Hans Rothfels, Kurt Gerstein and the Report: A Retrospective

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The opening paragraphs to Hans Rothfels’s 1953 commentary on the Gerstein report, published in the second issue of the Vierteljahrshefte für Zeitgeschichte, give the distinct impression that the author was preparing his audience for a heaping spoonful of foul-tasting medicine. The preamble is part apology, part warning: “Dealing with these atrocious events is not pleasant [but] exhibiting apathy […] would signify the lapse of our moral vigilance and conscience once and for all.”1 Rothfels’s stated goal for this piece was to bring to wider attention, particularly of historians, a document that had hitherto only been used in various trials of accused war criminals. The report was a written testimony by SS-Obersturmführer Kurt Gerstein. Gerstein had lent technical expertise to the evolution of the killing process employed in the death camps in Poland, specifically the transition from diesel exhaust to cyanide gas, and later had been tasked with setting up monthly shipments of Zyklon B from the Degesch firm (which sold the poison) to Auschwitz and Oranienburg. The report provided a brief autobiographical sketch, in which Gerstein, an avowed anti-Nazi, claimed to have joined the SS for no other reason than to learn more about the regime’s crimes, to sabotage them where he could, and to spread knowledge about these atrocities to contacts in and outside Germany. The heart of the document, and the reason why it became such an important piece of evidence for trials of accused war criminals, was its moment-by-moment description of the mass gassing at Belzec of a deportation of Jews from Lvov in August 1942. It was and remains an exceptionally rare and valuable primary source, and yet Rothfels felt compelled to justify giving the text page space in this academic journal. His commentary is earnest, deliberate, and urging. It is revealing of the contemporary social-intellectual moment in West Germany that Rothfels anticipated that Gerstein’s report, which discussed the SS,

1 Hans Rothfels, Eyewitness Report on Mass Gassings, pp. 63–83, here p. 64 of this volume. The foregoing is a re-publication and translation of the original: Augenzeugenbericht zu den Massenvergasungen, in: Vierteljahrshefte für Zeitgeschichte 1 (1953), pp. 177–94. In referring to this article, I will use the words and pagination of the re-published article found in the present Yearbook.
gas chambers, and the murder of Jews, would be seen as provocative. Preemptively, it would seem, Rothfels appeals to the journal’s mandate and to the historian’s obligation, “not [to] skirt around controversial issues [...] and leave room for legends to take hold. The best place to start living up to this duty is naturally on our own doorstep.”2 If reading Gerstein’s report was necessary for an honest view of the past, what did it say, and what did Rothfels want his audience to think about Gerstein?

“The” Report

Although the literature on Gerstein most often references his “report,” in fact Gerstein wrote a few nearly identical reports, including one in French by hand on 26 April 1945, a second, typed in German on 4 May, and part of a third, in French on 6 May.3 Rothfels’s commentary begins by discussing the 26 April 1945 French report, of which he had a typed transcription. Only five days prior, Gerstein had turned himself over to French military forces who placed him in a kind of house arrest at a requisitioned hotel in Rottweil.4 He composed the French report and attempted, unsuccessfully, to submit it to French forces. Rejected by the French, Gerstein gave the report to two local Allied intelligence officers, Major John Haught (American) and Mr. Derek Curtis Evans (British) on 5 May, telling them that he had knowledge of the mass gassings and wished to be used as a witness.

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2 Rothfels, Eyewitness Report, p. 64.
4 LAB, Bestand 5,2, no. 489a, Verbal proceeding of Kurt Gerstein at the 2nd Permanent Military Tribunal in Paris, 13 July 1945.
against war criminals. Along with his report, he gave them twelve invoices from the Degesch Company for Zyklon B shipments to Auschwitz and Oranienburg, a letter from Degesch to himself, as well as a religious pamphlet he had written prior to the war.\(^5\) On 25 July 1945, soon after the French authorities charged Gerstein with murder and being an accessory to murder, he committed suicide in a prison cell in Paris.\(^6\) It therefore became impossible to question him any further about his activities or clear up inconsistencies and gaps in the reports. The French report, along with Haught and Evans’s summary of their conversation with Gerstein, were submitted as evidence in various war crimes trials: the International Military Tribunal at Nuremberg in 1945, the Nuremberg Doctors’ and SS Economics and Administrative Department trials in 1947, and Germany’s first poison gas trial of the Degesch firm in 1949.\(^7\)

The report that Rothfels reproduced for the journal was, however, the German version from 4 May 1945. Gerstein had written this report for his wife, Elfriede, who was not aware of its existence until over a year later.\(^8\) In any case, it was this version of the report that was used in Gerstein’s 1950 Denazification hearing. Typically there would not have been such a hearing for a deceased person, but records indicate that Gerstein’s widow requested the proceeding in order to determine whether she might collect a pension based on her husband’s former position in the civil service, which was cut short as punishment for his prewar resistance activities. The report was of central importance for the court’s assessment of his character and connection to the Nazi regime.\(^9\) Rothfels does not indicate how he came across the report, but it may have been in connection with this proceeding. In any case, it is clear that Rothfels studied and compared both the French and

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\(^6\) LAB, Bestand 5,2, no. 489a, Verbal proceeding of Kurt Gerstein at the 2nd Permanent Military Tribunal in Paris, 13 July 1945.


