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Eileen Barker, Massimo Introvigne,
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LIT

Limitations of religious freedom
by privileged state religions (ecclesiae) –
particularly in authoritarian states
but also in democracies

LIT

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CONTRIBUTOR

Eileen Barker, Department of Sociology, London School of Economics, 29A
Crawford Ave, Wembley, HA0 2HY, UK
(e.barker@lse.ac.uk)

Gerhard Besier, Sigmund-Neumann-Institut für Freiheits- und Demokratieforschung, Bachstraße 4, 10555 Berlin, Germany
(besier.gerhard@gmail.com)

Jolene Chu, 1 Kings Drive, Tuxedo Park, NY 10987 USA
(jochu@bethel.jw.org)

Régis Dericquebourg, 3 rue Saint Philippe, 06000 Nice. France
(redericq@netcourrier.com)

Patricia Duval, Avocat à la Cour, 6 avenue du Coq, 75009 Paris, France
(duval.patricia@gmail.com)

Willy Fautré, Human Rights without Frontiers, Brussels, Belgium
(w.fautre@hrwf.net)

Jukka Korpela, University of Eastern Finland, Joensuu, Finland
(jukka.korpela@uef.fi)

Anders Jarlert, Lund University, Department of Theology and Religious Studies,
LUX, Helgonavägen 3, Box 192, SE-221 00 Lund, Sweden
(anders.jarlert@ctr.lu.se)

Barbara McGraw, Center for Engaged Religious Pluralism, Saint Mary's College
of California, 1928 Saint Mary's Rd., Moraga, CA 94556, USA
(bmcgraw@stmarys-ca.edu)

Tim B. Müller, Verband Deutscher Sinti und Roma, Landesverband Baden-
Württemberg, B 7, 16, 68159 Mannheim, Germany
(tm@sinti-roma.com)

James T. Richardson, Mail Stop 311, University of Nevada, Reno, NV 89557, USA
(jtr@unr.edu)

Wolfram Slupina, Am Steinfels 1, 65618 Selters, Germany
(wslupina@jw.org)

Birte Wassenberg, Professeur en Histoire contemporaine Institut
d'études politiques (IEP) Université de Strasbourg, Klausmattstraße 57,
77694 Kehl, Germany
(birte.wassenberg@unistra.fr)

“YOUR HUMAN RIGHTS, YOUR FUNDAMENTAL FREEDOMS ARE IN DANGER!”

Crusade Against Christianity, Jehovah’s Witnesses,
and the Fight for Religious Freedom

TIM B. MÜLLER

To Simone Arnold Liebster

1. What freedom?

When German-Jewish philosopher Theodor W. Adorno, whose theoretical fame is not primarily owed to his reflection on everyday political life, gave his lecture series on the philosophy of history in the winter of 1964/65 at Frankfurt University, he remarkably abstained from any abstract definition of freedom. Definitions of freedom were in vogue in the early Cold War period. But when this émigré from Nazi Germany, whose family had been severely affected by the Holocaust, was asked what freedom is, he simply pointed to an existential and transformative political experience: You know what freedom is when the Gestapo wakes you up early in the morning, searches your home, mistreats you, and seizes your work and books.¹

Hannah Arendt, another émigré from Nazi Germany and one of the first and most perceptive thinkers on the impact of totalitarianism and the Holocaust on the human condition, stated in a famous postwar lecture in Germany in 1959 that freedom starts with the freedom of movement (*Bewegungsfreiheit*), as the historically most ancient and the most elementary form of freedom. She called the freedom to move and leave (*Aufbrechen-Können*) the original gesture of being free.²

Jehovah’s Witnesses are at the forefront in today’s battle over religious freedom, as they have been in so many cases and places throughout the 20th century. And religious freedom, for many reasons, some of which will be touched upon

¹ Theodor W. Adorno, *Zur Lehre von der Geschichte und von der Freiheit* (Nachgelassene Schriften, series 4, vol. 13), Frankfurt am Main 2001, 28 f.

² Hannah Arendt, *Von der Menschlichkeit in finsternen Zeiten: Rede über Lessing*, München 1960, 14; see also *eadem*, *Essays in Understanding 1930–1954: Formation, Exile, and Totalitarianism*, ed. Jerome Kohn, New York, 1994; *eadem*, *Elemente und Ursprünge totaler Herrschaft: Antisemitismus, Imperialismus, totale Herrschaft* (1951), München 1996.

later on, is also one of the historically most ancient and most elementary forms of freedom, closely related to the freedom of movement. With Adorno and Arendt in mind, let us have a glimpse at Sergei Klimov. According to a 21 October 2019 news report on *Kavkazskii Uzel*, “the representative of the European Association of Jehovah’s Witnesses, Yaroslav Sivulsky, said that since 2017, more than 600 searches in homes of believers in Russia have been conducted, 40 persons are behind bars, and seven have been convicted.”³ Soon thereafter, Sergei Klimov became the eighth person belonging to this group to serve actual time in prison. His experience does not differ much from historical experience in authoritarian and totalitarian regimes, as a statement by Jehovah’s Witnesses in Russia shows:

On 5 November 2019, Judge Dmitry Borisov of the October district court of Tomsk announced the verdict for a local resident, Sergei Klimov, who was convicted of professing an ‘incorrect’ religion: six years imprisonment in a correctional labor colony of general regime.

The judge concluded that the guilt of the 49-year-old believer for serious crimes against the constitutional structure of Russia was fully proven [...]. The only grounds for such a severe sentence are the religious convictions of the defendant [...]. After serving the prison term, the believer will be given additional punishments: prohibition to engage in educational activity in all types of educational institutions and to post materials on the internet and other social networks for a period of five years, and also another year of restrictions of liberty (he is prohibited to attend cultural events including festivals, religious holidays, and ceremonies and prohibited to leave the boundaries of Tomsk and to change his place of residence without the permission of supervisory agencies).⁴

As Zoe Knox has argued, the current persecution of Jehovah’s Witnesses in Russia signals the repudiation of European human rights norms by Russian governmental authorities, lawmakers, and religious elites.⁵ Limitations or restrictions of religious freedom, more often than not supported by privileged state religions, are violations of fundamental rights and of freedom as such – this is not just a recent insight, but also a lesson of the 20th-century experience with authoritarian and totalitarian regimes. Among those who made this claim and gave ample evidence of it in the first half of the 20th century were Jehovah’s Witnesses. Their understanding of freedom and of the Nazi assault on freedom was surprisingly close to the thinking of émigré intellectuals. One of their most visible statements in this regard was the important and impressive book *Kreuzzug gegen das Christentum*. This is the subject of the last part of this article. But there are questions to be addressed before discussing this book.

³ <https://www2.stetson.edu/~psteeves/relnews/191021a.html> (18 March 2020).

⁴ <https://www2.stetson.edu/~psteeves/relnews/191105a.html> (18 March 2020).

⁵ Zoe Knox, Jehovah’s Witnesses as Extremists: The Russian State, Religious Pluralism, and Human Rights, in: *The Soviet and Post-Soviet Review* 46, 2019, 128–157.

2. The Jehovah's Witnesses' exposure of the Nazi crusade against Christianity and intellectual history

Kreuzzug gegen das Christentum, or *Crusade Against Christianity*, as an English translation of the book title would read, is among many other things a book that invites a more nuanced reading of the position of Jehovah's Witnesses on religious freedom and the arguments they brought forward in support of religious freedom in the historical contexts of the 1930s. However, we have to leave the level of documentary history and engage in an intellectual history of the texts produced by Jehovah's Witnesses to understand and appreciate these arguments.

This approach is rather rare in research on Jehovah's Witnesses. For example, the recent, important book by Zoe Knox on Jehovah's Witnesses and the secular world is not particularly strong on intellectual nuance and historical contexts of arguments.⁶ While there is substantial literature on Jehovah's Witnesses in Nazi Germany, few are the examples of readings of the religious texts and public interventions of Jehovah's Witnesses that are sensitive to theologico-political arguments and intellectual contexts.⁷ Among those that paved the way for an intellectual history of Jehovah's Witnesses are Gerhard Besier and Jolene Chu. And of course, Detlef Garbe's classical and unsurpassed account of the Nazi persecution

⁶ *Zoe Knox*, *Jehovah's Witnesses and the Secular World: From the 1970s to the Present*, London 2018.

⁷ Among the most important contributions on the persecution and resistance of Jehovah's Witnesses in Nazi Germany and Nazi-occupied Europe are, in addition to the volumes discussed below, *Falk Bersch*, *Aberkannt! Die Verfolgung von Jehovas Zeugen im Nationalsozialismus und in der SBZ/DDR*, Berlin 2017; *Gerhard Besier and Clemens Vollnhals*, eds., *Repression und Selbstbehauptung: Die Zeugen Jehovas unter der NS- und der SED-Diktatur*, Berlin 2003; *Gerald Hacke*, *Die Zeugen Jehovas im Dritten Reich und in der DDR: Feindbild und Verfolgungspraxis*, Göttingen 2011; *Hans Hesse*, ed., “Am mutigsten waren immer wieder die Zeugen Jehovas”: *Verfolgung und Widerstand der Zeugen Jehovas im Nationalsozialismus*, Bremen 1998; *Marcus Herrberger*, ed., *Denn es steht geschrieben: “Du sollst nicht töten!”: Die Verfolgung religiöser Kriegsdienstverweigerer unter dem NS-Regime mit besonderer Berücksichtigung der Zeugen Jehovas (1939–1945)*, Wien 2005; *Winfried Nerdinger and Christoph Wilker*, eds., *Die Verfolgung der Zeugen Jehovas in München 1933–1945*, Berlin 2018; important remarks on texts and contexts in the Nazi era are also included in some of the best work on the communist post-war persecution of Jehovah's Witnesses, above all by *Emily B. Baran*, *Dissent on the Margins: How Jehovah's Witnesses Defied Communism and Lived to Preach About It*, Oxford 2014; see also *Hans-Hermann Dirksen*, “Keine Gnade der Feinden unserer Republik”: *Die Verfolgung der Zeugen Jehovas in der SBZ/DDR 1945–1990*, Berlin 2001; *Waldemar Hirsch*, *Die Glaubensgemeinschaft der Zeugen Jehovas während der SED-Diktatur: Unter besonderer Berücksichtigung ihrer Observierung und Unterdrückung durch das Ministerium für Staatssicherheit*, Frankfurt am Main 2003. Utterly useless, albeit unfortunately widely known in the Anglophone book market, is *M. James Penton*, *Jehovah's Witnesses and the Third Reich: Sectarian Politics under Persecution*, Toronto 2004. Besides factual errors, dubious interpretations and open hostility towards its subject, this book also shows a severe lack of understanding of the history of Nazi Germany and German history before 1933. See also *Detlef Garbe*, *Between Resistance and Martyrdom: Jehovah's Witnesses in the Third Reich*, Madison 2008, xix–xx; *Baran*, *Dissent on the Margins*, 259.

of Jehovah's Witnesses and their resistance against the genocidal German dictatorship includes highly perceptive readings of the theological positions of the International Bible Students or, after 1931, Jehovah's Witnesses.⁸ This article will also pursue an intellectual history approach to the history of Jehovah's Witnesses and (religious) freedom in the 1920s and 1930s, but it will abstain from any summary of basic religious beliefs or the general history of this minority Christian group and for this purpose instead refer to the authors mentioned.⁹

3. Narratives of the fight for religious freedom

Jehovah's Witnesses have for many years engaged in the fight for religious freedom, one of the fundamental freedoms according to UN and European conventions and most national constitutions. There is a growing historiography of these endeavors to which a number of historians and legal experts, including lawyers and writers related to institutions of Jehovah's Witnesses, have contributed. As a consequence, perhaps a standard historical account has been established. Key elements of this narrative are featured as early as in a June 10, 1942 editorial of the *New York Times* on the wartime persecution and the legal battles of Jehovah's Witnesses in the United States. This article includes three remarkable sentences which also serve as epigraph to one recent example of this historiography, Jennifer Jacobs Henderson's *Defending the Good News*: "The minorities whose civil rights are threatened are always small and, to many, obnoxious. They may or may not be unworthy. Yet their treatment is the test, and will always be the test, of the sincerity with which we cling to the Bill of Rights."¹⁰

⁸ Gerhard Besier and Katarzyna Stokłosa, eds., *Jehovas Zeugen in Europa – Geschichte und Gegenwart*, 3 vol.s, Berlin 2013–2018; *Jolene Chu*, "No Creed but the Bible": The Belief System of Jehovah's Witnesses, in: *Religion – Staat – Gesellschaft* 16, 2015, 109–175; *eadem*, God's Things and Caesar's: Jehovah's Witnesses and Political Neutrality, in: *Journal of Genocide Research* 6, 2004, 319–342; *Detlef Garbe*, *Zwischen Widerstand und Martyrium: Die Zeugen Jehovas im "Dritten Reich"*, München 1997.

