masculine culture of beer-hall hooliganism. The keyed up and drunken state of the Stormtroopers helps explain why in many instances the violence intensified beyond the bounds intended by the Nazi leadership, reaching the level of murder, rape, and widespread theft of Jewish property.

The actions of the Stormtroopers also need to be considered in the context of Nazi ritual. Twenty years ago, the American historian and psychologist Peter Lowenberg suggested that the Kristallnacht might be understood as a ritual of cultural degradation.<sup>6</sup> Few historians, however, have followed up on this revealing insight. A potentially fruitful avenue of inquiry has been suggested in a recent article by the German sociologist and psychoanalyst Franz Maciejewski.<sup>7</sup> The commemoration of the Beer Hall Putsch, with which the Kristallnacht coincided exactly, was the high point of the Nazi ritual calendar. The central element in that commemoration was the ceremonial remembrance and reenactment of the Nazi martyrdom of November 9th, 1923. The degradation of Jews during the Kristallnacht needs to be understood, at least in part, as an extension of that ritual. In Nazi historical memory, the Jews had been among those chiefly responsible for Germany's defeat in World War One, for the Treaty of Versailles, and for the despised Weimar Republic-- the very offenses that were understood to have provoked the Putsch. In 1938, the commemoration of the Putsch occurred immediately in the aftermath of the assassination of Ernst vom Rath, whom the German press represented as the latest Nazi martyr to have fallen victim to Jewish terror. Thus, for many of its perpetrators, the

Kristallnacht was a ritualized act of collective vengeance on a day specifically devoted to the memory of Nazi suffering.

Although the SA predominated in the organized pogrom, we must look at other groups as well. An important conclusion promoted by Kropat, but which, I think, has not been properly assimilated in the literature, is that the involvement of SS-units was also very considerable- a good deal more extensive, for example, than Dieter Obst had suggested. This is a significant point, inasmuch as it calls into question the widely held belief that the SS eschewed the kind of street violence that was normally associated with the SA.

Whereas the violence that took place overnight from November 9th to November 10th was dominated by the SA and SS, the circle of perpetrators spread during the following day. In many localities, entire workforces of business enterprises mobilized to participate in the vandalism of Jewish homes and the desecration of synagogues. Entire troops of the Hitler Youth took part in a similar fashion. Classes of schoolchildren were marched from their schools and set loose on Jewish targets, egged on by their teachers. In several post-war trials, and in many testimonies by Jews, victims and witnesses described how the children made a

party out of the vandalism and were difficult to bring under control once local authorities intervened to put a halt to the destruction. The exploitation of children as agents of group violence was especially shameful, which perhaps explains not only why it was emphasized in the trials, but also why it has remained virtually unmentioned in the memoirs of Germans who grew up in the Third Reich.

Most eyewitness accounts suggest that huge crowds gathered to watch as synagogues were burned, Jewish shops were vandalized, and Jews were beaten up or humiliated. The members of these crowds are usually represented as passive bystanders, but post-war trial testimony as well as accounts from Jewish victims suggests that many of the onlookers were far from passive. Through laughter, applause, heckling, and chanting, they expressed their approval of what they were witnessing, in the process providing psychological support for those who were physically engaged in the violence. To the extent that the violence can be understood as a ritual performance of antisemitic hatred, it can be said that many of the onlookers served as the appreciative audience. Moreover, many onlookers ultimately joined the mob and participated in the violence-- this point is made abundantly clear in the post-war trials, but I do not believe that it



has been sufficiently assimilate into scholarly historical accounts of the event.

The circle of participants becomes even larger when the phenomenon of plundering is taken into account. When the national leadership gave the green light for the nation-wide pogrom the night of November 9th, it emphatically prohibited the looting of Jewish property. The order stemmed from the fact that widescale looting had occurred in Kassel and Electoral Hesse in connection with the pogroms of 7 and 8 November. The prohibition on looting stipulated on the night of 9 November was, nevertheless, violated on a massive scale. Thousands of Germans who did *not* participate in the actual vandalism of Jewish homes and businesses did not hesitate to help themselves to the spoils. Some post-war courts regarded such plundering as integral to the violence and humiliation perpetrated upon German Jews in November 1938. Notably, many of those who had engaged in plunder were women. During their trials in the late 1940's, some of them explained their actions as having been motivated by a desire to improve the lives of their families. Others maintained that they had been brainwashed by Nazi propaganda to believe that Jewish property was fair game because the Jews had acquired it dishonestly.