German reports (26 April and 4 May). It should be noted here that he never mentions Gerstein’s incomplete third report (6 May) in his article, and it is unclear whether he knew of its existence at the time of his writing the commentary. After reviewing the first two reports, he chose to publish the German one, for various reasons. Although written later than the French report, typed and unsigned, Rothfels had no doubt that it also came directly from Gerstein. In terms of their facts, Rothfels declared, the reports were “by and large identical.” In Rothfels’ opinion, the French version was less precise, which he attributed to Gerstein not being a native French speaker. Further, Rothfels believed that in places the French report was given to exaggeration, which he believed stemmed from Gerstein’s desire to make an impact on his readers. Rothfels claimed (without elaboration) that the German report was “clearer as well as more detailed.” Close reading of both reports shows that the differences are indeed minor, and are peripheral to the gassing scene at Belzec, which is the climactic core of both documents and the reason for their enduring significance.

The Published Narrative

Rothfels did not publish the 4 May 1945 report in its entirety. He included only those sections whose contents he corroborated by researching Nazi documents, consulting with Polish investigators of Belzec, and interviewing German and foreign contacts (including highly placed religious and political figures) to whom Gerstein had spoken about what he had witnessed. Rothfels omitted sections of the report where Gerstein described atrocities against Jews and other foreign nationals that he had not necessarily witnessed personally. What follows, therefore, are the key aspects of Gerstein’s life and activities drawn from Gerstein’s report as endorsed by Rothfels.

Kurt Gerstein, born in 1905 in Münster, was a Prussian state mining assessor and graduate engineer. He was a devout Protestant and active member of the Evangelical youth organization and university Bible circles since the 1920s. Although he joined the Nazi party very early (May 1933), his religious convictions caused several run-ins with the state. He claimed to have been under Gestapo investigation since 1933, and he was publicly beaten for interrupting a Nazi-sponsored event. He was arrested for the first time in September 1936 for distributing brochures critical of the regime. This prompted his expulsion from the Party in

10 Rothfels, Eyewitness Report, p. 66.
October 1936. Thereafter, Gerstein took up medical studies and continued to distribute religious and anti-Nazi pamphlets. For this he was arrested again in 1938, incarcerated in the Welzheim concentration camp, and placed under a speaking ban for the entire Reich. Gerstein writes that, upon hearing about the killing of the mentally ill in Grafeneck and Hadamar and elsewhere, “I decided that I would at least try to get a look inside these ovens and chambers in order to find out what was happening there.” He was all the more devoted to this mission because a relative had been killed in Hadamar. Two Gestapo agents familiar with his case believed that his “idealism” should be “harnessed for the Nazi cause,” and with their help he was accepted into the SS. Owing to his education, he was assigned to the medical engineering unit of the Waffen-SS Sanitation Service. At first he constructed disinfection systems for soldiers as well as POW and concentration camps. His technical achievements led to promotion and he became head of the health-engineering department, which included developing disinfection services using poisonous gases.¹¹

One day in June 1942, SS-Sturmbannführer Rolf Günther of the SS Reich Security Main Office visited Gerstein and ordered him to acquire a quantity of cyanide gas and take it to a location known only to the driver of the car in which he would travel. Gerstein suspected that the gas was to be used for killing, but agreed to the assignment so that he could gain first-hand knowledge of these matters. He and Dr. Wilhelm Pfannenstiel, a professor of Hygiene at Marburg/Lahn University, arrived in Lublin on 17 August 1942 where they met SS-Gruppenführer Odilo Globocnik, who told them about the Belzec, Treblinka, Sobibor, and Maidanek camps and swore them to secrecy, on pain of death.¹² Globocnik told Gerstein that his task was to disinfect the large amounts of clothing left behind by the victims and to convert existing gas chambers from operating with diesel exhaust to something more fast acting. Gerstein, Globocnik, and Pfannenstiel continued on to Belzec, where they met the camp commandant Christian Wirth. While there, a convoy of Jews from Lvov arrived. Over 5000 men, women, and children were ordered to hand over all of their possessions, clothing, even eyeglasses and prostheses. Women and girls had their hair cut “with just two or three scissor snips.” An SS man calmly reassured the assembled deportees that they would undergo a disinfection treatment to ward off disease before being put to work. He urged them to breathe deeply in the “inhalation rooms.” Gerstein was positioned along-

¹¹ The material and direct quotes included here pertaining to the 4 May 1945 German report are taken from the version published in this volume, which is also the version published by Rothfels in 1953.

¹² In his report, Gerstein incorrectly spelled his name, rendering it as: “Globocnek.”
side Wirth on a ramp between two of the gas chambers. His descriptions of individuals on the threshold of death are vivid, sympathetic, and humanizing:

For some of the poor souls, this small ray of hope is enough to get them to take the few steps to the chambers without resisting in any way – the majority knows, the smell tells them of their fate! – And so they climb up the small set of stairs and then they see everything. Mothers with children held to their breasts, small naked children, adults, men, and women, all naked – they hesitate, but they walk into the death chambers, either pushed forward by those behind them or driven by the leather whips of the SS. Most never say a word. A Jewess about 40 years old with flaming eyes curses the murderers with the blood that will be shed. She receives 5 or 6 hits to the face with a riding whip from Captain Wirth himself and then she, too, disappears into the chamber. – Many people pray. I pray with them, I hide myself in a corner and yell out to my and their God. [...] The chambers fill up. [...] You can hear them crying, sobbing.

