

# NATIONAL SOCIALISM

BASIC PRINCIPLES, THEIR APPLICATION  
BY THE NAZI PARTY'S FOREIGN ORGANIZATION,  
AND THE USE OF GERMANS ABROAD  
FOR NAZI AIMS

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## ELEMENTS OF NAZI IDEOLOGY

The line of thought which we have traced from Herder to the immediate forerunners of the Nazi movement embodies an antidemocratic tradition which National Socialism has utilized, reduced to simple but relentless terms, and exploited in what is known as the National Socialist *Weltanschauung* for the greater aggrandizement of Nazi Germany. The complete agreement between the Nazi ideology and the previously described political concepts of the past is revealed in the forthcoming exposition of the main tenets of Naziism.

### The Volk

Ernst Rudolf Huber, in his basic work *Verfassungsrecht des grossdeutschen Reiches (Constitutional Law of the Greater German Reich)* (document 1, *post* p. 155), published in 1939, states:

The new constitution of the German Reich ... is not a constitution in the formal sense such as was typical of the nineteenth century. The new Reich has no written constitutional declaration, but its constitution exists in the unwritten basic political order of the Reich. One recognizes it in the spiritual powers which fill our people, in the real authority in which our political life is grounded, and in the basic laws regarding the structure of the state which have been proclaimed so far. The advantage of such an unwritten constitution over the formal constitution is that the basic principles do not become rigid but remain in a constant, living movement. Not dead institutions but living principles determine the nature of the new constitutional order.<sup>[8]</sup>

In developing his thesis Huber points out that the National Socialist state rests on three basic concepts, the *Volk* or people, the Führer, and the movement or party. With reference to the first element, the *Volk*, he argues that the democracies develop their concept of the people from the wrong approach: They start with the concept of the state and its functions and consider the people as being made up of all the elements which fall within the borders or under the jurisdiction of the state. National Socialism, on the other hand, starts with the concept of the people, which forms a political unity, and builds the state upon this foundation.

There is no people without an objective unity, but there is also none without a common consciousness of unity. A people is determined by a number of different factors: by racial derivation and by the character of its land, by language and other forms of life, by religion and history, but also by the common consciousness of its solidarity and by its common will to unity. For the concrete concept of a people, as represented by the various peoples of the earth, it is of decisive significance which of these various factors they regard as determinants for the nature of the people. The new German Reich proceeds from the concept of the political people, determined by the natural characteristics and by the historical idea of a closed community. The political people is formed through the uniformity of its natural characteristics. Race is the natural basis of the people ... As a political people the natural community becomes conscious of its solidarity and strives to form itself, to develop itself, to defend itself, to realize itself. "Nationalism" is essentially this striving of a people which has become conscious of itself toward self-direction and self-realization, toward a deepening and renewing of its natural qualities.

This consciousness of self, springing from the consciousness of a historical idea, awakens in a people its will to historical formation: the will to action. The political people is no passive, sluggish mass, no mere object for the efforts of the state at government or protective welfare work ... The great misconception of the democracies is that they can see the active participation of the people only in the form of plebiscites according to the principle of majority. In a democracy the people does not act as a unit but as a complex of unrelated individuals who form themselves into parties ... The new Reich is based on the principle that real action of a self-determining people is only possible according to the principle of leadership and following.<sup>[9]</sup>

According to Huber, geographical considerations play a large part in the shaping of a people:

The people stands in a double relation, to its lands; it settles and develops the land, but the land also stamps and determines the people ... That a certain territory belongs to a certain people is not justified by state authority alone but it is also determined objectively by its historical, political position. Territory is not merely a field for the exercise of state control but it determines the nature of a people and thereby the historical purpose of the state's activity. England's island position, Italy's Mediterranean position, and Germany's central position between east and west are such historical conditions, which unchangeably form the character of the people.<sup>[10]</sup>

But the new Germany is based upon a "unity and entirety of the people"<sup>[11]</sup> which does not stop at geographical boundaries:

The German people forms a closed community which recognizes no national

borders. It is evident that a people has not exhausted its possibilities simply in the formation of a national state but that it represents an independent community which reaches beyond such limits. [12]