⁹ For a historiographical review of scholarly work as well as personal memoirs and polemical literature regarding Jehovah's Witnesses, see *Zoe Knox*, *Writing Witness History: The Historiography of the Jehovah's Witnesses and the Watch Tower Bible and Tract Society of Pennsylvania*, in: *Journal of Religious History* 35, 2011, 157–180. This review, however, is clearly methodically committed to a top-down approach, privileging events at the American "center" of the Christian group, and focused almost exclusively on the United States and Great Britain, with little attention given to the social, intellectual, and everyday life history of this diverse global movement. These lacunae have been acknowledged by Knox's review of recent historiography which has started to fill this gap, most notably *Baran*, *Dissent on the Margins* (note 7); see *Knox*, *The History of the Jehovah's Witnesses: An Appraisal of Recent Scholarship*, in: *Journal of Religious History* 41, 2017, 251–260.

¹⁰ *Jennifer Jacobs Henderson*, *Defending the Good News: The Jehovah's Witnesses' Plan to Expand the First Amendment*, Spokane 2010, 15.

Behind this statement is clearly a pluralist conception of freedom. Jehovah's Witnesses as a particularly visible and vulnerable Christian minority have indeed since the mid-1930s become a test case of modern religious freedom and fundamental rights. The legal arguments advanced in these contexts have come to define in very general and far-reaching terms what religious freedom means in constitutional, liberal, democratic, and pluralist states. The religious freedom arguments and decisions in which Jehovah's Witnesses were involved have shaped broader understandings of fundamental rights and the rule of law in Western societies and beyond, for they tested and defined the limits of religious freedom already guaranteed in the U.S. Bill of Rights as well as in many constitutions and international conventions.

There are different historical explanations why Jehovah's Witnesses have become this test case of modern religious freedom and related fundamental rights. Some point to key features of the 20th and 21st century “dark side” of modernity, such as national war efforts, mobilization, nationalism, racism, the creation of the national security state, the strategies of forced consensus and homogeneity. These phenomena, in varying degrees and extremely different in their effects, characterized, at least at times, the history of Europe, the United States, and other places before 1945 and possibly even thereafter. A pacifist and antiracist group such as Jehovah's Witnesses embodied the opposite of this streak of modern politics and hence became the object of repeated attack.¹¹

Other scholars, who do not fully share this bleak vision of (early) 20th century history, emphasize the expansion of the modern state and its institutions as key structural feature of modernization in the 20th century. As result of this large-scale process, the relationship of the state and the individual citizen and his or her individual rights had to be re-negotiated. Jehovah's Witnesses as publicly visible evangelizing group, international, heterogeneous and multiracial in its character and vehemently claiming the rights of free speech, of conscientious objection, and other individual elements of religious freedom, then more or less by default – and not so much by design – became the group around which a number of the legal and political issues of the day crystallized.¹²

Going further in this direction, Shawn Francis Peters and others have argued that the legal battles in which Jehovah's Witnesses were involved, and also the

¹¹ See, e.g., *Richard J. Evans*, *Social Outsiders*, in: *idem*, *The Third Reich in History and Memory*, London 2015, 59–84; *Garbe*, *Widerstand und Martyrium*; *Ira Katznelson*, *Fear Itself: The New Deal and the Origins of Our Time*, New York 2013, 48; for “dark side” interpretations *Michael Mann*, *The Dark Side of Democracy: Explaining Ethnic Cleansing*, Cambridge 2005; *Mark Mazower*, *Dark Continent: Europe's Twentieth Century*, London 1998.

¹² This is, couched in abstract terms, more or less the interpretation for the United States running through, e.g., *William E. Leuchtenburg*, *The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt*, Oxford 1995; *James F. Simon*, *FDR and Chief Justice Hughes: The President, the Supreme Court, and the Epic Battle Over the New Deal*, New York 2012.

concerted mass activism and grass-roots legal techniques Jehovah's Witnesses deployed in the United States, ushered in the "dawn of the rights revolution".¹³ This means that Jehovah's Witnesses and their fight for religious freedom in a broader sense were crucial for the emergence of the postwar understanding of civil and human rights that since the 1960s revolutionized western thinking about individual and fundamental freedoms. The 1940s trials of Jehovah's Witnesses paved the way for the African-American civil rights movement in the 1950s and 1960s: "African Americans pressed courts at all levels, including the Supreme Court, to safeguard the basic democratic freedoms that were guaranteed to all Americans by the Bill of Rights. [...] The seeds of this revolution had been sown decades earlier, when Jehovah's Witnesses repeatedly tested the boundaries of the Bill of Rights."¹⁴ There are similar, even less familiar, stories to be told for other nations. In postwar West Germany, the constitutional right to conscientious objection established in the 1949 *Grundgesetz* was to a large degree an acknowledgement of the hundreds of Jehovah's Witnesses who had been executed for resisting the Nazi war. How this constitutional right was to be put into practice was defined in legal cases involving Jehovah's Witnesses.¹⁵ The European dimension of this legal fight for religious freedom and for conscientious objection has been researched in particular by James T. Richardson, an expert for the European Court of Human Rights (ECHR) jurisdiction. He shows that the long and enormously successful effort of Jehovah's Witnesses that has shaped the European legal system and the European understanding of fundamental rights is still going on in the present day,¹⁶ and that it could be understood as a continuation of earlier legal strategies developed in the United States and Canada.¹⁷

¹³ *Shawn Francis Peters*, *Judging Jehovah's Witnesses: Religious Persecution and the Dawn of the Rights Revolution*, Lawrence 2000; *Jacobs Henderson*, *Defending the Good News*.

¹⁴ *Peters*, *Judging Jehovah's Witnesses*, 292–293.

¹⁵ *Hans Hesse*, "Dann wäre der Krieg gleich zu Ende": Die Kriegsdienstverweigerer im NS-Staat und das Grundgesetz der Bundesrepublik Deutschland, in: *Nerdinger and Wilker*, eds., *Verfolgung der Zeugen Jehovas* (note 7), 20–31.

¹⁶ *James T. Richardson*, Update on Jehovah's Witnesses before the European Court of Human Rights. Implications of a Surprising Partnership, in: *Religion, State & Society* 45 (2017), 232–248; *idem*, The European Court of Human Rights: Changes and Challenges in the Social Construction of Religious Freedom, in: *Religion – Staat – Gesellschaft* 18, 2017, 13–34; *James T. Richardson and Mihai Popa*, The role of Jehovah's Witnesses case law in the jurisprudence of the European Court of Human Rights, in: *Effie Fokas*, ed., *The European Court of Human Rights on the Ground: Grassroots Level Impact of Religious Freedoms Jurisprudence* (forthcoming 2020). See also, e.g., *Jeroen Temperman, T. Jeremy Gunn and Malcolm Evans*, eds., *The European Court of Human Rights and the Freedom of Religion or Belief: The 25 Years since Kokkinakis*, Leiden 2019.

¹⁷ *Pauline Coté and James T. Richardson*, Disciplined Litigation, Vigilant Litigation, and Deformation: Dramatic Organization Change in Jehovah's Witnesses, in: *Journal for the Scientific Study of Religion* 40, 2001, 11–25; *William Kaplan*, *State and Salvation: The Jehovah's Witnesses and Their Fight for Civil Rights*, Toronto 1989.

In the historical accounts published by Jehovah’s Witnesses themselves, they assert that their contribution to the definition and expansion of religious freedom plays a major role.¹⁸ The legal strategies of leading attorneys Joseph Rutherford, Hayden Covington, and Glen How as well as the courage of the average Witness of Jehovah, are highlighted. But these accounts not only enumerate the good results for their own religious community. “Strengthening the Guarantees of Freedom” and “Shaping of Constitutional Law” are claimed as effects of the religious group’s legal battles.¹⁹ Based on references from legal studies, an official history explains:

The activity of Jehovah’s Witnesses has, in some lands, been a major factor in shaping the law. Every American law student well knows the contribution made by Jehovah’s Witnesses to the defense of civil rights in the United States. [...] Their court cases make up a significant portion of American law relating to freedom of religion, freedom of speech, and freedom of the press. These cases have done much to preserve the liberties not only of Jehovah’s Witnesses but also of the entire populace.²⁰

With regard to the legal history of Canada, the same account quotes approvingly from the seminal study by law professor William Kaplan: “The Jehovah’s Witnesses taught the state, and the Canadian people, what the practical content of legal protection for dissenting groups should be.” Kaplan’s conclusion quoted here is that the Jehovah’s Witnesses court cases “made an important contribution to Canadian attitudes about civil rights, and they constitute the bedrock of civil-liberties jurisprudence in Canada today.”²¹ “One of the results’ of the Witnesses’ legal battle for freedom of worship ‘was the long process of discussion and debate that led to the Charter of Rights’, which is now part of the fundamental law of Canada.”²² Thus the enormous impact these cases and strategies had on legal and political culture in western democracies is acknowledged and emphasized in official statements by Jehovah’s Witnesses.

What is largely beyond dispute then, no matter which serious scholar is taken into consideration, is the enormous impact that the legal work of Jehovah’s Witnesses had over the decades. However, most accounts, including those of repre-

¹⁸ For a critical review of both the public image and the self-image of mid-century Jehovah’s Witnesses and their legal battles in the United States, see *Zoe Knox*, Jehovah’s Witnesses as Un-Americans? Scriptural Injunctions, Civil Liberties, and Patriotism, in: *Journal of American Studies*, 47, 2013, 1081–1108.

¹⁹ Jehovah’s Witnesses: Proclaimers of God’s Kingdom, ed. Watch Tower Bible and Tract Society of Pennsylvania, New York 1993, 683, 698. See also, e.g., *Victor Blackwell*, O’er the Ramparts They Watched, Aurora 1976; *A.H. Macmillan*, Faith on the March, Englewood Cliffs 1957; *W. Glen How*, “The Battle Is Not Yours, but God’s”, in: *Awake*, 22 April 2000, 18–24, <https://wol.jw.org/en/wol/d/r1/lp-e/102000287> (18 March 2020). Glen How’s law office is still operating for Jehovah’s Witnesses around the globe, <https://wghow.ca> (18 March 2020).

²⁰ Jehovah’s Witnesses: Proclaimers of God’s Kingdom (note 19), 698–699.

²¹ *Ibid.*, 699; *Kaplan*, State and Salvation (note 17), xii.

²² Jehovah’s Witnesses: Proclaimers of God’s Kingdom (note 19), 699; the quotation inside the quotation is from *Kaplan*, State and Salvation (note 17), 270.

sentatives of Jehovah's Witnesses, tend to give what I would call a functionalist reading of this impact on legal systems and the evolution of fundamental rights understandings: By deploying all the legal instruments at their disposal and in not giving up, neither in their legal nor in their religious activities, and by defending their beliefs and their way of life, Jehovah's Witnesses spear-headed a legal revolution they never had intended to start in the first place. Their "Strengthening the Guarantees of Freedom" for all or their "Shaping of Constitutional Law" for every citizen would then be more or less the unintended consequence of the legal self-defense of their own community and religious practices.