A technician tried and failed to start the diesel motor that would pump exhaust into the gas chambers. Only after an agonizing 2 hours, 49 minutes (Gerstein was timing the events) did the motor begin, and after 32 minutes, all were dead. Camp workers pulled the bodies from the chambers. Gerstein noticed that whole families were still identifiable, as their hands remained clasped even in death. The workers removed gold teeth and searched bodies for hidden valuables. Wirth invited Gerstein to feel the weight of a can containing the previous day’s collection. The bodies were then buried in massive pits. Gerstein, claiming that the gas he had brought with him had spoiled, ensured that it was also buried. Gerstein visited Treblinka the following day, which in overall process resembled Belzec only on a much larger scale. On his return journey from Warsaw aboard a train, Gerstein happened to meet Baron von Otter of the Swedish Embassy in Berlin, told him everything, and asked him to communicate the news to his government and the Allies.

Gerstein insists that during the time after Belzec he told “hundreds” of people about what he knew, including Berlin’s Papal Nuncio and Catholic Bishop. Then the report jumps to 1944 (not just in the version edited by Rothfels, but also in the original), at which point Gerstein declares that SS-Sturmbannführer Günther once again visited and ordered him to acquire enough hydrogen cyanide gas to kill millions of people. Although Günther did not reveal the intended purpose of this gas, Gerstein suspected that it might be used against the German population, including clergy and “undesirable military officers,” or foreign labourers or POWs. In any case, Gerstein claimed, when the gas was delivered to Auschwitz and Oranienburg, he made sure that it was used for non-lethal purposes. (In his commentary, Rothfels references the invoices from these very shipments, dated 14 February to 31 May 1944, which Gerstein attached to his French report.) Ger-
stein added that he avoided visiting concentration camps “too often” as it was customary to execute prisoners in honour of official guests. Rothfels’s edition of the report ended with Gerstein declaring that “every word [...] written is true [...] everything was exactly so.”

The Historian

Although Rothfels had gone to great lengths to authenticate the contents of the report, and only published those sections that he found reliable, even he admitted, “not every word can be taken at face value.”

Gerstein said there were 200 Ukrainian auxiliaries at Belzec, 100 chairs where Jewish women sat to have their hair cut, that Captain Wirth struck a camp functionary 12-13 times in the face when he failed to get the diesel motor started. It was with reference to specific details such as these that Rothfels was cautious and forgiving of error. For Rothfels, these figures did not undermine the overall account of events at Belzec, and it was that scene that constituted the “real value” of the document. The adjectives Rothfels uses to refer to these events: “shocking,” “ghastly,” “horrific” mirror Gerstein’s own emotional reaction. It is telling that Rothfels left that segment of the report intact. It spoke for itself. But still, to what end? Why did Rothfels publish Gerstein’s report, and why in the Vierteljahrshefte?

Hans Rothfels is a figure of lingering controversy. Born Jewish but converted to Protestantism, he was a devoted German nationalist, politically conservative, and had fought for his country in the Great War. He lost a leg but won an Iron Cross for his service. In 1926 he became chair of history at the University of Königsberg. His scholarship reflected his patriotism. He published on Clausewitz and Bismarck, and made significant contributions to the emerging fields of Volksgeschichte and Ostforschung. There was an untidy overlap between aspects of Rothfels’ politics and research, and parts of the National Socialist vision for Germany, such as a desired revision of Versailles and (re)expansion into the East. Although the degree of his support for the NSDAP remains a matter of charged debate, in the 1930s the Nazis decided for him what his official relationship to the state would be. Rothfels’ Jewish heritage prompted his removal from his uni-

14 Ibid., pp. 68, 71.
versity chair in 1934. State authorities barred him from teaching altogether the following year.\textsuperscript{15}

While in exile in the United States, Rothfels wrote \textit{The German Opposition to Hitler}.\textsuperscript{16} In it, Rothfels presented a counter-narrative to the contemporary view of the military men who attempted the 20\textsuperscript{th} July coup. As he described them, they were neither traitors to the nation nor re-branded Prussian militarists. Rather, they were motivated by a truer German nationalism than the one espoused by the Third Reich. The core of his analysis therefore offered a salutary image of German identity. Indeed, Rothfels’ sympathetic view of the conspirators extended to the German people as a whole. In the book, the German people were “unwilling subjects of a barbaric dictatorship,” whose anti-Jewish policies they did not welcome. They, too, had suffered terribly in Allied bombing campaigns and as a result of the forced expulsions in the postwar territorial rearrangements of Central and East Europe.\textsuperscript{17}

Rothfels returned to the Federal Republic in 1951 and took up a chair in history at the university in Tübingen. His founding of the Institute for Contemporary History in Munich reflected his desire to resuscitate historical scholarship and release the trajectory of German history and German national identity from the spasm of Nazi fanaticism. To his mind the recent past was of indispensable political significance and historians had a responsibility to advance the understanding of that past by writing \textit{Zeitgeschichte:} contemporary history. Rothfels outlined the purpose and methodology of this new field in the first article of the first issue of journal of the institute he founded. Entitled \textit{Zeitgeschichte als Aufgabe} (contemporary history as a task), Rothfels’s essay called for the collection and

\textsuperscript{17} See Steinweis, Jan Eckel: Hans Rothfels.
archiving of the scattered primary sources that would permit examination of the past since 1917. Historians had to expand their view of what constituted evidence, moving beyond the material produced by state agencies and stored in official archives. Rothfels wanted historians to apply their skills and their rigorous judgment to the past of their own memory, and to the everyday lived experiences of their people. Rothfels’s advancement of Zeitgeschichte and the creation of an institutional home for it was a daring step. At that time there was no chair of Zeitgeschichte anywhere in Germany, and no one associated with the field taught at Munich’s Ludwig-Maximillian University. The Institute took an early lead in sponsoring vast research projects into the Nazi destruction of the Jews and published early works on the Third Reich. But the Institute also pursued extensive investigations into the subjects of German resistance to Nazism and of German suffering during the Soviets’ brutal conquest of Germany and during the postwar expulsions from the East. To some observers its emphasis on German struggle and pain detracted from proper acknowledgment of Jewish suffering and, indeed, its German origins.

