

## Prelude to *Gleichschaltung*: The University of Heidelberg and the E.J. Gumbel Controversies, 1924 and 1932

The political conservatism of German higher education is frequently cited as a significant factor in the ultimate failure of the Weimar Republic to survive the attacks of its enemies. Numerous studies have elaborated on this theme, drawing attention to the ideological and social framework within which the corporate academic guild selected its members and the explicit ways in which university faculties influenced students, bureaucrats, politicians, and the general public.<sup>1</sup> University responses to controversies stemming from student and public attacks against controversial colleagues are often cited as evidence of the university's role in undermining the Weimar Republic. These include the cases of Fascher in Braunschweig, Kessler in Leipzig, Lessing in Hanover, Nawviasky in Munich, Dehn in Halle, Cohn in Frankfurt, and the campaign to remove statistician Emil Gumbel from his post as junior lecturer at the University of Heidelberg.<sup>2</sup> The cases are explored for what they reveal about prevailing anti-republican sentiment among faculty and students, for the failure of the academy to defend the tradition of academic freedom, and, in some cases, for the failure of the Weimar Constitution to resolve tensions between professors' responsibilities as civil servants and their claims, as citizens in a democracy, to freedom of speech.

The dismissals themselves generally demonstrate a politically conservative cast of mind. The evidence linking this academic worldview to the deterioration of the Weimar Republic is overwhelming. Significant questions remain, however, regarding the relationship between assaults against academic freedom during the Weimar era and the direct nazification of German higher edu-

cation after 1933. An analysis of the nearly decade-long controversy surrounding the statistician E.J. Gumbel at the University of Heidelberg offers some insight into the nature of this relationship. In this article, I will argue that the factors resulting in the failure of the Heidelberg faculty to resolve the first Gumbel controversy in 1924 contributed decisively to the University's inability to prevent public intervention into its internal affairs which ended in *Gleichschaltung* by 1934. I will argue further that the academic and social conventions of Heidelberg collegiality played a significant role in distorting faculty decisions in the Gumbel case.

Unusual for its significant minority of pro-republican sympathizers, and often attacked by opponents of the Weimar Republic as a bastion of liberalism, the University of Heidelberg faculty, including its staunchest republican advocates, considered Gumbel's pacifist and socialist activism not only a threat to the University's reputation, but a danger to the Weimar Republic itself. In his book *Professoren und Politik*, Christian Jansen offers a convincing explanation of this contradictory behaviour by analysing the precise influence of professors' formal political ideology on academic decisions. He traces the sources of this behaviour to a political liberalism strongly coloured by nineteenth-century German nationalism and heavily influenced by a platonic vision of university elites in German society. Jansen's description of the Gumbel case in his book *Emil Julius Gumbel: Portrait eines Zivilisten*, and his analysis of the political constellations of Heidelberg professors in *Professoren und Politik*, add an important dimension to our understanding of the nature of formal political ideology seen in the context of the contradiction between the liberal politics of Heidelberg professors and their ultimate refusal to defend Gumbel.<sup>3</sup>

Jansen's analysis of the Gumbel case, however, does not fully explain why many of these same republican-oriented professors defended the appointment of Günther Dehn, a controversial pacifist, to the Protestant Theology Faculty in 1931.<sup>4</sup> By comparison with the Gumbel cases, there was no reluctance to demand a reconsideration of Dehn's appointment after it was withdrawn. The same professors who condemned Gumbel spoke eloquently about Dehn's right to political dissent.<sup>5</sup> Thus the question: why were Heidelberg's republican advocates willing to support Dehn, but unwilling to support Gumbel? An answer to

this question cannot be found, I would argue, in the realm of formal political ideology alone. Dehn and Gumbel were both pacifists, both activists, both socialists, both controversial. I would argue that an additional critical factor influencing responses to these cases lies in the arena of the interpersonal politics of academic sociability which played an especially significant role in the private and professional lives of Heidelberg professors.<sup>6</sup> I believe that an analysis of the influence of informal social norms and academic conventions of collegiality on the decisions which resulted in Gumbel's dismissal, after eight years of controversy, can deepen our understanding of how a university, which was viewed as a 'bulwark of liberalism'<sup>7</sup> in the Weimar years, could fall into a pattern of responding to public assaults against academic freedom by subordinating its principled defence to the pragmatic goal of preserving collegial cohesion.

Known throughout Germany for its encouragement of innovative ideas and atmosphere of cultivated and self-conscious tolerance of divergent perspectives, the University of Heidelberg was not typical of provincial universities of the Weimar era. In contrast to its southwestern sister schools Freiburg and Tübingen, which boasted of their social and intellectual homogeneity,<sup>8</sup> tolerance of social, political, and intellectual diversity was a hallmark of Heidelberg's academic community. Not only did the University attract a significant number of Catholic and Jewish faculty and students, the Heidelberg faculty and student body included a sizeable minority of Social Democrats and other supporters of the Weimar Republic. Moreover, throughout the Weimar years, members of the faculty's significant minority of republican advocates were regularly elected to the Rectorship and the Senate Executive Council,<sup>9</sup> the University's key decision-making positions.<sup>10</sup>

This politically and intellectually diverse body of professors shared a deeply felt commitment to the University, to their profession, to the German civil service, to the value of collegial governance based on consensus, and to the behavioural norms which supported this highly structured community of scholars. A hallmark of these shared values was an appreciation of intellectual diversity, reinforced by tacitly accepted behavioural conventions. Defined in part by Baden's official Civil Service Code which emphasized the continuity between a professor's public and private life, such norms and conventions constituted a tacit

system of beliefs, attitudes, and behavioural expectations which permitted scholars with highly diverse views to support each other professionally and emotionally, while confining relations to a certain limit of personal intimacy, trespassing beyond which would have diminished the grounds for emotional support by revealing the profundity of differences between them.

This attitude toward tolerance of intellectual diversity was widely shared among Heidelberg faculty colleagues. Men as politically and ideologically diverse as Willy Andreas, Karl Jaspers, and Gustav Radbruch, noted the broad spectrum of intellectual perspective and political persuasions prevailing among their colleagues. Andreas, a conservative historian, characterized Heidelberg as 'one of the most tolerant, perhaps even the most left-wing [of Germany's universities]'.<sup>11</sup> Law professor Gustav Radbruch, a leading member of the SPD and a former SPD Minister of Justice, 'found [in Heidelberg] a faculty in which great harmony reigned despite objective differences'.<sup>12</sup> Philosopher Karl Jaspers, a cautious liberal, believed it was the existence of the 'tacit prerequisite of chivalrous behaviour' in Heidelberg which provided the 'common ground for everything essential', namely the 'atmosphere in which the most diverse people can come into contact with each other without having immediately to be concerned about practical consequences'.<sup>13</sup> As a trained psychiatrist as well as philosopher, Jaspers paid particular attention to the interpersonal dimension of academic discourse. He argued that ideal academic communities should uphold the principles of intellectual tolerance, collegiality, and the Humboldt tradition of strictly separating the quest for knowledge inside the academy from the political and sectarian demands outside it.<sup>14</sup> He believed that the practice of these principles depended on a nonadversarial style of academic discourse. In his 1923 essay, *Die Idee der Universität* (The Concept of the University), he argued that an adversarial style of argument was entirely inappropriate in discussions among colleagues. For him the goal of discussion was not to try to change another person's point of view, but rather to achieve a 'common, ever more clear understanding' of the issues at hand.<sup>15</sup> He declared that 'anyone who finds himself in the situation of behaving as if he is right earns the mistrust of others, precisely because of this behaviour'.<sup>16</sup> The behavioural expectations contained in this concept of mutual respect figured heavily in Jaspers' evaluations

of his colleagues' behaviour. In a 1931 speech to faculty and students, Jaspers' colleague Ernst Hoffmann described this style of discourse as unique to Heidelberg. Independent scholarship, he asserted, 'required every point of view to be tolerated so long as it was neither dictatorial nor sought the humiliation of others'.<sup>17</sup>

From this perspective, tolerance was not only a moral principle rooted in the Humboldt legacy, but a social convention aimed at strengthening collegiality. Thus, intellectual tolerance was intimately and organically linked to collegial social conventions and the institutional tradition of apolitical scholarship. It should come as no surprise, then, that the behavioural norms associated with this definition of collegiality seriously influenced the degree to which colleagues tolerated each other. As Hoffmann explained, 'if the liberalism of the concept of the university demands tolerance of all ideological as well as political viewpoints, then this tolerance presupposes that a specific level of good form in the representation of one's own views must be maintained'.<sup>18</sup>

These norms of interpersonal dialogue were reinforced by collegial norms of academic and intellectual sociability. Violations of this tacit code of conduct were treated as serious transgressions, especially those committed by teaching staff without civil-service status who were in the early stages of their academic careers. Ignoring this social code could have unfortunate professional consequences, as Gustav Radbruch learned when, as a junior lecturer in Heidelberg's law faculty, he declined a dinner invitation from the University's pre-eminent legal historian Imanuel Bekkar. As Radbruch recalled later, 'accepting Bekkar's invitation was one of the social obligations upon which could turn his refusal to permit me to offer a seminar'.<sup>19</sup> When Radbruch presented a classroom lecture informally dressed in a pair of green knickerbockers, a well-meaning colleague warned him that faculty opinion about Radbruch's judgement and fitness for the academy was growing more and more dismal.<sup>20</sup> As Radbruch himself observed, those who failed to conform to these social norms were 'in large part stranded in their academic careers' with 'a pessimistic prognosis which one did not like to hear about'.<sup>21</sup>

Emotional attachments to the academic community and its intellectual traditions were deep, forming the essential glue which bonded this group of diverse scholars into a collegial body. As

Jaspers observed in 1928, 'Here people who are autonomous come together and, indeed, seek each other out.'<sup>22</sup> Five years later, republican law professor Gerhard Anschütz would write nostalgically,