The State justifies itself only so far as it helps the people to develop itself more fully. In the words of Hitler, quoted by Huber from *Mein Kampf*, "It is a basic principle, therefore, that the state represents not an end but a means. It is a condition for advanced human culture, but not the cause of it ... Its purpose is in the maintenance and advancement of a community of human beings with common physical and spiritual characteristics." [13]

Huber continues:

In the theory of the folk-Reich [*völkisches Reich*], people and state are conceived as an inseparable unity. The people is the prerequisite for the entire political order; the state does not form the people but the people moulds the state out of itself as the form in which it achieves historical permanence.... [14]

The State is a function of the people, but it is not therefore a subordinate, secondary machine which can be used or laid aside at will. It is the form in which the people attains to historical reality. It is the bearer of the historical continuity of the people, which remains the same in the center of its being in spite of all changes, revolutions, and transformations. [15]

A similar interpretation of the role of the *Volk* is expounded by Gottfried Neesse in his *Die Nationalsozialistische Deutsche Arbeiterpartei—Versuch einer Rechtsdeutung (The National Socialist German Workers Party—An Attempt at Legal Interpretation)*, published in 1935. From the National Socialist viewpoint, according to Neesse, the state is regarded not as an organism superior to the people but as an organization of the people: "In contrast to an organism, an organization has no inherent legality; it is dependent upon human will and has no definite mission of its own. It is a form in which a living mass shapes itself into unity, but it has no life of its own." [16] The people is the living organism which uses the organization of the state as the form in which it can best fulfil its mission. The law which is inherent in the people must be realized through the state.

But the central and basic concept of National Socialist political theory is the concept of the people:

In contrast to the state, the people form a true organism—a being which leads its own life and follows its own laws, which possesses powers peculiar to itself, and which develops its own nature independent of all state forms.... This living unity of the people has its cells in its individual members, and just as in every body there are certain cells to perform certain tasks, this is likewise the case in the body of the people. The individual is bound to his people not only physically but mentally and spiritually and he is influenced by these ties in all his manifestations. [17]

The elements which go to make up a people are beyond human comprehension, but the most important of them is a uniformity of blood, resulting in "a similarity of nature which manifests itself in a common language and a feeling of community and is further moulded by land and by history." [18] "The unity of the people is increased by its common destiny and its consciousness of a common mission." [19]

Liberalism gave rise to the concept of a "society-people" (*Gesellschaftsvolk*) which consisted of a sum of individuals, each of whom was supposed to have an inherent significance and to play his own independent part in the political life of the nation. National Socialism, on the other hand, has developed,

the concept of the "community-people" (*Gemeinschaftsvolk*) which functions as a uniform whole.<sup>[20]</sup>

The people, however, is never politically active as a whole, but only through those who embody its will. The true will of a people can never be determined by a majority vote. It can only display itself in men and in movements, and history will decide whether these men or movements could rightly claim to be the representatives of the people's will.<sup>[21]</sup>

Every identification of the state with the people is false from a legal and untenable from a political standpoint ... The state is the law-forming organization and the law serves the inner order of the community; the people is the politically active organism and politics serve the outward maintenance of the community ... But law receives its character from the people and politics must reckon with the state as the first and most important factor.<sup>[22]</sup>

The "nation" is the product of this interplay and balance between the state and the people. The original and vital force of the people, through the organization of the state, realizes itself fully in the unified communal life of the nation:

The nation is the complete agreement between organism and organization, the perfect formation of a naturally grown being. ... *Nationalism* is nothing more than the outwardly directed striving to maintain this inner unity of people and state, and *socialism* is the inwardly directed striving for the same end.<sup>[23]</sup>

Dr. Herbert Scuria, Government Councilor and Reich's Minister for Science, Education, and Folk Culture, in a pamphlet entitled *Die Grundgedanken des Nationalsozialismus und das Ausland* (*Basic Principles of National Socialism With Special Reference to Foreign Countries*), also emphasizes the importance of the *Volk* in the National Socialist state. Dr. Scuria points out that National Socialism does not view the nation in the democratic sense of a community to which the individual may voluntarily adhere.