One of the few scholarly voices that would ascribe more than a functionalist agency to Jehovah's Witnesses, and rather speak of intentional efforts to shape and expand international law and fundamental rights regimes is probably James Richardson, whose analysis of ECHR cases depicts this religious community, their lawyers and legal corporations as human rights activists having established a working partnership with the court. In a process of division of labor religious freedom-related cases are prepared that have the potential for strengthening or expanding fundamental rights in general – in particular, but not only with a view to, Central Eastern and Eastern European states. Sometimes additional human rights NGOs are involved in these cases. This means Jehovah's Witnesses' legal activism in these cases gives a voice to all victims of human rights abuses and fights for fundamental freedoms in general. In the way these cases are structured from the very beginning, not only their own community is in view, but the fundamental rights of every human being.²³

4. The political ethics of a non-political community

If it is beyond dispute that Jehovah's Witnesses had a significant impact on the 20th and 21st century human rights (r)evolution, it remains a riddle why the discussion on their resistance against the National Socialist regime in Germany and Nazi-occupied Europe is sometimes still stuck in obsolete views denying the stand Jehovah's Witnesses, as individuals or as a group, have made for human rights. Even the otherwise unsurpassed historical account by Detlef Garbe, notwithstanding many later editions originating from a 1989 dissertation, engages in a critical discussion on the "exemplary" character of the Jehovah's Witnesses' resistance that today reads more like an affirmation of 1980s political certainties than like an adequate appreciation of Jehovah's Witnesses in the Nazi era. After words of recognition for the persecuted and resisting Jehovah's Witnesses, Garbe states that Jehovah's Witnesses

²³ Richardson, Update on Jehovah's Witnesses (note 16); *idem*, The European Court of Human Rights (note 16), 21–24.

fought for their (own) freedom of religion and community organizing, but not for the freedom (of all) in a more general and political sense. Their resistance to dictatorship was not motivated by a democratic attitude. Insofar their courageous stand in the “Third Reich” deserves respect and recognition, but they do not qualify as role models (*Leitbild*) in a democratic society. This, however, holds true for many victims of Nazi persecution and even for many political resistance fighters [...] They [Jehovah’s Witnesses] cannot claim an exemplary function (*Vorbildfunktion*) in a pedagogical sense.²⁴

From today’s historical perspective, there are three things wrong with this statement: First of all, even the politics of the “good examples” Garbe goes on to mention do not at all match democratic ideals of the postwar consensus in western democracies, as further research on crucial members of the resistance such as Dietrich Bonhoeffer or Claus Graf Stauffenberg has shown.²⁵ So what degree of democratic consciousness has to be reached before a person resisting the Nazi regime can be classified as a “role model”? And to what kind or school of democratic ideas did they have to be committed? There is no ideal 1980s democracy outside time and forever uncontested.

Secondly, this clearly shows that the whole set of underlying assumptions bears witness to the claim of a 1980s West German historiography which, in a “whiggish” way, thought itself to be in a superior position from which to heap political judgment on historical actors even in extreme historical situations. But there are good reasons that this is not the task of history, but an anachronism, an error of category.²⁶ We can today appreciate the enormous courage and humanity of the resistance against the Nazi regime without measuring it against the assumedly fixed, but in fact constantly changing, democratic ideas and practices of an age in which no one ever had to muster the same courage.²⁷ And this is not only a historical issue, but also a question of political theory. The time since the 1980s has shown that even today democracy can be manipulated for authoritarian and totalitarian purposes, and that there are competing and contradictory visions of democracy. Democracy can be a mere slogan that does not guarantee humane and human rights-oriented behavior. Democracies need both shared procedures

²⁴ Garbe, *Widerstand und Martyrium* (note 8), 554. All translations from the German, if not otherwise noted, are by the author. For a slightly different, somewhat mitigating translation of this quotation, see Garbe, *Resistance and Martyrdom* (note 7), 540–541.

²⁵ See, e.g., Sabine Dramm, *V-Mann Gottes und der Abwehr: Dietrich Bonhoeffer und der Widerstand*, Gütersloh 2005; Peter Hoffmann, *Claus Schenk Graf von Stauffenberg und seine Brüder*, Stuttgart 1992.

²⁶ See, e.g., Tim B. Müller, *Von der “Whig Interpretation” zur Fragilität der Demokratie: Weimar als geschichtstheoretisches Problem*, in: *Geschichte und Gesellschaft* 44, 2018, 430–465.

²⁷ See, e.g., Dramm, *V-Mann Gottes* (note 25); Linda von Keyserlingk-Rehbein, *Nur eine “ganz kleine Clique”? Die NS-Ermittlungen über das Netzwerk vom 20. Juli 1944*, Berlin 2019; Ulrich Schlie, *Claus Schenk Graf von Stauffenberg: Biografie*, Freiburg im Breisgau 2018; see also Karl Heinz Bohrer, *Die Entlarvung des 20. Juli: Man darf Stauffenberg nicht als einen Helden unserer heutigen Zeit sehen*, in: *Süddeutsche Zeitung*, 30 January 2009, <https://www.sueddeutsche.de/kultur/debatte-um-stauffenberg-die-entlarvung-des-20-juli-1.483411> (18 March 2020).

and shared values to work properly according to western, human and civil rights-based standards.²⁸

Thirdly, these values may be cultivated and put into practice by the most unexpected quarters in society. In the situation of Nazi dictatorship, the defense of human rights and human dignity may have mattered even more than political maneuvering. Jehovah's Witnesses rendered silent but steadfast opposition to totalitarianism, extreme nationalism, racism, violence and war, while large parts of German society, including the churches and even a number of the later resisters, supported the war in the first place. While Jehovah's Witnesses had never intended to topple the Nazi system, this regime would have collapsed immediately if everyone in German society had believed and lived like them. German mainline churches, rather than acknowledging without hesitation and without any qualification the courageous and humane resistance of Jehovah's Witnesses, and rather than apologizing for their own involvement in the Nazi persecution of Jehovah's Witnesses,²⁹ still engage in belittling or denigrating this resistance as selfish, or a result of group-pressure, or not properly Christian. This is an almost unheard-of phenomenon in a Germany society that is proud of its coming to terms with the Nazi past: the successor institutions of those complicit in Nazi crimes against a certain group assume the right today to judge that very same group of victims of Nazi persecution, and as a hopefully unintended consequence, downplay Nazi crimes.³⁰ The situation is reminiscent of a 1950s Federal Republic, when German society was still perpetuating National Socialist propaganda against Nazi vic-

²⁸ For analysis of contemporary developments, see, e.g., *Francis Fukuyama*, *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy*, New York 2014; *Ivan Krastev*, *Europadämmerung: Ein Essay*, Berlin, 2017; *Joshua Kurlantzick*, *Democracy in Retreat: The Revolt of the Middle Class and the Worldwide Decline of Representative Government*, New Haven 2014; *Steven Levitsky and Daniel Ziblatt*, *How Democracies Die*, New York, 2018; *Yascha Mounk*, *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It*, Cambridge, MA 2018. For contradictions in the history of democracy, see, e.g., *Margaret Lavinia Anderson*, *Practicing Democracy: Elections and Political Culture in Imperial Germany*, Princeton 2000; *Joris Gijzenbergh et al.*, eds., *Creative Crises of Democracy*, Brussels 2012; *Joanna Innes and Mark Philp*, eds., *Re-imagining Democracy in the Age of Revolutions: France, America, Britain, Ireland 1750–1850*, Oxford 2013; *Jussi Kurunmäki et al.*, eds., *Democracy in Modern Europe: A Conceptual History*, New York 2018; *idem and Johan Strang*, eds., *Rhetorics of Nordic Democracy*, Helsinki, 2010; *Jan-Werner Müller*, *Contesting Democracy: Political Ideas in Twentieth-Century Europe*, New Haven 2011; *Tim B. Müller and Adam Tooze*, eds., *Normalität und Fragilität: Demokratie nach dem Ersten Weltkrieg*, Hamburg 2015.

²⁹ See, e.g., with further references, *Gerhard Besier*, *Jehovas Zeugen in Deutschland*, in: *idem/Stoklosa*, eds., *Jehovas Zeugen in Europa – Geschichte und Gegenwart*, vol. 3, Berlin 2018, 129–268, at 166–169; *Garbe*, *Widerstand und Martyrium* (note 8), 70–76, 83–84, 96–99, 118–119.

³⁰ *Besier*, *Jehovas Zeugen in Deutschland* (note 29), 231–233; *Patrick Bahners*, *Zeugen Jehovas: Keine Beweiskraft*, in: *Frankfurter Allgemeine Zeitung*, 29 March 2005, <https://www.faz.net/aktuell/feuilleton/zeugen-jehovas-keine-beweiskraft-1211886.html> (18 March 2020); for a recent example: *Michael Utsch*, ed., *Jehovas Zeugen: Eine umstrittene Religionsgemeinschaft* (EZW Texte 255), Berlin 2018; more on this issue below.

tims such as Sinti and Roma, but it is certainly not appropriate in the historically enlightened Federal Republic of today.³¹ In fact, as we will see below, Jehovah’s Witnesses were in the 1920s and 1930s more committed to pluralism and human rights than their mainline church-based opponents, whose heirs in today’s churches continue to collaborate with authoritarian, if not totalitarian, regimes.³²

The oft-repeated insinuation of group-pressure, totally inappropriate for the courageous course of such a diverse group of so many different individuals – young and old, male and female, with and without family, physically firm and handicapped, German and non-German – shows also historical ignorance vis-à-vis life in a totalitarian society. As we are reminded by an insightful contribution to the recent and impressive volume of the NS-Dokumentationszentrum München on the persecution of Jehovah’s Witnesses between 1933 and 1945, the peaceful, non-violent resistance of Jehovah’s Witnesses demanded every day a huge number of individual decisions in a coordinated totalitarian society: “The pressure they were subject to was caused by the Nazi regime and its supporters, not by the own religious community. The many individual decisions taken as a result of the confrontation with the Nazi regime show individual differentiation and nuance. The individual spiritual and moral condition was the decisive factor for how far individuals would go” as resisters. This resistance was clearly religiously motivated, but it included also opposition to war and racism as well as the fight for the equality of all humans.³³

This is acknowledged by voices who can claim to speak for the few and isolated resisters in the Nazi-era churches – outsiders isolated from their official churches, churches supporting a war of extermination – such as Bonhoeffer’s nephew Klaus von Dohnanyi, son of key organizer of the military-political resistance, Hans von Dohnanyi. He portrays a totally different picture of Jehovah’s Witnesses in National Socialist Germany and even has argued that Jehovah’s Witnesses displayed qualities without which democratic civilization would not work. The former leading German social-democratic politician, in a more ethical than political way, pointed to Jehovah’s Witnesses as role models for a democratic society:

³¹ See, e.g., *Karola Fings*, *Schuldabwehr durch Schuldumkehr: Die Stigmatisierung der Sinti und Roma nach 1945*, in: Oliver von Mengersen, ed., *Sinti und Roma: Eine deutsche Minderheit zwischen Diskriminierung und Emanzipation*, Bonn 2015, 145–164.

³² See, e.g., the 2012 (13, no. 2) issue of *Religion – Staat – Gesellschaft* on “Freedom of Religion or Belief: Anti-Sect Movements and State Neutrality: A Case Study: FECRIS”; *Patricia Duval*, *Anti-Sect Movements and State Neutrality: The Case of FECRIS*, in: *Religion – Staat – Gesellschaft* 18, 2017, 133–146; or the contribution by *Wolfram Slupina* to this issue. On Putin’s Russia as a novel form of totalitarian regime: *Masha Gessen*, *The Future Is History: How Totalitarianism Reclaimed Russia*, New York 2017.

³³ *Christoph Wilker*, *Der religiös motivierte Widerstand der Zeugen Jehovas gegen das NS-Regime*, in: Nerdinger/Wilker, eds., *Verfolgung der Zeugen Jehovas* (note 7), 32–39, at 37; similarly, for the Soviet Union, *Baran*, *Dissent on the Margins* (note 7), 41, 52–53, 68–69, 251.

They were steadfast opponents of the Hitler regime because of their belief and the humaneness and brotherly love for their fellow humans resulting from their Christian belief. [...] The substances on which a modern society can be made safely democratic and humanistic are tolerance, decency, reliability, moral courage. [...] Only nations in which social dealings with each other are based on simple, direct, and humane foundations of decency [...] are safe as democracies. [...] The resistance of Jehovah's Witnesses against the Nazis reminds us of this simple truth. No antifascist party in the Weimar Republic – including my own Social Democratic party – can point to such a high percentage in their ranks of determined resistance as can the seemingly apolitical Jehovah's Witnesses. They showed us that faith and decency, humanistic values and committed humaneness have little to do with political party positions of the left or the right, but with the education and practice of religious and ethical values.³⁴

In this view, notwithstanding their non-political perspective and Christian neutrality in political affairs that are recognized also by Dohnanyi, Jehovah's Witnesses are seen as political actors in an ethical sense. Their political agency, and Dohnanyi is not the only one to make this point, is understood as agency in a field beyond the political issues of the day, a realm which may be called political ethics; "political" in the fundamental sense of living together and interacting in a "city" (*polis*), a community or society for which every individual citizen assumes responsibility. This view, 30 years after the peaceful revolutions in many of the former Soviet-dominated nations in Europe, might resonate with the political ethics in the dissident underground which claimed for itself a "parallel polis" beyond the political systems of their present and a way of "living in truth" characterized by values and ethics that are not political in themselves but would fundamentally change the realm of politics if translated into reality.³⁵

Not surprisingly, some politicians and intellectuals emerging from the dissident underground of the cold war, just as members of the "supra-political" resistance movements against Nazi Germany before them, have highlighted this particular political-ethical quality in the conduct and concepts of Jehovah's Witnesses. Their common experience seems to have been that ethics had become politics in totalitarian regimes. Some examples: Dutch law professor and conservative politician Isaac Arend Diepenhorst stated in an official survey of the Dutch state on the resistance

³⁴ Klaus von Dohnanyi, *Vergessene Werte und unsere Zukunft*, in: Hamburger Abendblatt, 7 April 1999, 14. See Hans von Dohnanyi, "Mir hat Gott keinen Panzer ums Herz gegeben": Briefe aus Militärgefängnis und Gestapo-Haft 1943–1945, ed. Winfried Meyer, München 2015; *Eliabeth Chowaniec*, *Der "Fall Dohnanyi" 1943–1945: Widerstand, Militärjustiz, SS-Willkür*, München 1991; *Marikje Smid*, *Hans von Dohnanyi – Christine Bonhoeffer: Eine Ehe im Widerstand gegen Hitler*, Gütersloh 2002.