The Article

At first glance, the Gerstein article might seem to fall in line with Rothfels’s overall intellectual project to redeem and affirm German national identity in the aftermath of World War II. Here was a story of a “good German,” implying possibly that there were many more like him, that he was the truer representative of his nation, and that the Germans of today need not entirely disavow their past. This suspicion, however, falls apart upon closer consideration. Returning to Gerstein’s report as published by Rothfels, what we notice is the exceptionality of his opposition and the loneliness of his mission. Gerstein had no allies as deeply committed to resistance as himself. And as an early statement on the destruction of the Jews, Gerstein’s report had far-reaching implications for German conscience. It showed that the murder of Jews was part of an elaborate plan directed from Berlin and carried out across the continent by German and Austrian Nazis. Gerstein made clear the connection to German industry, the sheer brutality of

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19 See Moeller, War Stories, pp. 59–60.
20 See Wojak, Nicolas Berg, pp. 106–07.
21 See Berg, Holocaust, and Wojak, Nicolas Berg.
the killing process, the lies told to the victims to the very end, and the victims’ individual suffering. He demonstrated how the Nazi state enriched itself through theft of the Jews’ property, down to the clothing on their backs, the teeth in their mouths, the hair on their heads. German readers of the report could no longer claim that the Jews had only been sent away to work, that the Volks’s unity and generosity were responsible for the success of the clothing drives, or that anyway, the Jews were “less human” than they were, that it was wartime and everyone suffered in comparable ways.

Rothfels declares that Gerstein’s report was necessary to undermine revisionist legends, which were already in circulation. It is significant that he footnotes a recent press article downplaying the Jewish death toll. And although by employing an “us-them” paradigm he seems to hold Nazi crimes at arm’s length, he clearly accepts ownership of the crimes’ legacy. He writes that it was a unique feature of the Third Reich that the state systematized mass murder and determined which lives were worth living, but adds that these events nonetheless have cast a “merciless shadow” on the present, and exposed the essential fragility of civilization. To forget these crimes or to trivialize them, he continues, the Germans “would not only be exhibiting apathy and unscrupulousness towards the victims of this period, but would also signify the lapse of our vigilance and conscience once and for all.” Rothfels doesn’t quite accept responsibility, on behalf of the German people, for the failure of conscience during the Nazi era, but he does insist that the German people are uniquely responsible for confronting this past and making its lessons part of their postwar identity. This is what he means when he writes that “the Gerstein report is part of ‘contemporary history’ in the truest sense of the word.”

Rothfels’s commentary was not limited to authenticating and explaining the report, but included an early assessment of its author. Gerstein the man must also have represented something Rothfels wanted his readership to consider. In order to corroborate claims Gerstein made about himself in his report, Rothfels sought out Gerstein’s friends and contacts. Reinforced by their testimony, Rothfels believed the image that Gerstein had presented of himself: “a dedicated ethical-religious opponent of the Nazis’ church and racial policies.” This bears reflection. Gerstein was not motivated by loyalty to an alternate political platform, nor by disagreement with the prosecution of the war, as were so many other

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23 Italics added; ibid., p. 64.
24 Ibid.
25 Ibid., p. 69.
Hans Rothfels, Kurt Gerstein and the Report: A Retrospective

resistance figures that Rothfels researched and wrote about. Gerstein was moved by faith and viewed Nazi crimes in their moral dimension. And in this he never wavered. Rothfels believed that Gerstein joined the SS in its activities only in order to prevent worse things from occurring, but then, tragically, became “a prisoner of the path that he had quite consciously chosen.”26 Although the Denazification tribunal held this against him, calling Gerstein “an important link in the chain of responsible people,” Rothfels is more generous in his analysis. He cites Gerstein’s own claims that his hands were clean, and interprets Gerstein’s decision to submit along with his report the Degesch invoices made out in his name as evidence of his success in sabotaging the gas’s intended use. Still, Rothfels admits that even successful sabotage “could not have changed the entire course of events.” Even “success” might have been meaningless to the larger history.

But the outcome of Gerstein’s actions is not the measure by which Rothfels assesses the value of Gerstein’s life. Interestingly, Rothfels gives the last word on Gerstein’s life to one of the latter’s close friends, Otto Wehr, and we can infer from this decision that it must have resonated with Rothfels’ personal conclusion on the matter. Wehr declared that all “political-psychological” attempts to judge Gerstein would fall short in their attempt to reconcile Gerstein’s private political oppositions with his public Nazi loyalty. For Wehr, and seemingly for Rothfels, the enduring meaning of Gerstein’s life lay in “the constancy of his inner being.”27 Gerstein may have served the Nazi state, but he was no Nazi. He shared none of the Nazis’ values or goals, but he took personal responsibility for confronting and opposing them. Although that drew him “into the very heart of this criminal apparatus,” it did not overwhelm him or shake his beliefs. Gerstein withstood the agony of what he witnessed during his time with the SS, only to take his own life once he realized the Allies doubted the sincerity of his intentions. The lasting lesson Rothfels wanted to impart to his readers seems to have been that Gerstein provided an example of the inner fortitude needed to confront and take responsibility for the Nazi past. In other words, whether they had been supporters of the Nazis or not, all Germans had a role in answering for it, and the task would be an arduous one.

