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Michael P. Hensle. *Rundfunkverbrechen: Das Hören von "Feindsendern" im Nationalsozialismus.* Berlin: Metropol Verlag, 2003. 383 S. EUR 19.00 (paper), ISBN 978-3-936411-05-8.

Reviewed by Alexander Badenoch (Subdepartment History of Technology, Eindhoven University of Technology)

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Radio Crimes: The Devil is in the Details

One of the most iconic images of everyday life in Nazi Germany during the Second World War is a little card which was issued by the Ministry of Propaganda in 1941 to be hung on the dial of the radio, warning that "listening to foreign stations is a crime against the national security of our people." It has come to stand for the attempt of the Nazi state to reach into every aspect of private life and to control every form of public information, as well as for the pitched "war of words" taking place in the airwaves. Like most iconic images, however, in standing for apparently known facts, the image conceals a series of complex historical events and processes, many of which have not been sufficiently explored.

It is only fitting, then, that this image has been chosen for the cover of Michael Hensle's study of the "Verordnung ber ausserordentliche Rundfunkmassnahmen" or "Decree concerning extraordinary broadcasting measures" (referred to hereafter as the *Rundfunkverordnung*) that banned listening to, or spreading the content of, foreign radio broadcasts. The decree, brought into force within the first week of the Second World War, formed the basis for many myths of individual "resistance" to the regime, as well as educated but ultimately unanswerable speculation as to the extent of listening to the propaganda broadcasts of the BBC and Radio Moscow. This ongoing mythology is perhaps one of the reasons why there is very little information available about how the law was actually enforced in practice, and it is this gap that Hensle's book seeks to fill. The stated goal of the book is to provide "a comprehensive and detailed study of the offense of 'radio crime' and its prosecution" (p. 9) with the ultimate goal of "placing the *Rundfunkverordnung* in the context of the national socialist concept of justice" (p. 13). As this indicates, as well as its appearance in the Metropol's "documents, texts and materials" series, the book is best placed alongside the large and growing number of other studies that seek to provide thorough documentation of the Nazi state and justice system in its national and regional variations. As I will point out in further detail below, the book also raises issues of interest, and points for further research, for cultural and media historians as well.

The book is laid out in two main sections. The first describes how the *Rundfunkverordnung* came into being and how the legal practices that surrounded it developed; the second presents a detailed comparative analysis of "radio crime" cases in two different jurisdictions. In the first section, Hensle traces this process, which attempted

to curb listening to Radio Moscow, from its precedents in the Weimar republic and the early years of Nazi Germany (pp. 17-26). In portraying the complex process by which the decree eventually came into being, Hensle presents, in effect, a neat case study of the already well-documented "polycratic" Nazi state of ill-defined competences and perpetual power-struggles. Aware of resistance among ministers to his plans to ban foreign broadcasts, Propaganda Minister Goebbels bypassed the process by simply having the newspapers report that the law had already been passed in the wording he desired, complete with a preamble by Hitler's then-deputy Hess (pp. 27ff). Presented with this fait accompli, the attempts by several ministers to create a milder version of the law that only punished listening to and spreading political programs from foreign news fell by the wayside (pp. 35-36).

In its seven paragraphs, the law itself comprised four main elements: a ban on intentional listening to foreign broadcasts under threat of prison; a ban on the spread of information obtained through foreign broadcasts under threat of prison and, in extreme cases, death; the sole right of the Gestapo to press charges in cases of "radio crimes"; and the jurisdiction of "special courts" (*Sondergerichte*) for trying political offenses. As with so many Nazi laws, the wording of the act was so vague that it was followed by a scramble for definition which perpetuated further power struggles, both over who was allowed to listen to foreign stations "in the line of duty" and also as to what constituted a "foreign station." The former question in particular sparked a flood of (almost uniformly denied) requests for exemptions (pp. 39-45), as well as a heated row between Goebbels in the Propaganda Ministry and Ribbentrop in the Foreign Ministry over who would control the Foreign Ministry's radio monitoring service at Seehaus (pp. 48-49).

