

# Little Eichmanns: An Examination of the Nazi Conscience

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**Abstract:** There can be no doubt that the machinations of the Holocaust relied on willing participation – or, at the very least, a lack of protest – from the German people. But how could such a massive participation in genocide ever happen? In her book *The Nazi Conscience*, historian Claudia Koonz argues that there existed a “Nazi conscience” – a “community of shared moral obligation” that and urged the German people to comply with the Holocaust and set up Hitler as “a prophet of virtue” (5-17). Thus, according to Koonz, the Holocaust was morally justified in the minds of those complicit in its execution. In order to examine this “Nazi conscience”, I examine its formation under what Giorgio Agamben terms a “state of exception” and the eventual breakdown of Nazism where it was faced with nonviolent resistance as detailed in Hannah Arendt’s *Eichmann in Jerusalem*. Finally, I analyze Adolf Eichmann’s claim that he lived according to Kant’s categorical imperative in order to understand what this means for the existence of a Nazi conscience.

On the night of February 27, 1933, the Reichstag, the German house of parliament, was burnt down in an alleged “terrorist attack” that “(h)eadlines called... the first stage of a Communist revolution” (Koonz 183). The next day, Hitler “proclaimed the Decree for the Protection of the People and the State, which suspended the articles of the Weimar constitution concerning personal liberties”, setting the stage for the twelve-year period in German history in which the Holocaust was carried out with ruthless efficiency and total disregard for German law (Agamben 2). From that moment on, normal legal order was cast aside. Almost immediately, Hitler deployed “10,000 heavily armed SA troops as police auxiliaries” (Koonz 34). The next month, Hermann Göring issued a proclamation that clearly implied “that the constitution no longer protected anyone” (Koonz 35). The German populace joined the Nazi party in droves, and less than a month later, there were “nearly 1,500,000 Nazi Party members (over half of them newcomers)” (Koonz 37). In the span of a few months, the National Socialist movement went from being a trivial fringe group to a massive force in German politics. Nazism spread so fervently that “(p)owerful local leaders acted autonomously. A resident who lived near the SA barracks... in Berlin reported: ‘For several days during the week after the elections the neighbors and passers by heard the screams and moans of people inside.’” (Koonz 37). Even the half of the country not yet aligned with the

Nazis did not protest – “An eyewitness who later left Germany recalled... ‘The people did not seem very enthusiastic, but nobody did anything about it’” (Koonz 44).

There can be no doubt that the machinations of the Holocaust relied on willing participation – or, at the very least, a lack of protest – from the German people. But how could such a massive participation in genocide ever happen? In her book *The Nazi Conscience*, historian Claudia Koonz argues that there existed a “Nazi conscience” – a “community of shared moral obligation” that urged the German people to comply with the Holocaust and set up Hitler as “a prophet of virtue” (5-17). Thus, according to Koonz, the Holocaust was morally justified in the minds of those complicit in its execution. Jews became “(c)oded as dangerous beings to whom no obligation applied... ‘problems’ to be solved with ruthless efficiency” (Koonz 9). This moral system, as I will show later, fell apart when confronted with nonviolent resistance in France, Denmark, and Holland. Once-devout believers in the Nazi creed became incompetent, and thousands of Jews began to mysteriously fall out of the Reich’s hands. This paper, then, will attempt to come to a better understanding of Koonz’ “Nazi conscience” by analyzing the conditions under which such genocidal consensus was achieved and the methods of nonviolent resistance that eventually broke down, in parts, this sphere of moral obligation.

We move first to the conditions that helped the Nazis turn the Holocaust into a moral imperative. In his book *State of Exception*, philosopher Giorgio Agamben argues the Nazi government came to power by creating a “state of exception”. He defines this state of exception as a state in which the sovereign suspends the law in order to deal with a threat, real or perceived. This state of exception finds its genesis in an overwhelming governmental necessity – in the case of Nazi Germany, the real (or, at least, reality-based) threat of communism and the imagined threat of international Jewry (Agamben 14). Hitler’s suspension of civil liberties following the burning of the Reichstag was “never repealed”, which means that “the entire Third Reich can be considered a state of exception that lasted twelve

years.” (2). Agamben characterizes the state of exception as “a space devoid of law, a zone of anomie<sup>1</sup> in which all legal determinations... are deactivated” (50). As I will show, these characteristics of the state of exception allowed Nazism to frame genocide as the morally correct choice for Germany.