I need not express just how strongly my feelings for the University, my attachment to our honourable, glorious Alma Mater Heidelberg, have been stamped on me. It is a *communis omnis vita*, which will dissolve only with the end of my life . . . The memories which will remain alive in me are unforgettable, immortal, as I think back on twenty-five years of living and working together which have bound me so closely with so many important, wise, and sensitive men here. I can only repeat, these are sentimental values: attachments which will last the rest of my life.<sup>23</sup>

Radbruch, visiting Oxford in the summer of 1935, observed with sadness in a letter to his wife, 'what feelings the [academic festivities] awakened in my memory about old Heidelberg . . . It pains me deeply that I don't feel at home here and [no longer feel at home] there'.<sup>24</sup>

Despite their special affection for the atmosphere of academic collegiality in pre-Nazi Heidelberg, the memoirs of Andreas, Anschütz, Jaspers, and Radbruch indicate that, even in the early years of the Weimar Republic, this emotionally gratifying set of relationships was beginning to disintegrate. A variety of factors combined to transform Heidelberg's idyll of academic solidarity into a nightmare of fractious pettiness, not least among them the tendency to equate tolerance of intellectual diversity with an unengaged, mandarin form of social conformity. In fact, the same conventions of academic collegiality which affirmed intellectual diversity and formed the basis of the fabled 'spirit of Heidelberg', under other circumstances produced powerful conformity pressures which radically limited the acceptance of non-conformists and undermined the principle of academic freedom.

The social psychologist Irving Janis explored this phenomenon in his books on the ways in which concurrence-seeking behaviours can impair the judgements of highly cohesive policy-making groups. He found that when such groups work in situations of perceived external threat, concurrence-seeking results in the subordination of all decisions to the criterion of maintaining group cohesiveness. Decision-making groups are especially vulnerable to conformity pressures when, like Weimar university faculties, they are socially and politically isolated,

when there is a high degree of homogeneity in members' social background and ideology, and when group members share little or no hope of finding an acceptable way to ward off outside threats.<sup>25</sup> Under these conditions, and when concurrence-seeking is present, policy-making groups fall into patterns of stigmatizing dissenters, pressuring them as well as all members of the group to conform to group norms,<sup>26</sup> and abandoning dissenters or minority interests which do not conform to prevailing group norms. At the same time, fear of fragmentation contributes decisively to distorted interpretations of crucial facts, to short-term resolutions to problems which then undermine the group's long-term interests, and to selective information processing which lead decision-making groups to ignore important, but discrepant information.<sup>27</sup>

Nowhere is this internally contradictory character of Heidelberg collegiality more clear than in the University's response to public demands for the dismissal of statistician Emil J. Gumbel from the Arts and Humanities Faculty in 1924. The University's handling of the Gumbel Case, which occupied the faculty at least five times between 1924 and 1932, contributed decisively to collegial fragmentation, the erosion of public respect for the University, and the weakening of support for academic freedom well before the Nazi state challenged the University in 1933.

From the beginning of his appointment to the Heidelberg faculty as a junior lecturer (*Privatdozent*), E.J. Gumbel was an outsider. His scholarly discipline, statistics, was on the cutting edge of the fledgling social sciences which were struggling to gain respectability in German academic circles in the early decades of the twentieth century. Gumbel was a pacifist activist, radical socialist, and Jew, who engaged in open and direct criticism of the Weimar Republic and its right-wing opponents. His style of political engagement clashed dramatically with the University's apolitical tradition, with the more constrained forms of political discourse associated with such political activists as Radbruch, Anschütz, Alfred Weber, Willy Hellpach, and Ludwig Curtius, and with the faculty's application of the Civil Service Code. In a setting where even Max Weber's role in the annexationist disputes of the First World War was considered excessive,<sup>28</sup> Gumbel's splashy, provocative, and relentless attacks against German militarism, moderate socialism, and German Franco-phobia, were considered by many of these self-same pro-

republican colleagues to be incompatible with his position as a university instructor. Many, like Karl Jaspers, were deeply offended by Gumbel's ironic tone and adversarial style of argument, by his habit of arguing for the sake of arguing, by his apparent lack of respect for Heidelberg's tradition of academic sociability.<sup>29</sup>

When Gumbel joined the Heidelberg faculty in 1923, he was already notorious among right-wing and reactionary groups for his exposés of collusion between the German justice system and right-wing perpetrators of political violence. With the 1924 publication of his book exposing the connections between the German army, Germany's vast array of paramilitary organizations, and Germany's illegal arms build-up, silencing Gumbel became a major goal of right-wing opponents of the Republic. Even moderate republicans and conservative Social Democrats were offended by Gumbel's attacks on the military politics of the Weimar Republic.

Gumbel's political views were filtered through the lenses of socialism and pacifism. His political tracts, beginning in 1919 with *Vier Jahre Lüge* (Four Years of Lies) and culminating in 1924 with *Verschwörer: Zur Geschichte und Soziologie der deutschen nationalistischen Geheimbünde, 1918–1924* (Conspirators: On the History and Sociology of Germany's Nationalistic Paramilitary Organizations, 1918–1924), passionately examined the relationship between war, military chauvinism, and the corruption of Germany's fledgling democracy. In *Vier Jahre Lüge*, Gumbel traced Germany's political weakness to the First World War and the 'hitherto unheard-of mass of lies which Imperial Germany had piled up in order to get the German people involved in the war and to exhort their endurance for the wrong reasons'.<sup>30</sup> In *Verschwörer*, he connected the corrosive influence of patriotic militarism to the attempt of prewar capitalist forces 'to regain political and economic power by eradicating both the working-class movement and the Republic'.<sup>31</sup> He excoriated 'so-called' republican leaders for failing to see that their fearful patriotism, pathologically imbued with militarist chauvinism, was undermining the Republic. For Gumbel, the spirit of militarism enshrined in the ever-present memory of the First World War was a degradation of the best in German culture and a betrayal of the promise of the postwar experiment with democracy.

*Verschwörer* was highly critical of the failure of early Social Democratic governments to democratize the civil service and the military, and linked the rise of widespread paramilitarism to counterrevolutionary tendencies in the Ebert regime. Citing carefully documented cases, Gumbel directly accused the Weimar government of circumventing the military clauses of the Treaty of Versailles by allowing paramilitary organizations to use regular army weapons and facilities to train their members, especially large contingents of university students who, he asserted, comprised ‘an essential component of the underground military’.<sup>32</sup> He was uncompromising in his view that the republican parties, driven by a desire to mobilize an army larger than the 100,000 soldiers allowed by the Treaty of Versailles, were in fact ‘directly undermining the Republic by permitting the arming of organizations openly hostile to [it]’.<sup>33</sup> He continued to expose the failure of the German courts to hand down convictions against defendants involved in right-wing political violence.

Nor did the University of Heidelberg escape Gumbel’s critical eye. In his attack in *Verschwörer* on paramilitary operations, he brutally exposed the leading role of Arnold Ruge, a former Heidelberg philosophy instructor,<sup>34</sup> in one of Bavaria’s most notorious paramilitary groups. In his comments denigrating Ruge’s academic qualifications and mocking Ruge’s instructorship at the University, Gumbel insinuated that his Heidelberg colleagues, who, in fact, had voted unanimously to dismiss Ruge from their group,<sup>35</sup> actually approved of this politically dangerous intellectual lightweight. With broad-ranging sarcasm he wrote: ‘Ruge, a scholarly nullity, made himself beloved by the professors through his extra work for them in the library and consequently was awarded a postdoctoral degree. Indeed, he hadn’t published any scholarly work.’<sup>36</sup>

Within a year of his appointment as lecturer at the University of Heidelberg, Gumbel was embroiled in controversy. It was an incident involving Gumbel’s participation in the 26 July 1924 ‘No More War’ assembly in Heidelberg which resulted in the first formal university disciplinary hearing against him. In contrast to the majority of his contemporaries, who frequently characterized the Great War as a defence of German honour, Gumbel viewed the war as a betrayal of honour and as an irresponsible sacrifice of innocent human life. In fact, he had been moved by his own experience as an army volunteer at the front to

join the *Bund Neues Vaterland* (New Fatherland League), one of the most outspoken pacifist organizations to arise in Germany during the war. After the war, he continued as an activist in this group, now called the *Deutsche Liga für Menschenrechte* (The German League for Human Rights), under whose auspices he conducted most of his political investigations.

As moderator of the July 1924 assembly, he articulated his view of the war, closing with a call for those assembled to take two minutes to honour the war dead, who, 'I won't say, fell on a field of dishonour, but who nevertheless died a horrible death.'<sup>37</sup> The account in the politically moderate *Heidelberger Tageblatt* reported that people had 'responded with strong inner emotion to the moderator's request', and characterized the mood of the demonstration as one of quiet, dignified 'propriety and a disciplined sense of responsibility'.<sup>38</sup> An inflammatory account of the same meeting in the conservative *Heidelberger Neueste Nachrichten*, however, portrayed Gumbel's closing remarks as an insult to the war dead and to their surviving families. The account deeply offended influential sectors of public opinion and provided anti-republican forces in Baden with an irresistible opportunity to attack Gumbel and the University.