The central field of force of the National Socialist consciousness is rather the folk, and this folk is in no case mere individual aggregation, i.e., collectivity as sum of the individuals, but as a unity with a peculiar two-sidedness, at the same time "essential totality" (M.H. Boehm). The folk is both a living creature and a spiritual configuration, in which the individuals are included through common racial conditioning, in blood and spirit. It is that force which works on the individual directly "from within or from the side like a common degree of temperature" (Kjellén) and which collects into the folk whatever according to blood and spirit belongs to it. This folk, point of departure and goal at the same time, is, in the National Socialist world-view, not only the field of force for political order, but as well the central factor of the entire world-picture. Neither individuals, as the epoch of enlightenment envisaged, nor states, as in the system of the dynastic and national state absolutism, nor classes, as conceived by Marxism, are the ultimate realities of the political order, but the peoples, who stand over against one another with the unqualifiable right to a separate existence as natural entities, each with its own essential nature and form.<sup>[24]</sup>

Dr. Scuria claims that National Socialism and Fascism are the strivings of the German and Italian people for final national unification along essentially different national lines natural to each of them. "What took place in Germany," he asserts, "was a political revolution of a total nature."<sup>[25]</sup> "Under

revolution," he states, "we understand rather the penetration of the collective folk-mind [*gesamtvölkischen Bewusstseins*] into all regions of German life."<sup>[26]</sup> And, he concludes:

National Socialism is no invented system of rules for the political game, but the world-view of the German people, which experiences itself as a national and social community, and concedes neither to the state nor the class nor the individual any privileges which endanger the security of the community's right to live. <sup>[27]</sup>

Some of the most striking expressions of the race concept are found in *Die Erziehung im dritten Reich (Education in the Third Reich)*, by Friedrich Alfred Beck, which was published in 1936. It is worthy of note that the tendency which may be observed in Huber (document I, *post* p. 155) and Neesse to associate the ideas of *Volk* and race is very marked with Beck. "All life, whether natural or spiritual, all historical progress, all state forms, and all cultivation by education are in the last analysis based upon the racial make-up of the people in question."<sup>[28]</sup> *Race* finds its expression in human life through the phenomenon of the *people*:

*Race* and *people* belong together. National Socialism has restored the concept of the people from its modern shallowness and sees in the people something different from and appreciably greater than a chance social community of men, a grouping of men who have the same external interests. By *people* we understand an entire living body which is racially uniform and which is held together by common history, common fate, a common mission, and common tasks. Through such an interpretation the people takes on a significance which is only attributed to it in times of great historical importance and which makes it the center, the content, and the goal of all human work. Only that race still possesses vital energy which can still bring its unity to expression in the totality of the people. The people is the space in which race can develop its strength. Race is the vital law of arrangement which gives the people its distinctive form. In the course of time the people undergoes historical transformations, but race prevents the loss of the people's own nature in the course of these transformations. Without the people the race has no life; without race the people has no permanence ... Education, from the standpoint of race and people, is the creation of a form of life in which the racial unity will be preserved through the totality of the people. <sup>[29]</sup>

Beck describes the politically spiritual National Socialist personality which National Socialist education seeks to develop, in the following terms:

Socialism is the direction of personal life through dependence on the community, consciousness of the community, feeling for the community, and action in the community; nationalism is the elevation of individual life to a unique (microcosmic) expression of the community in the unity of the personality. <sup>[30]</sup>

National Socialist education must stress the heroic life and teach German youth the importance of fulfilling their duty to the *Volk*.