The final element of the Kristallnacht standard narrative I want to address is the contention that the majority of the German population disapproved of the violence and destruction of property. The response to the pogrom among the German population as a whole is undoubtedly one of the most important issues surrounding the history of the Kristallnacht. Historians might argue about the extent and nature of direct involvement, but even those who, like myself, argue in favor of a relatively broad conception of direct participation must nevertheless concede that the vast majority of Germans was not directly involved. But a very large percentage of the population witnessed, or soon became informed about, the violence and its immediate consequences. Understanding their response is therefore essential for understanding how the German people felt about antisemitism on the eve of the Second World War and the Holocaust proper.

Historians wishing to examine German popular attitudes toward the Nazi regime's Jewish policies have traditionally depended on a very limited universe of documents. The two most important collections have been, first, the so-called *Meldungen aus dem Reich*, which were compiled by the SD;<sup>8</sup> and second, the *SoPaDe* reports compiled by the Social Democratic Party of Germany, which had been officially banned in 1933 but which continued to function clandestinely.<sup>9</sup> Historians

have supplemented information from these collections with observations culled from the memoirs and diaries of Germans-- both Jewish and non-Jewish-- and from reports prepared by foreign diplomats stationed in Germany. Based on these sources, the predominant interpretation of the German public's response to the Kristallnacht has been as follows: The vast majority of Germans, who had supported anti-Jewish measures that had been implemented legally and bureaucratically, *disapproved* of the Kristallnacht. While in some cases this disapproval stemmed from a humanitarian concern for the Jewish victims, this did not apply in the majority of cases. Instead, widespread public disapproval of the Kristallnacht was rooted in an aversion to the messiness of the violence, the breakdown of order, the chaos-- and, even more, to the physical destruction of property at a time when most Germans were under great pressure to economize. Many Germans were also disturbed by attacks on houses of worship; German Catholics were particularly concerned that *their* churches might be next.

Very recently, an important new body of source material has become available to historians desiring to explore this question. A team of scholars led by Eberhard Jaeckel and Otto Dov Kulka combed through the archives of Germany-- including many smaller ones at the local level-- in search

of any documents they could find that had some bearing on German attitudes toward Nazi Jewish policy. This ambitious project resulted in a thick volume and CD-ROM containing almost 4,000 documents, most of which had been previously unknown to historians.<sup>10</sup>

Several hundred of these documents relate directly to the Kristallnacht. The new material does indeed seem to validate the widely accepted argument that the majority of Germans responded to the pogrom with disapproval. That having been said, I do think that the new documents will enable us to paint a more differentiated picture of the public response. The documents, for example, suggest that morally-motivated disapproval of the pogrom may well have been more common than is generally appreciated in the historiography. On the other hand, the documents also contain numerous references to effusive praise for the violence among ordinary Germans. These conclusions are not contradictory, but rather reflect a German public that was deeply divided over the question of whether violence constituted a legitimate means for addressing the so-called Jewish Question.

The final part of my book will examine the post-1945 resonance of the Kristallnacht in the German legal system and in German and Jewish memory of the Nazi period. In the late 1940's and early 1950's, German prosecutors (mainly in the western zones of occupation and, subsequently, West Germany) conducted over a thousand criminal investigations stemming from the violence of November 1938. Hundreds of these investigations resulted in actual trials. In some cases, the accused were convicted and sentenced to prison, although in most cases the accused were either acquitted or convicted of minor charges that did not lead to incarceration. A very large percentage of the investigations and trials were conducted outside the major German population centers, as it was more common in smaller towns than in big cities that perpetrators and witnesses remained present a decade or more after the Pogrom. My book will provide a general portrait of these cases, and will analyze several in detail. Key questions will include how prosecutors framed the charges, whether witnesses were prepared to testify against their neighbors, whether the accused were willing to admit to the charges, and, if so, how they explained or justified their actions. Although the rate of conviction was high, the courts often imposed relatively mild sentences, reasoning that the guilt of