³⁵ Tim B. Müller, *Die Verfolgung der Zeugen Jehovas im Nationalsozialismus*, in: H-Soz-Kult, 11 July 2019, <https://www.hsozkult.de/publicationreview/id/reb-27190> (18 March 2020); Baran, *Dissent on the Margins* (note 7), 42: Jehovah's Witnesses lived "as though Soviet power did not exist for them". For a prominent example of such dissident thought, see *Václav Havel et al.*, *The Power of the Powerless: Citizens against the State in Central-Eastern Europe*, ed. John Keane, Armonk, NY 1985.

against Nazism in 1950 that Jehovah’s Witnesses were part of the Dutch resistance and that the “religiously motivated willingness to make sacrifices” of these “religious, fanatically good-natured, non-revolutionary anarchists” had benefited the “fatherland”, even if, as a follow-up 1954 assessment elaborated, their resistance was in the service the “kingdom of God, not the kingdom of the Netherlands”.³⁶ Correspondingly, also individual Jehovah’s Witnesses after the war expressed their sense, in spite of all differences, of being part of a larger resistance against National Socialism. Concentration camp survivor Karl Pützmann fought in 1950 against a German Democratic Republic decree to deprive him and all other Jehovah’s Witnesses of their status as victims of the Nazi regime and wrote to state institutions:

By trying to exert pressure on us, to force us to advocate a certain political position, to advocate politics in general, the freedom of conscience and other basic rights of free humans are abolished. Everyone who stood with us in Nazi times in the united front of resistance, who was incarcerated under the same conditions, knows that we were neutral towards political issues even back then. Back then we all, Bible Students, Communists, or others, were all opponents of the Nazi regime, and we were all acknowledged equally. Is it democratic now to deprive a human being, by disregarding the torment he suffered, of his right to be a [victim of fascism]? Is it not one of the virtues of democracy to respect the opinion of others, even if one does not agree with them?³⁷

We may add some examples from the post-1989 world. A member of East German dissident circles and minister in the state of Brandenburg, Steffen Reiche, remarked in a 1998 speech that has been quoted by Jehovah’s Witnesses themselves: “The conduct of Jehovah’s Witnesses in the camps and prisons embodies virtues that are as essential today as they were in the past for the existence of a democratic constitutional state: namely, their steadfastness against the SS and their human sympathy toward their fellow prisoners. Given the increasing brutality against foreigners and against political or ideological dissenters, these virtues are a must for every citizen of our country.”³⁸ Following this line of thought, Austrian law professor Reinhard Moos added with regard to World War II war resisters:

The attitude of Jehovah’s Witnesses went far beyond the pacifist prohibition of killing. [...] The tragic dilemma was that on the one hand Jehovah’s Witnesses denied blind loyalty to the state because of their political neutrality, while on the other hand by this very political neutrality they became political opponents of the regime which claimed total submission. [...] The subjective neutrality of Jehovah’s Witnesses resulted in objective political resistance.³⁹

³⁶ *Tineke Piersma*, *Ihrem Glauben treu: Die Verfolgung von Jehovas Zeugen in den Niederlanden während des Zweiten Weltkriegs*, in: Besier/Stokłosa, eds., *Jehovas Zeugen in Europa – Geschichte und Gegenwart*, vol. 1, Berlin 2013, 433–511, at 500–502.

³⁷ *Bersch*, *Aberkannt!* (note 7), 221.

³⁸ *Lila Winkel* – die “vergessenen Opfer” des NS-Regimes: Die Geschichte eines bemerkenswerten Widerstandes, ed. *Wachturm Bibel- und Traktatgesellschaft*, Deutscher Zweig, Selters 1999, 3.

³⁹ *Reinhard Moos*, *Vorwort*, in: *Herrberger*, ed., *Denn es steht geschrieben* (note 7), 5–9, at 8–9.

The clearly anti-totalitarian and to a certain degree even democratic political ethics of Jehovah's Witnesses are also emphasized by a legal advisor to the Central European Office of Jehovah's Witnesses, Armin Pıkl. In a recent radio interview he explained that democracy means mostly living together in society, so democracy is also a way of life, a form of everyday living, and not only about politics and elections. Pıkl referred to the famous dictum coined by German legal scholar and constitutional court judge Ernst-Wolfgang Böckenförde, who had at the start of his distinguished career debunked some of the legends of alleged Catholic resistance against the Nazi regime, that the liberal state is dependent on preconditions which it cannot guarantee by itself. Jehovah's Witnesses, in this understanding, contribute to the well-being of modern, liberal, constitutional states, to a polity defined by freedom and the rule of law, simply by living according to their beliefs.⁴⁰

Thus, according to many testimonies and voices, the non-political religious way of life of Jehovah's Witnesses seems to correspond particularly well to societies and polities characterized by the rule of law, fundamental rights, and liberal ideas of democracy. Their way of life may even be thought of as a stabilizing force in rule of law-based democracies. The political ethics of Jehovah's Witnesses, which do not contradict their political neutrality, lead then, depending on historically changing political contexts, both to resistance against totalitarian politics and to a qualified consent with liberal states. Neutrality then is not tantamount to equidistance to any political order, but a reflected and consistent Christian position in changing historical constellations.⁴¹

5. The Bible Students' struggle for religious freedom in interwar Germany

The landmark court cases of Jehovah's Witnesses in the United States since the 1930s, in Canada in the 1940s and 1950s, or before the ECHR since 1993 have received much attention.⁴² However, there is a modest and almost overlooked German prelude. The small group of Bible Students in Imperial Germany had hardly come into conflict with the state, until the number of conscientious objectors from the Bible Students' ranks decisively rose in World War I.⁴³ After the

⁴⁰ Neutralität in einer zerstrittenen Welt, Bayern 2 Positionen, 14 January 2018, ca. 08:20–11:15 min, https://jwconf.org/sendungen/mp3/20180114_Bayern2%20Positionen_Neutralität%20in%20einer%20zerstrittenen%20Welt.mp3 (18 March 2020).

⁴¹ This includes resistance against racism and rescuing humans from genocide even at the price of their own life also in more recent periods such as in the 1994 Rwandan genocide, see, e.g., *Tharicisse Seminega*, *No Greater Love: How My Family Survived the Genocide in Rwanda*, Davenport, IA 2019.

⁴² *Coté/Richardson*, *Disciplined Litigation* (note 17); *Richardson*, *Update on Jehovah's Witnesses* (note 16).

⁴³ *Marcus Herrberger*, *Die deutschen Bibelforscher im Ersten Weltkrieg: Zwischen militärischem Ungehorsam und christlichem Gewissen*, in: *Religion – Staat – Gesellschaft* 16, 2015, 33–74; see also *Besier*, *Jehovas Zeugen in Deutschland* (note 29), 134–146.

war, Germany became the second-largest center of the international Bible Students movement after the United States. The democratic Weimar Republic granted religious freedom, and the pluralist Weimar society was a field of intense Bible Student activity and increase. This development also brought the Bible Students’ opponents to the scene, not only radical nationalists and National Socialists, but also conservative and church circles. The Protestant churches of Germany, which lost many of their state-church privileges in the German revolution of 1918 and rejected the new democracy, founded a new institution in 1921, the Apologetische Centrale, for monitoring and combating minority religions, which were derogatorily called “sects”.⁴⁴

The result of increased Bible Student activity and visibility on the one hand and rising opposition from nationalists and conservative church circles on the other hand was a growing number of lawsuits before German courts. These were mostly free-speech cases. Often instigated by church representatives or politicians close to the mainline churches, some municipalities and in the late Republic even the State of Bavaria tried to inhibit the Bible Students’ missionary activities by categorizing them as illicit door-to-door peddling. Bible Students fought for their religious freedom, and the courts most of the time followed their arguments and found in favor of them: in 1926, in 421 of 460 court rulings. From 1927 to 1929, the German Bible Students participated in 4,523 lawsuits. The number of cases kept increasing with the instability of the democratic republic. In 1932, 2,335 Bible Students’ court cases were pending.⁴⁵ But even in the existential crisis of democracy in Weimar Germany, higher courts such as the Administrative Court of the State of Baden on 15 June 1932 held in favor of the Bible Students and against the state government.⁴⁶ As mentioned, the situation in the State of Bavaria proved different, where the otherwise mutually hostile Nazi Party (NSDAP) and the conservative-Catholic government party BVP (*Bayerische Volkspartei*) joined forces in 1931 in order to prohibit the Bible Students’ activities in the public realm – a Bavarian forerunner of things to come in all of Germany in 1933.⁴⁷

The large number of court cases and the severe state measures in Bavaria, however, are just one part of the story. In spite of lobbying by anti-Bible Student, church-related forces, the German government upheld the religious freedom guaranteed by the Weimar constitution. This included the government led by the last

⁴⁴ *Besier*, Jehovas Zeugen in Deutschland (note 29), 146–167; *Garbe*, Widerstand und Martyrium (note 8), 58–85.

⁴⁵ *Bersch*, Aberkannt! (note 7), 25–26; *Besier*, Jehovas Zeugen in Deutschland (note 29), 166–167; *Garbe*, Widerstand und Martyrium (note 8), 78–79.

⁴⁶ *Garbe*, Widerstand und Martyrium (note 8), 84. The decision is also archived by Jehovas Zeugen in Deutschland Archives (JZDA), Selters, Dok. 1932/06/15–01/02. I would like to thank Debora Adler and Rebekka Schmidt from JZDA for providing me access to these records.

⁴⁷ *Garbe*, Widerstand und Martyrium (note 8), 82–84; *Besier*, Jehovas Zeugen in Deutschland (note 29), 167.

democratic chancellor of the republic, Heinrich Brüning of the Catholic Center Party.⁴⁸ Public authorities of the Weimar Republic came out in support of religious freedom, such as the police commissioner (*Polizeipräsident*) of the city of Magdeburg in the Prussian province of Saxony, where the national office of the German section of the International Bible Students was located, as well as other officials in the State of Prussia which was governed by a social-democratic prime minister. Against attempts to lump the Bible Students together with communist activities, Magdeburg police commissioner Menzel confirmed in 1928 that the *Internationale Bibelforscher-Vereinigung* (IBV) was an “entirely religious community which is concerned with religious matters only. In particular, political tendencies and activities are far from their minds”. So did his successor in 1932, as did the police commissioner and the criminal investigation department of the city of Berlin in 1929. In 1930 the Prussian minister of the interior sent an enactment to all police offices in the state. He admonished that the police should not take any action against the Bible Students, as this was a legally registered, entirely religious association. Their missionary work and distribution of religious book was fully legal and not economically motivated, and court cases had “always ended with acquittal”.⁴⁹ Also in 1930 the Prussian minister of education and culture intervened on behalf of the German International Bible Students Association in 1930 in Hungary, where the Bible Students were facing state repression.⁵⁰ And even in Bavaria, the seizure of publications of Jehovah’s Witnesses was stopped by the police in October 1932.⁵¹

The Bible Students seem to have devised a rudimentary legal strategy of their own to counter the rising number of lawsuits pressed by their opponents. A legal office (*Rechtsbüro*) was established in the German headquarters in Magdeburg in 1926.⁵² As records from the archives of Jehovah’s Witnesses in Germany demonstrate, not only did the legal office, headed by Hans Dollinger, intervene with public authorities, but also individual Bible Students were helped to file their complaints and defend themselves in court. Similar wording was used, which indicates a coordinated legal strategy, perhaps a first step towards “disciplined litigation”.⁵³

⁴⁸ *Garbe*, Widerstand und Martyrium (note 8), 84; *Besier*, Jehovas Zeugen in Deutschland (note 29), 167.