For Goebbels, the main point of the law was to create a large enough threat to maintain a monopoly on information distribution. To this end, he attempted to ensure that high-profile cases of severe punishments were published–and despaired initially when such cases were not forthcoming from the courts (p. 134). Similarly, the now-iconic warning-card action turned out to be a failure because it violated two of the more enduring myths of the Nazi era: the sanctity of the family home and the benevolence of the Fhrer. Some party offices refused to distribute them, and still more people refused to hang them on their radio knobs. Women especially complained that the cards "made the whole room gloomy" (p. 145). Furthermore, by stating that the threatened punishments were "by order of the Fhrer" the cards chipped away at the myth of Hitler as the benevolent leader who did not always know what his deputies were doing (p. 143).

In spite of Goebbels's determination to create a strong sense of threat surrounding radio listening, the actual perception of that threat was somewhat different. Hensle shows how the power of the Gestapo, even if they did not always have the staff or the energy to exercise it, carried over into almost every aspect of the process. In pursuing "radio criminals," the Gestapo had a number of means at its disposal, from issuing warnings and confiscating radios until the end of the war, to taking suspects into "protective custody" or sending them to concentration camps. As Hensle is able to show, most suspects were let off with a warning and a thorough "lesson" (*Belehrung*) that served the Gestapo's general purposes of intimidation (pp. 91-95). So while people genuinely feared the Gestapo, in general this fear was only loosely connected with the *Rundfunkverordnung*. This practice became widely enough known that one woman could tell the wife of the man she had just denounced as a "radio criminal" not to worry, "it won't cost him his head, he'll just get a warning" (p. 97).

The second section offers a comparative examination of two *Sondergericht* jurisdictions, Berlin and Freiburg. Drawing on over three hundred case files, it follows the process of prosecution, from the initial inquiry by the Gestapo through eventual trial, sentencing, and the serving of the sentences. Hensle gives a detailed account of each phase, drawing both on a numerical analysis of cases as well as closer examinations of individual cases to draw a nuanced picture of the law's implementation. He explores the interactions between the Gestapo, the public prosecutors, and the special courts in trying the cases. In addition, he includes brief analyses of how the *Rundfunkverordnung* was applied to members of two "outsider" groups, forced laborers and Jews, as well as a brief summary of which programs "radio criminals" were caught listening to.

There is no way to do justice here to the sheer multitude of absurd, tragic, and occasionally funny individual cases (such as the story of the woman whose radio inadvertently picked up foreign stations when her neighbors turned on their more powerful radio [p. 185]) that Hensle brings to light in the course of his documentation. Indeed, one of the great strengths of the book is Hensle's weaving of these individual cases in with his numerical analyses to create a rich and varied account. Some aspects of this account do bear highlighting, however.

First is the role of the Gestapo, which was clearly the most powerful force in the equation. Not only did they have sole power to bring charges under the law, they also had the power to lengthen any sentence passed by the courts by taking the released prisoners into "protective custody" once their sentences had been served–a practice particularly favored by the Gestapo in Freiburg, who maintained close contact with courts to find out who was due to be released from custody (pp. 282-288). Consequently, they were able to use the *Rundfunkverordnung* to pursue any group or individual they considered a threat. While pointing to the Gestapo's powerful hand, however, Hensle is very careful not to make heroes of the courts. Indeed, while pointing in particular to the Gestapo's extra persecution of those not coming from "superior" races, he concludes that so-called " 'members of the Volk' had less to fear from the Gestapo than from the courts" (p. 351).

It was not only the Gestapo that used the law as a means of pursuing those they saw fit. Because radio listening took place largely in private, denunciation for radio crimes also became a tool of domestic politics. Hensle cites a number of cases where the *Rundfunkverordnung* was used virtually as a means of divorce, including one case where it became a woman's sole means of escape from an extremely violent husband (pp. 189-190). In addition to domestic differences, Hensle's analysis of the radio persecution brings to light class differences. Almost all of the accused belonged to the working and lower-middle classes, while there were virtually no cases from upper-class or educated circles (p. 164). Indeed, the "average accused" was "for the most part male, around 40, married, as would be normal for that age, belonging to the lower classes, did not have any higher education, and politically can be considered indifferent" (p. 168).