Within five days public outrage over Gumbel's phrase 'field of dishonour' erupted into demand for his dismissal from the University and the official withdrawal of his teaching privilege (*venia legendi*). After reading an account of Gumbel's remarks in the *Badische Post*, Rector Erich Kallius directed Alfred Weber, Dean of the Arts and Humanities Faculty, to undertake, 'as quickly as possible', the necessary steps for revoking Gumbel's teaching privilege, arguing that 'this outrageous statement, equally insulting to all social circles, surely offends against the respect and trust of an academic teacher in the crudest, if not the most excessive, way' and hence harms the University's 'dignity'.<sup>39</sup> Willy Hellpach (DDP), Baden Minister of Culture and Education, suspended Gumbel from his teaching duties indefinitely because he was offended by the 'imperious, arrogant manner with which Gumbel first reacted to these reverberations which he displayed during his visit to the Ministry'.<sup>40</sup> The conservative Democrat Hellpach, who aspired to become president of the Weimar Republic,<sup>41</sup> feared alienating large numbers of people across the political spectrum, 'even crucial Republicans' and Social Democrats who wrote to him expressing the view that

‘whoever lost a son, brother, father, or spouse out there, feels offended at the deepest level’.<sup>42</sup>

Gumbel’s attempt to explain the meaning of his remarks in the *Neueste Nachrichten*, did nothing to abate the storm, and on 31 July, less than a week after the incident, the Arts and Humanities Faculty, in accordance with the 1921 ‘Baden Regulation for Revoking a Lecturer’s Teaching Privilege’, formally petitioned to convene a Board of Inquiry to determine whether, as a consequence of his remarks at the ‘No More War’ assembly, Gumbel had proven himself ‘unworthy of the respect and trust which his position requires’.<sup>43</sup>

The Board of Inquiry for the Gumbel case, which included republican sympathizers Alexander Graf zu Dohna of the Law Faculty, Karl Jaspers of the Arts and Humanities Faculty, and instructor Friedrich Baethgen, began its deliberations on 1 August 1924.<sup>44</sup> At length, although they concluded that Gumbel had not intended to be insulting and that those present had not been insulted, they felt compelled by the ‘controversial public demands for Gumbel’s dismissal’ to recommend a full investigation of the ‘field of dishonour’ phrase in the context of Gumbel’s ‘whole personality’ in order to persuade the public that an ‘objectively grounded’ judgement had been reached.<sup>45</sup>

Whatever concern external critics expressed about the University’s objectivity, and it was widely debated in the local and regional press,<sup>46</sup> the internal minutes of the 2 August meeting of the Arts and Humanities Faculty cast considerable doubt on their objectivity in assessing the Board of Inquiry’s recommendation. Based on their common semantic interpretation of Gumbel’s words, and without taking into account the context in which the words were spoken, Gumbel’s colleagues concluded that the words themselves were ample proof of his intention to insult fellow citizens through a deliberate turn of phrase, namely, ‘through the formulation, “I will not say,” the character of the slogan is given an ambiguity which cannot soften its meaning or its effect, but rather awakens the impression that perhaps the speaker wished to avoid responsibility for it’.<sup>47</sup> Notwithstanding his letter of clarification to the *Heidelberger Neueste Nachrichten*, Gumbel was additionally criticized for failing to express any public regret throughout the entire week of the controversy. Moreover, the Arts and Humanities Faculty voted to expand the investigation to include the corpus of Gumbel’s political writings

and activities on the grounds that these demonstrated a similar inability to express political beliefs in a way consistent with his academic post.<sup>48</sup>

The Senate Executive Council voted to uphold the decision of the Arts and Humanities Faculty, though there were some colleagues who were 'inclined to grant the defendant certain mitigating circumstances', among them Alfred Weber, who argued for suspension of the disciplinary investigation pending Gumbel's public expression of regret about the incident and a retraction of the offensive remark.<sup>49</sup> As a consequence of a second Gumbel apology printed in newspapers throughout Baden, Willy Hellpach, as Minister of Culture and Education, suspended the investigation and reinstated Gumbel in his teaching post.<sup>50</sup>

It is important to note in this early phase of the Gumbel controversy that, despite the strong consensus against Gumbel which transcended ideological boundaries, there were strong reservations against dismissing him and revoking his teaching privilege for fear of undermining the principle of academic freedom. Thus, the Heidelberg faculty did not retract Gumbel's teaching privilege and left him in his post. Equally important, however, Gumbel returned to a faculty united in its moral disapprobation of his remarks, united in its criticism of the propriety of his political activism, but divided in its attitude toward protecting his right, as a colleague, to freedom of political expression. For his part, an undaunted and vindicated Gumbel resumed his teaching duties and his work for the *Deutsche Liga für Menschenrechte*, participating in a series of autumn anti-war programmes in France which advocated reconciliation between Germany and its neighbour to the west. By November 1924 reports of these activities had surfaced in the local press, and the suspended disciplinary investigation of Gumbel was reopened.

The second phase of the Gumbel investigation, which lasted seven-and-a-half months, factionalized Gumbel's colleagues, increased their distance from him, and polarized the faculty over the issue of staking the University's public reputation on the defence of Gumbel's academic freedom. Emerging more strongly in the second phase of the investigation were concerns about Gumbel's 'style' of political activism and the question of its compatibility with the norms of political engagement prevailing at the University of Heidelberg. The content of Gumbel's politi-

cal ideology was not the direct focus of the investigation, although the distinction between form and content can be a specious one. The Heidelberg faculty did tolerate its share of public, and sometimes contentious political activists, including Alfred Weber, a co-founder of the German Democratic Party (DDP), Gerhard Anschütz, a constitutional activist, and the socialist Emil Lederer. But their engagement was generally constrained by academic and social conventions which also sustained the University's attempt to project a non-partisan public posture. Many of Gumbel's colleagues, again, across ideological boundaries, saw in his behaviour an unwillingness to accept such constraints.

The politicization of the investigation, both inside and outside of the University, heightened fear among influential members of the Arts and Humanities Faculty that the principle of academic freedom was being placed in jeopardy. The Faculty's new Dean, Ludwig Curtius, and the senior member of the investigation committee, Karl Jaspers, were so concerned about this that Jaspers emphatically reminded his colleagues on the Board of Inquiry that earlier university constitutions permitted the withdrawal of a lecturer's teaching privilege only in cases of criminal conviction.<sup>51</sup> But clarity about these issues was obscured by the commonly held view, even among political liberals, that Gumbel's behaviour was socially and morally offensive and that his actions had irresponsibly endangered the faculty's reputation. Further weakening a principled defence of academic freedom was the conditional wording of the 1921 'Regulation for Revoking a Lecturer's Teaching Privilege', which subordinated an individual's civil rights to the academic and social restraints 'required by [his] position'.<sup>52</sup>

Based on its earlier recommendation to evaluate Gumbel's remark in the broader context of his 'whole personality,' the Board of Inquiry's investigation assessed not only possible malevolent intent on Gumbel's part, but also the impact of his controversial phrase in the context of Gumbel's political activism, including his political writings and the nature and outcome of the state's pending treason indictments against him. Also under investigation were allegations of misconduct brought by two Heidelberg real-estate developers who claimed that Gumbel had falsified his marital status to buy a home in a housing complex restricted to married couples.<sup>53</sup>

At the end of four months, the Board of Inquiry drafted a report, concluding that, while Gumbel had flagrantly violated the University's academic and social mores, there was no evidence to support the allegations that either Gumbel's controversial phrase or his other political activities had diminished 'the respect and the trust demanded by his position [as a university lecturer]'.<sup>54</sup> But when the Board of Inquiry learned that rumours of the report's conclusion had stirred considerable faculty dissent, Graf zu Dohna and Baethgen asked Jaspers to join them in drafting a new report condemning Gumbel and recommending the withdrawal of his teaching privilege. Jaspers declined and the Board of Inquiry decided to submit both reports to the Arts and Humanities Faculty, the original under Jaspers' signature, the new version under the signatures of the other two.

The driving force behind the drafting of a second report and the decision to present both of them, seems to have been fear of collegial factionalization. The Board of Inquiry expressed the view that a comparative reading of the two reports would allow the Arts and Humanities Faculty to debate Gumbel's fate 'more objectively'.<sup>55</sup> In fact, the two reports differed only in nuance, with the second merely stating more strongly the Board's disapprobation of Gumbel's public conduct relative to his position as a university lecturer. The original report mitigated this statement only slightly.

The central issue of the investigation, whether the sum of Gumbel's professional and personal behaviour violated the 1921 Regulation, emerged as a subordinate theme, overwhelmed by expressions of anxiety about the disintegration of collegiality and fearfulness about the capacity of the University to maintain its autonomy in the midst of contending political forces. The public statement clarifying the position of the Arts and Humanities Faculty declared emphatically that Gumbel's 'indifference toward the [norms of] *corporate solidarity* [constituted] a threat to [the Faculty's] influence as a unified body'.<sup>56</sup> Dean Curtius, who had sought acquittal, later recalled the difficulties he faced in trying to avert a split within the Arts and Humanities Faculty over the Gumbel decision.

It fell to me [as Dean of the Arts and Humanities Faculty] to avoid a split within the Faculty in which one half, at the very least, demanded moral condemnation of Gumbel, and the other half, who believed it was their special

duty, precisely in a case like this, to ensure the defendant's academic freedom and the freedom of political expression.<sup>57</sup>

The two reports stand as a classic statement of the social and academic conventions and civil-service prescriptions governing professors' behaviour in Heidelberg. The criteria of judgement applied to the Gumbel case in both reports led Gumbel's colleagues to see in his behaviour a non-conformist pattern inconsistent with the normative expectations of the Heidelberg academic community. As in the Faculty's judgement against Arnold Ruge in 1920, Gumbel's colleagues evaluated the extent to which his behaviour demonstrated tolerance and respect for the views of others, moderation and good form in debate, sensitivity to the apolitical traditions of the academy, full identification with the guild, responsible exercise of the status gained thereby, mutual respect for the reputation of individual colleagues and of the faculty as a whole, and respect for government, including venerated political and cultural symbols.