⁴⁹ Beglaubigte Abschrift, 28 April 1928, JZDA, Dok. 28/04/28; Bescheinigung, 19 March 1929, JZDA, Dok. 19/03/29; excerpt, Ministerial-Blatt für die preußische Innere Verwaltung, Runderlass des Ministers des Innern, 30 April 1930, JZDA, Dok. 30/04/30; *Bersch*, Aberkannt! (note 7), 26; *Garbe*, Widerstand und Martyrium (note 8), 79.

⁵⁰ *Annegret Dirksen*, Religionsfreiheit in Ungarn: Verfassungspolitik und -wirklichkeit am Beispiel kleiner Religionsgemeinschaften in Ungarn 1845–1945 unter besonderer Berücksichtigung der Horthy-Zeit, Berlin 2016, 263–264.

⁵¹ Polizeidirektion, Beck, to Bayerische Bezirksämter, 14 October 1932, JZDA, Dok. 1932/10/14.

⁵² *Garbe*, Widerstand und Martyrium (note 8), 79.

⁵³ See, e.g., JZDA, Dok. 1932/01/19–01; 1932/02/06–01; 1932/02/19–02; 1932/04/19; 1932/04/20; 1932/08/16–01; on the later legal strategy, *Coté/Richardson*, Disciplined Litigation (note 17).

The Bible Students received support in their legal work from the prominent Jewish lawyer Jacques Abraham, a Berlin defense lawyer, leading expert on administrative and civil service law and a member of the left-liberal German Democratic Party (*Deutsche Demokratische Partei, DDP*). Abraham and his wife became later victims of the Holocaust. They were deported and killed in Riga in 1942.⁵⁴ In Switzerland, among the impressive group of legal counsels to the Central European Office of Jehovah’s Witnesses in Berne in the interwar years, some of them social-democratic politicians, was Georges Brunshvig, not only a distinguished lawyer involved in the trial about the “Protocols of the Elders of Zion”, but future President of the Jewish Community of Switzerland. Brunshvig offered words of praise for his clients, for “they offered absolute, categorical resistance” against National Socialist totalitarianism.⁵⁵

There was also in-house legal counsel in the German office. The seemingly ubiquitous and energetic Hans Dollinger, who fought in the early years of Nazi dictatorship against the expropriation of German Bible Students Association and American Watch Tower Society property (whether or not he had a professional legal background), later distanced himself from the religious community.⁵⁶ But the judge and lawyer Alfred Mütze, born in 1869, defended his fellow believers in court after 1933 and was also active as an underground organizer of the community. Mütze, a legal advisor to the Magdeburg office of Jehovah’s Witnesses, operated together with his brother, fellow believer and fellow lawyer Camille Mütze from his Dresden law office. Alfred Mütze served briefly as a member of the board of directors of a short-lived North German Bible Students Association in 1933. He was the responsible “elder” for the Dresden congregation of Jehovah’s Witnesses, one of the largest anywhere. Jehovah’s Witnesses subject to accusation and persecution kept seeking his advice and help. A Bible Student since 1917 and a judge in the State of Saxony until 1931, the now-aged Mütze was arrested several times by the Gestapo, not only for defending fellow Jehovah’s Witnesses in court, but also for organizing illegal meetings and underground missionary activity, as well as for not participating in Nazi elections and other political activities. He had also

⁵⁴ Jacques Abraham to Prussian Minister of science, culture and education, 21 October 1929, JZDA, Dok. 1929/10/29; *Dirksen*, Religionsfreiheit in Ungarn (note 50), 263. On Abraham, *Hellmuth Günther*, Dr. Jacques Abraham, Beamtenrechtler der Weimarer Republik: Lebensbild, Gedenkblatt, in: *Zeitschrift für Beamtenrecht* 53, 2005, 221–244.

⁵⁵ *Esther Martinet*, Jehovas Zeugen in der Schweiz und im Fürstentum Liechtenstein, in: *Besier/Stoklösa*, eds., *Jehovas Zeugen in Europa*, vol. 3 (note 29), 571–702, at 631, 633–634 (quotation), 682; *Max Wörnhard*, Rechtskämpfe und rechtliche Stellung der Zeugen Jehovas in einer Demokratie wie der Schweiz, in: *Katarzyna Stoklösa and Andrea Strübind*, eds., *Glaube – Freiheit – Diktatur in Europa und den USA*, Göttingen 2007, 501–515; on Brunshvig, without reference to his role as legal counsel to Jehovah’s Witnesses, *Hannah Einhaus*, *Für Recht und Würde: Georges Brunshvig: Jüdischer Demokrat, Berner Anwalt, Schweizer Patriot (1908–1973)*, Zürich 2016.

⁵⁶ *Garbe*, *Widerstand und Martyrium* (note 8), 92–96, 109–112, 131–135; *Besier*, *Jehovas Zeugen in Deutschland* (note 29), 215.

reproduced prohibited Bible Student leaflets in his office. Between 1933 and 1936, he served at least 14 months in prison. Arrested again in 1938, the court attested that Mütze “adhered with incomprehensible stubbornness to the ideas of the IBV”. As with many Jehovah’s Witnesses cases, his acquittal due to health reasons led to immediate arrest by the Gestapo under the guise of “preventive detention”, which usually meant by this time incarceration in a concentration camp. This is the last trace of Mütze; it is most likely that, frail and almost 70 years of age, he died in Nazi imprisonment. His wife Johanna, born 1878, seems to have survived; she appears in a 1946 list of group organizers of Jehovah’s Witnesses in the Soviet Occupation Zone, where she directed a group of the religious community in the city of Brandis close to Leipzig.⁵⁷

6. Crusade against Christianity and the anti-totalitarian fight for human rights

A key quotation from *Crusade Against Christianity: The Modern-Day Persecution of Christians: A Collection of Documents*, published in Switzerland in 1938, gets to the heart of the argument for religious freedom advanced in this book:

These reports are an ear-piercing alarm call. Not merely to come to the aid of those who fight for the Christian freedom of thought and conscience and who are threatened in Germany by extermination through murder, torture, ostracism and psychological torment of any kind. To their rescue will come the One whom they are standing up for: Jehovah God. Rather, this alarm call is sounded to the remainders of the world that are not yet enchained but surrounded everywhere by dictatorship: Your human rights, your fundamental freedoms are in danger! What you think you achieved in centuries of cultural development can collapse over night.⁵⁸

How do we deal with this claim? Is it simply instrumental, in order to raise attention to the case and persecution of Jehovah’s Witnesses? Or is there more behind it – a deliberate, intentional fight for human rights and fundamental freedoms,

⁵⁷ *Jens-Uwe Lahrz*, Nationalsozialistische Sondergerichtsbarkeit in Sachsen: Das Beispiel der Verfolgung der Zeugen Jehovas in den Jahren von 1933 bis 1940, Frankfurt 2003, 150–152 (quotation); *Garbe*, Widerstand und Martyrium (note 8), 88–89; JZDA, Alfred Mütze file; Verzeichnis der Ortsgruppen in der SBZ, Dok. 1946/04/01. I thank Falk Bersch for bringing this document to my attention. The present author engages in a research project on Alfred Mütze and his legal activities.

⁵⁸ *Franz Zürcher*, Kreuzzug gegen das Christentum: Moderne Christenverfolgung: Eine Dokumentensammlung, Zürich 1938, 194. The original German reads: “Diese Berichte sind ein gellender Alarmruf. Nicht allein, um jenen Kämpfern für christliche Geistesfreiheit zu Hilfe zu eilen, die dort in Deutschland durch Mord, Folterung, Boykott und seelische Martern aller Art mit Ausrottung bedroht werden. Ihnen wird der helfen, für den sie eintreten: Jehova Gott. Vielmehr gilt dieser Alarmruf aller übrigen, von Diktaturfesseln noch nicht geknebelten, aber überall umspunnenen Welt: Eure Menschenrechte, Eure elementarsten Freiheiten sind in Gefahr! Was Ihr in Jahrhunderten kultureller Entwicklung errungen zu haben glaubt, über Nacht kann es zusammenbrechen!” – Further references to this book (abbreviated: *Kreuzzug*) are given in the main text in brackets.

even based on a distinctive understanding of modern dictatorship and the fragility of modern civilization?

The way to approach such issues is by historical contextualization. It is important to note that *Crusade Against Christianity* is not a one-off, and it is not a purely local event. As research on the production and the reception of the book by Detlef Garbe, Esther Martinet and Johannes Stephan Wrobel has shown, *Crusade Against Christianity* was compiled and written in Switzerland in the Central European Office (*Zentraleuropäisches Büro*) of Jehovah’s Witnesses in Berne, but with full support from the world headquarters of Jehovah’s Witnesses in the United States. The book itself is an important document of German literature in exile. It presented mainly press coverage and underground reports by persecuted German Jehovah’s Witnesses, clandestinely smuggled out of the Nazi Reich. The collection of these reports is deeply impressive. Comparing it to a well-known and influential 1933 report on the Nazi persecution of the political left and communist anti-Nazi propaganda coup, the Gestapo called it the “Brown Book” of the International Bible Students Association (“Braunbuch der IBV”). It was published by Europa-Verlag, a house that published books by Thomas Mann and other leading literary figures exiled from Nazi Germany. Thomas Mann met with the head of the Central European Office, Martin Christian Harbeck, and supported the publication of the book. He even wrote a letter as an endorsement that was appeared in later editions and French and Polish translations of the book. Although published by Europa-Verlag, the book was printed in the Watchtower printery, and 11,000 of the 15,000 copies of the first edition were bought by the Central European Office of Jehovah’s Witnesses in Berne. The book was again advertised and distributed by Jehovah’s Witnesses after World War II. There were about 30,000 books printed altogether. *Crusade Against Christianity* received substantial contemporary attention in the Swiss, French and American media.⁵⁹

Swiss press reports called *Crusade Against Christianity* in 1938 a “book of martyrs” and “one of the very best collections of material on the Third Reich,” comparing it to the most famous examples of underground and concentration camp literature known at that time. One article even stated: “Had European statesmen and party leaders shown just a small fraction of the courage of Jehovah’s Witnesses, the world would have been spared the appalling crimes of the demons of our age.” However, the book was, like other publications of Jehovah’s Witnesses, banned and confiscated in 1940 by Switzerland in fear of Nazi invasion and not without Nazi sympathizers of its own. Harbeck left Switzerland for the United

⁵⁹ Garbe, *Widerstand und Martyrium* (note 8), 35–36, 260; Johannes Stephan Wrobel, Eine “em-pörende Faktensammlung”: Das Buch “Kreuzzug gegen das Christentum” 1938 als Zeitdokument der NS-Verfolgung von Zeugen Jehovas, <http://www.jwhistory.net/text/wrobel-zuercher1938.htm> (18 March 2020). I want to thank Johannes Stephan Wrobel for providing me a footnoted version of his important and indispensable article.

States. Only at the end of September 1944 were the books returned and all restrictions on Jehovah's Witnesses in Switzerland lifted again.⁶⁰

Crusade Against Christianity attracted most attention and praise for its detailed documentation of Nazi crimes, including diagrams of concentration camps drawn by Jehovah's Witnesses camp inmates such as Arthur Winkler, one of the coordinators of the German and later the Dutch underground of the Christian community. Harbeck's deputy, the Swiss citizen Franz Zürcher was named as editor, but the German-American Harbeck was the main author. He used about 80 underground reports from Jehovah's Witnesses in Germany and Nazi-governed Danzig. These reports, collected by Erich Frost and other key organizers of Jehovah's Witnesses in Germany, were smuggled out of the Nazi realm by secret couriers risking their lives. In addition, official documents and news reports were used to document the brutal persecution. The Central European Office in Berne had become the hub of the transnational network of the Jehovah's Witnesses' legal and underground activity in many European countries after 1933. Not only were reports on persecution and underground information of any kind as well as printed religious material sent or smuggled in and out of Switzerland, the Swiss office also was a safe haven for refugees from other European countries, including Germany.⁶¹ The Central European Office even published some of the farewell letters written by German conscientious objectors shortly before their execution. These letters were circulated in the German underground and had a great impact on the German Jehovah's Witnesses by giving them examples of martyrs to emulate, thereby strengthening their courage and perseverance. Some of these letters were smuggled into Switzerland.⁶²

The book *Crusade Against Christianity* was addressed to the public, even the global public, but from many sources it is obvious that it had also a major impact on Jehovah's Witnesses themselves. It was smuggled out of Switzerland and soon read by believers inside Nazi Germany and Austria. For young believers in particular, reading *Crusade Against Christianity* was a formative or even transformative experience, as memoirs from Hermine Schmidt (living in Danzig) or Simone Arnold Liebster (in Alsace) reveal. By prompting a level of reflection that transcended adolescence, it strengthened their religious conviction and their determination to follow the course of Christian martyrs, if Nazi dictatorship forced them to do so.⁶³ Simone Arnold Liebster writes how closely her parents and fellow Jehovah's Wit-

⁶⁰ *Wrobel*, Eine "empörende Faktensammlung" (note 59); *Martinet*, Jehovas Zeugen in der Schweiz (note 55), 663–665, 674–677, 681–683.