Furthermore, Hensle makes clear that the punishments stemming solely from the *Rundfunkverordnung* did not lead to death sentences, contrary to popular belief. This is not to say that all of those who were prosecuted under the law survived the processes of Nazi justice (pp. 285-286). In cases where the death penalty was enforced, however, it was normally in cases where charges were combined with further political offenses which fell under the laws against "Insidious Statements" (*Heimtckegesetz*) or "Undermining Military Strength" (*Wehrkraftzersetzung*). It was these laws that were normally brought to bear against defendants whom the Gestapo considered genuine enemies of the state.

As will hopefully be clear by now, Hensle easily fulfills his primary goal of providing an analysis of the *Rundfunkverordnung* in the broader context of National Socialist justice. The amount of primary research he brings to bear is impressive, and his analysis of what he has found is sensitive and nuanced. Precisely in presenting this amount of detail, however, there are occasions where Hensle runs into difficulty. First is in the presentation of quantified data. Graphics in the form of pie charts give some useful figures about cases–we see percentage breakdowns of how the Gestapo dealt with cases, how many trials led to convictions, the social background of those charged with crimes, etc. These graphics are then explained thoroughly. The meaning of the statistics can be difficult to follow at times. For example, he mentions that one in four female *Denunziantinnen* was a wife reporting on her husband (p. 190). This statistic appears to be a significant detail, until later in the same paragraph we find that the number of women actually making reports was actually quite low, making the meaning unclear. A second difficulty is that the very schematic dissection of this mass of material makes it easy to lose sight of how the various details work together as a whole. We learn, for example, that violators of the *Rundfunkverordnung* could be sentenced to prison (*Zuchthaus*) or for lesser offenses to jail (*Gefngnis*) (p. 37). This distinction is mentioned again several times during the course of the book as the author describes the way the radio laws are enforced. It is not until later, in the section on sentence execution, however, that the practical differences between the two punishments are described (p. 266). Such issues make occasional stumbling blocks for the reader and the lack of an index (a feature all too common in German scholarly publishing) makes a quick search for such information somewhat difficult–though it should be said that the detailed table of contents partially makes up for this.

Beyond such structural difficulties in presenting such a wealth of detail in a coherent argument, however, the material itself is rich enough that it demands a treatment that goes beyond the book's narrower focus on understanding the radio laws as part of the larger system of the Nazi state. This tension actually begins in the book's title, which contains nothing to indicate that it aims to present a legal history. A longer secondary title such as *Das Hren von "Feindsendern" im Nationalsozialismus im Spiegel seiner Rechtsverfolgung* would have been made the title somewhat more informative.

Furthermore–and having both praised the book's great detail, and pointed to some of its difficulties in presenting those details, it is admittedly contradictory

to speak of sins of omission–there were several points where I felt that a small amount of additional social context, particularly from recent work concerning radio and gender relations in Nazi Germany, might have allowed some of the looser threads to come together into broader conclusions.[1] Nowhere is this clearer than with regard to the interaction between the networks of state and domestic power. We learn, for example, that the person who was deemed to have control over the radio is made particularly liable, sometimes to be prosecuted for spreading, rather than merely listening, to foreign broadcasts (p. 124). This example, along with the response to the warning-card action and the cases of domestic denunciation mentioned above, show how the *Rundfunkverordnung* made the radio not just a political instrument for the state, but also amplified its use as a political instrument within the home. A slightly longer contextual introduction might have allowed Hensle to bring these aspects forward more. But as noted, such conclusions stand outside the book's stated purpose, and it must be considered only fair if Hensle has decided to leave *some* work for the rest of us.

Note

[1]. Inge Marssolek and Adelheid von Saldern, eds., *Zuhren und Gehrtwerden. Vol 1: Rundfunk im Nationalsozialismus zwischen Lenkung und Ablenkung* (Tbingen: Diskord, 1998); and Kate Lacey, *Feminine Frequencies: Gender, German Radio and the Public Sphere 1923-1945* (Ann Arbor: University of Michigan Press, 1997).