In every instance, his colleagues found Gumbel wanting. Both reports expressed concern about the possible recurrence of problems stemming from Gumbel's 'basic lack of tact' (Graf zu Dohna and Baethgen),<sup>58</sup> and his inability 'to identify with the interests of the University' (Jaspers).<sup>59</sup> In its review of the treason indictments pending against Gumbel, the Board of Inquiry extensively quoted and analysed two sections of *Verschwörer*. Referring to the first point of contention, Gumbel's allegations of government collusion and student participation in the expanding network of illegal paramilitary organizations, Graf zu Dohna and Baethgen accused Gumbel of denouncing the German government and betraying government secrets (*Landesverrat*) to hostile foreign powers.<sup>60</sup> Jaspers also expressed offence at Gumbel's exposé, but took the position that, until the Supreme Court ruled in the Gumbel case, the treason indictments could not be formally investigated by the University.<sup>61</sup>

Both reports criticized Gumbel's published comments on the quality of Arnold Ruge's postdoctoral thesis as a gratuitous insult against the Heidelberg faculty to which Gumbel belonged. Graf zu Dohna and Baethgen argued that Gumbel's 'unfounded' comments 'discredited the faculty in public circles', and therefore constituted 'a grave violation of the unconditional obligation which a member of an academic corporation has, to concern him-

self with the corporation's reputation'.<sup>62</sup> Jaspers, too, believed that Gumbel's comments 'undoubtedly had violated collegial solidarity', but, unlike his colleagues, Jaspers also reported Gumbel's acknowledgement of the gratuitousness of the offensive passage and his regret for having published it.<sup>63</sup>

The Board of Inquiry also evaluated the extent to which Gumbel's political tracts utilized the scholarly apparatus expected of a university lecturer. Both reports characterized these works as tendentious and inconsistent with the criteria of academic scholarship. Using *Verschwörer* as their primary example, Graf zu Dohna and Baethgen condemned the work as the 'worst sort of pamphlet' and severely criticized its author for failing to prevent its publication with a 'sensationalist' cover.<sup>64</sup> Jaspers shared their conclusions, buttressing his argument by referring to his specific problems with Gumbel's sources. He believed that Gumbel's use of newspaper articles as evidence corresponded with the general tendentiousness of his sources when measured against the critical-analytical standards of acceptable scholarship. To Jaspers, such sources 'came across as an achievement of agitation rather than an achievement of science'.<sup>65</sup>

Gumbel's colleagues had reopened the suspended disciplinary hearing as a consequence of his autumn 1924 speaking tour in France. The Board of Inquiry was unanimous in its view that neither the content of Gumbel's presentations in France nor the newspaper reports about them justified any formal disciplinary action. Nevertheless, both reports expressed reservations about Gumbel's presentations, characterized by Jaspers as Gumbel's 'usual tactlessness'.<sup>66</sup> Jaspers' analysis of Gumbel's participation in a January 1925 assembly of the Heidelberg Peace Society clarifies more precisely how Gumbel's colleagues understood tact. In Jaspers' view, Gumbel's participation in the French speaking tour and the Peace Society assembly was not in itself objectionable. But Gumbel's behaviour could be interpreted as provocative in light of the investigations pending against him. On the other hand, Jaspers felt that one could just as easily interpret Gumbel's actions as a sign of unwillingness to be intimidated in the expression of his worldview, even though it may have been more tactically adroit, under the circumstances, to have remained silent.<sup>67</sup>

The Board of Inquiry's evaluation of the allegations of business misconduct also sheds light on the normative expectations

of Gumbel's colleagues. Although the Board concluded unanimously that there was no evidence that Gumbel had intentionally lied about his marital status, the description of the allegations in the report submitted by Graf zu Dohna and Baethgen reinforced their overall contention that Gumbel's behaviour was inconsistent with the expectations of membership in Heidelberg's academic community. Jaspers' evaluation was somewhat more generous, noting the interest of the financially strapped real-estate firm in acquiring additional building capital. But instead of declaring Gumbel innocent, Jaspers concluded that 'there is something, however vague, about Gumbel's behaviour in this incident which remains incorrect'.<sup>68</sup> Graf zu Dohna and Baethgen also concluded vaguely that 'the housing calamity has had an unhealthy influence on the moral conscience of wider circles of people'.<sup>69</sup>

The two reports document the existence of widespread concern among Gumbel's colleagues that a 'lack of the *necessary* understanding of how the *character* of his political engagement' threatened the 'reputation of the university and the undisturbed unfolding of its intellectual work' (Graf zu Dohna and Baethgen).<sup>70</sup> In the words of Jaspers, 'it lies outside the realm of Gumbel's thinking to assume responsibility for harmony within the university by avoiding provocative behaviour, especially in an atmosphere of widespread indignation [against him]'.<sup>71</sup>

Although both reports were highly critical of Gumbel, neither recommended revoking Gumbel's teaching privilege, because a strict reading of the evidence could not justify such an action. Thus, after a compelling speech by Dean Curtius supporting the preservation of academic freedom, the Arts and Humanities Faculty decided against revoking Gumbel's teaching privilege.<sup>72</sup>

Unfortunately, this stand in support of academic freedom was immediately undercut by a further decision to make public their deliberations in a report, released to all German universities and to the national press on 16 May 1925. The report, a kind of reprimand, drew heavily from the two texts presented by Graf zu Dohna and Jaspers, and represented a compromise between factions within the Arts and Humanities Faculty, between those who sought the preservation of academic freedom and those who felt that some clear statement of public disapprobation of Gumbel's activities was necessary to protect the University's effectiveness in Baden. In short, the published report was con-

ceived to uphold the principle of academic freedom while at the same time distancing the University from a controversial faculty member and preserving faculty unity.

The decision to acquit Gumbel was a compromise which clearly favoured Gumbel's detractors far more than it supported the principle of academic freedom. Haunted by the recent French occupation of the Ruhr and the consequences of hyperinflation, Gumbel's colleagues, conservatives and republicans alike, feared public identification with a nonconformist pacifist who seemed intent on exposing their country's military violations of the Treaty of Versailles. Even Karl Jaspers, himself the most vocal advocate for acquitting Gumbel in the interest of preserving academic freedom, declared that he, too, was terribly offended that Gumbel 'would speak about such things in public'.<sup>73</sup> Nonetheless, Curtius and Jaspers expected the compromise represented by the 16 May 1925 *Arts and Humanities Faculty Report in the Matter of Instructor Dr. Gumbel* to enable the University to bring the controversy to a definitive end and to restore collegial trust.<sup>74</sup>

That these hopes were not realized was due in large part to the compromise nature of the report. While the report accomplished its immediate goal of preserving collegial solidarity, its capacity to bring the controversy to a definitive end was flawed by the ascendancy of concurrence-seeking tendencies which distorted the ability of Gumbel's colleagues to understand how their defence of collegiality at his expense could undermine the long-term interests of the University. First and most obviously, the Arts and Humanities Faculty maintained the illusion of solidarity by ostracizing a non-conformist who, they believed, was responsible for undermining public support for the University. Second, their public report was addressed to a narrow, conservative audience. This suggests that as a group, they had engaged in selective exposure to information supporting their negative conclusions while strictly avoiding information which might have raised important questions about the compromise strategy. By discounting the criticism and analysis of the liberal and left-wing press, and by minimizing the role of reactionary students in the public campaign against Gumbel, the Arts and Humanities Faculty left the University vulnerable to continuing attack by significant political contenders across the spectrum.

A perceptive editorialist on the Left suggested that the report

was less an indictment of Gumbel than a revelation of the faculty's 'personal feelings of aversion'.<sup>75</sup> Another reporter pointed out that the only purpose which the report could serve was 'to present Gumbel to the world as an impossible person and to destroy his chances for future academic activity',<sup>76</sup> an astute observation which revealed a critical flaw in the Faculty's strategy. For, after publication of the report, Gumbel's chances of moving to another university were essentially destroyed, leaving Heidelberg with a colleague who, under other circumstances, might happily have left. Critics on the right, especially student leaders, now petitioned the Ministry of Culture and Education to overturn Gumbel's acquittal, warning that his continued academic appointment would result in 'grave disturbances of the University's academic routine' and severely damage its reputation.<sup>77</sup> From spring 1925 until Gumbel's dismissal in 1932, volkish students and their counterparts outside the University agitated for his removal from the faculty.<sup>78</sup>

Thus, in their attempt to preserve collegial solidarity, the Arts and Humanities Faculty failed to consider other strategies which might have allowed them to achieve the goals of bringing the controversy to a definitive end while upholding the principle of academic freedom, constraining Gumbel's future activities, and preserving collegial solidarity. Instead, they offered their opponents and Gumbel's enemies a blueprint for utilizing both the University of Heidelberg and Gumbel as rhetorical symbols in their campaigning to destroy the Weimar Republic. This is most evident in the final episode of the Gumbel controversies in 1932.

The final Gumbel crisis bore an eerie resemblance to the 1924 'Field of Dishonour' controversy, in terms both of the form of his opponents' attacks against him and of the faculty's response to it. Resulting finally in his dismissal from the University, this episode was regarded by Gumbel's opponents as the culmination of their eight-year campaign to remove him.<sup>79</sup>

On 27 May 1932, at the request of the University's Socialist Student group, Gumbel led a discussion on the theme 'War and the Labour Force'. In addition to the small group of Marxist students who usually attended these meetings, there were three members of the local National Socialist Student League (NSDStB) present. Gumbel refused to be intimidated by the presence of three Nazis at what he had expected to be a closed meeting of politically sympathetic students. During his presenta-

tion Gumbel criticized the proliferation of war memorials in Germany.<sup>80</sup> He argued that the erection of such monuments in the neo-classical style, replete with virginal figures holding victory symbols, belied the real tragedy of war and obscured the suffering endured by millions of Germans as a consequence of war's folly. If one were honest about the horror of war, then war memorials ought to include symbols of civilian suffering as well. Recalling the near famine of 1917, widely known in Germany as the 'Turnip Winter', Gumbel suggested the turnip, 'the principal food staple of that time',<sup>81</sup> as the appropriate memorial symbol of the war.