⁶¹ *Wrobel*, Eine "empörende Faktensammlung" (note 59); *Martinet*, Jehovas Zeugen in der Schweiz (note 55), 620–691.

⁶² *Johannes Wrobel*, "Auf Wiedersehen!": Abschiedsbriefe von zum Tode verurteilten Zeugen Jehovas im NS-Regime, in: Herrberger, ed., Denn es steht geschrieben (note 7), 237–326, at 273–288.

⁶³ *Wrobel*, Eine "empörende Faktensammlung" (note 59); *Hermine Schmidt*, Die gerettete Freude: Eine junge Frau geht mutig ihren Weg in einer Zeit bitterer Verfolgung (1933–1945), Kopenhagen 2007, 89–91.

nesses in Alsace were reading the book already in 1938, and that she intended to re-read it when her father was deported to a concentration camp in late 1941, soon before her own ordeal of incarceration inside Nazi Germany began.⁶⁴

7. Inside a book from inside Nazi Germany

Few historians or religious studies scholars have engaged in a close reading of the book itself. In one sympathetic analysis, the apologetic intention, the religious perspective on persecution in Nazi Germany, of the introductory chapters is emphasized: “The aim is not a objective, historical account”.⁶⁵ So it seems to the present-day reader, even the theologically informed. But it is striking that contemporary readers, Thomas Mann being only the most prominent one, did not have the impression that the religious perspective overshadowed the historical account. Among them were journalists, politicians in exile, and clergymen. They compared the book to the best and most famous reports on Nazi Germany of the day, as we have just seen above. It was treated as a factual report, while no one complained about the religious perspective in the first part of the book. How can this be? The answer is the book itself.

A close reading of the book and additional sources will also offer further insight into the political-ethical concepts and conduct of Jehovah’s Witnesses in the 1920s and 1930s. Contexts matter again: The fight for religious freedom and human rights was in this period much more couched in political terms rather in technical legal language. An important reason for this is that the technical legal language of human rights, the whole international legal framework with institutions and professional careers in the field, did not yet exist as it did in the Cold War or later periods, but was still in the process of emerging.⁶⁶ And in this process the political ethics of what it meant to be a Christian, the anti-totalitarian dimension of the Christian belief and way of life of Jehovah’s Witnesses, was openly argued, without ignoring or compromising the doctrine and practice of Christian political neutrality, which was both in doctrine and practice well-developed at that time and never called into question.

This historical constellation is crucial. The confrontation over religious freedom and human rights took place in intellectual or discursive contexts different from later periods. Terminology was different: As a positive evaluation of “religion” was uncommon among Jehovah’s Witnesses at that time (see, e.g., *Kreuzzug*, 16, 17–20, where “religion” is opposed to “Christianity”), they rather defended the freedom

⁶⁴ *Simone Arnold-Liebster*, *Allein vor dem Löwen: Ein kleines Mädchen widersteht dem NS-Regime*, Esch-sur-Alzette 2013, 98, 180, 379.

⁶⁵ *Gabriele Yonan*, *Jehovas Zeugen: Opfer unter zwei deutschen Diktaturen, 1933–1945, 1949–1989*, Berlin 1999, 30.

⁶⁶ See, e.g., *Samuel Moyn*, *The Last Utopia: Human Rights in History*, Cambridge, MA 2010.

of conscience and belief (e. g., *Kreuzzug*, 27, 66–67, 194, 213), thereby following contemporary intellectual and political parlance,⁶⁷ but occasionally the term “religious freedom” (*Religionsfreiheit*), which is deployed in this article as equivalent term, was used as well (*Kreuzzug*, 91). As Samuel Moyn and other scholars have shown, human rights language was in the 19th and early 20th centuries by and large a post-revolutionary language, the language of the left and liberals, the language of democracy (and occasionally the language of communist imitations of democracy). Human rights, however, were also the medium by which Christian thinkers and politicians started to approach, and finally embrace, democracy. This proved particularly true for Catholic thinkers and politicians who created an early version of Christian democracy. They would speak repeatedly of human rights and human dignity in the 1920s and 1930s.⁶⁸

To be sure: Jehovah’s Witnesses were not part of this development. They never supported any political party nor any specific political order or political program. But their demand for religious freedom included an appreciation of human rights in general and even of democracy in a very broad, ethical sense, as *Crusade Against Christianity* and additional texts indicate in several aspects:

1. There was a contemporary discussion on human rights that traced the origins of human rights back not to the French Revolution, but to the fight for religious freedom by dissenting Christian groups in early modern Britain and most notably in colonial America. The leading proponent of this reading in Germany, Georg Jellinek, portrayed religious freedom and the freedom of conscience as the historically first and the most fundamental of all human rights, and his evidence included texts by Christian dissenters who used the divine name Jehovah.⁶⁹ Jellinek’s argument included an appreciation of democracy: “the principle of religious freedom”, which received “constitutional recognition” first in America, was “most intimately intertwined with the great religious-political movement from which American democracy originated”.⁷⁰ While there is no evidence that Jehovah’s Witnesses had read Jellinek or other contributions to this debate, which had

⁶⁷ The most important German text on fundamental and human rights of the age, published in new editions in 1919 and 1927, called religious freedom “Denk-, Glaubens-, Gewissensfreiheit” (freedom of thought, belief and conscience) and considered it to be the very first individual right to freedom; *Georg Jellinek*, *Die Erklärung der Menschen- und Bürgerrechte*, in: Roman Schnur, ed., *Zur Geschichte der Erklärung der Menschenrechte*, Darmstadt 1964, 1–77, at 57, see also 49–50; the term religious freedom is used as well, 42, 44, 50–51.

⁶⁸ See, e. g., *Samuel Moyn*, *Christian Human Rights*, Philadelphia 2015; *Hans Joas*, *Die Sakralität der Person: Eine neue Genealogie der Menschenrechte*, Berlin 2015; *Müller*, “Whig Interpretation” (note 26), 461–465.

⁶⁹ *Jellinek*, *Erklärung* (note 67), 45, 57. This and other key texts of that time are collected by Schnur, ed., *Geschichte der Erklärung* (note 67); see also Hans Carl Nipperdey, ed., *Die Grundrechte und Grundpflichten der Reichsverfassung: Kommentar zum zweiten Teil der Reichsverfassung*, 3 Bde., Berlin 1929–1930.

⁷⁰ *Jellinek*, *Erklärung* (note 67), 52.

started in the early 1900s and continued in the 1920s, it is obvious from *Crusade Against Christianity* and other texts of that time that religious freedom was considered to be the first and foremost of human rights, the foundation of the fundamental freedoms which were God-given.

2. In their literature, both in magazines and tracts running a circulation of millions even in German, Jehovah’s Witnesses showed a cautious religious appropriation of the idea of democracy that was so much in vogue in those days.⁷¹ For example, an article in the German November 1, 1929 edition of *The Watchtower* on postwar reconstruction stated: “The world war of 1914 to 1918 was fought to make the world safe for democracy. Democracy means the political, social, and legal equality of human beings. This is the ideal condition intended by God.”⁷² This article then goes on to explain that only God’s Kingdom can create true and lasting democracy.⁷³ But it is obvious from this and other Bible Student writings that they saw a connection between a political order that guarantees religious freedom and respects the rule of law and democracy in a broad and nonpartisan sense.

3. *Crusade Against Christianity* adds more nuance to this understanding. It is a deeply Christian, apolitical, politically neutral book – but it is at the same time, as a result of Christian conduct and belief, a deeply anti-totalitarian book. Democracy becomes the umbrella term for non-totalitarian political order. In this 1938 book, the world is divided in a totalitarian camp, the camp of dictatorship and fascism, which is also called “the fascism assaulting all freedom” or “the European fascist conspiracy” (*Kreuzzug*, 42, 69), similar to what Hannah Arendt named it a few years later,⁷⁴ on the one side and the democratic camp on the other side (*Kreuzzug*, 25, 27, 39–71). The enemies of Jehovah’s Witnesses were also labeled enemies of democracy (*Kreuzzug*, 58, 65). While communist crimes were not totally ignored, the book prominently criticized anti-Bolshevism as a fascist

⁷¹ For Bible Students in interwar Germany and the circulation of their publications, see *Besier*, *Jehovas Zeugen in Deutschland* (note 29), 146–167; *Garbe*, *Widerstand und Martyrium* (note 8), 58–85. The Bible Student magazine “The Golden Age” (*Das goldene Zeitalter*) was advertised in 1926 as “philanthropic journal”, a circulation of 270,000 for each issue was stated; *Das Photo-Drama der Schöpfung: Wissenschaft, Geschichte, Philosophie, aufgebaut auf das Wort Gottes*, 6th edition, ed. Internationale Vereinigung Ernster Bibelforscher, Magdeburg 1926.

⁷² *Wiederaufbau der Welt: Warum, wie und wann?*, in: *Der Wacht-Turm*, 1 November 1929, 333–335; the German original reads: “Der Weltkrieg von 1914–1918 wurde gekämpft, um die Welt für die Demokratie zu sichern. Demokratie bedeutet politische, gesellschaftliche und gesetzliche Ebenbürtigkeit der Menschen. Das ist der ideale und von Gott beabsichtigte Zustand.”

⁷³ That stable and good government can only be guaranteed by God was also the message of a book that discussed different systems of government, *Joseph F. Rutherford*, *Regierung*, ed. Internationale Bibelforscher-Vereinigung and Wachturm Bibel- und Traktat-Gesellschaft, Magdeburg 1928.

⁷⁴ *Arendt*, *Approaches to the “German Problem”* (1945), in: *eadem*, *Essays* (note 2), 106–120; *eadem*, *The Seeds of a Fascist International* (1945), in: *ibid.*, 140–150; *eadem*, *Elemente und Ursprünge* (note 2), 529–558.

strategy (*Kreuzzug*, 43, 53–54, 59) to excite the masses and attract the European bourgeoisie and receive the support of the Catholic Church.

4. The anti-totalitarian nature of the book becomes obvious by many brief but highly insightful observations on the nature of National Socialism. There are a number of observations that are more than faintly reminiscent of analyses and depictions of totalitarianism by contemporaries such as Hannah Arendt, Bruno Bettelheim, or George Orwell. Some aspects include how totalitarianism turned lies into truth, how it developed strategies such as the *Hitlergruß* to force people to demonstrate daily their political loyalty to the dictator, and thus aimed at the totalitarian deformation of their souls and the “control of conscience” (*Kreuzzug*, 88, 134).

5. Also the book analyzes the way the Nazi regime exploited the instruments of the *Rechtsstaat*, the rule of law, to create an *Unrechtsstaat*, a state of injustice and despotism, offering lucid comments that sound like Ernst Fraenkel’s 1938 dissection of the Nazi *Dual State* in a nutshell. Bible quotations, in particular Psalm 94:20 about a “throne of iniquity [...] which frameth mischief by a law” (*King James Bible*), were used to support this analysis. The Nazi state gave itself the appearance of law and order and legality, but it made injustice its basic rule and started to persecute religious dissenters by systematic terror (*Kreuzzug*, 28, 112, 115, 123). The 28 February 1933 decree “for the protection of the people and the state” is singled out as the key instrument to destroy the rule of law and constitutional rights in Germany (see, e.g., *Kreuzzug*, 75, 112). This corresponds to research starting with Fraenkel, who called this *Reichstagsbrandverordnung* the “constitutional charter of the Third Reich”, and, as is not widely known, the outlawed Jehovah’s Witnesses play an important role in Fraenkel’s argument.⁷⁵ According to Karl Dietrich Bracher, the decree marked the replacement of the Weimar constitution by the permanent state of emergency and the framework for *Gleichschaltung* (co-ordination) and permanent terror.⁷⁶ Jehovah’s Witnesses had lived experience as evidence, for the *Reichstagsbrandverordnung* was the framework for the prohibition and persecution, for the imprisonment and “preventive custody” of Jehovah’s Witnesses ever since 1933.⁷⁷

6. The recurring statements in *Crusade Against Christianity* on religious freedom, human rights, and fundamental freedoms clearly show a pluralist understanding of modern society. The book proposes a strong notion of minorities;

⁷⁵ Ernst Fraenkel, *The Dual State: A Contribution to the Theory of Dictatorship*, New York 1941, 3 (quotation), 17, 53–55, 117. Large parts of the book were finished by the time of Fraenkel’s exile in 1938; Ernst Fraenkel, *Der Doppelstaat*, ed. Alexander von Brünneck, Hamburg 2001.

