

*Jonathan Zatin*

## Guilt by Association

### Julius Barmat and German Democracy\*

#### ABSTRACT

Although largely forgotten today, the so-called “Barmat Affair” resulted in the longest trial in the Weimar Republic’s short history and one of its most heated scandals. The antidemocratic right seized upon the ties that Julius Barmat, a Jewish businessman of Ukrainian provenance, maintained to prominent socialists to discredit Weimar by equating democracy with corruption, corruption with Jews, and Jews with socialists. The left responded to the right’s antidemocratic campaign with reasoned refutations of the idea that democracy inevitably involved graft. Few socialist or liberal politicians, however, responded to the right’s portrayal of Weimar as “Jewish.” The failure of the left to identify antisemitism as a threat to democracy undermined attempts to democratize the German judiciary and ultimately German society itself.

And then it started like a guilty thing  
Upon a fearful summons.<sup>1</sup>

In a spectacular operation on New Year’s Eve 1924, the Berlin state prosecutor’s office sent some 100 police officers to arrest Julius Barmat and two of his four brothers. With an eye toward capturing headlines, the prosecutors treated Barmat as a dangerous criminal, sending some 20 policemen to arrest him, his wife, and his 13-year old son in his villa in Schwanenwerder, an exclusive neighbourhood on the Wannsee. The police even brought along a patrol boat to underscore their concern that Barmat might try to escape custody via the river Havel. The arrests of Barmat’s leading managers and alleged co-conspirators over the next few days were similarly sensational and faintly ridiculous. One prosecutor took the extraordinary and expensive step of deploying an airplane – still an exotic technology – to arrest a former director of the Prussian State Bank (*Preußische Staatsbank-Seehandlung*) Hans Hellwig, who was spending his Christmas vacation in Cassel,

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1 William Shakespeare: Hamlet, Act I, scene I, line 148.

and dragged the deathly ill Georg Emil Kautz, a former Assistant Secretary in the Treasury Ministry, out of his sickbed over the protests of his physician. Even more startling was the unceremonious arrest nearly a month later of Reich Postal Minister Anton Höfle, whose death in suspicious circumstances while in police custody fueled all sorts of conspiracy theories. Perhaps most tragically, however, the prosecution incorrectly arrested a Barmat manager named Fritz Wolff whose parents, believing the worst, committed suicide. In fact, of the 20 people originally arrested, only eight were still in custody four weeks later.<sup>2</sup> It was no wonder the investigative judge rebuked the prosecutors for their “blundering and cynical course of action”.<sup>3</sup>

But the prosecutorial overreach that launched the controversy that would become known as the “Barmat Affair” was not simply the result of incompetence or callousness. It was an ideologically motivated assault on Weimar and all it stood for. Worse still, the attack on German democracy was an inside job, undertaken by those who were employed to protect the Republic. The two prosecutors running the Barmat case, Erich Kußmann and Rudolf Caspary, believed they were rescuing the German nation from the rampant corruption they equated with the imposition of democratic rule. With Barmat’s arrest, they hoped to expose what they viewed as the criminal conspiracy at the heart of German society between crooked eastern European Jews and venal Republican officials. That two prosecutors could deploy the power of the state against the state itself reveals how poorly embedded democratic institutions were in post-1918 German society and how effectively the right exploited the structure of liberal institutions to promote illiberal ideas.

Their arrest of Barmat also reveals how Kußmann and Caspary’s political preferences compromised their investigative method, leading them to confuse correlation with causation. Initially, the two prosecutors indicted Barmat for fraud in connection with the case of Ivan Kutisker, a Lithuanian Jew who had been arrested in late 1924 for

2 Victor Schiff: *Die Höfle-Tragödie. Die Geschichte eines Justizmordes*, Berlin 1925, pp. 8–10; *Kreuz-Zeitung*, 31 December 1924; *Berliner Lokal-Anzeiger*, 6 January 1925, morning edition; *New York Times*, 6 January 1925; *Vorwärts*, 2 January 1925, puts the number of police involved in arresting Barmat at 15, but the Prussian Press Office confirms it was 100, cf. *Geheimes Staatsarchiv Preußischer Kulturbesitz (GStPK)*, I. HA Rep. 84a, 5654, *Pressestelle des preußischen Staatsministeriums*, Goslar, 2 January 1925, p. 25. The *Vossische Zeitung* eventually puts the number at 400, cf. *Vossische Zeitung*, 11 January 1928, an exaggeration that reflects the left’s criticism of prosecutorial overreach. Ironically, Kautz published a journal for law enforcement, *Zeitschrift für Polizei und Verwaltungsbeamten*. Fritz Wolff’s stepfather was the owner of the Hoffmann & Friedlaender-Bank, which was bought out by Barmat’s Bremer Privatbank, a fact the rightwing press used to trivialize the parents’ suicide. See, *Kreuz-Zeitung*, 4 January 1925; *Berliner Lokal-Anzeiger*, 6 January 1925. The report of the Prussian Press Office on 2 January reveals just how sensational the arrests were. Cf. *GStPK*, I. HA Rep. 84a, 5654I, *Pressestelle des preußischen Staatsministeriums*, Goslar, 2 January 1925, pp. 22–26.

3 Cited in: Schiff, p. 8.

defrauding the Prussian State Bank. Within 24 hours, however, Kußmann and Caspary were forced to drop the charges against Barmat because they were without foundation. The only connection Barmat had to Kutisker was that both were Eastern Jews and had received government loans.<sup>4</sup> Determining culpability on the basis of resemblance hardly conformed to liberal standards of proof, but it did accord with generally accepted and superficial observations about the probability and frequency of Eastern Jewish criminal activity. Rather than retrieving the relevant evidence and deducing misconduct from it, Kußmann and Caspary reversed the order of investigative logic: They proceeded from popular associations of Eastern Jews with criminality and Republican politicians with venality and only then looked for data to support their claim.

Barmat, with his eastern roots, western lifestyle, transnational trade, and international socialism, certainly offered a promising target. He was born Judko Barmat in 1889 in Uman, Ukraine, the second of six children whose father was a destitute teacher of Talmud. After a few years working, studying, and teaching in Lodz and Kiev, he answered an ad placed by a Dutch import-export firm seeking someone to correspond with its Russian and Polish clients. In December 1907, he arrived in Rotterdam – 17, alone, and penniless. Within five years, however, Barmat had become a millionaire. He also changed his name from Judko, the Yiddish analog of the Hebrew Yehuda, with all of its Jewish and Eastern European connotations, to the more assimilated, Western European Julius, moved his entire family from Ukraine to Amsterdam, the new center of his operations, and married the daughter of a Dutch merchant who attended the same synagogue. The Nazis, however, always referred to him as Judko, as if Barmat's adoption of western ways was a merely thin veneer overlaying his eastern essence.<sup>5</sup>

- 4 Ibid., p. 11. The prosecutors' ideas about Barmat were no doubt influenced by several high-profile arrests in which the suspect's ethnicity seemed salient, beginning with the Sklarz brothers in 1920, then Kutisker, Michael Holzmann, and Jacob Michael in 1924–1925. Even though he was a German Jew, many believed Michael came from Eastern Europe, perhaps because he made a good deal of money on the stabilization of the mark. See Morus (Richard Lewinsohn): Stresemann, Barmat, Michael, in: *Die Weltbühne*, 6 January 1925, pp. 26–29; Martin Geyer: *Contested Narratives of the Weimar Republic. The Case of the "Kustisker-Barmat Scandal"*, in: Kathleen Canning/Kerstin Barndt/Kristin McGuire (eds.): *Weimar Publics/Weimar Subjects. Rethinking the Political Culture of Germany in the 1920s*, New York 2010; Cordula Ludwig: *Korruption und Nationalsozialismus in Berlin 1924–1934*, Frankfurt a. M. 1998; Stephan Malinowski: *Politische Skandale als Zerrspiegel der Demokratie. Die Fälle Barmat und Sklarek im Kalkül der Weimarer Rechten*, in: *Jahrbuch für Antisemitismusforschung* 5 (1996), pp. 46–65. For xenophobic attacks on Holzmann, who managed to acquire Dutch citizenship just before the outbreak of World War II, see: *De Sumatra Post*, 5 January 1939.
- 5 *Urteil des Schöffengerichts Berlin-Mitte, Abteilung 206*, 30 March 1928, in *der Strafsache gegen Barmat und Genossen Aktenzeichen (206) 2. J. 25/25 (213/26) Berlin 1929*, p. 7; Archives

During and immediately after the Great War, Barmat made a second fortune, mainly by using his Ukrainian contacts to supply Germany with food. After the cessation of hostilities, Barmat increasingly focused his attention on the fledgling German Republic. As the inflation that afflicted postwar Europe moved from business obstacle to the main fact of life in Germany, Barmat prospered, buying up distressed banks, paper mills, scrap metal yards, and steel manufacturers. By the time the German government took measures to end the hyperinflation in November 1923, Barmat, not yet 35, was a fabulously wealthy man.

If Barmat's rags-to-riches story was unusual enough in a Europe where social stratification was rigid and discrimination against Jews common, he was no Eastern European variation on Horatio Alger's *Ragged Dick*, just waiting to become an upstanding member of the economic establishment. A member of the Dutch social democratic party since 1908, Barmat provided assistance to the Second International when it was forced to flee Brussels, giving its leaders refuge in his elegantly furnished offices located in Amsterdam's upscale Keizersgracht.<sup>6</sup> In January 1918, moreover, Barmat was designated the official representative in the Netherlands of the new Bolshevik government.<sup>7</sup>

Barmat's enthusiasm for Bolshevism quickly cooled, however. After the failure of the socialist revolution in the Netherlands in 1918/1919, Barmat increasingly supported social democracy, brokering an end to the Dutch dockworkers' strike of 1919/1920<sup>8</sup> and bankrolling *Voorwaarts*, a social-democratic daily in Rotterdam aimed at countering communist recruiting efforts among the working classes.<sup>9</sup> In Germany, Barmat supported the Social Democratic Party (SPD), providing it with funds, founding an orphanage

générales du Royaume Belge (AGRB), 1539, Dossier individuel A13.444, Sirks, Hoofd-Commissaris van Politie, 27 February 1918, p. 1; Administration communale de Saint-Josse-ten-Noode, 10 March 1930; Les débuts de Barmat. Son activité en Hollande, 9 September 1932.

6 See the letter from Ernst Heilmann printed in: Berliner Volks-Zeitung, 22 January 1920, and the letter from Karl Kautsky's wife in: Berliner Volks-Zeitung, 28 January 1920.

7 AGRB, 1539, Dossier individuel A13.444, A. J. Marcusse, Hoofd-Commissaris van Politie, Amsterdam, to Procureur-Generaal, Amsterdam, 19 February 1918, 1; George Hathwill, Scotland Yard, to L'Administrateur de la Sûreté publique, Ministère de la Justice, Brussels, 18 June 1931; No. 137, to Hoofd-Commissaris van Politie, Amsterdam, and Procureur-Generaal in 's-Gravenhage, 5 April 1919.