Five days later, the local National Socialist newspaper, the *Volksgemeinschaft*, ran the headline, 'It's Gumbelling Again, his War Memorial is one huge Turnip!', quoting Gumbel as having said, 'the war memorial of the German soldier is for me not a lightly clad virgin with the palm of victory in her hand, but a great big turnip'.<sup>82</sup> The following week, the volkish student publication, the *Heidelberger Student*, appeared with the banner headline, 'War Memorial a Turnip!', and laid down the gauntlet to the University administration. 'We wait in suspense over the extent to which the principle of academic freedom will be used to paper over this incident. When will the faculty once and for all declare publicly that it is no longer willing to tolerate this man in its ranks?'<sup>83</sup> On 16 June the University initiated disciplinary proceedings against Gumbel to determine whether the 27 May incident constituted sufficient grounds for revoking his teaching privilege.<sup>84</sup>

Gumbel's ability to defend himself in 1932 was considerably weakened by the fact that he could no longer turn for support to the Baden Ministry of Culture and Education or to the Ministry of State which held final jurisdiction over petitions to revoke the teaching privilege, since neither post was any longer controlled by the SPD.<sup>85</sup> Nor could he count on support from any of his colleagues in the Arts and Humanities Faculty. His principal advocate in earlier times had been fellow socialist Emil Lederer, who had moved on to Berlin. Earlier supporters who defended Gumbel on the basis of principle were either also gone, such as Ludwig Curtius, now in Rome, or, like Karl Jaspers and Alfred Weber, convinced by the new accusations that continuing to support Gumbel would endanger, rather than protect, academic freedom. Jaspers came to the conclusion that

though it may be painful and not an ideal situation, political tact may at times exact silence on certain questions and facts . . . in the interest of the most propitious solution . . . Talking about all things as we like and please, is licence, anyhow.<sup>86</sup>

Ernst Hoffmann, Dean of the Arts and Humanities Faculty, apprised Gumbel of faculty disapproval during a preliminary inquiry into the turnip episode. He interpreted the latest incident as part of a pattern of offences, and indicated that Gumbel would be evaluated in light of the stigma of the 'Field of Dishonour' controversy and a 1925 controversy involving a quotation from a letter which Gumbel at first denied and later acknowledged having made.<sup>87</sup> During the discussion with Hoffmann, Gumbel disputed the *Heidelberger Student* account of his talk to the socialist students, arguing that he had spoken to a closed meeting of like-minded comrades. Hoffmann discounted Gumbel's interpretation, especially his view that he was a victim of political persecution. Instead, invoking the 1925 letter episode, Hoffmann resurrected earlier doubts about the reliability of Gumbel's memory. He told Gumbel bluntly that, from his point of view, Gumbel's behaviour 'during the past eight years had been completely intolerable'.<sup>88</sup> Echoing the deeply felt sentiments of his colleagues, Hoffmann told Gumbel in no uncertain terms that his political activism and the work of the faculty were incompatible, and that his recklessness had endangered 'our very existence as scholars'.<sup>89</sup> During the first session of the hearing, Hoffmann returned to this theme. Declaring that Gumbel's political activism had turned the University into a 'continual cauldron of unrest', Hoffmann asked Gumbel, 'have you never considered forswearing these things, especially if you valued the academic community and on your side were not sure of [your colleagues' esteem]?'<sup>90</sup>

This attitude on the part of Hoffmann, an outspoken advocate of the principle of intellectual tolerance, and on the part of the Senate Executive Council which concurred in Hoffmann's views, cannot be explained simply on the grounds of aversion to Gumbel's pacifist or socialist politics. One must understand the function of intellectual tolerance as understood by Hoffmann and Karl Jaspers. Tolerance was not a substantive moral ideal fostering acceptance of critical dissent or behavioural non-conformity, but a social convention which made possible the social and professional cohesion necessary for effective collegial

governance. Predicated on the individual conformity to group social norms, and on the subordination of individual goals to the claims of the group, tolerance in this social system was structured to avoid divisions among colleagues by limiting, while not necessarily preventing, dissent. As Jaspers' own norms of interpersonal discourse reveal, disagreement and dissent could be tolerated only when reduced to the level of polite and socially acceptable disagreement between colleagues.

This limited understanding of tolerance is glaringly evident in the attempt by leading Heidelberg professors to prevent the unprecedented withdrawal of pacifist Günther Dehn's appointment to the Protestant Theology Faculty in 1931. Like Gumbel, Dehn had been accused of tactlessly insulting Germany's war dead during a sermon at Magdeburg Cathedral in 1928. News of Dehn's imminent appointment to the Heidelberg faculty generated a storm of public protest and vicious press attacks which coincided with the latest student campaign to remove Gumbel from Heidelberg's Arts and Humanities Faculty. In this tense atmosphere, the Protestant Theology Faculty withdrew Dehn's appointment, citing their fear that he would willy-nilly become 'involved in unforeseeable difficulties, and that, as a result, both the Faculty and the University would suffer the greatest harm'.<sup>91</sup>

It is important to note in the analysis of the Gumbel case that Dehn's defence was led by some of Gumbel's most stubborn opponents, including Hoffmann, Gerhard Anschütz, and theologian Martin Dibelius. In Dehn's case their defence not only rested on the principle of his right of academic freedom and freedom of political expression, but was expressed in terms which exposed the speciousness of the moral disapprobation contained in the accusation of 'tactlessness'. Equally important, in the defence of Dehn, this same group expressed concern that the University was letting itself be intimidated by threats of political reprisal. Within the Protestant Theology Faculty, the republican Martin Dibelius declared, 'if I were to pull back from such attacks just because student groups, uninformed and uncritically, contradict and are not in sympathy with Dehn's worldview, then I would be decisively helping publicly to incriminate Dehn, who has already been offered [this position] and accepted it. This I cannot and will not do.'<sup>92</sup>

Seventeen of Heidelberg's fifty-five full professors concurred

with Dibelius' position and petitioned the Senate Executive Council to convene a special meeting of the Academic Senate to discuss the Dehn appointment. At that meeting on 25 February 1931, Ernst Hoffmann, Dean of the Arts and Humanities Faculty and a member of the Senate Executive Council, openly disagreed with the view that Dehn had exhibited a propensity for tactlessness in his 1928 sermon, and declared his reluctance to represent the University at the upcoming Higher Education Conference, where he would be expected to explain an action which he did not support.<sup>93</sup> Martin Dibelius openly refused to observe the Senate Executive Council's request to keep the University's internal deliberations confidential.<sup>94</sup> He was passionate in his belief that denouncing Dehn was tantamount to denouncing his own life as a scholar. 'I am not prepared to give credence to the grounds of appropriateness if the rights of a future professor may be challenged because he freely expressed his convictions in a manner bordering on tactlessness. I would have to disavow my theology, my honour as a scholar, and my entire past life, were I to renounce this position.'<sup>95</sup>

It is equally important to note that the internal faculty debate over Dehn's fate was unprecedented, and that even Gerhard Anschütz, who was especially sensitive about factionalization, felt compelled in this instance to risk the factionalization which did in fact occur. Although the meeting was conducted with the expected decorum, it was characterized by sharp division and recriminatory remarks.<sup>96</sup> For example, Willy Hellpach, now a member of the Heidelberg faculty, accused Dehn's opponents of using procedural questions as 'delaying tactics'. A straw vote on two resolutions presented by Dehn's supporters revealed such deep division that a formal vote was not tabled until the following week. When both resolutions were defeated, twenty-seven members of the Academic Senate publicly distanced themselves from this decision, and signed a public declaration expressing their regret over the University's treatment of Dehn.

The Dehn controversy demonstrates that there was a significant number of Heidelberg faculty who were willing to sacrifice collegiality to defend a controversial colleague's academic freedom, even under conditions of extreme external public pressure. This suggests that where Gumbel was concerned, issues of personality, behaviour, and intellectual style played an influential role in his colleagues' unwillingness to defend him. Dehn, a

religious pacifist and a socialist sympathizer who carried these convictions into his discipline of practical theology, was hardly less controversial than Gumbel. But unlike Gumbel, he developed his views within the scholarly constraints of Germany's apolitical academic tradition, and his nonconformity remained within the acceptable confines of intellectual (and not political) dissent. Martin Dibelius made this clear in a written statement contesting the position that the Dehn case was unlike the Gumbel case. Regardless of Dehn's proclivity toward pacifism, Dibelius argued, Dehn had neither uttered the alleged 'incriminating remark' nor presented his views in a non-scholarly format outside the parameters of his office as pastor. Gumbel, according to Dibelius, not only had uttered the 'incriminating remark', but had done so outside the parameters of his university duties, and without the appropriate scholarly apparatus to support his point of view.<sup>97</sup>

Whatever Dibelius' views, it is important to register the degree to which deeply felt personal perceptions of character, integrity, trust, and mutual respect, as defined by the University's tacit social and academic norms, influenced the Heidelberg faculty in crucial decisions regarding whose academic freedom they would defend. While Gumbel's political behaviour was viewed by his colleagues as a confirmation of reckless radicalism and an inability to promote the apolitical reputation of the University, Dehn's milder, more scholarly engagement with pacifism could be defended by Dibelius and others on the grounds that he had violated none of the norms of collegiality or scholarship in the expression of his dissenting views.

Unfortunately for the University and for Gumbel, the 1925 report of the Arts and Humanities Faculty on the 'Field of Dishonour' controversy had stigmatized Gumbel as a social non-conformist, provided unsympathetic colleagues with the means to interpret subsequent incidents surrounding his faculty status in ways which confirmed this negative stereotype, and presented his enemies with the rhetorical devices to continue to attack him. All of these factors influenced the outcome of Gumbel's last formal disciplinary hearing.