26 Ibid., pp. 71–72.
27 Otto Wehr, quoted in: ibid., p. 72.
Gerstein in the Eye of Historical Judgment

_The Tragic Hero_: Gerstein and his report(s) are everywhere in histories of the Holocaust and the Nazi state; he is the subject of several biographies, has appeared in popular cultural reflections on the Third Reich, and he figures in various legal proceedings spanning the 24 years following his death. How have continued engagements with Gerstein and his remarkable life added to Rothfels’ preliminary assessment?

Rothfels was clear in telling his readers that the version of the report that he published was an excerpt. Reading Gerstein’s report in its entirety reveals that Gerstein was very well informed about the spectrum of Nazi crimes, and that this knowledge left him with a heavy emotional burden. Much of what he described he had heard from other SS men and occupation government authorities in Poland. He mentioned the mass shootings of thousands of Polish priests. After forcing them to dig their own graves and disrobe, the SS taunted them about their faith and then shot them. Polish intellectuals, including male and female teachers, met a similar fate. SS men disguised as doctors traveled the countryside rounding up “worthless” Poles and Czechs, particularly the elderly, consumptives and other patients. He relayed the claim by an SS contact that it was customary to kill young Jewish children by smashing their heads against the wall. This same SS man remembered two girls aged only 5 and 8 years begging him on their knees not to shoot them. They were shot anyway. Gerstein knew about the practice of forcing people to lie down on the still warm bodies of previous victims before being shot themselves. Gerstein had heard about mass deaths in POW camps, about the capture and torture of a Jewish member of the Polish underground, and the brutality and sadistic ridiculing directed at camp prisoners. He was bothered that Jews were made to participate in their own destruction. He claimed to have observed himself experiments performed on living prisoners at Ravensbrück (and named the doctors involved) and knew of similar experiments at Buchenwald. He had heard about the sudden disappearance of homosexuals at Oranienburg “into the ovens,” and how at Mauthausen it was common to throw prisoners off the edge of the quarry and to register their deaths as accidents. Gerstein confessed that certain scenes haunted him: a 3 to 4-year-old Jewish boy (Judenbübchen) distributing pieces of string to his fellow deportees in the undressing room so that they could tie their shoes together; the little girl who looked for her beaded necklace one meter from the gas chamber door; a three year old boy who was picked up and hurled into the gas chamber. He insisted that the worst camps were not Oranienburg or Belsen or Dachau – but Auschwitz and Mauthausen-Gusen. Although Rothfels chose not to include these passages of the report in his 1953 article, we know now that Gerstein was indeed correct about all these things.
We know too that Gerstein tried desperately to spread this knowledge to Allied powers and Christian leaders, in the tragically mistaken belief that if they knew about these atrocities, they would force an end to them.28

Gerstein’s effort to alert the Vatican to the destruction of the Jews forms the basis of Rolf Hochhuth’s 1963 play Der Stellvertreter (published in English as “The Deputy”).29 The play opens in August 1942 Berlin with Gerstein describing what he’s just witnessed at Belzec to the papal nuncio and pleading with him to urge the Pope to condemn the Nazis’ persecution of the Jews. Although Gerstein is cut short and shown the door, a sympathetic Jesuit priest, Riccardo Fontana, resolves to take the information to the pope himself. The pope, unmoved, refuses to intervene in the plight of the Jews. The play was an international sensation. In its first year of production, it was staged in ten German and eleven North American cities, was the subject of 3000 reviews, letters to the editor, and commentaries, and sparked two public debates in Berlin, each of which attracted over 1000 attendees. The play has been translated into twelve languages including Japanese and Hebrew. As much as it “demolished” Pope Pius XII’s reputation, it popularized an image of Gerstein as a tragic hero.30 In 2002, the celebrated director Costa-Gavras adapted Hochhuth’s play to a film entitled “Amen.” Gerstein figures more prominently in the screenplay than he did on the stage, and his double role as SS officer and saboteur is thrown into sharper relief. The Gerstein in “Amen” comes slowly to the realization of the Nazis’ crimes, and is presented as more naïve about the regime than he in all likelihood was. But ultimately it is his stalwart and solitary dedication to resistance that defines him.31

The Witness: Gerstein was able to achieve in death what had eluded him in life: he became a witness to the destruction of the Jews and helped bring Nazi war criminals to justice. Following the 1953 publication of Rothfels’s article, Gerstein’s report became the subject of numerous newspapers and radio programs. The Central Federal Office of the Home Service printed it as a supplement to Das Parlament, its weekly magazine, and published an additional 100,000 copies as a

28 For this material, I drew from both the French 26 April 1945 and 6 May 1945 and German 4 May 1945 reports. LAB, Bestand 5,2, no. 32 and 34, Gerstein, Report, 26 April 1945 and fragment 6 May 1945; ZStL, 206 AR-Z 827/63, Bl. 2228–2245, Gerstein, Report, 4 May 1945.
31 Amen, directed by Constantin Costa-Gavras, Screenplay by Constantin Costa-Gavras and Jean-Claude Grumberg, 2002.
special issue. As for the report’s role in postwar prosecutions of Nazis, Rothfels cited its use in two Nuremberg cases: the IMT and the Doctor’s Trial. In the latter case, Gerstein’s former superior at the SS Hygiene Institute, Dr. Joachim Mruzgowsky received a death sentence. Many other prominent courts recognized the value of Gerstein’s written testimony. It was accepted as evidence in the Nuremberg Pohl case that charged 18 members of the SS for their leadership positions in carrying out the Final Solution. Similarly, it figured in the Nuremberg trial of 24 men connected to the IG Farben conglomerate, which apart from exploiting slave labour, was linked to the production and sale of Zyklon B. Gerstein’s report served in two West German cases: the Belzec and Degesch trials. More will be said about the latter below. When Gideon Hausner was preparing the prosecution’s case against Adolf Eichmann in Jerusalem, he chose Gerstein’s report to stand in as an eyewitness to Belzec. The death camp had consumed 600,000 Jewish lives, and Israeli investigators could find no survivor to testify to what had happened there. After exhaustive work of authentication and corroboration, Hausner read Gerstein’s report aloud in court. In linking Eichmann’s deputy Rolf Günther to the acquisition of Zyklon B in June 1942, Gerstein’s report helped convince the judges that Eichmann was also connected to introducing Zyklon B in Auschwitz.