8 GStPK, I. HA Rep. 84a, 5654I, 25I; Geyer, *Contested Narratives*, p. 224.

9 Internationaal Instituut voor Sociale Geschiedenis (IISG), Archief J. F. Ankersmit, 20, handwritten minutes, Rotterdam, 5 March 1920; IISG, Archief J. F. Ankersmit, 20, handwritten minutes, Barmat's offices in Amsterdam, 5 June 1920; IISG, Troelstra, Correspondentie, Brieven van Troelstra, 69/13, Matthijssen to Troelstra, 7 December 1918, Brieven van Troelstra, 52/10–11, Barmat to Troelstra, 11 May 1921, 52/13–15, Dr. Erich Juliusberger, Rechtsanwalt und Notar, to NV Drukkerij en Uitgevers-My, Vorwärts, 14 January 1928.

for working class children in Pirna, and becoming friendly with leading socialist politicians.<sup>10</sup>

Like so many businessmen who prospered during the German inflation, however, Barmat had overleveraged his assets. As it had with Hugo Stinnes, Weimar's most forceful and powerful industrialist, the economic stabilisation drove Barmat's empire to the edge of bankruptcy. Barmat turned to Höfle, whose Postal Ministry was looking to invest cash thrown off by the sales of its communication services, and the Prussian State Bank for help salvaging his business. Unlike Stinnes, however, Barmat was Jewish and, in the words of one contemporary observer, viewed as "an interloper and a parvenu".<sup>11</sup>

Despite the lack of evidence against Barmat, Kußmann and Caspary remained convinced of Barmat's guilt and Republican malfeasance, and refused to drop the case. They declined to release Barmat, who was forced to watch from behind bars for the next six months as his business empire collapsed under the weight of the prosecution's partisan investigation. In the meantime, Kußmann and Caspary pulled out all the stops to turn up incriminating evidence. They sent 400 officials to seize records relating to Barmat at the Prussian State Bank and took high-profile and extended trips to major European cities to document their allegations. Despite spending vast sums on the case, however, the prosecution was unable to file formal charges against Barmat until 29 December 1926 – nearly two years after his arrest. The official indictment, which ran to an extraordinary 648 pages, cost the state 10,000 marks just to print.<sup>12</sup>

To provide justification for their continued investigation, Kußmann and Caspary turned to the court of public opinion. Working closely with the rightwing press, the prosecutors selectively leaked confidential information aimed at portraying Barmat as a foreigner and swindler who had managed to steal vast sums from the German people with the connivance of Republican politicians.<sup>13</sup> In contrast to the prosecution, however,

- 10 Bundesarchiv Berlin (BArchB), R/3101/17115, untitled report, no date, p. 7, which emphasises the orphanage's non-confessional mission to the point of underscoring that no Jewish children had been accepted; Anthony Kauders: *German Politics and the Jews*. Düsseldorf/Nuremberg 1910–1933, Oxford 1996, p. 414.
- 11 Schiff, p. 8. On Barmat's business difficulties, see the excellent reporting by Morus in *Die Weltbühne*, especially Morus: Dawes, Barmat, Thyssen, Wolff: *Die Weltbühne*, 4 November 1924, pp. 360–362; Morus: *Scheinverluste*, in: *Die Weltbühne*, 9 December 1924, pp. 880–881.
- 12 Kurt Heinig: *Staatsanwälte, Staatsgeschäfte, Staatslumpen*, in: *Die Weltbühne*, 20 January 1925, p. 87; GStPK, Rep. 84a, 15858, Generalstaatsanwalt beim Kammergericht to Prussian Minister of Justice, 22 December 1925, pp. 142–144; *Anklageschrift gegen Barmat und Genossen*, Berlin 1926; *Vossische Zeitung*, 14 July 1925 and 21 July 1925.
- 13 Together with DNVP Reichstag deputy Bernhard Leopold, a certain Ernst Knoll established a press office with Alfred Hugenberg's connivance aimed at organising the prosecutors' information and disseminating it to Hugenberg's news outlets. The main beneficiary of

the rightwing press was not burdened by legal standards of proof. Illiberal commentators were free to continue suggesting that Barmat, as an Eastern Jew, was guilty by association with Kutisker, then map this claim onto Republican politicians via the logic of proximity. Unlike Kutisker, who had made small gifts to officials at the Prussian State Bank, Barmat had excellent political connections. The right wasted no time misrepresenting the potential conflicts of interest between Barmat's social and business network as evidence of a sinister criminal conspiracy. The nationalist press gleefully derided the "Jewish plutocrats" (*jüdische Geldherrscher*), decried the "Jewish-social-democratic" nexus, and vilified Weimar's social-democratic president, Friedrich Ebert, as a "Barmat-Man". As proof, rightwing commentators adduced the fact that Fritz Ebert, the president's son and future communist mayor of Berlin, was employed by a Barmat subsidiary, portrayed a phone call that Barmat had made from the presidential offices in 1920 as insidious, and falsely charged that Ebert had given Barmat a photograph of himself with a personal inscription. Meanwhile, National Socialist Reichstag deputies filed a parliamentary motion to remove Ebert senior from office because he was "close friends with the big-time racketeer [*Großschieber*] Barmat".<sup>14</sup> Unconstrained by Enlightened skepticism of traditional sources of authority and untethered by critical reason, the illiberal production of knowledge about Barmat rested on a substitution of resemblance for verification that served at once to confirm and authorise its political resentments. For this reason, the discussion of Barmat in rightwing news outlets was remarkable for its uninhibited use of fallacious logic and half-truths, which were circumscribed only by the twin goals of making money by selling papers and exposing the larger "truth" of Weimar's illegitimacy.

Barmat's arrest quickly escalated into a major controversy. Where the right saw the corrosive influence of Jews and the invidious treachery of democrats, and eagerly conflated innuendo with evidence, the left detected prosecutorial prejudice and political slander, yet remained oddly blind to the political antisemitism that fueled authoritarian attacks. Both sides saw in this case evidence for their mutually contradictory narratives about Germany's military defeat and the Republic that emerged from it. The conservative and particularist government of Bavaria seized the opportunity to send an official note to the Reich government demanding economic reform because of "the abuses [...] that have surfaced in connection with the Barmat-Kutisker case [and] have provoked a

the leak appears to have been the *Berliner Lokal-Anzeiger*, though the *Deutsche Zeitung* and *Berliner Börsen-Zeitung* profited as well. See: GStPK, I. HA Rep. 84a, 5654I, Goslar Pressestelle des preußischen Staatsministeriums, 2. January 1925, p. 22; *Berliner Lokal-Anzeiger*, 31 December 1924 and 1 January 1925; *Vossische Zeitung*, 29 September 1925; *Vorwärts*, 2, 10 and 13 January 1925; Bernhard Fulda: *Press and Politics in the Weimar Republic*, Oxford/New York 2009, pp. 90–91.

14 See: *Deutsche Zeitung*, 22 November 1924; *Kreuz-Zeitung*, 2 and 3 January 1925; *Berliner Lokal-Anzeiger*, 11 January 1925.

deep-seated and dangerous indignation in the populace.”<sup>15</sup> Things got so heated that the SPD deputy Rudolf Breitscheid was unable to deliver a speech before the Reichstag in February 1925; every time he opened his mouth, he was shouted down by cries of “Barmat!”<sup>16</sup>

Republican politicians fought back, accusing the right of “terror and boundless rabble-rousing,” engaging in exhaustive attempts to set the record straight, and exposing the sordid links between nationalist leaders and heavy industry in order to turn the charges of corruption back on the right.<sup>17</sup> They also disclosed Kußmann and Caspary’s illegal contacts with the nationalist press and documented the need for greater parliamentary supervision of rogue jurists. Outraged by the removal of the prosecutors from Barmat’s case, the right responded by claiming that political interference with judicial independence was undermining the rule of law. Even the details of Barmat’s private life, including stories about his dietary preferences, which were apparently modest, and his sexual appetites, which were not, were used as proxies to defend or discredit the Republic. The right styled Barmat’s mistress, a dancer at Nelson’s named Katharina Huber who also went by the names of Kitty von Hagen and Marga Lundgreen, the “Madame de Pompadour of Weimar”, as an example of Jewish and Republican promiscuity, while the left interpreted Barmat’s nightclubbing and gatherings at the swank Hotel Bristol and his estate in Schwanenwerder as examples of his personal generosity, yet remained strangely silent about the Jew-baiting in which the right indulged.<sup>18</sup> To examine the allegations of graft and corruption, the parties in both the Reichstag and the Prussian Diet agreed to establish investigative committees.<sup>19</sup> For the better part of 1925, the German press entertained

15 Akten der Reichskanzlei, Weimarer Republik, Die Kabinette Luther I und II, Band 1: 15 January 1925–2 October 1925, R43 I/662, Denkschrift der Bayerischen Staatsregierung über Mißstände auf dem Gebiet der Bewirtschaftung und Verwendung von Reichsgeldern, 10 February 1925, p. 135 (which can be accessed via <http://www.bundesarchiv.de/aktenreichskanzlei-1919-1933>, last accessed on 31 March 2012).

16 Germany: Gott sei Dank, in: Times, 2 February 1925.

17 SPD deputy to the Prussian Diet Erich Kuttner, in: Vossische Zeitung, 21 October 1925.

18 See the police report on the *Berliner Börsen-Zeitung*, the clippings from the Linzer Tagespost, 17 February 25, and the interrogations connecting Barmat to Huber in: LAB, A. Rep. 358–01, Nr. 421, Band I. Barmat seems to have had several mistresses. Josephine Baker would dance at Nelson’s in 1926. Holzmann was also accused of frequenting nightclubs with the policeman in charge of foreign residents, Bartels, see: 8-Uhr Abendblatt, 17 November 1924.

19 The different political coalitions governing the Reich, where the DNVP accepted political responsibility for a time, and Prussia, where democratic forces continued to rule, accounts for the more quiescent and respectful deliberations of the Reichstag committee, in contrast to the tempestuous and often highly polemical Prussian committee.

readers with news about the Barmat affair. The left-liberal *Vossische Zeitung*, for example, devoted more than 250 articles that year to Barmat alone.<sup>20</sup>

Even Barmat's trial, which finally began on 10 January 1927, was larger and longer than the charges warranted. To avoid the slightest indication of partiality, the court met 196 times for nearly 15 months, making it the longest trial in Weimar's short history. The proceedings cost the state over 230,000 marks, and involved "a room full of evidence," five state prosecutors, 17 defense attorneys, over four hundred witnesses, and the expert testimony of fifty more.<sup>21</sup> The trial lasted so long, in fact, that the presiding judge took the unusual step of moving the deliberations into his bedroom while he recovered from an illness to avoid further delays. On 30 March 1928, Barmat was acquitted of all counts of fraud, but convicted of the lesser charge of bribery, including giving a gramophone and soccer ball to a border guard in return for allowing Barmat's aged parents to remain inside the train during customs inspections. The prosecution had demanded that Barmat should receive five years in prison and a fine of 430,000 marks, but the judges dissented and sentenced him instead to 11 months in prison, which were dropped because of the 155 days he spent in custody during 1925 waiting to be charged, and confiscated the amount of 41,347.50 marks.<sup>22</sup>

Leftwing observers received the verdict as a belated vindication of their assertion that the case was politically motivated. By the time it was pronounced, however, Barmat's acquittal aroused little notice. In contrast, his arrest had lasting effects. Despite scant evidence and faulty logic, the affair compromised the reputation of leading social democrats, raised serious questions about judicial independence, and lent credibility to associations of Jews with financial fraud and political subversion. Under the strain of the parliamentary committees investigating Barmat and the Magdeburg trial for treason, moreover, Ebert neglected his health, going so far as to postpone an appendectomy. On 28 February 1925, he died of peritonitis.<sup>23</sup> The ensuing electoral victory of General Paul von Hindenburg not only placed democratic office in reactionary hands, but also elevated the "stab in the back" legend with which the new president was associated to Republican reality. Moreover, the dilatory reaction of the Prussian Ministry of Justice

20 A digitised search of the *Vossische Zeitung* via the newspaper department at the Staatsbibliothek Berlin for the name "Barmat" between 1920 and 1934, when the Nazis shut the paper down, returned 389 articles.