Heroism is that force and that conviction which consecrates its whole life to the service of an idea, a faith, a task, or a duty even when it knows that the destruction of its own life is certain ... German life, according to the laws of its ideology, is heroic life ... All German life, every person belonging to the

community of Germans must bear heroic character within himself. Heroic life fulfils itself in the daily work of the miner, the farmer, the clerk, the statesman, and the serving self-sacrifice of the mother. Wherever a life is devoted with an all-embracing faith and with its full powers to the service of some value, there is true heroism ... Education to the heroic life is education to the fulfilment of duty ... One must have experienced it repeatedly that the inner fruition of a work in one's own life has nothing to do with material or economic considerations, that man keeps all of his faculties alive through his obligation to his work and his devotion to his duty, and that he uses them in the service of an idea without any regard for practical considerations, before one recognizes the difference between this world of heroic self-sacrifice and the liberalistic world of barter. Because the younger generation has been brought up in this heroic spirit it is no longer understood by the representatives of the former era who judge the values of life according to material advantage ... German life is heroic life. Germany is not a mere community of existence and of interests whose only function is to insure the material and cultural needs of its members, but it also represents an elemental obligation on the part of the members. The eternal Germany cannot be drawn in on the map; it does not consist of the constitution or the laws of the state. This Germany is the community of those who are solemnly bound together and who experience and realize these eternal national values. This Germany is our eternal mission, our most sacred law ... The developing personality must be submerged in the living reality of the people and the nation from earliest youth on, must take an active and a suffering part in it. Furthermore the heroic life demands a recognition and experiencing of the highest value of life which man must serve with all his powers. This value can perhaps be recognized and presented theoretically in the schools but it can only be directly comprehended and personally experienced in the community of the people. Therefore all education must preserve this *direct connection with the community of the people* and school education must derive from it the form and substance of its instruction.<sup>[31]</sup>

This nationalism, which is based upon the laws of life, has nothing in common with the weak and presumptuous patriotism of the liberalistic world; it is not a gift or a favor, not a possession or a privilege, but it is the form of national life which we have won in hard battle and which suits our Nordic-German racial and spiritual heritage. In the nationalistic personality the powers and values which have been established in the socialistic personality will be purposefully exerted for the perfection of the temporal and eternal idea of life.<sup>[32]</sup>

The National Socialist idea of totality, therefore, and its manifestation in life of the national community form the principal substance of education in the Third Reich:

This idea of totality must be radically distinguished from the liberalistic conception of the mass. According to the liberalistic interpretation the whole consists of a summation of its parts. According to the National Socialist organic conception the whole comes before the parts; it does not arise from the parts but it is already contained in the parts themselves; all parts are microcosmic forms of the whole. This organic conception of the whole is the deepest natural justification of the basic political character of all organic life.<sup>[33]</sup>

Education, Beck continues, must present this total unity as it is manifested in the racial character of the people. Race is the most essential factor in the natural and spiritual unity of a people, and it is also the

main factor which separates one people from another. The racial character of the people must determine the substance of education; this substance must be derived primarily from the life of the people.

Even in the specialized field of political science, Nazi education is concerned not with the structure of the state but with the role of the individual in the life of the people:

National Socialist political science concerns itself not with education to citizenship but with preparation for membership in the German people.... Not the structure of the state but the strength of a people determines the value and the strength of an individual life. The state must be an organization which corresponds to the laws of the people's life and assists in their realization. [34]

Such indeed is the supreme goal of all National Socialist education: to make each individual an expression of "the eternal German":

Whoever wishes fully to realize himself, whoever wishes to experience and embody the eternal German ideal within himself must lift his eyes from everyday life and must listen to the beat of his blood and his conscience ... He must be capable of that superhuman greatness which is ready to cast aside all temporal bonds in the battle for German eternity ... National Socialist education raises the eternal German character into the light of our consciousness ... National Socialism is the eternal law of our German life; the development of the eternal German is the transcendental task of National Socialist education. [35]

### Racial Supremacy

The theory of the racial supremacy of the Nordic, i.e., the German, which was developed by Wagner and Stewart Chamberlain reaches its culmination in the writings of Alfred Rosenberg, the high priest of Nazi racial theory and herald of the *Herrenvolk* (master race). Rosenberg developed his ideas in the obscure phraseology of *Der Mythos des 20. Jahrhunderts (The Myth of the Twentieth Century)* (document 3, *post* p. 174). "The 'meaning of world history'," he wrote, "has radiated out from the north over the whole world, borne by a blue-eyed blond race which in several great waves determined the spiritual face of the world ... These wander-periods were the legendary migration of the Atlantides across north Africa, the migration of the Aryans into India and Persia; the migration of the Dorians, Macedonians, Latins; the migration of the Germanic tribes; the colonization of the world by the Germanic Occident." [36] He discusses at length Indian, Persian, Greek, Roman, and European cultures; in each case, he concludes, the culture is created by the ruling Nordic element and declines through the racial decay of the Nordics resulting from their intermixture with inferior races.

