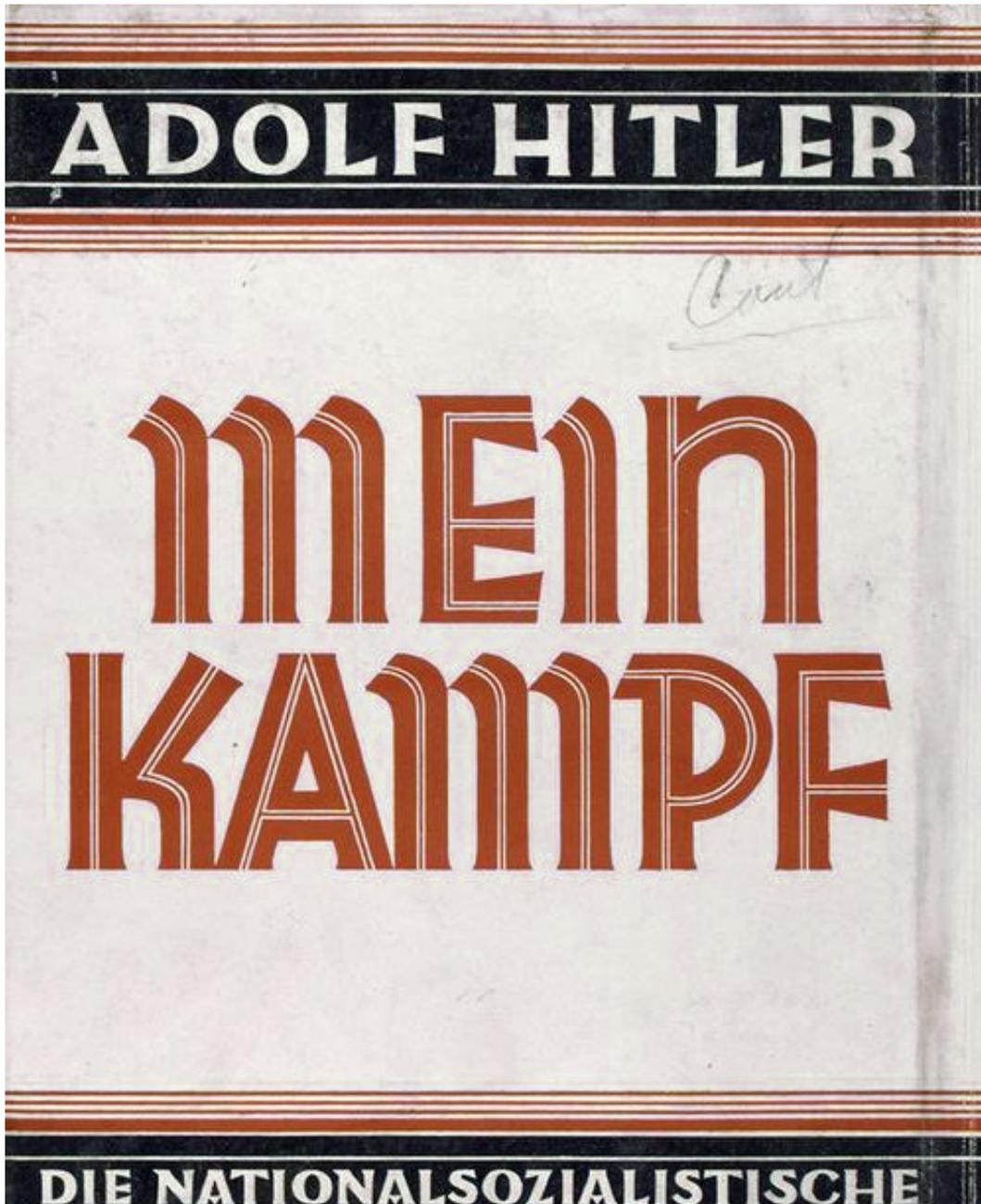


Can a book be too dangerous for the public?

Sebastian Huempfer examines the tortured controversy around republication of a copyright-free *Mein Kampf* in Germany.



Should *Mein Kampf*, Adolf Hitler's 800-page diatribe, be banned in Germany? This question sparked public debate in the country seventy years after the end of World War II. Some have argued for allowing republication on the grounds of free speech, while others have argued that the

book is dangerous or even downright evil and should be unavailable in order to protect democracy and welfare in Germany. The state of Bavaria held the exclusive copyright to the book following a decision by Allied officials in charge of the denazification of West Germany in 1945. Successive state governments used this to ban the reprinting of unabridged versions of *Mein Kampf* in the Federal Republic, destroying illegal copies of the book when they were found. However, with the copyright expiring on 31 December 2015, this strategy inevitably had to change and in 2012 the government of prime minister Horst Seehofer began searching for an acceptable long-term policy on the publication of *Mein Kampf* in Germany. Among the options considered were an outright ban on its publication, or the use of existing criminal law provisions against its publication or distribution.