21 Anklageschrift gegen Barmat; *Vossische Zeitung*, 5 and 11 January 1928. Barmat's defense counsel included Walter Bahn, who had become famous when defending Wilhelm Voigt, the "Hauptmann von Köpenick", while Höfle was represented by Max Alsberg, one of Weimar's most celebrated defense attorneys.

22 Urteil des Schöffengerichts, p. 4.

23 For an assessment of the Barmat affair's impact on Ebert's health, see Hans Mommsen: *The Rise and Fall of Weimar Democracy*, Durham 1998, pp. 234–235.



to Kußmann and Caspary's politicised use of state resources and illegal manipulation of confidential information made the Republic look at once ineffectual and partisan.

Perhaps most worrisome, however, the left focused narrowly on defending Republican politicians. In contrast, the corrosive racial slurs, and the triumph of correlation over causation that underpinned them, went unchallenged. What remained was the right's successful equation of Barmat with Weimar. As the *Kreuz-Zeitung*, the mouthpiece of the German National People's Party (DNVP), would confidently claim, "the name Barmat will not disappear from history as an exemplary expression for the crony capitalism that spread through Germany during the period of the illicit November Revolution."<sup>24</sup> As a Jewish capitalist with socialist sympathies, Barmat embodied a powerful combination of otherwise contradictory political resentments that were rendered coherent only under the aegis of antisemitism. Well after the trial ended, the right would invoke Barmat as a metonymic reminder of all it reviled about Weimar.

### Dr. Mabuse and "Corruption Psychosis"<sup>25</sup>

Barmat's arrest was driven by Kußmann, who acted as lead prosecutor on the case. Kußmann shared the view, common on the right, that the revolution of 1918 had opened the floodgates to public servants who were unpatriotic and unethical. During his 1924 prosecution of Karl Rahardt, the president of the Chamber of Artisans, for embezzlement and fraud, Kußmann insisted that Rahardt was not merely an example of personal avarice, but that his misconduct also "offered insight into the corrupt conditions of the post-war period." But Kußmann also possessed a flair for self-dramatisation, or what the left-liberal *Vossische Zeitung* described as "the conviction bordering on the pathological that he was the right man to restore order in Germany." So convinced was he of his personal mission to stamp out venality that Kußmann depicted himself as "the savior of the Fatherland, who has seized corruption by the throat."<sup>26</sup>

Kußmann was indiscrete enough, moreover, to reveal that he fancied himself a real-life embodiment of Dr. Wenk, the courageous prosecutor in Fritz Lang's 1922 film *Dr. Mabuse, der Spieler*.<sup>27</sup> Lang's cinematic classic was a contemporary success not least because it offered an easily understood explanation for the chaos and confusion of the immediate postwar period. Ingeniously, Lang reduced the complex interplay of political and economic forces contributing to the internecine violence and the inflationary nightmare after 1918 to a vast criminal conspiracy orchestrated by one man. Just as German society was beset by what only seemed to be random forces, Dr. Mabuse only seemed to

24 *Kreuz-Zeitung*, 1 February 1925.

25 *Vossische Zeitung*, 21 October 1925.

26 *Vossische Zeitung*, 16 July 1924, 8 April and 22 September 1925.

27 *Vossische Zeitung*, 30 July 1925.

be a reputable physician. In the filmic reality, however, Mabuse has corrupted government institutions, including the police, so that he can engage in nefarious crimes and enrich himself with impunity. On Lang's telling of it, the nightmarish explosion of banknotes was in reality nothing more than Mabuse's counterfeiting scheme, the volatility of equity prices nothing more than Mabuse's stock market manipulations.

Infused with the desire to expose the monocausal truth behind Weimar's instability, Kußmann imagined Republican politicians as criminal masterminds and his administrative superiors as their henchmen. His identification with Wenk goes some way toward explaining Kußmann's more melodramatic pronouncements, including his bizarre assertion that "after only an hour of interrogating" Reich Postal Minister Höfle, who was by all accounts a decent if somewhat naïve man, "it was clear to me that before me stood the greatest villain in criminal history."<sup>28</sup> Moreover, Kußmann's belief that Republican corruption constituted an immediate threat to German society, together with his exaggerated sense of self-importance, lent his investigation of Barmat an urgent and somewhat paranoid note. As a result, he saw nothing remiss in flouting budgetary constraints, traveling throughout Europe in a "luxurious car" for two and a half months looking for evidence against Barmat, or lying to his superiors about mission creep.<sup>29</sup> The end justified the means, as Kußmann later explained:

I did not always tell the truth during the course of the investigation. I did not lie, but I skirted the truth as much as possible. I did not fear administrative measures being taken against me because my person was not important if only the Fatherland could be saved.

He rationalised his mendacity, though it constituted a fundamental transgression against his legal training, by claiming that his superiors "could endanger the whole thing through one single indiscretion."<sup>30</sup>

Where Kußmann did not represent his supervisors as incompetent, he derided them as active impediments to his investigation, especially when they were Jewish. The obvious pleasure he took in recounting to the Prussian Diet how he lied to Bernhard Weiß, the

28 *Vossische Zeitung*, 10 April 1926. See the sympathetic but not uncritical portrait in Schiffs, *Die Höfle-Tragödie*, and the obituaries after Höfle's death on 20 April 1925.

29 *Vossische Zeitung*, 14 July 1925. Apparently, part of Kußmann's purpose was to interview Julius Barmat's youngest brother, Isaak, in Amsterdam, see: *Vossische Zeitung*, 7 April 1926.

30 *Vossische Zeitung*, 7 April 1926. Colleagues recalled Kußmann as being openly hostile to parliamentary supervision and as claiming "he would no longer shoot at the Ministry of Justice with muskets, but with canister shot [Kartätsche]", in: *Vossische Zeitung*, 22 September 1925. The reference to canister shot, or shells packed with iron or steel scrap and used to kill as many people as possible at close range, marks Kußmann as a veteran of the Great War.

talented chief of the Berlin criminal police and a favorite target of antisemitic attacks, was laced with anti-Jewish disdain.<sup>31</sup> Nevertheless, Kußmann denied he was an anti-semiter. “I have been accused,” he would later state, “of wanting to destroy the Barmats out of antisemitism. My task was to go after German officials who had put state money in the hands of foreigners, and I was dealing with shrewd enemies. I had to resort to extraordinary means”.<sup>32</sup> Even while assuring his interrogators that he was motivated not by prejudice but rather by his duty to prosecute the criminal – or at least unpatriotic – distribution of funds, Kußmann managed to reintroduce antisemitic associations of Eastern Jews as dangerously cunning in order to justify his decision to break the law to catch the lawbreakers. Such polemical misdirection was bold, and very much in keeping with rightwing political culture.

If Kußmann’s dubious distinctions between the Weimar Republic and the German nation, between duplicitous Jews and trustworthy patriots, and between criminal behavior and prosecutorial exigency had motivated his investigation of Barmat, it was his confusion of proximity with guilt that revealed the gap between his fantasies of Republican intrigue and the more prosaic reality of partisan politics in the 1920s. Shortly before he was removed from the case, for example, Kußmann decided to investigate Gustav Stresemann, Foreign Minister and Chairman of the German People’s Party (DVP), for bribery. Because the prosecutor was able to trace Stresemann through a variety of acquaintances back to a Jewish businessman whom he suspected of profiteering, Kußmann concluded that Stresemann belonged to a criminal organisation.<sup>33</sup> Neither Kußmann’s “egregious blathering [*ungeheueres Gequatsche*]”, as one judge described his paranoid reconstructions, nor the excesses of his investigative efforts conform to the “shackled justice” that Ewald Moritz, writing under the pseudonym Gottfried Zarnow, would bemoan in his 1931 attack on Republican jurisprudence.<sup>34</sup>

Rudolf Caspary, who was the lead prosecutor in the Kutisker case but worked on the Barmat case as well, was nearly as overconfident, extravagant in his misuse of public funds, and contemptuous of his superiors as Kußmann.<sup>35</sup> It was Caspary’s love of air-

31 Vossische Zeitung, 22 September 1925.

32 Vossische Zeitung, 27 September 1926.

33 Vossische Zeitung, 23 October 1925. The allegation seems to have derived from the case against “Spritweber”, the owner of an import business who was arrested for smuggling alcohol, had distant ties to Barmat, and had apparently obtained a letter of introduction from Stresemann, see: New York Times, 14 June 1925.

34 Gottfried Zarnow (Ewald Moritz): *Gefesselte Justiz: Politische Bilder aus deutscher Gegenwart*, 2 volumes, Munich 1931–1932.

35 Although the Weimar press did not always mention first names and in this case kept misspelling the last name, the prosecutor in question must be Rudolf Caspary, since the only other prosecutor with a similar last name, Wilhelm Caspari, was too old to fit the description and is not listed in the Jewish address book for 1931. See: *Jüdisches Addressbuch*

planes that eventually attracted the attention of his superiors; not only had he flown to Cassel to arrest Prussian State Bank Director Hellwig, but he later flew to Dresden to arrest Johannes Werthauer, a lawyer defending Kutisker whose attempts to liberalise the prosecution of sexual offenses had long made him a target of rightwing criticism, without justifiable grounds. Like Kußmann, moreover, Caspary believed that internally imposed limitations on the scope of his investigation amounted to nothing more than a criminal conspiracy to obstruct his exposure of Republican corruption, and felt justified in bullying superiors who objected to expanding the investigation.<sup>36</sup>

To blunt criticisms that his handling of the Kutisker and Barmat cases smacked of antisemitism, Caspary told the Prussian Diet that he “placed special importance on the observation that his religious confession was Jewish.”<sup>37</sup> As with Kußmann, Caspary’s rejection of antisemitism was less innocent than it seemed. After all, Caspary was willing to work closely with the DNVP Reichstag deputy Bernhard Leopold, who was actively hostile toward Jews, and leak information to rightwing dailies whose antisemitism was ubiquitous and vehement. Most likely, Caspary justified his alliance with the right on the distinction between “Eastern” and “Western” Jews. Many German Jews were critical of so-called *Ostjuden*, either because they had internalised German stereotypes of Eastern Jews as economic predators and unenlightened traditionalists, because they feared that the influx of Eastern Jewish immigrants would undermine their social status and promote antisemitism, or because they worried that the addition of foreign Jews would alter the balance of power within the Jewish community.<sup>38</sup> Whatever his motivations,

für Groß-Berlin Ausgabe 1931, Berlin 1994, p. 56. The Nazis clearly regarded him as racially Jewish though. See: Hans Bergemann/Simone Ladwig-Winters: Richter und Staatsanwälte jüdischer Herkunft in Preußen im Nationalsozialismus, Köln 2004, pp. 106 and 155.