⁷⁶ Karl Dietrich Bracher et al., *Die nationalsozialistische Machtergreifung: Studien zur Errichtung des totalitären Herrschaftssystems in Deutschland 1933/34*, Wiesbaden 1962, 87.

⁷⁷ Garbe, *Widerstand und Martyrium* (note 8), 90–93, 136–146, 150–152, 266. Only after the beginning of World War II did additional wartime decrees become as crucial for legally justifying the persecution as the 28 February 1933 decree had been before, see *ibid.*, 346.

minorities are to be protected. The treatment of minorities is the key criterion that distinguishes the rule of law from dictatorship. Fascism is opposed to individual freedom and aims to destroy minorities, while the book defends the individual rights and freedom of every human being (*Kreuzzug*, 27, 42, 197). The idea of a racially homogenous *Volksgemeinschaft* finds no support by true Christians: racism and colonial violence by Europeans in Africa are condemned (*Kreuzzug*, 41, 106, 135, 213), and the book approvingly quotes the words of a Catholic anti-fascist from Spain that “fascism is the negation of everything Christian” (*Kreuzzug*, 48). This indicates that Jehovah’s Witnesses embraced multi-cultural, multi-religious, pluralist society for religious reasons. The spread of “the fascist ideology”, which justified violence and terror against minorities and dissenters, could result in a *Völkermorden*, a notion that means here a new total war and not yet genocide, as well as in “self-destruction” and in the assault on life as such (*Kreuzzug*, 71).

It is an irony of history that some of the fiercest critics of Jehovah’s Witnesses today still reveal a deeply anti-pluralist and anti-minority understanding of society, even in German mainline churches, that is reminiscent of the homogenous *Volksgemeinschaft*, as a recent publication on Jehovah’s Witnesses demonstrates. These critics bring forward arguments in the tradition of their anti-democratic, anti-pluralist predecessors of the 1920s and 1930s and seem to have avoided a proper “denazification” and “re-education” of their field. The understanding of democracy in these polemics is not liberal-pluralist, while Jehovah’s Witnesses in the 1930s defended religious and cultural pluralism against Nazi attacks and ideas of national and racial homogeneity and superiority. Institutions and ideas perpetuating the spirit of the anti-pluralist forces of the 1920s and 1930s are obviously in need of unsparing historical reflection and relentless (self-)criticism.⁷⁸

⁷⁸ A particularly revealing, recent example is the official Protestant church text by Utsch, ed., *Jehovas Zeugen* (note 30), a collection of essays that, in ignorance of the bulk of serious research, constructs the enemy stereotype of a Jehovah’s Witnesses collective without room for individual differences. This dubious and unscientific procedure disregards the individual believer and his or her human dignity and singularity as a human being (37). “Conflict” is seen in an anti-pluralist perspective as the odium of the other, the “sect”, while any pluralist thinker or politician would welcome conflict as a medium of democratic debate and integration. To ask the polemical and denigrating question whether Jehovah’s Witnesses are the object of “total control”, even if answered to the negative, to a degree at least, by some of the authors, is discriminatory, as the language insinuates a proximity to totalitarianism, to which the Bible Students/Jehovah’s Witnesses were opposed like no mainline church. One of the authors even speaks of the “totalitarianism” of Jehovah’s Witnesses (3–4, 15, 25). Group pressure (the possibility of authentic, individual faith does not even occur to the author) is implied as the main motivation of Jehovah’s Witnesses (10), an insinuation which has time and again been disproved by history (see above, section V), of which the author is unaware. Personal fashion preferences of authors replace research, and historical evidence is disregarded (5–6). Just as the enemies of religious pluralism in the 1920s did, so are Jehovah’s Witnesses again wrongly blamed to run economic enterprises (7). The victims of discrimination, including children, are treated as the true perpetrators, because they do not adapt far enough to the majority of society. Anti-pluralism, anti-minorities- and anti-fundamental rights-thinking is stated bluntly by way of an affirmation

7. While totalitarianism in *Crusade Against Christianity* is obviously doing the devil's will and work, democracies that guarantee human rights and religious freedom, while still part of the world alienated from God, are in a different category. The world at this historical moment is polarized in two camps, and one of them, in this very moment and in these very conditions, may unwittingly do the will of God by keeping up the rule of law and guaranteeing human rights. Fascism is the declared enemy of freedom, the enemy of the individual human being, the enemy of life (*Kreuzzug*, 42, 71). When the book speaks in commendatory ways of democracy, which it does several times, democracy is used in a supra-political, non-partisan sense: democracy is here the name for all those regimes that respect human dignity and religious freedom, for a political order that is not an open enemy of Christianity (e. g., *Kreuzzug*, 58, 65–66). This view had a tradition. As early as October 1929, years before Hitler came to power and prior to the first major electoral success of the Nazi Party in 1930, the Bible Students' journal *Das goldene Zeitalter* stated:

National Socialism is one of those extreme phenomena of the German people's collective soul, overwrought by events, of which our age is so rich in. It is without doubt [...] a movement which, wittingly or unwittingly, directly serves the enemy of mankind, the devil, and opposes Jehovah, the great creator of heaven and earth. [...] National Socialism is a disease which will come to its end in due course. [...] After its most extreme escalation, it will meet even more despicable demise.⁷⁹

The widely circulated 1939 booklet *Fascism or Freedom* continued some years later that Hitler, “an unmerciful, cruel, fanatical man who totally despises the freedom of the people”, was put into power “by the devil as the devil's deputy”.⁸⁰ Coherent criticism of National Socialism and the Nazi regime and politics characterized the political-ethical position of the Bible Students and Jehovah's Witnesses in the

of “culturally grown and socially eminent celebrations” such as birthday or Christmas in which Jehovah's Witnesses do not participate (9). Not only is a minority blamed for intolerance in German society against minorities, this statement also reveals deep provincialism, Euro- and Germanocentrism. And so it goes on, page after page; space does not allow a discussion of all these insinuations and reproaches against a minority group who were victims of Nazi persecution. It is all about an enemy stereotype, not humans, not individual believers, not the resisters against racism and war. It is a shame that a major German institution has supported as late as 2018 such a defamation of victims of Nazism – an institution that was complicit both in sustaining Nazi dictatorship and in National Socialist crimes; see, e. g., *Robert P. Ericksen and Susannah Heschel*, eds., *Betrayal: German Churches and the Holocaust*, Minneapolis 1999; *Manfred Gailus*, ed., *Täter und Komplizen in Theologie und Kirchen 1933–1945*, Göttingen 2015; *idem and Clemens Vollnhals*, eds., “Für ein artgemäßes Christentum der Tat”: *Völkische Theologen im “Dritten Reich”*, Göttingen 2016.

⁷⁹ *Hakenkreuz?*, in: *Das goldene Zeitalter*, 15 October 1929, 316.

⁸⁰ *Joseph Franklin Rutherford*, *Faschismus oder Freiheit*, ed. Watch Tower Bible and Tract Society, Bern 1939, 11. It had a circulation of several millions, was translated in many languages and distributed in 14 countries; *Nerding/Wilker*, eds., *Verfolgung der Zeugen Jehovas* (note 7), 157. The original by *Rutherford*, *Fascism or Freedom*, ed. Watch Tower Bible and Tract Society of Pennsylvania, New York 1939, 11 reads: “The Devil has put his representative Hitler in control, a man who is of unsound mind, cruel, malicious and ruthless, and who acts in utter disregard of the liberties of the people.”

1920s, 1930s and 1940s. Even inside Nazi Germany, defying the agents of totalitarian surveillance, they clandestinely organized large-scale public protest campaigns with the aim of informing the German people about the criminality of the National Socialist regime.⁸¹

8. The Christian defense of human rights extended explicitly to other minorities, even to the few persecuted or resisting members of the mainline churches. Jehovah's Witnesses were in fact fighting for what they considered the Jewish-Christian tradition. The persecution of Jews and the anti-Semitism of the Nazi regime were exposed and attacked: “Hitler mobilizes the pagan fire of hatred for Jews and Christians and orders to destroy thousands of Jews and Christians in the Third Reich”. Anti-Semitism and the resentment against Jehovah's Witnesses are seen as related and similarly constructed ideologies, based on vicious propaganda that serves the purpose of glorifying violence and justifying terror (*Kreuzzug*, 59, 71). Research by Detlef Garbe has documented that from the very beginning, even before their rise to power, the National Socialists treated the Bible Students as part of an imagined Jewish “world conspiracy” or as a “Jewish-Bolshevist” movement. Many Bible Students' statements from the 1920s and 1930s acknowledged the Jewish roots and foundation of Christianity, defended the Old Testament of the Bible, and occasionally also ascribed to the Jewish people a special role in the present, in a way that was by some read as “pro-Zionist”. Right-wingers, anti-Semites, and Nazis attacked the Bible Students' because of their perceived closeness to Jews.⁸² In contrast to the Catholic and much more so the Protestant mainline churches, which opened up to advocates of radical anti-Semitism or in fact preached it, even a traditional, theological anti-Judaism was totally foreign to the doctrine of the Bible Students in the 1920s.⁸³ It is a matter of debate if Jehovah's Witnesses in the 1930s integrated some traditional anti-Judaist theological positions into their doctrine.⁸⁴ Still, they never followed the mainline churches' anti-Semitic theology of that time which even started to eliminate all Jewish traces from the Bible and from Christianity.⁸⁵ And there is an enormous body of evidence showing that in everyday life Jehovah's Witnesses, even in the face of persecution, were free from anti-Semitism, criticized the persecution of the Jews and anti-Semitism, and, both inside and outside the concentration camps, risked their livelihood, their freedom or their life to support and defend Jews and other victims of Nazi persecution, and their writings reported on the persecution of the Jews.⁸⁶ Public statements add to

⁸¹ Garbe, *Widerstand und Martyrium* (note 8), 221–237, 245–266; *Nerdinger/Wilker*, eds., *Verfolgung der Zeugen Jehovas* (note 7), 120–161, with a large number of documents.

⁸² *Ibid.*, 63–69, 72–76, 272–277.

⁸³ *Ibid.*, 66.

⁸⁴ *Ibid.*, 103–106.

⁸⁵ See, e.g., *Ericksen/Heschel*, eds., *Betrayal* (note 78); *Gailus*, ed., *Täter und Komplizen* (note 78).