Given the report’s decades-long pedigree as key evidence in international trials of war criminals, it is jarring to notice that it appears quite frequently in Holocaust denial literature and websites. Most often the deniers in these instances take issue with Gerstein’s estimates of the gas chambers’ dimensions and capacity at Belzec. Gerstein was indeed prone to exaggeration of certain details. In

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32 See Wojak, Nicolas Berg, p. 102.
33 See Gideon Hausner, Justice in Jerusalem, New York 1966, pp. 346, 421. Interestingly, Adolf Eichmann himself appears to have been aware of Gerstein’s report while still living under an alias in Argentina. He called Gerstein an “a- with ears” in his interviews with Willem Sassen. See Bettina Stangneth, Eichmann before Jerusalem. The Unexamined Life of a Mass Murderer, New York 2014, p. 265.
34 Infamous Holocaust deniers such as Paul Rassinier (Debunking the Genocide Myth), Henri Roques (The “Confessions” of Kurt Gerstein), and Robert Faurisson (How Historian Gilbert Falsifies and Invents) have all made attempts to discredit the Gerstein reports. In a bizarre twist, Charles Provan, a revisionist history enthusiast from Pennsylvania, decided to test Gerstein’s dimensions by building a (reduced) scale model of the gas chamber and placing his children and friends inside it. They fit, confirming that Gerstein’s estimates were entirely plausible. He sent the report and photographs of his experiment to the Institute for Historical Review, known for its advancement of Holocaust denial material. He wished for them to communicate his findings to Faurisson and Fritz Berg, in order that they might be useful in proving that revisionists were not against “examining all sides of controversies.” See the report by Charles Provan and photographs here: http://holocaust.skeptik.net/documents/provan_gerstein.html.
one version of his report he estimated the total number of Jewish victims to be 25 million; in others, the pile of shoes left behind by the victims at Belzec is 25 meters high and the piles of clothing at Treblinka were 35 to 40 meters high. These miscalculations or even deliberate overestimations by Gerstein’s anguished mind in no way diminish the reality of the Nazi intention to murder millions of Jews by a variety of means that included gas chambers in camps dedicated to killing. One of the world’s foremost historians of the Holocaust, Christopher Browning, addressed this very issue when he introduced the Gerstein report into evidence at the David Irving trial.

In 1996, the now-discredited historian David Irving sued Deborah Lipstadt and her British publisher Penguin Books for libel, claiming that she had defamed him in her 1993 monograph *Denying the Holocaust: The Growing Assault on Truth and Memory*, in which she called him “a dangerous spokesperson for denial.” In order to win the case, Lipstadt and her defense team had to prove that her allegation was correct, and that Irving, an apologist for Hitler, had misrepresented and manipulated historical evidence of the Nazi regime’s destruction of the Jews. To do this, the court called upon leading scholars of the Holocaust and Nazi Germany as key expert witnesses to present the documentary proof of this history. Browning presented evidence for the implementation of the Final Solution. In the section on gassings at the Belzec, Sobibor and Treblinka camps, he prioritized eyewitness testimony of German visitors. The pool of available evidence was shallow, but in his opinion three testimonies possessed unassailable value. One belonged to Eichmann, one to Gerstein, and one to Gerstein’s companion on the visit to Belzec, Wilhelm Pfannenstiel. Browning acknowledges some of the problematic figures in Gerstein’s account but concludes: “in the essential issue, namely that he was in Belzec and witnessed the gassing of a transport of Jews from Lwow, his testimony is fully corroborated.”

From the image of Gerstein as tragic hero, to the role of his report as precious evidence of the Holocaust and a key tool in preserving its memory and prosecuting its perpetrators, we come to Gerstein’s place in scholarly and popular literature. Here too, one finds consensus overall. There are four biographies. Each

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makes distinctive contributions. Saul Friedländer’s *The Ambiguity of Good* (1967) is best at addressing head-on the challenge in coming to terms with someone who both served and opposed a criminal regime, although that discussion ends with the Denazification verdict. Kurt Franz’s *Kurt Gerstein: Außenseiter des Widerstandes der Kirche gegen Hitler* (1964) provides the best examination of Gerstein’s motivations for resistance, which were Christian in origin and required direct action. Major works on the Holocaust, the German resistance, and the Vatican’s response to the Second World War commonly mention Gerstein. The recurring characterization is that he was a devout Christian who joined the SS in order to discover the truth of its crimes, to oppose them when he could, and to communicate knowledge of these atrocities to contacts at home and abroad. Most works focus on his visit to Belzec and his frustrated attempt to get word to the Pope. Some scholars have wrongly identified him as the sole supplier of Zyklon B to Auschwitz. Others have discounted the value of his efforts, pointing out that the Allies, Vatican and neutral powers were already well informed about the essential facts and scope of anti-Jewish persecution by the time Gerstein communicated his account of Belzec. Works of greater historical nuance understand that Gerstein’s courageous actions are meaningful not only in their own right, but even more so when contrasted with the indifference of the vast majority of his contemporaries.