While the new charges were based on his alleged offences against public sensibilities, the hearings, in fact, addressed Gumbel's offences against collegial sensibilities. A confusion of accusations and counter-accusations, the hearings focused on the

allegation that Gumbel had violated the limitations of his 1924 probation by continuing to participate in political discourse without the careful use of scholarly apparatus and in language which compromised the status and prestige of the professorial guild.<sup>98</sup>

Following closely on the divisiveness of the Dehn decision, there was little hope that the new Board of Inquiry, comprising Gerhard Anschütz, Johannes Hoops, and Arnold Bergstraesser, would risk further factionalization by acquitting Gumbel. The record of the hearings clearly points in this direction. The protocol of the hearing reveals the influence of concurrence-seeking in the Board's distorted interpretation of key facts and demonstrates a clear pattern of ignoring discrepant information in favour of information justifying their desire to dismiss Gumbel. Leaning heavily on the testimony of Gumbel's avowed enemies, the three National Socialist students who originated the publication of Gumbel's remark, board members portrayed their colleague as an irresponsible, sarcastic, insensitive man, not capable of respecting the sensibilities and opinions of others.<sup>99</sup> Although they believed that the testimony of socialist students was credible, board members discounted the students' benign interpretation of Gumbel's remark as well as their position that no one present at the programme had objected to it. From the perspective of the Board, 'even if the meaning of this remark is as the majority of those who were present say it is, and as Professor Gumbel argues in his later interpretation, there can be no doubt that this comment, in its tone and its wording, could indeed damage the reverence owed to those who fell in the Great War and [has] deeply upset national sensibilities'.<sup>100</sup>

Despite repeated attempts by Gumbel's advocate, Gustav Radbruch,<sup>101</sup> at no time during the hearings did the Board of Inquiry question the motives or actions of the National Socialist students. The Board persisted in this position even after the Deutsche Studentenschaft, the National Socialist Student League, and the local Nazi party used the Gumbel controversy to stage a massive political rally supporting Nazi candidates in the upcoming July 1932 elections. When Radbruch insisted that the Board of Inquiry consider the mass rally in its deliberations against Gumbel, Board Chair Arnold Bergstraesser argued that 'the incident with the students as such has to do with the University, but it has nothing to do with the Gumbel case'.<sup>102</sup> When Radbruch questioned the Board's position that the cam-

paign against Gumbel stemmed from his political ideology,<sup>103</sup> Bergstraesser declared that what was under investigation was not Gumbel's world view, but rather whether 'during the course of his work, Gumbel, the politician, was reconcilable with Gumbel, the academic'.<sup>104</sup> Local National Socialist press reports on the Gumbel case underscore the incongruous and artificial nature of the Board's insistence on separating the Gumbel case from its larger political context. In its 6 July issue, for example, the *Völkische Beobachter* printed an editorial by Karl Georg Doerr emphasizing that the fight against Gumbel stemmed not from objective motives, but rather from Gumbel's Jewish origins,<sup>105</sup> his pacifism, his exposés of Germany's underground military, and his studies of right-wing political violence.<sup>106</sup>

When Radbruch challenged the credibility of the National Socialist students' testimony, Bergstraesser countered that 'one does not need the exact wording [of the incriminating remark]: after all, the gist of it is correct. Besides Professor Gumbel's explanation hasn't been proven. He published an interpretation, not the exact wording, because he can't remember it, a reflection on the quality of his memory.'<sup>107</sup> Radbruch's closing statement to the Board suggests the length to which the Board would go to avoid consideration of any information which might result in acquittal or exoneration. Radbruch argued that the incriminating remarks which had launched the 1924 and 1932 investigations had been concocted to attack Gumbel's political writings on the underground military and gang-style killings.<sup>108</sup> Citing the testimony of one of the Nazi student witnesses, who admitted attending Gumbel's presentation because '[Gumbel] was the man of the "Field of Dishonour"', Radbruch presented a forceful case that the presence of Nazi students at a closed meeting of their political opponents, was itself a politically motivated act. This interpretation of Nazi motives was confirmed, Radbruch argued, by the fact that the three offended students did not take the opportunity at the meeting to disagree with Gumbel, but had gone straight to the leader of the Baden Nazi Party with the 'incriminating' remark, and refused to reveal the author of the 1 June article in the *Volksgemeinschaft*.<sup>109</sup>

Concurrence-seeking pressures were also evident in the Board of Inquiry Report recommending Gumbel's dismissal and revoking of his teaching privilege. The language of the report focuses almost exclusively on Gumbel's transgressions against prevailing

group norms, portraying him as a profound threat to the faculty's very existence. The Board's report is a massive indictment of Gumbel's ironic wit, his linguistic style, and his concept of political responsibility. It characterized the way in which he presented his ideas as 'ruthless and demagogic', and described him as a man lacking 'the self control necessary to avoid the insults and injuries to others which destroy the respect and trust which a university teacher requires'.<sup>110</sup>

Astute observers at the time noted the flaws in the decision to dismiss Gumbel, pointing out, as Radbruch had done, that Gumbel was simply a useful symbol in the campaign of the Republic's opponents to bring it down. If Gumbel didn't exist, anti-republican forces would have to 'find another Gumbel because they need him'.<sup>111</sup> The republican press reminded its readers that the campaign to purge Gumbel was the beginning, not the end, of campaigns to purge anyone from university faculties who disagreed with the political agenda of National Socialism. There was no doubt about this among volkish students. The Deutsche Studentenschaft pointed out that 'no one should think that the purge is now over, that the student body is satisfied by the accomplishment of this particular goal. There will be no peace at Germany's institutions of higher learning until the last glimmers of un-German spirit in them are crushed.'<sup>112</sup>

Outside Heidelberg, not only republican but also conservative academics expressed alarm over the likelihood of further Nazi-sponsored purges of university faculty. A small group of republican professors expressed their deep concern about Nazi intentions in a petition addressed to the Baden Minister of State. 'We see in this case,' they explained, 'a special example of the Nazis' overall attack, especially their claim to take over the universities. We fear that Gumbel's dismissal is only the beginning of a general purge of significant Republicans from higher education. For this reason we urgently ask you to leave Dr. Gumbel in his post.'<sup>113</sup>

A group of conservative academics meeting at the *Reichstag* in October 1932 went on record supporting academic freedom for socialist colleagues, careful, however, to distance themselves from colleagues like 'Dr. Gumbel who revile the national importance of the State'. They declared: 'in contrast to the National Socialist perspective, the freedom of socialists must also be protected, especially in the area of national economy. One has

to stand by their historical right to defend their point of view at the university.<sup>114</sup>

Six months after Gumbel's dismissal and the Nazi seizure of power, the purges began. Among the first affected at the University of Heidelberg, ironically, were those who withdrew their support from Gumbel by 1932 as well as some of his most adamant critics: Gerhard Anschütz and Alfred Weber were forced to take early retirement; Arnold Bergstraesser was purged.

Through subordinating the principled defence of academic freedom to an emphasis on the social and academic conventions of collegiality, the University of Heidelberg thus eroded its ability effectively to withstand the loss of faculty and ultimately intellectual prestige which accompanied Nazi *Gleichschaltung* between 1933 and 1935. Conformity pressures connected with the conventions of collegiality affected critical decisions at the University of Heidelberg, especially in the Gumbel cases. Members of the Heidelberg faculty placed a high value on collegial relationships, viewing collegiality as the necessary condition for governing the University, for ensuring the continuation of the University's identity across generations, for fostering intellectual tolerance, and for reinforcing the emotional security of friendships within the academic guild. But, while senior faculty believed that the conventions of collegiality affirmed intellectual diversity and formed the basis for Heidelberg's fabled atmosphere of intellectual tolerance, these conventions also fostered powerful conformity pressures which radically limited acceptance of non-conformists and undermined the principle of academic freedom by subordinating it to the tacit expectations of social conformity. As we have seen, faculty judgements against Gumbel reflected a condemnation of a personal style which appeared uncivil in the highly structured social world of Heidelberg collegiality.

Though perceived historically as the University's strength and the heart of the so-called 'Heidelberg Spirit', the collective character of decision-making and academic sociability was transformed into a serious liability under the duress of accelerating political turbulence. In effect, the same institutional and social conventions which fostered intellectual diversity at Heidelberg also fostered conformity pressures which reinforced the belief of key faculty leaders that they could preserve order in the University, their cherished collegiality, academic freedom, and

self-governance by denying the rights of their most controversial member.

### Notes

1. Selected examples of such works would include: Uwe Adam, *Hochschule und Nationalsozialismus: Die Universität Tübingen im Dritten Reich* (Tübingen 1977); Alan K. Beyerchen, *Scientists under Hitler: Politics and the Physics Community in the Third Reich* (New Haven 1979); Karin Buselmeier, Dietrich Harth and Christian Jansen, eds, *Auch Eine Geschichte der Universität Heidelberg* (Mannheim 1985); Wilhelm Doerr et al., *Semper Apertus: Sechshundert Jahre Ruprecht-Karls-Universität Heidelberg, 1386–1986*, Volume III, *Das Zwanzigste Jahrhundert, 1918–1986* (Berlin 1986); Herbert Döring, *Der Weimarer Kreis: Studien zum politischen Bewußtsein verfassungstreuer Hochschullehrer* (Meisenheim am Glan 1975); Christian Jansen, *Professoren und Politik: Politisches Denken und Handeln der Heidelberger Hochschullehrer, 1914–1935* (Göttingen 1992); Fritz K. Ringer, *The Decline of the German Mandarins: The German Academic Community, 1890–1933* (Hanover and London 1990); Leonore Siegele-Wenschkewitz, 'Die Evangelisch-theologische Fakultät Tübingen in den Anfangsjahren des Dritten Reichs', in *Zeitschrift für Theologie und Kirche*, Vol. 4 (1978), 34–80.