The most crucial aspect of reframing the German “community of shared moral obligation” was a sense of anomie. Facing a governmental crisis, the anomie of the state of exception led the German people to seek out a regulating force of some sort. Agamben describes the situation: “...the sphere of human action insofar as it has to do with law... ultimately appeared as a field of forces traversed by two conjoined and opposite tensions: one that goes from norm to anomie, and another that leads from anomie to the law and the rule.” (72). Having swayed to one extreme – the absolute anomie created by a fear of a communist uprising and an international Jewish conspiracy – Germans sought the other extreme – the sense of security offered by the Nazi Party’s control. Hitler offered Germans a solution to their problems, and they accepted it, willingly participating in the Holocaust as a means of seeking a social order to purge their anomie.

It is important to note at this point the contradiction inherent in the lawlessness of the state of exception and the law-seeking brought on by anomie. By definition, the state of exception is a lawless one, since the law has been suspended in the interest of exterminating a threat. How can this be reconciled with the tendency of anomie to urge societies to seek a legal order? Agamben argues that “what is at stake is a force of law without law (which should therefore be written: force-of-law)... by means of which law seeks to annex anomie itself” (39). The force-of-law was “a sort of legal *mana*... that both the ruling power and its adversaries... seek to appropriate.” With a suspended constitution, force-of-law replaced force of law in Germany. After the suspension of the Weimar constitution, there was a “new law of the land, based on the Fuhrer’s order” – Hitler’s word was followed as law (Arendt 135). His

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<sup>1</sup> Anomie here refers to a condition of societal unrest caused by lack of values.

word became an edict with all the moral and judicial status of law without being law. Thus, Hitler's word was force-of-law manifest – a force of law without law.

This replacement of law with force-of-law legitimized the worst atrocities. “Acts committed during the *iustitium*<sup>2</sup>... [seem] to escape all legal definition”, Agamben posits, and thus “they seem to be situated in an absolute non-place with respect to the law” – meaning there were no legal mechanisms in place by which the Germans could be held accountable (51). The only ruling principle was the force-of-law manifest in Hitler's decrees, and the only goal was the elimination of the Jewish problem. The state of exception, Agamben argues, thus takes on the form of a moral imperative – the right of a state to self-defense (43). This was crucial in selling the war to the German people – the problem was extraordinary, and thus the Final Solution required extraordinary means. To do so was not an atrocity – it was self-defense. Göring proclaimed, “My Fellow Germans!... I don't have to conform to any kind of justice. I am concerned only to exterminate and destroy.” (quoted in Koonz 35). The justification for the Holocaust hinged on the idea that such “extermination” was not an act of aggression, but of self-defense:

Addressing Germans on the radio, he commanded all shoppers to “defend” themselves against “troublemakers and profiteers of this treasonous smear campaign.” Headlines screamed, “the Worldwide Jewish Campaign against Germany!” and “Foreign Jewry calls for Murder!” Automobiles displayed signs, “Jewry Declares War against Germany!” and “The Jews Are Our Misfortune!” ... “(T)he Jew must be expelled from the *Volk* and state!” (Koonz 41).

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<sup>2</sup> Translates to “standstill” or “suspension of the law.” A Roman precedent for the state of exception. In this instance, the two phrases are interchangeable.

With the problem framed in this way, Hitler had no choice but to act as he did. Furthermore, he distanced himself from responsibility by claiming he was acting on behalf of the *Volk*, the German people. In a speech shortly after the burning of the Reichstag, he proclaimed:

I can't free myself from believing in my *Volk*, I can't escape from the conviction that this nation will once again arise; I can't distance myself from the love of this, my *Volk*, and I hold on, firm as a rock, to the conviction that some time the hour will come when the millions who hate us today will stand behind us and will with us welcome... the new German Reich of greatness and honor and strength and glory and justice. Amen. (quoted in Koonz 36).

By blaming the Jews for provoking his response, and by acting on behalf of all of Germany, Hitler was able to divorce himself from a position of responsibility.

It is exactly this abandonment of responsibility that allowed the extermination of Jews to become a moral struggle. Faced with the threat of communism, the German people found themselves overcome with anomie. They swung to the political extreme of suspending the laws in order to create a legal non-place in which they could access the necessary means to eradicate the threat. The German populace then sought to compensate for this lawlessness by looking for a force-of-law in Hitler's edicts, which urged the *Volk* toward genocide without recourse while still obtaining the image of stability. Following Hitler's edict was the only moral act for Germans; they sought to protect those in the "community of shared moral obligation" and to eradicate those that Hitler identified as a threat. These circumstances at once freed everyone from the blame they would normally associate with genocide – they were blameless because they followed the preachings of Hitler, who had become a "prophet of virtue", Hitler was blameless because he was acting in self-defense, on behalf of the *Volk*. At this point,

violence became excusable: “Stormtroopers’ crimes became collateral damage on the path toward a stable future. Nazi thugs continued their reign of terror with impunity”. From here on out, what would normally be considered lawbreaking became cheered on as the only means of self-defense for Germany: “Crimes against alleged terrorists met with widespread acclaim” (Koonz 38). Hitler’s framing of the situation as one of self-defense meant that all moral obligations that would normally extend to communists and Jews were thrown aside. The community of shared moral obligation no longer included them, so atrocities became not just acceptable: they became necessary acts of self-defense, the only morally defensible standpoint for Nazi Germany.