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**The Complicit Saboteur:** I have shown elsewhere in greater detail that the most searching investigations into Gerstein’s activities with the SS were carried out in connection with several postwar legal proceedings related to his life.\(^{39}\) The evidence they produced and the judgments they pronounced represent a departure from the conclusions advanced in the representations of Gerstein discussed until now, from Rothfels to Gavrus. These legal proceedings included a murder trial, a Denazification tribunal, and related rehabilitation, compensation and pension hearings. Whereas examinations by historians, biographers, film-makers and playwrights could be selective about what they emphasized or acknowledged and leave unresolved the contradictions inherent in Gerstein’s unique path of resistance, these courtroom processes and the laws they interpreted could not accommodate the simultaneous roles Gerstein played: voluntary participant in the Final Solution and tortured opponent of the regime. To decide any one case meant deciding which role outweighed the other.

The first trial took place in 1948 and 1949 and charged the former manager of the Degesch Company, Dr. Gerhard Peters, with murder and being an accessory to murder for having supplied Zyklon B to Auschwitz between 1941 and 1944 knowing that it would be used to kill people. During proceedings Peters claimed that he first learned that Zyklon B was being used for murder during a conversation with Gerstein in June 1943. A side note here: Gerstein’s reports make no mention of a 1943 conversation resulting in deliveries of Zyklon B. Rather, Gerstein mentions being asked to acquire Zyklon B for a second time in 1944. Aside from the mismatched dates, the evidence pertaining to both orders is the same: for instance, that Gerstein dealt with Peters, the amounts and destinations of the order, that Gerstein had the invoices made out in his name. The court concluded that the 1944 order Gerstein referred to was actually the 1943 order under consideration. Concerning that 1943 conversation, Peters insisted that Gerstein...
Valerie Hébert had told him that the gas was being used, on orders from Himmler, to execute criminals sentenced to death and mentally and physically incurable patients. In order to lessen their suffering, Peters added, Gerstein requested that the customary irritant present in the gas be removed. The conversation resulted in a standing monthly order of 200 kg of Zyklon B in 500 g canisters being shipped to both Auschwitz and Oranienburg. Records, including the invoices that Gerstein attached to his French report, indicated that the shipments were indeed delivered to the camps. However, Peters might still have been found not guilty if the court believed that Gerstein had succeeded in preventing this Zyklon B from being used to murder camp prisoners, as Gerstein claimed in his reports. The court accepted that Gerstein had destroyed one shipment himself by faking a truck accident. As for the gas sent to Oranienburg, some was re-routed out of the camp to an unknown destination. These quantities were removed from consideration. The amount of Zyklon B delivered to Auschwitz, however, represented enough poison to kill 450,000 people.40

Although Gerstein insisted that none of the gas that had passed through him was ever used against people, the court concluded that this was unlikely. Gerstein had claimed that the gas was stockpiled at Auschwitz, unused, and in May 1944 he wrote a letter to Degesch in an attempt to elicit information from the company that the chemical had exceeded its shelf life and should be destroyed. (That letter was attached to the French report along with the Degesch invoices.) But it is possible, the court asserted, that the poison was used to kill people after that date. Indeed, right around that time the Allies bombed the Zyklon B manufacturing plant. This was also the period of the mass deportation of close to half a million Hungarian Jews to Auschwitz. Therefore, a shortage in the supply of Zyklon B coincided with an increased demand for it. Gerstein was not posted at Auschwitz; he could not have controlled how it was used in the camp. It was entirely plausible that the very gas that Gerstein had arranged to be delivered to Auschwitz was used in the gas chambers at Birkenau. As a result of this finding, Dr. Peters was found guilty of being an accessory to manslaughter.41

The Degesch trial verdict cast a long shadow on Gerstein’s story. Although that case made no decision about any criminal status on Gerstein’s part, all subsequent legal confrontations with Gerstein’s story built upon the documentary evidence and court decisions generated by the previous ones. The Degesch trial conclusions fundamentally influenced the judgment in Gerstein’s Denazification

40 On the Frankfurt court’s painstaking efforts to trace the Zyklon B shipments delivered in accordance with Gerstein’s 1943 order, see Hébert, Disguised Resistance, p. 30, note 88.
hearing. That tribunal found that although Gerstein had wanted to sabotage the SS’s crimes, he was connected on a practical level to its murderous activities. It described him as “an important link in the chain of responsible people” and insisted that especially after Belzec, he should have cut ties with the SS in order not to be further implicated in these killings.\textsuperscript{42} Rothfels mentioned the Degesch case only in passing, but did refer to these very aspects of the Denazification decision. Although he said that his article “was not the place to take issue with the judgments of the tribunal,” in fact he did just that. He did not accept that Gerstein would have been able to leave the SS given what he knew, and he argued that Gerstein’s decision to attach the Degesch invoices to his report should be interpreted as evidence of his successful sabotage. If Gerstein had failed, he would not have exposed this particular connection to Zyklon B at Auschwitz. Rothfels then hedges a bit, saying that either way “these actions could not have changed the entire course of events.” Jews would still have been murdered, with or without Gerstein’s interventions.\textsuperscript{43}