2. See, for example, Anselm Faust, *Der Nationalsozialistische Deutsche Studentenbund: Studenten und Nationalsozialismus in der Weimarer Republic*, Band 2 (Düsseldorf 1973).

3. Christian Jansen, *Emil Julius Gumbel: Portrait eines Zivilisten* (Heidelberg 1991), 25, 37–9; Jansen, *Professoren und Politik*, 192–9.

4. For a thorough account of the Dehn affair at the University of Heidelberg and the University of Halle, see Günther Dehn, *Kirche und Völkerversöhnung: Dokumente zum Halleschen Universitätskonflikt* (Berlin 1932). This case will also be discussed later in the article.

5. Sondergutachten des Prof. Martin Dibelius 26.1.31 in Dehn, *ibid.*, 42–3: Protokoll der Sitzung des Grossen Senat Heidelbergs, 25.2.31, unnumbered pages in Universitätsarchiv Heidelberg (hereafter UAH) B-1261/2.

6. For more discussion on this topic, see Helene Tompert, *Lebensformen und Denkweisen der akademischen Welt Heidelbergs im Wilhelminischen Zeitalter* (Lübeck 1969), and Jansen, *Professoren und Politik*, 35–45.

7. G.A. Scheel, 'Heidelberger Studenten im Kampf um die Erneuerung der Hochschule', in *Der Deutsche Student*, July 1936, 292.

8. Helene Tompert, *op. cit.*, 84–5.

9. At Heidelberg the Senate Executive Council (*Engerer Senat*) comprised eleven members; the Rector, as chair of the Council, the rector-elect for the upcoming academic year, the deans of each of the University's five faculties (Law, Theology, Arts and Humanities, Medicine, and Sciences and Mathematics), two full professors elected at-large from the Academic Senate (*Grosser Senat*), and two instructors (*Privatdozenten*) elected for one-year terms. The Academic Senate comprised all full professors who had a chair and a vote in one of the five faculties, all other regularly budgeted associate professors, all other electable honorary full

professors. See Section II, Paragraphs 9 and 8, *Die Verfassung der Universitäten Heidelberg u. Freiburg*, 17.3.1919, UAH-B-1211.

10. It would, however, be a distortion to conclude that this republican minority constituted the core of a firm progressive consensus about local, regional, or national political issues, since they formed, like the Weimar Coalition whose membership they reflected, a politically fragile working group which divided over specific issues. For a detailed analysis of this subject see Jansen, *Professoren und Politik*, 156.

11. Willy Andreas to Johann Sölch, Dekan der philosophischen Fakultät Heidelberg, 15.11.1930, Generallandesarchiv Karlsruhe (hereafter GLAK), N/69, Nrr. 753, unnumbered pages.

12. Gustav Radbruch, *Der Innere Weg, Aufriß meines Lebens* (Stuttgart 1951), 183.

13. Karl Jaspers, 'Rede auf Heidelberg', in *Karl Jaspers in seiner Heidelberger Zeit*, ed. Joachim-Felix Leonhard (Heidelberg 1983), 21.

14. See Karl Jaspers, *Die Idee der Universität* (Berlin 1923).

15. *Ibid.*, 66.

16. *Ibid.*, 38.

17. Ernst Hoffmann, 'Die Freiheit der Forschung und der Lehre', *Rede zur Reichsgründungsfeier am 17. Januar 1931* (Heidelberg 1931), 18.

18. *Ibid.*, 20.

19. Radbruch, *op. cit.*, 90.

20. Wilfried Küper, 'Gustav Radbruch als Heidelberger Rechtslehrer', *Juristenzeitung* 34 (5 January 1979), 2.

21. Radbruch, *op. cit.*, 84.

22. Jaspers, 'Rede auf Heidelberg', 21.

23. Gerhard Anschütz to Willy Andreas, 3.4.1933, GLAK N/69, Nr. 757, 2.

24. Gustav Radbruch to Lydia Radbruch, 26.6.1935, in Gustav Radbruch, *Briefe*, ed. Erich Wolfe (Göttingen 1968), 111.

25. Irving Janis, *Groupthink: Psychological Studies of Policy Decisions and Fiascoes*, 2nd Edition (Boston 1983), 245.

26. Irving Janis and Leon Mann, *Decision Making: A Psychological Analysis of Conflict, Choice, and Commitment* (New York 1977), 132.

27. *Ibid.*, 205.

28. Karl Jaspers, 'Philosophical Autobiography', in *The Philosophy of Karl Jaspers*, ed. P.A. Schlipp, 1st Edition (New York 1957), 10.

29. 'Ergebnis der Untersuchung der Handlungen und der Persönlichkeit des Privatdozenten Dr. Gumbel', Sonderbericht des Beisitzers im Untersuchungsausschuss Karl Jaspers, in UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel, unnumbered pages. Willy Hellpach makes similar comments in his autobiography, *Wirken im Willen* (Hamburg 1949), 172.

30. Gumbel quoted in Wolfgang Benz, 'Fememord, Rufmord, Emigration: Die Karriere des deutschen Pazifisten Emil Julius Gumbel', transcript of radio broadcast by Bayerischer Rundfunk, Munich, 10.8.1981, 4.

31. E.J. Gumbel, *Verschwörer: Beiträge zur Geschichte und Soziologies der deutschen nationalistischen Geheimbünde seit 1918* (Vienna 1924), 212–15.

32. *Ibid.*

33. *Ibid.*

34. Ruge was dismissed from the faculty and had his teaching privilege (*venia*

*legendi*) revoked as a consequence of attacks against the Heidelberg faculty in 1920. He was the only reactionary to lose his teaching privilege during the Weimar period. See Jansen, *Professoren und Politik*, 147.

35. Engere Senat Heidelberg, Nr. 15415, 13.2.1920 in UAH-II, 5b, 394 b, Personnel Files of Arnold Ruge, 3.

36. Gumbel, *Verschwörer*, 164.

37. Emil J. Gumbel quoted in 'Nie Wieder Krieg', *Heidelberger Neueste Nachrichten*, 28 Juli 1924 in UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel.

38. 'Der Fall Gumbel, Ein Streit um ein "schlusswort"', *Heidelberger Tageblatt*, 31.7.24, Leo Baeck Institute, Literary Estate of E.J. Gumbel, AR 7267, Box 8.

39. Erich Kallius quoted in Karin Buselmeier, 'Vorwort zur Neuauflage', *Verschwörer: zur Geschichte und Soziologies der deutschen nationalistischen Geheimbünde, 1918–1924, und Zwei Dokumenten zum Fall Gumbel* (Heidelberg 1979), xv.

40. Hellpach, op. cit., 172.

41. Larry Eugene Jones, *German Liberalism and the Dissolution of the Weimar Party System, 1918–1933* (Chapel Hill, NC 1988), 360.

42. Hellpach, op. cit., 171.

43. Der Engere Senat Heidelberg an den Minister des Kultus und Unterrichts Karlsruhe, 31.7.24, Nr. A 14757, den Privatdozenten Dr. Gumbel betr., UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel.

44. Feststellung des Untersuchungsausschusses an die Philosophische Fakultät Heidelberg, 1 August 1924, in UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel.

45. *Ibid.* (my emphasis).

46. Gumbel systematically collected press reports about his cases from all over Germany. These may be found in the Literary Estate of E.J. Gumbel, Leo Baeck Institute, AR 7267, boxes 8 and 10.

47. Minutes of the Philosophische Fakultät Heidelberg, 2.8.1924 in UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel, 29.

48. *Ibid.*

49. Universität Heidelberg, Engerer Senat, Nr. 11923, 6.8.24, dem Privatdozenten Dr. Emil Gumbel, an der Universität Heidelberg betr., UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel, 545.

50. Hans Friedrich Fulda et. al., 'Der Philosoph Karl Jaspers', in Leonhard, op. cit. Published documents from the Heidelberg Universitätsarchiv, UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel, 95.

51. Jaspers, 'Philosophical Autobiography', 50.

52. According to the January 1921 Baden regulation, an instructor (including irregular associate professors) could have the right to teach revoked if he (1) 'grossly violated the obligations required by his position as an academic teacher' or (2) 'by his behaviour in or outside his profession, proved himself unworthy of the respect and trust called for by his position'. 'Verordnung, Die Entziehung der Lehrberechtigung', Paragraph 1, Section 2.

53. Bericht des Untersuchungsausschusses gezeichnet von A. Graf zu Dohna und F. Baethgen, 11.4.25 in UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel, unnumbered pages.