It has long been accepted, Rosenberg claims, that all the states of the west and their creative values have been generated by Germans; and it follows that if the Germanic blood were to vanish away completely in Europe all western culture would also fall to ruin.

Rosenberg acclaims the new faith of the blood which is to replace the non-German religion of Christianity. "A *new* faith is arising today: the myth of the blood, the faith to defend with the blood the divine essence of man. The faith, embodied in clearest knowledge, that the Nordic blood represents that *mysterium* which has replaced and overcome the old sacraments." [37]

Rosenberg accepts the classic German view of the *Volk*, which he relates closely to the concept of race. "The state is nowadays no longer an independent idol, before which everything must bow down; the state is not even an end but is only a means for the preservation of the folk ... Forms of the state change,

and laws of the state pass away; the folk remains. From this alone follows that the nation is the first and *last*, that to which everything else has to be subordinated."<sup>[38]</sup> "The new thought puts folk and race higher than the state and its forms. It declares protection of the folk more important than protection of a religious denomination, a class, the monarchy, or the republic; it sees in treason against the folk a greater crime than high treason against the state."<sup>[39]</sup>

The essence of Rosenberg's racial ideas was incorporated in point 4 of the program of the Nazi Party, which reads as follows: "None but members of the nation [*Volk*] may be citizens of the State. None but those of German blood, whatever their creed, may be members of the nation. No Jew, therefore, may be a member of the nation."<sup>[40]</sup> After the Nazis came to power, this concept was made the basis of the German citizenship law of September 15, 1935.

Commenting upon point 4 of the Nazi program in his pamphlet, *Nature, Principles, and Aims of the NSDAP*, Rosenberg wrote:

An indispensable differentiation must be made sometime in the German *Volk*consciousness: The right of nationality should not represent something which is received in the cradle as a gift, but should be regarded as a good which must be earned. Although every German is a subject of the state, the rights of nationality should only be received when at the age of twenty or twenty-two he has completed his education or his military service or has finished the labor service which he owes to the state and after having given evidence of honorable conduct. The right to nationality, which must be earned, must become an opportunity for every German to strive for complete humanity and achievement in the service of the *Volk*. This consciousness, which must always be kept alive, will cause him to regard this earned good quite differently from the way it was regarded in the past and today more than ever.

The prevailing concept of state nationality completely ignores the idea of race. According to it whoever has a German passport is a German, whoever has Czech documents is a Czech, although he may have not a single drop of Czech blood in his veins ...

National Socialism also sees in the nature of the structure and leadership of the state an outflowing of a definite character in the *Volk*. If one permits a wholly foreign race—subject to other impulses—to participate therein, the purity of the organic expression is falsified and the existence of the *Volk* is crippled....

This whole concept of the state [parliamentary democracy] is replaced by National Socialism with a basically different concept. National Socialism recognizes that, although the individual racial strains in German-speaking territory differ, they nevertheless belong to closely related races, and that many mixtures among the members of these different branches have produced new and vital strains, among them the complex but still *German* man, but that a mixture with the Jewish enemy race, which in its whole spiritual and physical structure is basically different and antagonistic and has strong resemblances to the peoples of the Near East, can only result in bastardization.<sup>[41]</sup>

True to the tradition of German imperialism, Rosenberg does not confine his ideas of racial supremacy to the Germans in the Reich alone. He even extends them to the United States, where he envisages the day when the awakening German element will realize its destiny in this country. In *Der Mythos des 20. Jahrhunderts*, for example, he writes, "After throwing off the worn-out idea upon which it was founded



... i.e., after the destruction of the idea represented by New York, the United States of North America has the great task ... of setting out with youthful energy to put into force the new racial-state idea which a few awakened Americans have already foreseen."<sup>[42]</sup>

This idea was developed at length by the German geopolitician, Colin Ross. In his book *Unser Amerika (Our America)* (document 4, *post* p. 178), published in 1936, Ross develops the thesis that the German element in the United States has contributed all that is best in American life and civilization and urges it to become conscious of its racial heritage and to prepare for the day when it may take over complete control of the country.