36 Vossische Zeitung, 19, 21 and 22 September 1925; New York Times, 14 February 1925.

37 Vossische Zeitung, 19 September 1925.

38 On the complicated reactions of Jews and non-Jews to the so-called *Ostjuden*, see Steven Ascheim: *Brothers and Strangers. The East European Jew in German and German-Jewish Consciousness, 1800–1923*, Madison 1982; Michael Brenner: *The Renaissance of Jewish Culture in Weimar Germany*, New Haven 1996; Cornelia Hecht: *Deutsche Juden und Antisemitismus in der Weimarer Republik*, Bonn 2003; Trude Maurer: *Ostjuden in Deutschland: 1918–1933*, Hamburg 1986; Jack Wertheimer: *Unwelcome Strangers: East European Jews in Imperial Germany*, Oxford/New York 1987; Donald Niewyk: *The Jews in Weimar Germany*, New Brunswick 2001; Derek Penslar: *Shylock’s Children: Economics and Jewish Identity in Modern Europe*, Berkeley/Los Angeles 2001; Michael Schmidt: *Schacher und Wucher. Ein antisemitisches Stereotyp im Spiegel christlicher und jüdischer Autobiographien der Goethezeit*, in: Julius H. Schoepls (ed.): *Menora. Jahrbuch für deutsch-jüdische Geschichte*, München 1990, pp. 235–277.

Caspar's Jewishness did not make his collusion with antisemites any less problematic. Nor would it save him from Auschwitz.<sup>39</sup>

Yet antisemitism, with its corrosive predilection for insinuation, correlation, and association, was at the heart of the right's attacks on Barmat. The nationalist press, for example, depicted Barmat as conforming to the antisemitic stereotype of the *Ostjude* as impoverished materially and spiritually, and therefore incapable of honest and productive labour. Typical was the portrayal of Barmat as an economic predator in the *Berliner Lokal-Anzeiger*, the jewel in DNVP leader Alfred Hugenberg's media empire and the Republic's second largest daily. Barmat, it wrote, was the "archetype of the big-time racketeer from the East and bloodsucker of Germany."<sup>40</sup>

Nationalist journalists then connected the dangers of the Jewish presence to the weakness of the liberal state. Shortly after Barmat's arrest, for example, the *Kreuz-Zeitung* published an article entitled "The Eastern Jewish Problem: the Origins of Corruption."<sup>41</sup> The article depicted Eastern Jews as engaged in a debased form of capitalism, ranging from "record-breaking crooks" to simple "fur thieves", and warned that they constituted "a tumor that has been feeding on the German economy and the racial body politic [*Volkskörper*] for years." It then rehearsed antisemitic fears about Jewish immigration, claiming that democratic rule had enabled Eastern Jews "to stream into Germany through a hundred crooked paths" since 1918 – even though the vast majority of Jews

39 Caspar, who had served in World War I, was eventually dismissed from the civil service, and tried to emigrate to Chile. Ironically, he was involved in a dubious business scheme in summer 1938 with a certain Dr. Leopold Samolewitz that was aimed at raising money to help Jews emigrate from Germany. The Hamburg banker Max Warburg described the scheme as "fantastical" and urged his colleagues to steer clear of it, saying that "in this regard we can hardly be cautious enough", cf.: M. M. Warburg & Co. Archiv, Transfer-Projekte, Mappe 2, Notiz für Herrn Dr. Hirsch, lt. Aufgabe von Herrn Max M. Warburg, 15 June 1938; Dr. Hayum: Notiz für Herrn Dr. Hirsch, Betr.: Transferprojekt, 14 June 1938. Caspar's business plans were dashed by the *Kristallnacht*, when he was arrested and incarcerated in Sachsenhausen until 14 December 1938. On 3 March 1944, Caspar was deported to Auschwitz, where he was murdered, in: Bergemann/Ladwig-Winters, pp. 106 and 155; Gedenkbuch. Opfer der Verfolgung der Juden unter der nationalsozialistischen Gewaltherrschaft in Deutschland 1933–1945, Koblenz 1986, entry for Caspar, Rudolf.

40 *Berliner Lokal-Anzeiger*, 12 January 1925. In 1925, the *Lokal-Anzeiger* was one of Weimar's largest mass dailies. With a circulation of 220 000, it enjoyed twice the readership of Mosse's *Berliner Tageblatt* but less than half the circulation of Ullstein's *Berliner Morgenpost*. Originally part of the Scherl family's press holdings, it was acquired by Alfred Hugenberg in 1916. The paper was generally hostile to the Republic and especially the SPD and Ebert. See Fulda: pp. 13–15, 2–4. For a parody of the different rhetorical and interpretive preferences of the Weimar media that makes use of Barmat, see Peter Panter (Kurt Tucholsky): Lenzliche Leitartikel, in: *Simplicissimus*, 26 March 1928, p. 710.

41 The following is based on: *Kreuz-Zeitung*, 1 February 1925.

who had entered Germany since the war had moved on to the Americas and Palestine.<sup>42</sup> The Republic's supposedly lax immigration laws were then adduced as proof of collusion between socialists and Jews, since it was under social-democratic rule that "such wheeler-dealers and exploiters of the German people, such 'capitalists' of the worst kind" had settled in Germany. The article concluded with a sanctimonious warning to the SPD against Eastern Jews like Barmat who "used politics under a socialist guise as a means to the end of enriching themselves in a genuinely crony-capitalist way."

Perhaps the most remarkable example of authoritarian thinking on Barmat, however, was an opinion piece entitled *New German State Economy*, published on 3 January 1925 in the *Berliner Lokal-Anzeiger*. The article was signed by M. E. Moritz, who was likely the very same Ewald Moritz whose book "Shackled Justice" would use the Barmat case as an example of Republican encroachment on judicial autonomy.<sup>43</sup> Although the article's angry tenor and vitriolic rhetoric was somewhat out of place in the *Lokal-Anzeiger*, which took a more sedate approach to political propaganda in order to retain its large readership, the first section was very much in keeping with standard rightwing narratives about Eastern Jews. Predictably, Moritz labeled Barmat and others like him "vampires on the German economic body". As other rightwing journalists did, moreover, he claimed that Jews had only been able to flourish because of what he termed "the Barmatian System", which he described as a socialist plot that enabled Eastern Jews to immigrate to Germany after 1918 and profit from a climate of "inflation and corruption". To illustrate how Jews benefited from the hyperinflation, Moritz even provided spurious details of a business transaction in which Barmat allegedly bilked the Reich government by magically transforming completely worthless corporate paper into valuable government assets.

Having defined the system by which this Mabuse-like figure had exploited the German people, Moritz set about defining the man who embodied the system. Claiming that "Barmat should be viewed as a type", Moritz concocted stylised facts for his model of the Eastern Jew. Basing himself on Barmat's life, Moritz described a "type of immigrant fortune hunter" who came to Germany from Russia with the connivance of the social democrats, men, he pointed out with a measure of indignation, "who were allowed to sit on Bismarck's chair [and] whom [Barmat] counted as his employees." The result, Moritz argued, was that Germany had become a "Barmat-swamp". To infuse his com-

42 A government report from October 1922 noted that all but 45 000 Eastern Jews who had entered the country had left, leaving only 55 000 in Germany. See Ascheim: p. 231; Maurer, pp. 69–70, p. 576.

43 The following is based on: *Berliner Lokal-Anzeiger*, 3 January 25, evening edition. On Moritz, see Daniel Siemens: Die „Vertrauenskrise der Justiz“ in der Weimarer Republik, in: Moritz Föllmer/Rüdiger Graf (eds.): Die „Krise“ der Weimarer Republik. Zur Kritik eines Deutungsmusters, Frankfurt/New York 2005, pp. 139–164.

parison with an aura of intellectual rigor, he cited Oswald Spengler's recently published anti-Republican screed, *The New Construction of the German Reich* (1924), which contained a chapter entitled "The Swamp" (yet curiously failed to elaborate on the metaphor or indeed mention it once in the entire chapter).

The comparison of Weimar to a swamp, with its associations of vegetative decay, tropical disease, and moral confusion, was appealing enough to an authoritarian imagination nostalgic for Imperial order; the metaphor had even cropped up in isolated instances previous to Moritz's article.<sup>44</sup> A few other commentators had also compared the Barmat case to the Panama canal scandal, with its vast loss of human life due to malaria, the staggering scope of government corruption, and involvement of two Jewish bankers. Moritz's accomplishment was to bring all of these anti-democratic associations together in one memorable metonym, then follow the comparison to its logical end. As long as "rising bubbles of poison" like Barmat "are considered one-off phenomena", Moritz wrote, rather than the examples of systemic corruption he believed they were, all attempts to "dry up the common breeding ground – the 'swamp'" would fail.

Bizarrely enough, Moritz then switched metaphors in midstream, concluding his tirade by comparing Weimar to the stench of a horses' stable. Nothing in Germany would change, he argued, "until the Augean stables find their Hercules". Moritz's invocation of Greek mythology, with its powerful longing for a strong leader who would sweep away corruption and failure (and kill the enemy that had made it possible), was a grim reminder of the right's embittered opposition to the Republic.<sup>45</sup> Moritz's rhetorical flourishes also made clear that the authoritarian rejection of German democracy was founded not on fact, but on paranoid fears of Jewish conspiracies.

Moritz's article anticipated a flood of metonymic invective in the rightwing press that reduced the Republic to Barmat's person.<sup>46</sup> Commentators on the right reduced the Republic to "the Barmatian system", "the Barmat swamp", and "the Barmatocracy",

44 See, for example: *Das Deutsche Tageblatt*, 6 December 1924.

45 Some rightwing journalists picked up the Hercules comparison. See, for example: *Das Deutsche Tageblatt*, 10 November 1925; *Berliner Lokal-Anzeiger*, 9 January 1925, morning edition.