A group of German historians at the independent but partially state-funded Institute for Contemporary History (Institut für Zeitgeschichte, IfZ) were already [working](#) on an annotated version of *Mein Kampf*, with 800 pages of context and information about the original text, aimed primarily at an academic audience. Some years before, the same historians had already published Hitler's collected speeches with comments and annotations in a 15-volume series. To them, both the speeches and *Mein Kampf* were an essential source for studying Hitler's ideology and propaganda techniques. The state government decided to support this with a project-specific grant so in 2012 and 2013 the IfZ [received](#) at least €500,000 of public money for its work on this annotated edition of *Mein Kampf*.

However, the prime minister changed his mind in December 2013, [declaring](#) that he could not put "the emblem of our state" on a republication of *Mein Kampf*. There were even suggestions that the Institute's annotated version would not be allowed to go to print, but in January 2014, the justice minister, Ludwig Spaenle, [clarified](#) that he would not seek to stop the Institute's work altogether. However, the project would receive no further funding from the state government. He argued that the government could not be seen to "commission" the annotated version of *Mein Kampf* as this would be "damaging to the country's image". Meanwhile, the IfZ insisted that the government had not commissioned the book as it was already a work in progress before the grant was given. Spaenle also explained that Seehofer had taken to heart criticism from Shimon Peres, then the president of Israel, and survivors of the concentration camps while visiting Israel. That trip had taken place a year earlier so it remains unclear what the immediate trigger of the policy change was.

Among those who applauded the government's decision was the former president of the Central Council of Jews in Germany, Charlotte Knobloch. Meanwhile, the Association of German Historians voiced grave concerns. The state parliament went as far as passing a unanimous resolution condemning the government's drastic action. The IfZ simply acknowledged the changed circumstances but did not comment on the merits of the decision. It was allowed to keep the grant money that it had already received and work on the annotated version was still going ahead when, in February 2015, several German and international newspapers again [reported](#) on the issue after the IfZ announced that it would publish the book in 2016. However, any new versions of *Mein Kampf* published without comments and annotations were to remain banned throughout Germany

according to a [resolution](#) passed by the conference of state justice ministers in 2014. Existing laws against the incitement of hatred would be used to this effect.

In some ways this was a curious debate to have because *Mein Kampf* was never actually banned in Germany - in West Germany and the reunified Federal Republic at least - and it was certainly anything but unavailable. Owning, buying and selling one of the seventy million copies that were printed before 1945 was never made illegal. Moreover, reprints of *Mein Kampf* could be obtained rather easily in various ways and this was well-known. The book was sold just across the border and was prominently displayed in the bookshops of Italian tourist towns frequented by millions of German visitors. After the abolition of customs controls in much of the EU there was no longer any danger of being stopped bringing *Mein Kampf* into Germany from abroad and in any case, this would not have been illegal. Old copies of the book – surely more attractive to German neo-Nazis than books printed abroad after 1945 – could and probably were bought and sold legally in antiquarian bookstores in Germany.

Yet, when the American bookseller Barnes and Nobles first [made](#) an American edition of *Mein Kampf* available to customers in its online store in Germany in 1998, the German justice minister issued a public rebuke, incorrectly claiming that the book was banned. She went on to say that it was unacceptable for American internet companies to ignore German laws. (Plus ça change.) Regular bookshops in Germany, however, did not stock *Mein Kampf*. Libraries kept it in restricted reading rooms. Most multinational online stores did not ship the book to Germany. With no real demand outside of neo-Nazi circles, *Mein Kampf* disappeared from public view. Although the Bavarian state government admitted to a journalist in 1998 that it might use other laws, such as ones against the incitement of hatred or the use of the insignia of anti-constitutional organisations, against anyone trying to disseminate the book, no such case ever came to light. Meanwhile, annotated and abridged versions (and [audiobooks](#)) were published long before the controversy around the Institute's edition erupted.

On the surface little would change if the book was published again in Germany, with or without annotations. It is highly unlikely that regular bookshops would ever stock it. Buying or selling this book would remain completely socially unacceptable regardless of the official or perceived legal situation. The friendly racist pensioner next door or curious teenager drawn to the forbidden book would hardly dare to walk into a high street store asking for *Mein Kampf*, even if that was an entirely legal thing to do. Right-wing extremists and their sympathisers would still buy *Mein Kampf* from each other or online. Academic researchers who need *Mein Kampf* for their work would continue to be able to access the text, though a new and authoritative annotated edition would be more helpful than anything that already exists. Overall, any effort to republish *Mein Kampf* would have only a marginal impact on the availability of the text.