⁸⁶ A brief but succinct summary is given by *Christoph Wilker*, *Und wieder war ich gerettet: Wie Alex Ebstein die Konzentrationslager Auschwitz, Sachsenhausen und Flossenbürg überlebte und zu einem erfüllten Leben fand*, München 2019, 167–169.

the picture. The early 1929 exposure of National Socialism singled out two features that merited the absolute condemnation of the Nazis by the Bible Students: the neo-pagan, pseudo- or “fetishistic-religious” character of National Socialism and its anti-Semitism and “racial hatred”. The Bible Students recognized that the Nazis raged at the name “Jehovah” because for them it was the “Judengott” (Jewish God) and the God of the Old Testament, and they analyzed the Nazi “scapegoating” of the Jews.⁸⁷ The 1939 booklet *Fascism or Freedom* condemned the persecution of the Jews in Germany: “In inhuman ways he [Hitler] persecutes the Jews, because they were once Jehovah’s covenant people and bore the name of Jehovah, and because Christ Jesus was a Jew.”⁸⁸ Even the few public articulations that seem to approach traditional anti-Judaist positions allow for ambiguity. A 1937 journal article attempted a theological explanation of the centuries-old hatred for the Jews. In traditional, church-like manner, it is spoken of a curse that haunts the erstwhile covenant people. But the article does not confine itself to abstract theological ruminations. In the same brief text, the historical actors of the persecution of the Jews are named and blamed, including the Christian churches that inflicted “enormous suffering” on the Jews through the ages. And in a pointed interpretation that may have anticipated later understandings of the Holocaust, the Bible Students explained that “the Jew-baiting of the Third Reich is in defiance of all civilization.”⁸⁹

The continuous reporting on the politics of exclusion and persecution in Nazi Germany made mention of many groups that were suffering as much from persecution as did Jehovah’s Witnesses. A case in point and a historically important document is the 1938 article series by Arthur Winkler, a temporary underground leader of the German Jehovah’s Witnesses and a concentration camp prisoner already in the 1930s. Jews, socialists, communists, freemasons, Jehovah’s Witnesses, homosexuals and other groups of victims are named. The description of the horrible conditions in Esterwegen concentration camp includes a detailed report of the terror and torture of two leading social-democratic politicians, Reichstag deputy Julius Leber and Prussian parliamentary party leader Eduard Heilmann. Winkler mentioned that he maintained good relations with Leber. Winkler also identified the reason behind this unspeakable and systematic horror: “to instill fear and dread in the prisoners so that even the thought of opposition is stifled, and any thought of insurgency or any freedom of expression becomes unimaginable.” Winkler declared that in the face of all dangers, he would “never be silent”.⁹⁰

⁸⁷ Hakenkreuz? (note 79).

⁸⁸ *Rutherford*, *Faschismus oder Freiheit* (note 80), 11. *Rutherford*, *Fascism or Freedom* (note 80), 11 reads: “He cruelly persecutes the Jews because they were once Jehovah’s covenant people and bore the name of Jehovah, and because Christ Jesus was a Jew.”

⁸⁹ Unter dreifachem Fluche, in: *Das goldene Zeitalter*, 1 February 1937, 4–5. I want to thank Christopher Wilker for pointing me to this article.

⁹⁰ *Artur Winkler*, *Im Konzentrationslager Esterwegen*, in: *Trost*, 1 March 1938, 12–13. This is very similar to how *Nikolaus Wachsmann*, *KL: A History of the Nazi Concentration Camps*, London 2015, characterizes the function of the early concentration camps.

The solidarity of Jehovah’s Witnesses extended to members of the mainline churches that resisted the Nazi regime or suffered persecution.⁹¹ In spite of their interpretative pattern of collaboration of mainline churches and the Nazi state, they expected that German dictatorship, now safely holding the reigns of government, might in the future also turn against to two major churches in Germany, Catholicism and Protestantism. This means they recognized, irrespective of a large number of anti-church statements, that the Nazi State was in the driver’s seat and that the churches had only ancillary function in the new Germany (*Kreuzzug*, 70). When exposing the Nazi “crusade against the Bible and true Christianity”, they added: “Christians (mostly Jehovah’s Witnesses)”. Thus, some believers from other Christian communities seem also to have qualified as true Christians (*Kreuzzug*, 59). Similarly, when surveying Christian martyrs in Nazi Germany, the book approvingly quotes a representative of the *Bekennniskirche* (or *Bekennende Kirche*) (*Kreuzzug*, 169). While *Crusade Against Christianity* relentlessly criticized the Nazified, racist and anti-Semitic German Christians, which made up one of the largest and most powerful groups within the Protestant church (*Deutsche Evangelische Kirche*),⁹² the book reported the “outcry of the hard-pressed, Bible-believing Confessing Christians in Germany” with genuine acknowledgement and sympathy. Jehovah’s Witnesses shared many positions of the Confessing Church, such as that “Christians have the duty to resist, if something is required from them that is opposed to the gospel”, or that the “Führer” Hitler should not be given worship “which is owed God only” (*Kreuzzug*, 28–29).

It is striking that Karl Barth was one of the two Protestant theologians whose statements in support of Jehovah’s Witnesses were commissioned for and published in *Crusade Against Christianity*. Barth was Dietrich Bonhoeffer’s most important theological teacher and friend, and while he may have had a blind spot with regard to East German socialism after the war, he was an astute and determined critic of Nazi totalitarianism. Barth, who is also approvingly quoted in the main text (*Kreuzzug*, 54), explained that Jehovah’s Witnesses were especially interested in Biblical prophecy, and while their biblical proclamation touched on political issues, it was far from any political activity, in particular from communism, as right-wing and Nazi as well as church-based enemies of Jehovah’s Witnesses, had often insinuated (*Kreuzzug*, plate after 32).⁹³ So there is, besides the appreciation by his nephew Klaus von Dohnanyi, a second link between Jehovah’s Witnesses

⁹¹ See also *Garbe*, *Widerstand und Martyrium* (note 8), 35–36, 120

⁹² On mainline Protestant churches in Nazi Germany, see, e. g., *Klaus Scholder*, *Die Kirchen und das Dritte Reich*, 2 vols., Berlin 1977–1985; *Gerhard Besier*, *Die Kirchen und das Dritte Reich*, vol. 3, Berlin 2001; *Olaf Blaschke*, *Die Kirchen und der Nationalsozialismus*, Stuttgart 2014.

⁹³ The most recent biography is *Christiane Tietz*, *Karl Barth: Ein Leben im Widerspruch*, München 2018. The second theologian was Ernst Staehelin, who had written a critique of the Bible Students in the 1920s that stood out due to its fairness in comparison to the usual anti-Bible Students propaganda of that time; *Garbe*, *Widerstand und Martyrium* (note 8), 75, 120. Staehelin stated in *Kreuzzug* (plate after 32) that Jehovah’s Witnesses had “much of truth” in their doctrine, were part

and Dietrich Bonhoeffer, who may also have encountered this visible community either in Germany or in New York. Correspondingly, some of the few Protestant church leaders who had been part of the resistance against the Nazi regime, such as Martin Niemöller and Hans Lilje, in the immediate post-war period expressed admiration for the religiously motivated conscientious objection and resistance of Jehovah's Witnesses.⁹⁴

9. The view of a Catholic-fascist conspiracy which is repeated several times (*Kreuzzug*, 37–71, 169) seems to represent somewhat of a riddle in contrast to so much lucid analysis. Was the anti-Catholicism of Jehovah's Witnesses so strong that it overlooked the purely instrumental value the Nazis saw in the Catholic Church? Did religious animosity influence their political perceptiveness? To a degree, yes. But again the books gives room for nuance. It openly states that Nazism will ultimately also fight Catholicism when it is no longer useful and that the churches' support of National Socialism equals suicide in the long run. So Nazism is clearly the stronger force, it is politically autonomous, even if the churches facilitated the Nazi take-over of German society and the German State (*Kreuzzug*, 70–71).

However, in the end the concept of a Catholic-fascist conspiracy is not based on Nazi Germany, but on an analysis of much press coverage on Italian Fascism, the Spanish Civil War, and Catholic dictatorship. These parts of the book still provide a valuable depiction and theory of "Mediterranean" fascism (*Kreuzzug*, 37–51). The main thrust of *Crusade Against Christianity* is not at all dependent on the thesis of a Catholic-fascist conspiracy. Rather, it is arguing against the claim that the Catholic Church is opposed to fascism (*Kreuzzug*, 56). The taking of evidence is based mainly on church documents and on reports from international liberal mainstream media, but observers of rather leftist, antifascist, pacifist and anticlerical leanings are also given a hearing. The key piece of evidence, however, is Austria 1938 and the full support that the Austrian episcopate gave to Hitler and the Nazi *Anschluss*. Whatever ambiguities had existed before in Catholic positions towards Nazism now became obsolete (*Kreuzzug*, 56–58). The fight of Catholic laymen and clergymen in many countries, usually with connections to the political right, against Jehovah's Witnesses since the 1920s, documented also in *Crusade Against Christianity*, is the background which lent internal credence

of the "history of the Christian churches", were not political and wanted so serve the "message about the kingdom of God".

⁹⁴ *Martin Niemöller*, *Ach Gott vom Himmel sieh herein: Sechs Predigten*, München 1946, 28; *Hans Lilje*, *Im finstern Tal*, Nürnberg 1947, 59; see *Garbe*, *Widerstand und Martyrium* (note 8), 11–12, 390; *Marcus Herrberger*, *Die Verfolgung der Kriegsdienstverweigerer verschiedener Glaubensrichtungen durch die NS-Justiz im Zweiten Weltkrieg*, in: idem, ed., *Denn es steht geschrieben* (note 7), 19–59, at 20; idem, *Zeugen Jehovas als Kriegsdienstverweigerer in der NS-Zeit*, in: ibid., 61–236, at 63. Lilje remained an ambivalent figure in the Federal Republic. Niemöller, while not overcoming his nationalist and anti-Semitic habits, made the coming-to-terms with the Nazi past one of his commitments; *Benjamin Ziemann*, *Martin Niemöller: Ein Leben in Opposition*, München 2019.

to the conspiracy interpretation.⁹⁵ However, all of this is more of a sideshow in *Crusade Against Christianity*.

10. Finally, *Crusade Against Christianity* is by no means unique in this regard, but it is among the early examples of émigré texts that bear witness to the destruction of the German *Rechtsstaat* and *Kulturstaat* and modern civilization by National Socialism (*Kreuzzug*, 91, 115, 117, 149). Just as with the best minds of the age, the authors of *Crusade Against Christianity* had a keen sense for the fragility and vulnerability of modern democratic civilization. They recognized that religious freedom, human rights, and fundamental freedoms should not to be taken for granted: “What you think you achieved in centuries of cultural development can collapse over night.” Modern democratic civilization is no one-way street; the dark forces of history, “barbarism”, could be unleashed any time anywhere (*Kreuzzug*, 194).

Therefore, while those who in their lives fought for life, “for the Christian freedom of thought and conscience” were “threatened in Germany by extermination through murder, torture, ostracism and psychological torment of any kind”, *Crusade Against Christianity* sounded an “alarm call [...] to the remainders of the world that are not yet enchained but surrounded everywhere by dictatorship: Your human rights, your fundamental freedoms are in danger!” (*Kreuzzug*, 194). *Crusade Against Christianity* was not only one of the most powerful exposés and condemnations of Nazi crimes and terror in the 1930s. It was also a powerful defense of religious freedom, minority rights and human rights, based on a Christian understanding of human dignity that coincided with the views of human rights and human dignity shared among contemporaneous antifascist and democratic voices. Against the restriction of religious freedom supported by mainline churches, Jehovah’s Witnesses defended not just their own way of believing and living, but human and minority rights and human dignity. And they did so not only in word, but also in deed.

From today’s perspective, political and social contexts have changed decisively. In the political and intellectual force fields of the 1920s and 1930s, Jehovah’s Witnesses belonged to the avant-garde of modern human rights and religious freedom rhetoric and activism. In today’s world of ubiquitous human rights talk, when even the once (in Germany) anti-pluralist and anti-democratic mainline churches have adopted the language of human rights, it is seldom remembered that this is a debate that was originally shaped by early human rights defenders such as Jehovah’s Witnesses who exposed and opposed Nazi and fascist human rights violations and the support of dictatorship by mainline churches.

⁹⁵ For the German case, in particular the Nazi-Catholic collaboration in Bavaria, see above, section V.

Contexts have changed, and so have the arguments in these contexts. Jehovah's Witnesses are largely viewed as marginal today, even if their human rights record is acknowledged by experts and courts. Only in "distant" places such as Rwanda, where not too long ago a situation similar to that in Europe in the 1930s and 1940s emerged, does it happen that their fight for human dignity and human rights, their Christian commitment to antiracism, pluralism, compassion, decency, and humaneness, become visible again to the international community.⁹⁶

Abstract

While the human rights record of Jehovah's Witnesses is acknowledged by experts and courts, it is hardly known that this Christian community belonged in the 1920s and 1930s to the avant-garde of modern human rights and religious freedom rhetoric and activism. From an intellectual history perspective, this article reconstructs arguments for religious freedom brought forward by Jehovah's Witnesses in Germany and interwar Europe, before and in particular after the Nazi rise to power. The article analyzes the political ethics of a non-political religious community and critically reviews the debate whether the resistance of Jehovah's Witnesses against totalitarian regimes can be considered a role model. The key piece of evidence is the 1938 book *Crusade Against Christianity*, one of the most powerful and widely acknowledged exposés and condemnations of Nazi crimes and terror in the 1930s. The book was also a defense of religious freedom, minority rights and human rights, based on a Christian understanding of human dignity.

⁹⁶ See the contribution by *Jolene Chu* in this issue.