54. 'Verordnung, Die Entziehung der Lehrberechtigung', Paragraph 1, Section 2.
55. Ergebnis der Untersuchung der Handlungen und der Persönlichkeit des Privatdozenten Dr. Gumbel, Sonderbericht des Beisitzers im Untersuchungsausschusses Karl Jaspers, in UAH-II, 5b, 333, Personnel Files of E.J. Gumbel.
56. 'Beschluss der philosophischen Fakultät Heidelberg vom 16 Mai 1925 in der Angelegenheit des Privatdozenten Dr. Gumbel', Heidelberg 1925, in Universitätsarchiv Tübingen 131/7, 7.
57. Ludwig Curtius, *Deutsche und Antike Welt, Lebenserinnerungen* (Stuttgart 1950), 359.
58. Graf zu Dohna and Baethgen, 'Bericht'.
59. Jaspers, 'Sonderbericht'.
60. Graf zu Dohna and Baethgen, 'Bericht'.
61. Jaspers, 'sonderbericht'.
62. Graf zu Dohna and Baethgen, 'Bericht'.
63. Jaspers, 'sonderbericht'.
64. Graf zu Dohna and Baethgen, 'Bericht'.
65. Jaspers, 'sonderbericht'.
66. Ibid.
67. Ibid.
68. Ibid.
69. Graf zu Dohna and Baethgen, 'Bericht'.
70. Ibid.
71. Jaspers, 'sonderbericht'.
72. Jaspers, 'Philosophical Autobiography'.
73. Jaspers, 'sonderbericht'.
74. Ludwig Curtius as Dean of the philosophischen Fakultät Heidelberg to the Engere Senat Heidelberg, Nr. 325–1924–25, 28 Julit 1925 in UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel, 269.
75. Quoted in 'Ein Neuer Fall Gumbel'. *Funke*, 21.6.32, in Leo Baeck Institute, Literary Estate of E.J. Gumbel, AR 7267, Box 10.
76. 'Der Universitäts-Skandal, die Widerrechtlichkeit des Fakultätsvergehens'. *Völkerzeitung*, 28.5.25 in UAH-III, 5b, 331, Personnel Files of E.J. Gumbel.
77. Kreisleiter Manfred Thomas an das Badische Kultusministerium, 29.6.25, in UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel.
78. A solid narrative account of this topic may be found in Norbert Giovannini, *Zwischen Republik und Faschismus: Heidelberger Studentinnen und Studenten 1918–1945* (Weinheim 1990).
79. For detailed analyses of these campaigns see Christian Jansen, *Professoren und Politik*, and Norbert Giovannini, *Zwischen Republic und Faschismus*.
80. For a perceptive analysis of the political function of war memorials in Weimar Germany, see George Mosse, *Fallen Soldiers, Reshaping the Memory of the World Wars* (New York 1990).
81. Gumbel to Otto Erdmannsdörfer, 11.6.32, UAH-III, 5b, 434 a, Personnel Files of E.J. Gumbel, 8.
82. 'Es gumbelt wieder, Sein Kriegerdenkmal eine einzige grosse Kohlrübe'. *Die Heidelberger Volksgemeinschaft*, 1.6.32, Leo Baeck Institute, Literary Estate of E.J. Gumbel, AR 7267, box 10.
83. 'Das Kriegerdenkmal eine Kohlrübe', *Der Heidelberger Student*, 9 Juni

1932, Nr. 3, in UAH-III, 5b, Nr. 334, Personnel Files of E.J. Gumbel.

84. Bericht des Untersuchungsausschusses, 23.6.32, UAH-III, 5b, Nr. 434 a, Personnel Files of E.J. Gumbel, 87.

85. In a 1925 case against Gumbel, Adam Remmele (SPD), Minister of Culture and Education, decided against the faculty in Gumbel's favour. In 1930, during Remmele's ministry, Gumbel was awarded the title of honorary associate professor, again against the will of the faculty and to violent protests by volkish students and right-wing politicians around the country. By 1932, the SPD was no longer part of the Baden coalition government.

86. Karl Jaspers, *The Question of German Guilt* (New York 1947; Capricorn edition, 1961), 9.

87. For an account of the Quayzin episode, see R.M. Gatens, 'Prelude to Gleichschaltung: The Collapse of Academic Freedom at the University of Heidelberg, 1919–1933', unpublished dissertation (Ann Arbor: University Microfilms International, 1992), 139–44.

88. Ernst Hoffmann quoted in the 23.6.32 Report of the Board of Inquiry, UAH-III, 5b, Nr. 434 a, Personnel Files of E.J. Gumbel, 87.

89. *Ibid.*

90. *Ibid.*, 91.

91. 'Beschluss der Fakultät', *Die Christliche Welt*, Nr. 5, 1.3.1931, in Günther Dehn, *Kirche und Völkerversöhnung, Dokumente zum Halleschen Universitätskonflikt* (Berlin 1932), 40.

92. Sondergutachten des Prof. Martin Dibelius, 26.1.31 *ibid.*, 43.

93. Protokoll der Sitzung des Grossen Senat Heidelbergs, 25.2.31, unnumbered pages in UAH-B-1261/2.

94. *Ibid.*

95. Sondergutachten des Prof. Martin Dibelius, 26.1.31 in Dehn, *Kirche und Völkerversöhnung*, 42–3.

96. Protokoll der Sitzung des Grossen Senat Heidelbergs, 25.2.31, unnumbered pages in UAH-B-1261/2.

97. Sondergutachten des Prof. Martin Dibelius, in Dehn, *Kirche und Völkerversöhnung*, 43.

98. Ernst Hoffmann to Otto Erdmannsdörfer, 5.7.32, UAH-B-1266–3, 127.

99. Report of the Board of Inquiry to the Heidelberg Arts and Humanities Faculty, 30.7.32, UAH-III, 5b, Nr. 434 a, Personnel Files of E.J. Gumbel, 149–50. The three NSDStB students were led by G.A. Scheel, who had a stellar career during the Third Reich as a consequence of this agitation. He became Reich Student Leader and was awarded an honorary doctorate by the University of Heidelberg after 1933 on the strength of the Gumbel campaign.

100. *Ibid.*

101. Bergstraesser's Report to the Board of Inquiry, 29.6.32, UAH-III, 5b, Nr. 434 a, Personnel Files of E.J. Gumbel, 135.

102. Arnold Bergstraesser, representing the Board of Inquiry, 29.6.32, UAH-III, 5b, Nr. 434 a, Personnel Files of E.J. Gumbel, 131.

103. Gustav Radbruch, Rejoinder to the Report of the Board of Inquiry, 30.6.32, UAH-III, 5b, Nr. 334, 'Zum Untersuchungsverfahren gegen Dr. E.J. Gumbel, Entziehung der Venia Legendi, 1932', 199.

104. Bergstraesser, Report of 29.6.32, 130.

105. Gumbel was a secular Jew. Although student protests against him

regularly cited his ethnicity as grounds for his alleged untrustworthiness to teach German youth, Gumbel's ethnic origins did not figure formally in the deliberations of the Heidelberg faculty disciplinary hearings against him. At the same time, there is evidence of social anti-Semitism within the Heidelberg faculty in connection with the Gumbel case. As detailed in an exchange of letters between historian Willy Andreas and philosopher Eugen Täubler during July 1933, there was a cooling of their otherwise friendly collegial relations as a direct result of faculty politics surrounding decisions in the Gumbel case. Täubler began keeping a cool distance from Andreas after hearing that Andreas had allegedly commented before a meeting on the Gumbel case, 'Jewish friends will stand behind Mr. Gumbel' (Letter of Täubler to Andreas, 12.7.33 in BGAK, N/69, nr. 757, unnumbered pages). Täubler was especially disturbed by this not only because he had been an outspoken opponent of Gumbel, but because he believed that 'while a Jew should not allow himself to be side-stepped, he is obligated, voluntarily and openly to comport himself with a specific degree of reserve'. This was the source of his disapprobation of Gumbel and thus he was offended and hurt by the assumption that he would defend Gumbel because they were co-religionists (*ibid.*). The remainder of the letter explains Täubler's conclusion that Andreas, who was now rector, was trying to signal that under the new political circumstances (of the Nazi regime) he preferred to distance himself from Jewish colleagues. Andreas wholeheartedly and respectfully denied this, although he admitted saying something which could have been falsely interpreted this way (Andreas to Täubler, 18. 7. 33 in BGAK, N/69, 757, unnumbered pages). The social framework of anti-Semitism which Täubler describes is also suggested by the nature and tone of criticism against Gumbel stated in the 1924 Board of Inquiry Report to the Faculty. For example, Graf zu Dohna and Baethgen characterized Gumbel as having 'a pronounced intellectual nimbleness' that enabled him 'quickly to size up the situation and cleverly adapt' his views even if this meant 'a quick change of position' (Bericht des Untersuchungsausschusses gezeichnet von A. Graf zu Dohna and F. Baethgen, 11.4.25 in UAH-III, 5b, Nr. 333, Personnel Files of E.J. Gumbel, unnumbered pages). Jaspers expressed offence at Gumbel's 'sheer joy in his rhetorical abilities', as well as at his tendency to argue for its own sake. 'In conversation with [Gumbel],' Jaspers declared, 'one has to be constantly prepared to be hit over the head by his impertinent, ironic, sophist phraseology' (16 May 1924 Report on the Gumbel Case, 3). While such expressions are not explicitly anti-Semitic, characteristics like 'the exercise of cleverness, restless intelligence' (16 May 1924 Report), 'the quality of superficiality, of glitter, of intellectual tinsel sometimes disguised as false profundity', were widely understood to describe the modern Jew and may be interpreted, as Peter Gay has done, as subtle, but potent forms of anti-Semitism (Peter Gay, *Freud, Jews and Other Germans: Masters and Victims in Modern Culture* [Oxford 1979], 99).

106. Kurt Grossmann, 'Akademiker zum Fall Gumbel', *Die Weltbühne*, 13.9.32, Leo Baeck Institute, Literary Estate of E.J. Gumbel, AR 7267, Box 10.

107. Bergstraesser, Report of 29.6.32. The comments on Gumbel's memory are a direct reference to the Quayzin letter episode of 1925.

108. Radbruch, Rejoinder to the Report of the Board of Inquiry, 199.

109. *Ibid.*

110. Report of the Board of Inquiry in the E.J. Gumbel case, 2.7.32, UAH-III, 5b, Nr. 434, Personnel Files of E.J. Gumbel, 151.

111. Radbruch, Rejoinder, 219 and 221.

112. 'Gumbel ist Fort', DStAkCorr., Nr. 16, 2.9.32, quoted in Anselm Faust, *op. cit.*, 62.

113. Quoted in *Studenten im Kampf: Beiträge zur Geschichte des NSD Studentenbundes*, edited by der Riechstudenführer, Amt Politische Erziehung, Munich, April 1938, cited from the *Hamburger Volkszeitung*, 17/18 September 1932, 63.

114. 'Nationale Hochschullehrer tagen', *Der Reichsbote*, Berlin, 12.10.32, Leo Baeck Institute, Literary Estate of E.J. Gumbel, AR 7267, Box 10.

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