Moreover, publication would not be dangerous as *Mein Kampf* lacks the propaganda power to radicalise today's innocents and does not contain practical insights that would help Germany's large and violent neo-Nazi scene, fascist terrorist groups like the National Socialist Underground

(NSU) or the neo-Nazi National Democratic Party (NDP). In fact, this potential danger was discussed and dismissed by the historians at the IfZ, who concluded that Hitler's propaganda was effective during the Weimar Republic and Third Reich because it made skilful use of the language and prejudices of the time. For that same reason, it was unlikely to have much of an effect in the Germany of 2015. As the head of media and public relations of the IfZ put it, effective propaganda today looks like the YouTube videos of Islamic State; it does not come in the form of an 800-page book.

Far from seeing *Mein Kampf* as dangerous, the IfZ would even welcome the use of the book for history lessons in high schools. Indeed, a key argument for the republication of the book was that this would destroy any myths portraying the book as a dangerously compelling propaganda masterpiece or as the truth suppressed by the Allied occupiers. Although I know only a few passages of *Mein Kampf*, I am inclined to agree that the average reader would give up after a few pages and wonder why anyone ever believed such nonsense, rather than fall prey to spellbinding propaganda.

Yet the argument against publishing *Mein Kampf* is not that the book itself is particularly dangerous or likely to become ubiquitous after 2015. Rather it is the symbolic dimension of republishing this book, especially with government support of any form. This is, after all, the book that epitomises everything that is evil. Some historians believe it contains the blueprint for the Holocaust itself. Its significance thus goes beyond the information it conveys, the offensive language it uses or the murderous demands it makes. Republishing this book with any hint of state involvement is like [housing](#) asylum seekers in vacant and comfortably refurbished concentration camp buildings. It makes sense on paper, but that does not necessarily make it a good idea in practice because symbols matter and the state cannot always retreat to silent neutrality.

Some who advocate the republication of *Mein Kampf* think that this is exactly the point. Lifting the ban would above all else symbolise the book's powerlessness and that modern Germany, unlike its progenitor, does not ban or destroy books. Moreover, historians in particular argue that it is a basic principle of free academic work that historical sources are kept alive and access to them is open to everyone. More often than not, the second step in this argument is a reference to the proverbial slippery slope: If one book is banned, what will be next? Hitler's speeches tomorrow? Stalin's speeches eventually? Banning one book, even if it is the 'worst' book, is thus seen as a symbolic assault on many freedoms – of speech, of information, of academic discussion. As I argued above, this is not a debate about practical outcomes, since the text is and will remain only two clicks away. Rather the argument here is that a state that cannot ban *Mein Kampf* cannot ban any books at all. Thus, to some, a republication of *Mein Kampf* symbolises a triumph of liberty over hatred. To others it demonstrates how much forbearance liberal democracies demand from their most vulnerable citizens and how much space they give to their own enemies – just as the Weimar Republic did to Hitler, one might say.

Should the German state make a symbolic gesture affirming its commitment to fighting the enemies

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of democracy and guarding the welfare and security of all its citizens, especially those groups that were targeted by both state and society during the Third Reich, by banning *Mein Kampf*? Or should it make a symbolic gesture affirming its commitment to freedom of speech by removing any obstacles to republishing this book once it enters the public domain? I do not have an easy answer to this conundrum. In line with the modern German state's mandate to proactively work against those who seek to undermine democracy the justice minister's commitment to preventing any aggressive distribution of un-annotated reprints of *Mein Kampf* should be welcomed. Yet it seems clear that the Bavarian state government ended up with the worst of all policy muddles regarding the annotated edition.

There were three options for dealing with republications of *Mein Kampf* aimed at academic audiences: impose a complete ban, let the copyright expire thus allowing anybody to publish an edition or support a particular publication in some form or another and limit others. Unfortunately, the government toyed with the first option, then followed the third one and eventually decided to do a bit of everything. This demonstrated that academic freedom was not sacrosanct, that the voices of Holocaust survivors could be ignored as long as they did not get support from abroad and that the government lacked the foresight and stamina required for sound policymaking. A prudent government would have stayed away from directly supporting this particular research project and left it to the historians to deal with annotating history by maintaining generous levels of public support for education and research. A decent government would have also refrained from threatening to ban the annotated edition of *Mein Kampf*, which was a possibility in December 2013. Seehofer and Spaenle should have left the historians alone and instead focused on the state's disgraceful inability to bring Hitler's most violent 21st century followers, the neo-Nazi NSU terrorists, to justice. There should have been no complaints about that.

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