46 See, for example: *Die Nachtausgabe*, 10 January 1925; *Der Tag*, 14 January 1925; *Das Deutsche Tageblatt*, 30 January 1925; *Deutsche Zeitung*, 4 April 1925; *Der Barmatsumpf*, in: *Landbund Provinz Sachsen*, 11 April 1925; The metaphor was also adopted by the KPD. See, for example, the Prussian Diet motion Nr. 83, *Urantrag, KPD*, 10 January 1925 in: *GStPK, I. HA Rep.* 84a, 56541, p. 102; *Rote Fahne*, 30 July 1925. Joseph Kaufhold, a member of the Prussian Diet's Barmat committee for the DNVP, even used Moritz's invention in a pamphlet that received a great deal of attention. See: Joseph Kaufhold: *Der Barmat Sumpf*, Berlin 1925. In addition, the Nazis repeatedly took up the metaphor in the Reichstag soon after its publication. See the speech by the National Socialist deputy von Graefe, in: *Reichstagsprotokolle, Register* 396, Sitzung, 9 January 1925, p. 53.

which was ruled by social democratic “Barmatmen”. The Nazis came to the festivities late, partly because the *Völkischer Beobachter* was banned until 25 February 1925 and partly because Nazi leaders were preoccupied with the party’s reorganisation in the wake of Hitler’s release from prison. Nevertheless, the party’s paper took the time to vilify Barmat on the very first day it resumed publication, characterising him as a typical “financial shyster [*Finanzfledderer*] of eastern mintage” who had perverted German society by transforming “pleasure and money into the goal and meaning of life” and denouncing Weimar as the “Barmation”. Throughout 1925 and 1926, the Nazis combined Barmat with their standard antisemitic and semi-pornographic fare. They raged against the “Barmat Plague,” conjuring up medieval images of Jewish contagion and the violent German response, and derided “the Jewish moneybags-democracy”, which they accused of acquiescing to the “Hebrew credit crunch” and “the Jewish interest-rate vise” that was “oppressing” ordinary Germans in the deflationary climate of the economic stabilisation.<sup>47</sup>

It was not until 1928, however, that the Nazis deployed Barmat in their own way, publishing a series of articles under the headline “Marxism and Financial Bolshevism: A Political Barmatology” that garnered interest beyond the still-narrow confines of the party. Rather than imagining Barmat, as did the nationalists, as an opportunistic swindler whose affinity for money turned the socialists into his stooges, the far right depicted Barmat as a convinced “Marxist” dedicated to a program of revolutionary subversion and financial oppression. Unlike Moritz, the Nazis did not belittle Barmat as an adventurer, his socialism as a front, and his capitalism as a sham. On the contrary, they viewed Barmat as the embodiment of socialist internationalism and finance capitalism. “Before the doors of the Berlin court”, warned the *Völkischer Beobachter*, “stands Marxism [...] shoulder to shoulder with decaying capitalism”.<sup>48</sup> Without doubt, the Nazis’ simultaneous excoriation of socialism and capitalism was intellectually incoherent. Yet the appeal of National Socialism lay not in its analytical insights but in its ability to mobilise two otherwise contradictory resentments, the fear of socialism and the backlash against liberal capitalism, and mobilise them simultaneously. What stabilised this otherwise mercurial mix of aggressive displeasure was Jew-hatred. In Barmat’s person, the Nazis had managed to combine antisocialism and anticapitalism by subordinating them both to antisemitism.

47 *Völkischer Beobachter*, 25 February 1925, 29 April 1925; 5 May 1926; 2/3 August 1925 and 14 March 1925.

48 *Völkischer Beobachter*, 26/27 February 1928.



## Defending Democrats

Initially, the left-liberal and social democratic press alternated between accusing the right of indulging in “an orgy of defamation and slander” and dismissing its criticisms as a “farce”.<sup>49</sup> Once it became clear that prominent social democratic and Center Party politicians were either close friends with Barmat or employed by his conglomerate, however, their colleagues rushed to their defense. The list was formidable, the potential conflicts of interest real. In addition to Ebert, it included such social-democratic luminaries as former Chancellor Gustav Bauer, who helped Barmat obtain several loans from the Prussian State Bank, and SPD party chairman Otto Wels, who sat on the supervisory boards of several Barmat firms. Ernst Heilmann, the leader of the SPD parliamentary faction in the Prussian Diet from 1921 to 1933 whose political talent had earned him the sobriquet “Red King of Prussia”, was not only a board member at several Barmat subsidiaries, but also a close friend of Barmat’s.<sup>50</sup>

Barmat also enjoyed good relations with other leading socialists, mainly members of the party’s vehemently anticommunist rightwing, including Hermann Müller, who had been and would become chancellor again; Robert Schmidt, who was editor of the SPD newspaper *Vorwärts* from 1893 to 1903 and Food Minister in 1918, when he got to know Barmat because of the latter’s food exports to Germany, then Economic Minister in 1919, and later Vice Chancellor in the first Stresemann cabinet of 1923; Franz Krüger, who was Ebert’s personal secretary; Reichstag President Paul Löbe, who borrowed a small sum from Barmat at a minimal interest rate; Georg Gradnauer, Minister President of Saxony and Reich Interior Minister for a short time; and Erich Kuttner, the SPD’s foremost legal expert, an editor at *Vorwärts* and a deputy in the Prussian Diet. The most unfortunate case was perhaps Wilhelm Richter, the progressive chief of the Berlin Police from 1920 to 1925. As a close friend, Barmat showered him with various gifts, loaning him 8100 marks and presenting Richter with stocks and bonds, free trips to Holland and Vienna, a tuxedo, cufflinks, a hat, pajamas, cigars and a cigar clip, and a gold toothpick

49 Schiff, p. 10; Erich Kuttner in: *Vossische Zeitung*, 30 January 1925.

50 Heilmann, who spent time in various concentration camps beginning in June 1933, was murdered on 3 April 1940 in Buchenwald. Although he was a key Republican politician, Heilmann has failed to receive adequate scholarly and public attention. For a short biographical description, see Robert Kuhn: *Die Vertrauenskrise der Justiz (1926–1928). Der Kampf um die „Republikanisierung“ der Rechtspflege in der Weimarer Republik*, Köln 1983, pp. 165–166. As is typical for this era of German historiography, Kuhn fails to mention Heilmann’s Jewishness – a legacy of both the viciousness of antisemitic discrimination and democratic embarrassment discussed below.

that would become the object of considerable rightwing scorn.<sup>51</sup> In addition to socialists, Barmat developed a close relationship with the Center party politician Höfle, a Catholic trade unionist who served as Federal Postal Minister from 1923 to his arrest in 1925, the Reichstag Deputy Herrmann Lange-Hegermann, who served on the board of Barmat's holding company, *Amsterdamsche Export en Import Maatschappij* (Amexima) as well as the Barmat subsidiaries Allgemeine Garantiebank and the Merkurbank.

Despite the conflicts of interest, it was common practice for German politicians and civil servants to sit on the supervisory boards of their constituents' companies. As Richard Lewinsohn, who commented trenchantly on Weimar's economic woes for the *Vossische Zeitung* and for *Die Weltbühne* under the pseudonym "Morus" until the Nazis forced him to flee Germany for Paris and Rio de Janeiro, pointed out, "the time is long past when Wilhelm Liebknecht could create a sensation by counting the number of supervisory boards that our parliamentarians sit on."<sup>52</sup> It was Barmat's gifts to Höfle, which included a loan of 60,000 marks at no interest so he could finish building a villa fit for a minister and a paid vacation for the entire Höfle family, that were the most difficult to explain, since the substantial loans Barmat received from the Postal Ministry to deleverage his business seemed like a *quid pro quo*. Before his death in prison, Höfle had resigned from his posts as minister and Reichstag deputy. Similarly, the SPD asked Bauer to refrain from exercising his Reichstag mandate and revoked his party membership for a year, even though he had committed no actual crime, because he had lied about receiving payments from Barmat and acted in a clearly avaricious manner that was difficult to reconcile with his socialism.<sup>53</sup>

51 LAB, A. Rep. 358–01, Nr. 421, Bände I-IX; BArchB, R/3101/17115, Hermannsdorfer to Reichswirtschaftsminister, "Barmatkonzern", 27 January 1925, pp. 2, 9; Schiff, *Die Höfle-Tragödie*; Edmund Schulz (ed.): *Das Gesicht der Demokratie*, Leipzig 1931, pp. 97–99; Geyer: *Contested Narratives*, p. 225; Ludwig, p. 72; Karl Ludwig Rintelen: *Ein undemokratischer Demokrat: Gustav Bauer. Gewerkschaftsführer – Freund Friedrich Eberts – Reichskanzler. Eine politische Biographie*, Frankfurt a. M. 1993, pp. 227–228. Höfle was also Minister for the Occupied Territories after the French and Belgian occupation of the Ruhr region, which may have been another point of contact with Barmat because of the latter's Belgian contacts. The loan to Löbe, which Hermannsdorfer conceded was "meaningless", was uncollateralised and discounted at a rate of 2 per cent, instead of the going rate of 4 per cent, see: BArchB, R/3101/17115, Hermannsdorfer to Reichswirtschaftsminister, "Barmatkonzern," 27 January 1925, p. 9. According to *Die Weltbühne*, Barmat presented Richter with a gold lighter, though this seems to be confusing Barmat's gift with allegations that Richter had presented Barmat with a gold lighter. See Siegfried Jacobson: *Bemerkungen*, in: *Die Weltbühne*, 20 January 1925, p. 108.

52 Morus: Dawes, Barmat, Thyssen, Wolff, p. 362.

53 *Vossische Zeitung*, 7 February 1925; *Vorwärts*, 4 January 1925 and 7 February 1925; *Berliner Lokal-Anzeiger*, 5 February 1925. Schiff's *Die Höfle-Tragödie* remains the best discussion of the

In parliament and press, Republicans struggled to disentangle fact from fiction in the constant stream of news that seemed to implicate their leaders in shady deals. Most frequently, the liberal press deployed reasoned refutations of the more obviously slanderous charges in exhaustive detail. Because it often required exacting discussion, however, this strategy was more fit for the court- or classroom than the media. Besides, impeaching the factual basis of illiberal claims neither embarrassed the right into silence nor caused them to surrender their convictions. Rightwing commentators openly conceded that they did not care a fig about Barmat's personal guilt or whether they had got the facts straight. In a discussion of whether Republican officials had really committed crimes, the *Berliner Lokal-Anzeiger* asked: "Did they become criminals? We do not know. And, between us: the state prosecutor's office also does not yet appear to know exactly. Irrelevant. We are only interested in the ground on which these swamp plants could grow so resplendently".<sup>54</sup>

Precisely because correlation functioned as causation in rightwing argumentation, counterexamples were dismissed as exceptional and rogue data embraced as representative. The left's allegiance to empirical verification was laudable, but did not serve its cause effectively.

More convincing were the Republican press's attempts to embarrass the right by exposing nationalist conflicts of interest and recalling Imperial scandals. It went some way toward challenging the logic of guilt by association, for example, to learn that the rightwing politician Franz von Papen sat on the supervisory board of a Barmat bank.<sup>55</sup> In a brief but trenchant article for Siegfried Jacobsohn's *Weltbühne*, moreover, the journalist and editor Felix Stössinger called attention to the fact that German businessmen moved freely between government service and industry, and made use of this revolving door to obtain state assets at cut-rate prices. Stössinger was particularly critical of Wilhelm Cuno, the chairman of the Hamburg-America (Hapag) shipping line and chancellor from 1922 to 1923, for using his positions at the Federal Treasury Department and the Military Alimentation Department (*Kriegsernährungsamt*) during the war to enrich Hapag. No one objected to this kind of corruption, Stössinger pointed out, because German civil servants enjoyed a special, yet undeserved, status as impartial experts.<sup>56</sup> To

complicated relationship between Barmat's personal loans to Höfle and the business loans from the ministry.

54 *Berliner Lokal-Anzeiger*, 5 January 1925.

55 *Vossische Zeitung*, 5 November 1925.