As war broke out, these atrocities expanded. Historian Hannah Arendt notes in her book *Eichmann in Jerusalem* that “It was not until the outbreak of the war... that the Nazi regime became openly totalitarian and openly criminal”. She continues:

One of the most important steps in this direction... was a decree, signed by Himmler, that fused the Security Service of the SS... which was a party organ, with the regular Security Police of the State... this meant that in the space of a day a most important part of the old civil services was incorporated into the most radical section of the Nazi hierarchy. No one, as far as I know, protested, or resigned his job. (68)

By then, the framework of genocide was in place. State organizations were officially in control of concentration camps, and the extermination of Jews was finally on the official agenda. Acts of mass murder became relabeled “medical matters”, and the Jewry became an enemy of the state – “the Jewish question, for purely ideological reasons, acquired a greater importance with every day” (Arendt 70). Hitler “‘prophesied’ that the war would bring ‘the annihilation of the Jewish race in Europe’” and

fought on for this goal with the approval, or at the very least lack of protest from, the German people (Arendt 78).

Invaded states also complied, at least at first. In France, “the Vichy government had shown a truly amazing ‘understanding’ of the Jewish problem and had introduced, on its own initiative, a great deal of anti-Jewish legislation” (Arendt 162). Then-Premier Pierre Laval remarked that “foreign Jews had always been a problem in France” (quoted in Arendt 163). Things began to change, however, when Nazi governance called for the deportation of French Jews. The efforts to deport French Jews were largely ineffective, as the French, who had willingly complied with the deportation of foreign Jews, refused to allow their fellow citizens to be sent to concentration camps. Such ineptitude at deporting French national Jews was, Arendt argues, at least partially due to a weakening of the Nazi conscience; “The Nazis, it turned out, possessed neither the manpower nor the will power to remain ‘tough’ when they met determined opposition... the truth of the matter was... that even the members of the Gestapo and the S.S. combined ruthlessness with softness.” (Arendt 165).

This “softness” was most pronounced in Denmark. While the “German military commander proclaimed a state of emergency and imposed martial law”, the impacts of this state of emergency were different from those in Germany. Of the Nazi rulers of Denmark, Arendt writes:

The German officials who had been living in the country for years were no longer the same. Not only did General von Hanneken, the military commander, refuse to put troops at the disposal of the Reich... the special SS units... employed in Denmark very frequently objected to “the measures they were ordered to carry out by the central agencies” (172-3).

Furthermore, plans to deport Jews from Denmark simply fell apart – information leaks were so prevalent that Jews were forewarned of deportation and were mostly able to escape (173-4). Nazi officials engaged in “obvious sabotage of orders from Berlin” – Arendt notes:

The result seems to have been that those exposed to [native resistance] changed their minds... they themselves apparently no longer looked upon the extermination of a whole people as a matter of course. They had met resistance based on principle, and their “toughness” had melted like butter in the sun, they had even been able to show a few timid beginnings of genuine courage... the atmosphere had changed, and... not a single one of them had the guts to defend the Nazi ideology.

(175)

One thing, at this point, becomes clear – the moral imperatives of Nazism broke down when faced with open resistance. Nazis overwhelmingly lost the will to endorse genocide and as a result failed to achieve their goals regarding the extermination of Jews when Nazism was questioned outright, particularly in Denmark.

It seems crucial at this point to analyze just why Nazism broke down in this manner in Denmark. There are many explanations, each as plausible as the one before it. Perhaps the state of exception itself became threatened when Nazis saw Danes helping Jews without the consequences normally associated with an international Jewish conspiracy. Without an emergency to justify its perpetuation, the state of exception would have dissipated, and the extra-legal order that justified the Holocaust would have fallen apart. Perhaps Nazism found a more humane solution to its problem of anomie in the nonviolent value system. Perhaps a confrontation with the humanization of the dehumanized Jewish enemy forced once-devout Nazis to question their fundamental beliefs. It could be any one of these, or any

combination of them, or perhaps something else entirely. While it is impossible to know exactly what mental conditions fostered this sort of paradigm shift, one thing is clear from the actions Nazis took – their idea of a community of shared moral obligation expanded to include the Jews they had once persecuted. Soon Nazis found themselves fighting to protect their former enemies.