For Rothfels, the “inner constancy” of Gerstein’s intentions was what counted most. However, his commentary did not confront the full extent of Gerstein’s connection to Auschwitz, the very epicenter of Nazi genocide. By contrast, the courts were obligated to account for Gerstein’s actions, which however unintentionally linked him to the murders of hundreds of thousands of innocents. For years after the Denazification decision, Gerstein’s widow appealed to various government ministries to recognize her husband’s resistance activities and compensate her and their three children for the damage suffered in his health and in his career for his long-standing opposition to the regime dating back to the 1930s. At various points, government authorities reiterated the conclusion that, as part of the SS, Gerstein had made significant contributions to the destruction of the Jews. Ultimately out of bureaucratic exhaustion and a desire to be done with the matter, the state concluded a private settlement with Frau Gerstein granting her a pension based on Gerstein’s premature dismissal from his civil service job for opposing the Nazis in the prewar period. That is, only by consciously excluding his SS membership from consideration was it able to justify granting her public funds.\textsuperscript{44}

Given recent decisions in Holocaust-related trials in Germany there is little reason to believe that a court hearing Gerstein’s case today would come to a differ-

\textsuperscript{42} SAS, Bestand Wü 13: Staatskommissariat für die politische Säuberung in Württemberg-Hohenzollern, Az. 15/T/F/1035, no. 2138: State Commissariat for Political Cleansing, Denazification Tribunal, judgments with reasons, 16 November 1950.

\textsuperscript{43} Rothfels, Eyewitness Report, p. 71.

\textsuperscript{44} For a detailed discussion of these deliberations, see Hébert, Disguised Resistance, pp. 18–21.
ent judgment. The Nazis’ vast machinery of death likely suffered no impediment or deficit because of Gerstein’s efforts at sabotage. This conclusion shunted the fact of his intentions to the periphery of legal concern. Evidence weighed more heavily on the side of Gerstein having contributed by his continued membership in the SS to the practical implementation of the Final Solution. For most of West Germany’s and reunified Germany’s postwar history, the prosecution of murder cases related to the Holocaust required evidence of the suspect’s malicious or cruel intent. These characteristics were absent in Gerstein as well as in the majority of rank and file perpetrators. Consequently, these particular features of the law on murder had resulted, on a national scale, in a paltry record of judicial reckoning with Nazi era crime. Legal and historical scholars alike have long understood how this legal approach fundamentally undermined an authentic understanding of the crime of genocide. That is, genocide had succeeded precisely because thousands of people worked in support of the intended purpose of the death camps irrespective of their personal motivations. The Holocaust did not require individual initiative or intention; it required men and women who with their daily routines advanced the Nazi project of destruction. In 2011 a Munich court finally broke through the interpretational conventions that had hitherto prevented countless war criminals from answering for their crimes. It convicted Ivan Demjanjuk, a Ukrainian former guard at Sobibor, of assisting in the murder of over 28,000 Jews by very reason of his presence and service at the camp. Four years later, a court in Lüneburg convicted the German Oskar Gröning of assisting in the murder of 300,000 Hungarian Jews while employed as a clerk at Birkenau. His hands searched suitcases and sorted currency; they did not empty canisters of Zyklon B into the gas chambers. Nonetheless, his work was inseparable from the destructive process.

Demjanjuk and Gröning were rightly convicted not because they committed wanton murders, but because they worked in factories of death. To convict only on proof of personal viciousness is to treat the crimes of the Holocaust as acts of garden-variety villainy. [...] The verdicts understood that in judging state-sponsored atrocities, guilt is not to be measured by acts of cruelty or savagery alone; guilt follows function. Such was the simple, terrible, and great insight of these courts.

By the same logic, Gerstein is also guilty. His function supported Auschwitz.

_The Unresolvable Contradiction:_ One might argue that Gerstein’s example is an asymmetrical match for the Demjanjuk and Gröning cases. Gerstein differed in the depth of his opposition to the regime, and in the tremendous risks he accepted in attempting to alert the world to Nazi crime. Unlike Demjanjuk and Gröning, Gerstein put himself in a position that connected him to Auschwitz in order to serve a higher purpose. He suffered because of his choice, and we, like Rothfels, may sympathize with his moral agony. But Gerstein might also have been more deeply implicated in Jewish suffering than is generally acknowledged by Rothfels and by subsequent scholarly and popular representations of his story. Therefore it does not follow that we should impose the opposite hierarchy than the courts did. We may be uncomfortable giving more weight to his actions, but that does not justify privileging his intentions. It may be that in this case it cannot be one or the other. To be more faithful to his story requires accepting Gerstein both as an accessory to murder and a courageous opponent of murder at the same time.

In his book _War Stories: The Search for a Usable Past in the Federal Republic of Germany_, Robert Moeller shows how West Germany’s selective memory and uneven focus on aspects of its recent history provided it with a “useable” past for the business of reconstruction and recovery, but short-changed the record of Germans’ complicity in Nazi crime and the anguish of their victims. The Germans were responsible for starting a war and conceiving a genocide in which tens of millions perished. Still, there was no denying Germany’s material ruin, symbolized by the piles of rubble where cities once stood, nor the physical and emotional wreckage caused by the Soviets’ violation of millions of German women and girls and by the deaths of hundreds of thousands of ethnic Germans in the expulsions from the East. This too was evidence of catastrophe; this too was part of German experience. Moeller concludes that the better histories after 1945 would have resisted the uncomplicated binary of good/evil – perpetrator/victim, and would instead have acknowledged the uneasy reality that in 1940s Europe, Germans could “both suffer and cause suffering in others.”47 Viewed this way, the uneasy reality of Gerstein as both opponent and perpetrator may indeed have served as a more authentic model for Germany’s engagement with contemporary history than Rothfels realized.

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47 Moeller, War Stories, p. 198.