56 Felix Stössinger: *Lex Cuno-Kutischer*, in: *Die Weltbühne*, 13 January 1925, pp. 47–49. The muckraking journalist Maximilien Harden wrote a bestselling book alleging that Cuno had enriched himself during the hyperinflation: *Maximilien Harden: Deutschland, Frankreich, England*, Berlin 1923, pp. 141–152. Stössinger also provides the example of Privy Secretary Stimmig, who moved from state regulator of German shipping lines to manager at Nord-

debunk the right's equation of democracy with corruption, moreover, the social democratic Reichstag deputy and financial expert Kurt Heinig published a book on financial scandals during the Imperial period, while the social democratic daily *Vorwärts* ran stories on corruption cases involving Bismarck.<sup>57</sup> Meanwhile, the liberal press published treasonous letters written by the Pan-German leader Heinrich Class to Wilhelm II in December 1925 and January 1926.<sup>58</sup>

Nor did the left shy away from bringing the battle home to the DNVP, which was generally perceived as the main beneficiary of Barmat's arrest. *Vorwärts*, for example, ran stories revealing that Paul Schmidt, the advertisement editor at the *Kreuz-Zeitung*, had also received questionable loans from the Prussian State Bank.<sup>59</sup> Moreover, Otto Nuschke, the Democratic Party leader, editor-in-chief of the liberal *Berliner Volkszeitung*, and future chairman of the East German Christian Democratic Union, tried to investigate the DNVP's own murky associations. He asked the Prussian Barmat committee to extend its investigation of the Prussian State Bank to include the Prussian State Mortgage Agency (*Landespfandbriefanstalt*), where rightwing civil servant appointees had "apparently lost millions in real-estate speculations".<sup>60</sup> Similarly, socialist politicians volubly criticised the overly generous Ruhr compensations, or the indemnifications paid by the Reich government to heavy industry to defray the cost of the Allied occupation of the Ruhr during 1923.<sup>61</sup>

More effective were the efforts of leftwing politicians to respond to this miscarriage of justice by completing the institutional transformation of the judiciary along democratic lines. Led by Kuttner and Erich Eyck, a liberal lawyer and legal correspondent for the *Vossische Zeitung* who would write influential histories of Bismarck and the Weimar Republic from exile in Britain, the left exposed Kußmann and Caspary's illegal contacts with the press. They also urged the Prussian Ministry of Justice to tighten the regulations governing pretrial detention and remove Kußmann and Caspary from the case. Most importantly, however, Kuttner and Eyck argued that the two prosecutors' actions

deutscher Lloyd. See: Stössinger, p. 48. On interest conflicts among civil servants during this period, see Andreas Kunz: *Civil Servants and the Politics of Inflation in Germany, 1914–1924*, Berlin/New York 1986. To Cuno, Stössinger might have added Karl Helfferich, one of Weimar's most vitriolic critics and a DNVP leader, who went back and forth between the Deutsche Bank and various leading positions in Wilhelmine state.

57 Kurt Heinig: *Die Finanzskandale des Kaiserreiches*, Berlin 1925; *Vorwärts*, 27 February 1925.

58 *Vossische Zeitung*, 15 May 1926.

59 *Vorwärts*, 14 March 1925.

60 Fulda, p. 96–98.

61 Gerald D. Feldman: *The Great Disorder: Politics, Economics, and Society in the German Inflation 1914–1924*, Oxford/New York 1997, pp. 671, 844, 849.

were not exceptional, but symptomatic of the tendency of authoritarian jurisprudence to exceed its legal authority.<sup>62</sup>

The Ministry of Justice acted with some alacrity to place limitations on prosecutors' leeway to arrest suspects. But under the leadership of the conservative Center Party politician Hugo am Zehnhoff, who publicly declared he was "downright proud" that he had managed to prevent personnel reform, the Ministry delayed taking action against Kußmann and Caspary.<sup>63</sup> The Prussian government's hesitancy was, as the left-liberal *Vossische Zeitung* commented, "dangerous for the reputation of the justice system".<sup>64</sup> In June 1925, however, the Ministry finally dismissed the prosecutors from the case and used them as examples of the necessity for democratic reform of the judicial system. Citing "the numerous complaints that have been raised about the handling of criminal justice, especially regarding pretrial detention", the Ministry released Barmat and brought the two prosecutors up on charges.<sup>65</sup> Despite clear evidence of wrongdoing, however, Kußmann and Caspary were acquitted as part of a general amnesty for political offenders that Hindenburg declared at the end of 1925. Clearly intimidated, the Ministry quickly backed away from its initial and systemic criticism of the judiciary. Instead, the Ministry restricted itself to an *ad hominem* and apolitical argument regarding the two prosecutors, whom it now claimed were not "suited for difficult tasks" because of their "inexperience".<sup>66</sup>

The Ministry's inability to obtain convictions of Kußmann and Caspary only made Republican institutions appear simultaneously incompetent and politicised. Over the next four years, the ministry tried – and failed – on four separate occasions to have

62 See, for example, *Vorwärts*, 2 January 1925 and 17 October 1925; *Berliner Tageblatt*, 3 May 1925; *Vossische Zeitung*, 3 January 1925 and 4 January 1925; *Germania* 21 April 1925 and 29 July 1925. For more on Eyck, see Kuhn, p. 48–49. Kuttner, who was a member of the Prussian Diet from 1921 to 1933, editor of *Parvus' Die Glocke* from 1922 to 1923, editor-in-chief of the social-democratic paper *Lachen Links*, an editor at *Vorwärts*, and a friend of Barmat's, fled the Nazis to Amsterdam in 1933. After the German occupation of the Netherlands, he was deported to Mauthausen and murdered there on 6 October 1942. Kuhn argues that Kuttner was less effective as a journalist than a propagandist, but arguably underestimates his political skills, cf. Kuhn, pp. 55–59.

63 Cited in: Hagen Schulze: *Otto Braun. Preussens demokratische Sendung*, Frankfurt a.M. 1977, p. 569.

64 *Vossische Zeitung*, 30 July 1925. See also *Vorwärts*, 29 July 1925; *Berliner Volkszeitung*, 29 July 1925; *Germania*, 29 July 1925. In response to the Barmat affair and the Haas-Helling case of 1925/26, the Reich government passed the "Law to Change the Criminal Procedural Code" on 30 December 1926, which placed clear limits on the use of police detention, cf. Kuhn, pp. 122–123.

65 *Vossische Zeitung*, 2 July 1925.

66 *Vossische Zeitung*, 8 October 1925.

Kußmann fired and Caspary fined for overstepping their bounds.<sup>67</sup> In 1928, the disciplinary court assured the public that neither Kußmann nor Caspary had been “guided by any political attitude in the proceedings against Barmat and Kutisker”. The court was willing, however, to reprimand Kußmann for having an affair, then trying to coerce the woman’s husband into paying for the sailing trip Kußmann took with her, since duress constituted behavior unbecoming of an officer of the court.<sup>68</sup> As one Democratic Party deputy stated drily, “the deliberations [regarding Kußmann and Caspary] are not exactly promoting the interests of the Prussian state.”<sup>69</sup> Eventually, the Ministry gave up and settled in May 1929 for transferring Kußmann instead of dismissing him and reprimanding Caspary.<sup>70</sup>

Nor were the liberals and social democrats able to enlist the support of the Center Party in judicial reform, an ominous sign of political Catholicism’s gradual turn to the right.<sup>71</sup> Despite anger over Höfle’s treatment, the Center Party’s Prussian parliamentary faction declared that “the Barmat case has caused endless damage to the reputation of the German people because corruption was fabricated in the case for political reasons, which had less to do with the state authorities than the clever attackers”. The *Vossische Zeitung* commented that “the meaning of this statement” was that the Center was no longer available to reform the justice system because “despite all of the noise surrounding Barmat they hoped to make themselves useful to the nationalist thirst for power.”<sup>72</sup> Even though they bore the brunt of rightwing verdicts, moreover, Communist politicians refused to join the SPD and liberals in democratising the judiciary.<sup>73</sup> As the KPD deputy Obusch argued, Weimar’s justice system was “only a machine for social and

67 *Vossische Zeitung*, 8 November and 15 October 1925, 30 September and 22 October 1926, 23 April and 12 May 1927, and 7 May 1928.

68 *Vossische Zeitung*, 8 June 1928. It did not help that the prosecutors charged with disciplining Kußmann and Caspary were not particularly aggressive. Walter Tetzlaff, for example, was less than vigorous in his prosecution, cf. *Vossische Zeitung*, 8 April 1926. For more on Tetzlaff’s career during the “Third Reich” and his outspoken homophobia, see Theodor Eschenburg: *Zur Ermordung des Generals Schleicher*, Vierteljahrshefte für Zeitgeschichte 1:1 (1953), pp. 71–95; LAB, A. Rep. 358–02; Walter Tetzlaff: *Homosexualität und Jugend*, in: *Der HJ-Richter* 5 (1942), pp. 1–6; Günter Grau: *Lexikon zur Homosexuellenverfolgung 1933–1945. Institutionen – Kompetenzen – Betätigungsfelder*, Berlin/Münster 2011, p. 141.

69 *Vossische Zeitung*, 19 February 1926 and 8 April 1926.

70 *Vossische Zeitung*, 13 May 1929.

71 Rudolf Morsey: *Die Deutsche Zentrumspartei*, in: Erich Matthias/Rudolf Morsey (eds.): *Das Ende der Parteien 1933*, Düsseldorf 1960, pp. 281–452; Rudolf Morsey: *Die Deutsche Zentrumspartei 1917–1923*, Düsseldorf 1966.

72 *Vossische Zeitung*, 29 September 1925.

73 The classic contemporary statement was Emil Julius Gumbel: *Vier Jahre politischer Mord*, Berlin 1922. For a more recent discussion of political violence in Weimar, see Pamela Swett:

political repression. Class justice will only cease when the judges are elected by working people.<sup>74</sup> On this view, personnel changes were meaningless without systemic reform along communist lines.

Kuttner and Eyck, however, eventually succeeded in pushing greater parliamentary supervision of the courts into mainstream debate. On 21 October 1925, Eyck launched the first salvo, publishing an article entitled “The Administration of Justice and Parliament” in the *Vossische Zeitung*. In his analysis of a debate in the Prussian Diet, Eyck pointed out that rightwing arguments about preserving judicial autonomy were more about protecting anti-Republican political interests than any legal theories. He also held a controversial lecture in front of the Berlin Legal Society on 9 January 1926 that mentioned Barmat among other examples of antidemocratic jurisprudence seeking shelter in claims to objectivity.<sup>75</sup> What transformed their argument for political intervention into a national debate was Kuttner’s article in *Vorwärts* on 11 April 1926. Entitled *The Crisis of Confidence in the Justice System*, the article drew on examples of rogue prosecutors and antidemocratic judges to underscore the need for greater parliamentary supervision of judicial appointments.<sup>76</sup> Conservatives also pointed to the Barmat affair, arguing for a strict separation of powers. None other than the president of the highest court, Walter Simons, responded to Kuttner and Eyck by inverting their arguments about politicisation of due process. “Parliament has reserved for itself”, Simons intoned, “a competing exercise of adjudicative power through the investigative committees of the Reichstag and

Neighbors and Enemies: The Culture of Radicalism in Berlin 1929–1933, New York/Cambridge 2004.