Reference was made in the preceding section to Beck's *Education in the Third Reich*. On the subject of racial supremacy Beck points out that certain new branches of learning have been introduced into the National Socialist schools and certain old ones have been given a new emphasis. The most important of these are the science of race and the cultivation of race (*Rassenkunde und Rassenpflege*), which teach the pupil to recognize and develop those racial powers which alone make possible the fullest self-realization in the national community. An awakening of a true racial consciousness in the people should lead to a "qualitative and quantitative" racial refinement of the German people by inducing a procreative process of selection which would reduce the strains of foreign blood in the national body. "German racial consciousness must have pride in the Nordic race as its first condition. It must be a feeling of the highest personal pride to belong to the Nordic race and to have the possibility and the obligation to work within the German community for the advancement of the Nordic race."<sup>[43]</sup> Beck points out that pupils must be made to realize "that the downfall of the Nordic race would mean the collapse of the national tradition, the disintegration of the living community and the destruction of the individual."<sup>[44]</sup>

Under the influence of war developments, which have given the Nazis a chance to apply their racial theories in occupied territories, their spokesmen have become increasingly open with regard to the political implications of the folk concept. In an article on "The Structure and Order of the Reich," published late in 1941, Ernst Rudolf Huber wrote, "this folk principle has found its full confirmation for the first time in the events of this war, in which the unity of the folk has been realized to an extent undreamed of through the return to the homeland of territories which had been torn from it and the resettlement of German folk-groups. Thus the awakening of Germandom to become a political folk has had a twofold result: the unity of the folk-community has risen superior to differences of birth or wealth, of class, rank, or denomination; and the unity of Germandom above all state boundaries has been consciously experienced in the European living-space [*Siedlungsraum*]."<sup>[45]</sup>

### **The Führer Principle**

The second pillar of the Nazi state is the Führer, the infallible leader, to whom his followers owe absolute obedience. The Führer principle envisages government of the state by a hierarchy of leaders, each of whom owes unconditional allegiance to his immediate superior and at the same time is the absolute leader in his own particular sphere of jurisdiction.

One of the best expositions of the Nazi concept of the Führer principle is given by Huber in his *Constitutional Law of the Greater German Reich* (document 1, *post* p. 155):

The Führer-Reich of the [German] people is founded on the recognition that the true will of the people cannot be disclosed through parliamentary votes and plebiscites but that the will of the people in its pure and uncorrupted form can only be expressed through the Führer. Thus a distinction must be drawn between the supposed will of the people in a parliamentary democracy, which merely

reflects the conflict of the various social interests, and the true will of the people in the Führer-state, in which the collective will of the real political unit is manifested ...

The Führer is the bearer of the people's will; he is independent of all groups, associations, and interests, but he is bound by laws which are inherent in the nature of his people. In this twofold condition: independence of all factional interests but unconditional dependence on the people, is reflected the true nature of the Führer principle. Thus the Führer has nothing in common with the functionary, the agent, or the exponent who exercises a mandate delegated to him and who is bound to the will of those who appoint him. The Führer is no "representative" of a particular group whose wishes he must carry out. He is no "organ" of the state in the sense of a mere executive agent. He is rather himself the bearer of the collective will of the people. In his will the will of the people is realized. He transforms the mere feelings of the people into a conscious will ... Thus it is possible for him, in the name of the true will of the people which he serves, to go against the subjective opinions and convictions of single individuals within the people if these are not in accord with the objective destiny of the people ... He shapes the collective will of the people within himself and he embodies the political unity and entirety of the people in opposition to individual interests ...