Precisely because it is impossible to judge inner mental states, we can only draw conclusions about differences between the “Nazi conscience” and the consciences of ex-Nazi converts based on their actions. Since the only significant difference in action between the two groups was participation in the Holocaust, the only conclusion we can draw is that the Nazi moral sphere expanded when faced with nonviolent resistance, rendering former moral imperatives – such as the elimination of the Jews – useless, as they were now humans to be treated as such. What does this say about Koonz’s idea of a “Nazi conscience”? The only thing we can conclude is that the primary difference between Nazis stationed in Denmark and Nazis stationed elsewhere is an expansion of the moral sphere. Labeling the Nazi conscience as distinct from a non-Nazi conscience, then, seems foolish – as the only difference we can really find conclusively (without reading minds) is a difference in the definition of the sphere of moral obligation.

Our findings, then, are grim – Nazism was not a historic aberration, a unique phenomenon of mass sociopathy. Because they were able to “convert” to Nazism and then back, those complicit in the Holocaust cannot have been uniquely disposed to such acts. They did not possess a unique moral code; they were normal people going along with the spirit of the times. In his trial, Adolf Eichmann exemplified this trend – when telling of the Wannsee Conference, at which the “Final Solution to the Jewish Question” became official policy, Eichmann stated he felt like Pontius Pilate: he did not want to comply with the Holocaust, but felt as though he was able to wash his hands of any personal responsibility after seeing normal people argue vehemently for its institution (Arendt 112-134). Through the establishment of a state of exception, Germans were able to cast aside their own responsibility in a similar manner,

and those that would normally object to genocide became complicit in its execution. Arendt calls this the “banality of evil”, after which she titles her book. The argument for the existence of a banal evil is essentially an argument that the worst atrocities in the world are committed not by sociopaths, or legions of crazed fanatics, but by normal people, doing what they perceived as normal.

Though the Nazi system of ethics was not so notably aberrant as to be completely alien to a more “normal” system of ethics, studying the differences between German ethics before the war and during the war can illuminate matters. Arendt writes that Eichmann “declared with great emphasis that he had lived his whole life according to Kant’s moral precepts, and especially according to a Kantian definition of duty”. She notes correctly that this view was “outrageous... since Kant’s moral philosophy is so closely bound up with man’s faculty of judgment, which rules out blind obedience”. When pressed for a definition of this Kantian notion, Eichmann came up with a surprisingly accurate approximation of the categorical imperative, stating: “I meant by my remark about Kant that the principle of my will must always be such that it can become the principle of general laws” and then adding “that he had read Kant’s *Critique of Practical Reason*” (135-6). Arendt argues that Eichmann “had distorted [the categorical imperative] to read: Act as if the principle of your actions were the same as that of the legislator or of the law of the land”. This certainly makes sense in Eichmann’s case, as he “had consoled himself with the thought that he no longer ‘was master of his own deeds,’ that he was unable ‘to change anything’” (136).

The mass ethical transformation under the Third Reich was much more than a mere reformulation of the Kantian categorical imperative, however. Certainly not all of the citizens in Nazi Germany were like Eichmann – self-proclaimed innocent bystanders unable to change their fate. There were also those who went above and beyond the call of the Reich, and those who merely did nothing, but did not feel bad for the Jews. Through a closer analysis, it can be seen that Agamben’s force-of-law was not merely a legal apparatus. It became a moral compass that in many cases replaced ethical

obligations already in place. Koonz's description of former Hitler Youth member Alfons Heck demonstrates this point:

In 1940, when Alfons watched the Gestapo take away his best friend, Heinz, and all Jews in his village, he did not say to himself, "How terrible they are arresting Jews." Having absorbed knowledge about the "Jewish menace," he said, "what a misfortune Heinz is Jewish." As an adult he recalled, "I accepted deportation as just." (5)

Thus, there were some that took Eichmann's thinking a step further. Rather than merely acting in a manner they felt the Fuhrer would approve of, they allowed their own moral compass to be replaced by that of the Reich. Similar to Agamben's argument that the mass slaughter of Jews was carried out in a legal non-place, we can argue that the community of shared moral obligation no longer included Jews, instead grouping them in a moral non-place, no longer deserving of the same rights. Under this system of ethics, Judaism became so vile that its destruction became necessary. By this logic, those that fell into this system of ethics would have seen their own destruction as just were they Jewish. That, ultimately, is the peril of this ethical system – it legitimizes self-destruction.

Works Cited

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