- 74 *Vossische Zeitung*, 14 July 1925. Yet the communists were actually the very first political party to lambaste Barmat, publishing articles on him in the *Rote Fahne* in late 1924 aimed at discrediting the socialists. The intensity of this campaign as well as the personal involvement of Karl Radek, who wrote a polemical pamphlet against Barmat that was peppered with antisemitic provocations, betrays lingering animosity over Barmat’s former ties to the Bolsheviks, cf. Karl Radek: *Die Barmat-Sozialdemokratie*, Hamburg 1925; GStPK, I. HA Rep. 84a, 5654I, p. 251.
- 75 *Vossische Zeitung*, 10 January 1926; Kuhn: *Die Vertrauenskrise der Justiz*, pp. 48–49. Ralph Angermund, whose tendency to make Jews responsible for the hatred directed against them gives cause for alarm, portrays Eyck as less critical of the judiciary than he was, cf. Ralph Angermund: *Deutsche Richterschaft 1919–1945. Krisenerfahrung, Illusion, politische Rechtssprechung*, Frankfurt a.M. 1990, p. 31. See the comment on the same page, where Angermund attributes a growing “anti-Semitism” to the fact that “Jewish students were comparatively strongly represented above all at the universities in large urban areas”. Antisemites certainly used arguments about Jewish “overrepresentation” to lend weight to their resentments and conspiracy theories, but Jew-hatred is neither caused by nor does it require empirical facts to flourish. In any case, blaming the victims for their plight is always problematic.
- 76 Kuhn, pp. 55–58; Siemens, pp. 149–150.

the Prussian Diet. I recall the Barmat trial. Here there is a danger of politics influencing the judge's verdict."<sup>77</sup>

Clearly, the politicised methods and antidemocratic intentions behind Barmat's arrest triggered Eyck and Kuttner's demands for the democratic transformation of the justice system. Although they have overlooked the Barmat affair's key role in the "crisis of the justice system", historians are correct in arguing that the Haas-Helling case of 1925/26, in which a Jewish businessman was falsely accused of murder on completely spurious grounds, moved calls for institutional reform from the corridors of leftwing politics to the realm of popular controversy. Between the weak leadership of the Prussian Ministry of Justice, Barmat's status as a foreigner of Eastern Jewish origin, and the murky world of credit creation, the Barmat affair did not easily lend itself to calls for judicial reform, which exhausted itself anyhow in rhetorical victories for the left rather than in any lasting institutional change.<sup>78</sup>

Perhaps the greatest failure of the democratic left in the Barmat affair, however, was its unwillingness to problematise the antisemitism that served as an ordering principle for rightwing attacks on the Republic.<sup>79</sup> Few Republican politicians seem to have understood the corrosive effects of racism on democratic rule, much less objected to antisemitism. On the contrary, Barmat provided fodder for dubious comments in the highest places, which reflected how deeply entrenched associations of Jews with the more

77 Walter Simons: *Reichsverfassung und Rechtsprechung*, in: *Zeitschrift für die gesamte Staatswissenschaft* 81:3 (1926), p. 392. See also Simons' notorious inversion of Kuttner's formula of the state's "crisis of confidence in the justice system" into a "crisis of confidence of the justice system in the state" at the Juristische Studiengesellschaft in Munich on 9 November 1926, in the seat of reaction on the eighth anniversary of the Republic's founding, cf. Kuhn, pp. 109–122; Siemens, p. 154. It is also worth noting that the Prussian Justice Ministry under Schmidt agreed that the transparency introduced by the parliamentary investigative committees constituted an obstacle in the rendering of justice, cf. *GStPK*, I. HA Rep. 84a, 56541, undated report, p. 186.

78 Kuhn, pp. 58–96, 275; Siemens, p. 150; Warren Rosenblum: *The Paranoid Style in Weimar Politics. The Haas-Helling Affair of 1926*, unpublished manuscript. See also the very different interpretation of the crisis in: Angermund, pp. 19–40.

79 In contrast to other leftwing commentators and journalists, the communists employed Barmat's Jewishness to deride their social democratic competitors and attack liberal democracy. See *Rote Fahne*, 30 November 1924, 5 December 1924; Karl Radek, *Die Barmat-Sozialdemokratie*, Hamburg 1925, which viciously attacks Barmat as a "speculator" (p. 8), derides him as a "hypocrite" for selling the Reich bacon (p. 12), and incorrectly calls his parents "Aron and Rivke" in an attempt to poke fun at Eastern Jewish names (p. 19); anonymous, *Barmat und seine Partei*. Berlin 1925), p. 9, which deploys the antisemitic figure of the war and inflation profiteer; Geyer, *Contested Narratives*, p. 211 and 217. On the *Rote Fahne's* "pioneering" yellow journalism in the Kutisker and Barmat cases, see Fulda, pp. 76–8, pp. 92–3.



rapacious aspects of capitalism were. In a cabinet meeting on 26 February 1925, for example, Chancellor Hans Luther interrupted Reichsbank President Hjalmar Schacht's report on the central bank's earnings from interest rate operations. With Barmat clearly on his mind, Luther made the tasteless pun that it was all right to earn money from usury as long as it was not a pound, recalling both the central conceit of Shakespeare's *Merchant of Venice* and the high demand for British currency by German industry. As he often did with higher-ups, Schacht obligingly agreed.<sup>80</sup>

An important exception to this acquiescence was the Center Party deputy Hermann Schmidt. On the day of his investiture in May 1927 as the new Prussian Minister of Justice, Schmidt argued forcefully against the DNVP's attempts to disqualify Jewish judges. Reminding his colleagues that religious freedom was protected by the constitution, Schmidt averred that "the attacks against the suitability of Jewish citizens [*Volksgenossen*] for the judiciary are not only regrettable, but highly dangerous to the administration of justice."<sup>81</sup> In a bitterly acerbic commentary on the Barmat affair, moreover, the Reichstag deputy Heinig took a different route. Heinig lampooned the right's interpretation of justice as a sexualised cleaning woman sweeping away all trace of Eastern Jews, as "Mrs. Justitia with her petticoat raised, her shirt sleeves rolled up, lots of soap, and a sharp scrubbing brush cleaning the dirty footprints of bandylegged Eastern Jews off the floor of our God-given legal order."<sup>82</sup>

A handful of mostly socialist and mostly Jewish journalists were also openly critical of the right's Jew-baiting. Victor Schiff, who had accompanied the German delegation to Versailles and served as editor of the foreign desk at *Vorwärts* until he was forced into exile in 1933, denounced the "pogrom atmosphere that the prosecutors had artificially created" in the Barmat case.<sup>83</sup> In an article entitled *Jewish World Finance* that appeared in *Die Weltbühne*, moreover, Lewinsohn took allegations of Jewish economic power to task, ridiculing the tendency of antisemites to cherry-pick their evidence:

when one compares the success of Jews and non-Jews in economic life and politics and does not simply pluck Jewish names out of the totality and arbitrarily list them, as the antisemites do, the whole antisemitic 'material' on the 'Jewish Financial International' and its 'world domination' turns out to be an empty bluff.<sup>84</sup>

80 BAArch, R43 I 633, Bl. 364–379, Nr. 29, Bericht des Reichsbankpräsidenten über die Lage der Reichsbank und über Fragen der Währungs- und Finanzpolitik, 26 February 1925.

81 Vossische Zeitung, 7 May 1927.

82 Heinig: Staatsanwälte, Staatsgeschäfte, Staatlumpen, p. 87.

83 Schiff, p. 8.

84 Morus: Jüdische Weltfinanz, in: Die Weltbühne 22/51, 22 December 1925, pp. 958–959.

More oblique was Stössinger, who drew attention to the double standard that allowed civil servants to enrich themselves with impunity provided that “they did not go to Russian Jews”.<sup>85</sup>

For the most part, however, the left passed over the antisemitic ruckus in silence. For social democrats, there were at least two reasons for their failure to come to the aid of a man who had been their ally for so long. The socialist emphasis on egalitarianism, together with its emphasis on class as the main category of analysis, encouraged social democrats (and communists) to strip racism of its autonomy as a causal factor and reduce it instead to other, and especially economic, motive forces. Perhaps because they very much wanted to believe in a world where racial discrimination no longer existed, socialists of Jewish origin were particularly susceptible to this way of thinking. An article about Weimar’s economic problems in the main revisionist journal, *Sozialistische Monatshefte*, by the Jewish journalist Max Cohen provides an example of how it was possible to treat the Barmat affair as a minor nuisance. Cohen worried that

the investigation of ‘corruption,’ which mainly serves to aid agitation on behalf of political parties, (...) has pushed the much more important economic tasks into the background. However, they are what is really pertinent, and when the various affairs have long been forgotten, we will still be wrestling with solving them.<sup>86</sup>

At one level, Cohen’s demand that the political parties differentiate between the preoccupations of the moment, such as the Barmat affair, and Germany’s enduring problems seemed perfectly reasonable. Having survived the surrealistic experience of hyperinflation by virtue of dictatorial edicts and economic advice from the antidemocratic right and only recently emerged from the deflationary shock precipitated by the currency substitution of November 1923, Weimar had found but a brief respite from the structural problems that would once again engulf it. But the belief that the right’s antisemitism was merely an epiphenomenon straddling more serious underlying economic imbalances only helped rationalise away the right’s incessant promise to contradict this kind of assumption.

In fact, however, the SPD’s public approach to antisemitism had proved no serious barrier to private expressions of distaste for Jews. In the Wilhelmine period, the SPD had saluted the antisemites for their anticapitalism but objected that eliminating Jews would effect no change, since Christians would simply take the Jews’ place in the market. Such a stance hardly provided a *point d’appui* against images of the Jew as primordial capi-

85 Stössinger, p. 48.

86 Max Cohen: Deutsche und preußische Regierungsprobleme, in: *Sozialistische Monatshefte* 31:3, 2 March 1925, p. 136.

talist.<sup>87</sup> Despite his business relationship with Barmat, for example, former Chancellor Bauer was associated with a number of outspoken antisemites and expressed anti-Jewish sentiments from time to time.<sup>88</sup> Similarly, Hermann Müller appears to have nursed a particularly nasty antisemitic streak. To discredit the arguments of Eduard Bernstein about Versailles at the SPD's 1919 party congress, Müller had made fun of the "Rabbi from Minsk", belittling him as a "peddler of pants" haggling his way into accepting the treaty.<sup>89</sup> Müller also regaled guests with the story that Ebert was so infuriated by Barmat's use of his telephone that the president had promised "when that Jewish swine [*Saujud*] comes around again, I'll kick him out."<sup>90</sup> Given how acceptable antisemitism was in German society, even among social democrats, it is no wonder that Jewish Republicans like Kuttner, Eyck, and Gradnauer chose not to confront the right's use of antisemitism against the left, focusing instead on administrative battles, while Heilmann restricted himself to defending Barmat as a friend, businessman, and socialist.<sup>91</sup>

If non-Jewish supporters of the Republic worried that direct criticisms of racism would expose them to charges of disloyalty to the Fatherland, found it difficult to resist common stereotypes, or simply viewed associations of Jews with money as reflecting a kernel of truth, Jews were understandably hard pressed to develop a coherent response to the logic of antisemitism. The Barmat affair was a case in point. On 27 February 1925, the *C. V.-Zeitung*, the weekly journal of the Central Association of German Citizens of the Jewish Faith, published an article entitled *Must We Distance Ourselves?* sharply denouncing the antisemitic discourse surrounding Barmat's arrest while simultaneously dissociating the Jewish community from Eastern Jews like Barmat. Written by Alfred Wiener, a member of the Berlin Jewish community council who would play a key role in Jewish efforts to combat antisemitism and eventually found the Wiener Library, the article displayed exasperation at antisemites and Barmat in equal measure. "Is it necessary for us German Jews to explain that we have nothing in common with any kind of dubious elements," Wiener asked. Rejecting the notion of guilt by association in no uncertain

87 On this point, see the eloquent criticism in Lars Fischer: *The Socialist Response to Antisemitism in Imperial Germany*, Cambridge 2007. See also Enzo Traverso: *The Marxists and the Jewish Question: The History of a Debate 1843–1943*, Atlantic Highlands 1994.