ordinary Germans was mitigated by the extraordinary circumstances of the 1930's. A central question is whether the post-war German court system and German criminal law provided the appropriate framework for adjudicating these crimes. Unlike the Nuremberg trials, which were conducted by an ad hoc international tribunal according to novel legal principles invented specifically to deal with Nazi crimes, many of the Kristallnacht trials in West Germany were conducted by German provincial courts according to well-established criminal statutes and procedures. (Note: In the British zone, ACC Law number 10 was invoked, enabling indictments for crimes against humanity. This was not the case in the American zone, where prosecutors had to rely on German Criminal Law.) Also unlike the Nuremberg Trials, the Kristallnacht prosecutions were targeted at ordinary Germans, and therefore had the potential to refute the legend that only a small band of Nazi bosses had been responsible for the crimes of Nazism.

The picture of the pogrom that emerges from the records of these trials, as I have suggested throughout my presentation, is more damning of German society as a whole than that conveyed by German scholarship of later decades, or by German collective memories of the pogrom as represented in public commemoration ceremonies. To be sure,

the Kristallnacht was remembered and ritually commemorated in post-war Germany even more than Auschwitz; it did, after all, happen in Germany and in the open. But the memory of the pogrom was a sanitized one. Spontaneous anti-Jewish violence and mass participation in the brutality was forgotten in favor of a self-exculpatory narrative in which responsibility for the pogrom was attributed to Hitler, Goebbels, and the SA. This narrative was both psychologically comforting and politically convenient in both halves of divided Germany during the Cold War, and it has persisted in Germany since unification. It has helped to underscore a sense of discontinuity from the predecessor criminal regime, and to externalize responsibility for the pogrom onto (quote-unquote) "Nazis" who are no longer present in German society. It has been the narrative of a usable past, but, alas, it is not the narrative of the actual past.

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<sup>1</sup> The most recent edition of this oft-revised work is Hermann Graml, Reichskristallnacht. Antisemitismus und Judenverfolgung im Dritten Reich (Munich: DTV, 1998)

<sup>2</sup> Alan E. Steinweis, Kristallnacht 1938 (Cambridge, MA: Harvard University Press, 2009)

<sup>3</sup> wildt Michael Wildt, Volksgemeinschaft als Selbstermächtigung: Gewalt gegen Juden in der deutschen Provinz 1919 bis 1939 (Hamburg: Hamburger Edition, 2007), pp. 319-335.

<sup>4</sup> Kropat Wolf-Arno Kropat, "Reichskristallnacht": Der Judenpogrom vom 7. bis 10. November 1938—Urheber, Täter, Hintergründe (Wiesbaden: Kommission für die Geschichte der Juden in Hessen, 1997).

<sup>5</sup> Obst Dieter Obst, "Reichskristallnacht": Ursachen und Verlauf des antisemitischen Pogroms vom November 1938 (Frankfurt: Lang, 1991).

<sup>6</sup> Peter Loewenberg, "The Kristallnacht as Public Degradation Ritual," Leo Baeck Institute Yearbook 32 (1987), pp. 309-23.

<sup>7</sup> Frank Maciejewski, "Der Novemberpogrom in ritualgeschichtlicher Perspektive," Jahrbuch für Antisemitismusforschung 15 (2006), pp. 65-84.

<sup>8</sup> Heinz Boberach, ed., Meldungen aus dem Reich 1938-1945: die geheimen Lageberichte des Sicherheitsdienstes der SS, 18 vols. (Herrsching: Pawlak, 1984).

<sup>9</sup> Deutschland-Berichte der Sozialdemokratischen Partei Deutschlands (Sopade), microfilm edition, (Dortmund: Institut für Zeitungsforschung, 1967).

<sup>10</sup> Otto Dov Kulka and Eberhard Jäckel, eds. Die Juden in den geheimen NS-Stimmungsberichten, 1933-1945 (Düsseldorf, 2004).