88 See, for example, Bauer's outburst in the 1916 Reichstag session, his association with Jewish antisemites and ambivalence toward Felix Fechenbach, cf. Rintelen, pp. 116–117, 230–232, 244.

89 Protokoll über die Verhandlungen Parteitags der Sozialdemokratischen Partei Deutschlands abgehalten in Weimar vom 10.–15. April 1919, Berlin 1919, pp. 256–257.

90 Ernst Feder: *Tagebücher eines Berliner Publizisten 1926–1932*, cited in: Geyer, *Contested Narratives*, p. 234.

91 See, for example, *Vorwärts*, 4 February and 10 March 1925; *Vossische Zeitung*, 4 February 1925.

terms, Wiener exclaimed “we refuse to tolerate that Jewish Germans or even all Jews are held accountable once again for the transgressions of a few Jews.”<sup>92</sup>

Then Wiener took up the logic of innocence by dissociation, distinguishing German Jews from foreign Jews like Barmat, who had been stateless ever since the Bolsheviks revoked his Russian citizenship. Wiener took umbrage, for example, with the suggestion that Jews might allow religious or ethnic attachments to trump their loyalty to the rule of law, then unnecessarily reminded his readers that Barmat was not even German. “We are the last ones”, Wiener assured his readers, “to protect a Jew who has violated the law, especially if he enjoys our hospitality as a foreigner.”<sup>93</sup> Continuing in this xenophobic vein, Wiener condemned the fact that “Reich and Prussian institutions gave loans to foreign instead of domestic business people.” Far from strengthening his credentials as a law-abiding German citizen, which would appease no antisemite, Wiener’s chauvinistic display only served to reinforce the significance of ethnic distinctions at work in German society and with it the suspicion that Jews were somehow not German enough.

After identifying Barmat as non-German, Wiener proceeded in symbolic fashion to kick him out of the Jewish community. Neither Kutisker nor Barmat merited an official statement of support by the Central Association, Wiener claimed, because

their names are not known by any of the leading Jewish organisations. They have never held any honorary position in the German Jewish community. Had they been the chairmen of some organisation, had they made their mark in the Jewish life of Germany then maybe such a procedure could be considered.

Wiener’s technocratic definition of Jews, which measured Jewishness in organisational terms, was a popular alternative among Jewish leaders to racist argumentation or the religious interpretations offered by Jewish law. Of course, the definition was empirically problematic, since it excluded those Jews who declined to join official organisations. Moreover, it smacked of elitism, since on Wiener’s logic only those who held office were worthy of support. In any case, Barmat was a member of Berlin’s Jewish community, which only complicated Wiener’s efforts to distance German Jews from Barmat.<sup>94</sup> Central Association Chariman Ludwig Holländer’s famous dictum that “German Jews are the stepchildren, and stepchildren must be doubly good” aptly describes how Jews internalised anti-Jewish logic.<sup>95</sup>

92 Alfred Wiener: Müssen wir abrücken?, in: C. V.-Zeitung, 27 February 1925, p. 2. For more on Wiener, see Ben Barkow: Alfred Wiener and the Making of the Holocaust Library, London 1997.

93 Wiener, p. 1.

94 Jüdisches Addressbuch für Groß-Berlin. Ausgabe 1931, p. 18.

95 Cited in Ascheim, p. 227.

Interestingly enough, the most public attempt to confront the antisemitism surfacing because of the Barmat affair was fictional. The Jewish playwright Walter Mehring brought Barmat to the stage in September 1929 as *The Merchant of Berlin* in a glitzy production directed by Brecht-collaborator Erwin Piscator with sets designed by the Bauhaus artist László Moholy-Nagy. Hopelessly entangled in its attempt to expose the contradictions at the core of antisemitism, Mehring's latter-day Shylock, updated for Weimar audiences by the appearance of the fictional "Elders of Zion", was unloved by the critics and vilified by Jews and antisemites alike. The *Piscator-Bühne* was picketed by the SA, brownshirts threw stink bombs during the production, and Berlin's Nazi-leader Joseph Goebbels wrote a front-page piece in the *Völkischer Beobachter* entitled "To the Gallows" slamming the play, its author, and its director. The production quickly folded.<sup>96</sup>

The left's failure to identify antisemitism as a threat to German democracy was one of the main reasons that it was ill-equipped to deal with the Nazis. On the one hand, tolerance of antisemitic stereotypes in Republican circles blinded democrats to the power of racist argumentation to undermine democratic discourse. From dubious jokes in the corridors of power to racialised satire in fictional texts and political commentary, there is depressing evidence that depictions of Jews as economic predators had penetrated Republican thinking. Worse still, even those Republicans who did not share an aggressive dislike of Jews felt constrained to tolerate or pass over ethnic slurs in silence. For socialists, the very same theoretical analysis of society that supposedly made them less susceptible to the appeal of nationalism and racism than their liberal and Catholic allies paradoxically reinforced their tendency to trivialise antisemitic discourse. The theoretically formidable analysis of Jew-hatred as a transient side effect of the bourgeoisie's futile attempt to cling to power reinforced a cavalier approach among social democrats toward antisemitic argumentation, even as racist tropes were proving increasingly compelling to contemporaries. For Republicans of Jewish extraction, moreover, intimidation and fear inhibited attempts to confront antisemitic argumentation where the violence of antisemitic rhetoric and action did not simply induce them to internalise Jew-hatred and

96 Walter Mehring: *Der Kaufmann von Berlin*. Ein historisches Schauspiel aus der deutschen Inflation, Berlin 1929; Carl von Ossietzky: *Zylinderhüte des Zentralvereins deutscher Staatsjuden bürgerlichen Glaubens*, in: *Die Weltbühne*, 17 September 1929, p. 440; Geyer, *Contested Narratives*, pp. 211–235; Martin Geyer: *Unpleasant Play*. Walter Mehrings Kaufmann von Berlin, in: Martin Baumeister/Moritz Föllmer/Philipp Müller (eds.): *Die Kunst der Geschichte: Historiographie, Ästhetik, Erzählung*, Göttingen 2009, pp. 307–326. Hans-Peter Beyerdörfer's attempt to salvage a bad play by criticizing Piscator's Marxist "distortions" of Mehring's antisemitic mockery is thoroughly unconvincing, cf. Hans-Peter Beyerdörfer: *Shylock in Berlin*. Walter Mehring und das Judenporträt im Zeitstück der Weimarer Republik, in: Hans Otto Horch/Horst Denkler (eds.): *Conditio Judaica. Judentum, Antisemitismus und deutschsprachige Literatur vom Ersten Weltkrieg bis 1933/1938*, Tübingen 1993, pp. 307–323.

distance themselves from their coreligionists. Even politicians working in the interests of the organised Jewish community proved unable to withstand the power of racialised discourse to discredit everything with which it came into contact. That a figure like Wiener, who led the Central Council's efforts to combat antisemitism until 1933, could redirect exclusionary innuendo at Eastern Jews like Barmat reveals the central truth of German Jewry: namely that Jews were as imperiled by as they were integrated into German society.

On the other hand, the left's misidentification of the danger antisemitism posed to German democracy also reinforced its misunderstanding of rightwing argumentation. Because the left confused method with content in the same way that the right confused correlation with causation, democratic politicians focused on correcting the lies and distortions disseminated by their illiberal foes rather than on their faulty logic. But the strategy of disproving rightwing claims was not simply ill-suited to modern media, which relied more on catchy headlines than detailed explanation. Confronting innuendo with fact also failed to silence the Republic's rightwing critics or embarrass them in the eyes of their supporters because they simply did not care about the falsifiability of their arguments. On the contrary, they were convinced that a Jewish conspiracy had seized hold of German finance and reduced liberals and social democrats to their stooges, and simply dismissed evidence to the contrary. Rightwing commentators were free to associate Barmat with criminality because of his origins, ignore Kufßmann and Caspary's excesses and focus instead on Republican attempts to have them fired, and dismiss the arguments of democratic politicians and insinuate they were simply on the take. In addition, it seems that the rightwing substitutions of resemblance for verification and guilt by association for analytical scrutiny enabled the Republic's enemies to appeal to constituencies outside their traditional base. In any case, the imperviousness of illiberal thought to evidentiary claims actually made rightwing commentators discursively nimble, able to collapse entire arguments into memorable slogans such as "Barmatocracy" and "Barmation".

Even after Goebbels had come to power, and with him the logic of proximity that underpinned the racial state, Barmat continued to serve as a metonymic warning of the corruption and Jewishness of democratic rule, and therefore a retrospective justification for the "Third Reich". After the "national awakening", for example, the conservative revolutionary Hartmut Plaas reproached democratic jurisprudence for its hypocritical permissiveness. "Murderous thieves and sexual deviants", he wrote, "you pardon. Prostitutes and pimps you make the heroes of your plays. You parole major crooks like Barmat and Sklarek, provide extenuating circumstances for the molesters of children and girls."<sup>97</sup>

97 Hartmut Plaas, in: Richard Schapke: *Aufstand der Bauern*, cited in: Armin Mohler: *Die konservative Revolution in Deutschland 1918–1932*, Graz 2005, p. 164. Despite Mohler's claim that Plaas maintained some distance from the Nazis, Plaas was a freebooter and involved in

The link between Barmat and liberal legal theory was so powerful that Goebbels could invoke him at a speech to the People's Court (*Volksgerichtshof*) in 1942 to justify denying legal recourse to Jews as they were being deported to Auschwitz.<sup>98</sup> In effect, Goebbels used Barmat to transform the residual autonomy of German jurisprudence into a full and complete extension of National Socialist racial policy. At least when it came to judges in the "Third Reich", this was a case of guilt by association.

**Jonathan R. Zatlin** is an Associate Professor of History at Boston University. He has written widely on the history of German communism and the politics of German unification, and is the author of *The Currency of Socialism: Money and Political Culture in East Germany* (Cambridge University Press, 2007) and co-editor of *Selling Modernity: German Advertising in the Twentieth Century* (Duke University Press, 2007). Zatlin's current research investigates the link between race and economy in modern German history.

Rathenau's murder. What the right learned from the Barmat affair, it applied to the Sklarek scandal, in which Eastern European Jews embezzled funds from the city of Berlin.

98 Dr. Crohne, Ministerialdirektor im Reichsjustizministerium: Bericht über die Rede des Reichsministers Dr. Goebbels vor den Mitgliedern des Volksgerichtshofs am 22. Juli 1942, cited in: Martin Broszat: Zur Perversion der Strafjustiz im Dritten Reich, in: Vierteljahrshefte für Zeitgeschichte 6/4 (1958), pp. 437–438. Apparently, Goebbels meant to say Sklarek, but committed what might be called a Freudian slip.