But the Führer, even as the bearer of the people's will, is not arbitrary and free of all responsibility. His will is not the subjective, individual will of a single man, but the collective national will is embodied within him in all its objective, historical greatness ... Such a collective will is not a fiction, as is the collective will of the democracies, but it is a political reality which finds its expression in the Führer. The people's collective will has its foundation in the political idea which is given to a people. It is present in the people, but the Führer raises it to consciousness and discloses it ...

In the Führer are manifested also the natural laws inherent in the people: It is he who makes them into a code governing all national activity. In disclosing these natural laws he sets up the great ends which are to be attained and draws up the plans for the utilization of all national powers in the achievement of the common goals. Through his planning and directing he gives the national life its true purpose and value. This directing and planning activity is especially manifested in the lawgiving power which lies in the Führer's hand. The great change in significance which the law has undergone is characterized therein that it no longer sets up the limits of social life, as in liberalistic times, but that it drafts the plans and the aims of the nation's actions ...

The Führer principle rests upon unlimited authority but not upon mere outward force. It has often been said, but it must constantly be repeated, that the Führer principle has nothing in common with arbitrary bureaucracy and represents no system of brutal force, but that it can only be maintained by mutual loyalty which must find its expression in a free relation. The Führer-order depends upon the responsibility of the following, just as it counts on the responsibility and loyalty of the Führer to his mission and to his following ... There is no greater responsibility than that upon which the Führer principle is grounded.<sup>[46]</sup>

The nature of the plebiscites which are held from time to time in a National Socialist state, Huber points out, cannot be understood from a democratic standpoint. Their purpose is not to give the people an opportunity to decide some issue but rather to express their unity behind a decision which the Führer, in his capacity as the bearer of the people's will, has already made:

That the will of the people is embodied in the Führer does not exclude the possibility that the Führer can summon all members of the people to a plebiscite on a certain question. In this "asking of the people" the Führer does not, of course, surrender his decisive power to the voters. The purpose of the plebiscite is not to let the people act in the Führer's place or to replace the Führer's decision with the result of the plebiscite. Its purpose is rather to give the whole people an opportunity to demonstrate and proclaim its support of an aim announced by the Führer. It is intended to solidify the unity and agreement between the objective people's will embodied in the Führer and the living, subjective conviction of the people as it exists in the individual members ... This approval of the Führer's decision is even more clear and effective if the plebiscite is concerned with an aim which has already been realized rather than with a mere intention. [47]

Huber states that the Reichstag elections in the Third Reich have the same character as the plebiscites. The list of delegates is made up by the Führer and its approval by the people represents an expression of renewed and continued faith in him. The Reichstag no longer has any governing or lawgiving powers but acts merely as a sounding board for the Führer:

It would be impossible for a law to be introduced and acted upon in the Reichstag which had not originated with the Führer or, at least, received his approval. The procedure is similar to that of the plebiscite: The lawgiving power does not rest in the Reichstag; it merely proclaims through its decision its agreement with the will of the Führer, who is the lawgiver of the German people. [48]

Huber also shows how the position of the Führer developed from the Nazi Party movement:

The office of the Führer developed out of the National Socialist movement. It was originally not a state office; this fact can never be disregarded if one is to understand the present legal and political position of the Führer. The office of the Führer first took root in the structure of the Reich when the Führer took over the powers of the Chancellor, and then when he assumed the position of the Chief of State. But his primary significance is always as leader of the movement; he has absorbed within himself the two highest offices of the political leadership of the Reich and has created thereby the new office of "Führer of the people and the Reich." That is not a superficial grouping together of various offices, functions, and powers ... It is not a union of offices but a unity of office. The Führer does not unite the old offices of Chancellor and President side by side within himself, but he fills a new, unified office. [49]

The Führer unites in himself all the sovereign authority of the Reich; all public authority in the state as well as in the movement is derived from the authority of the Führer. We must speak not of the state's authority but of the Führer's authority if we wish to designate the character of the political authority within the Reich correctly. The state does not hold political authority as an impersonal unit but receives it from the Führer as the executor of the national will. The

authority of the Führer is complete and all-embracing; it unites in itself all the means of political direction; it extends into all fields of national life; it embraces the entire people, which is bound to the Führer in loyalty and obedience. The authority of the Führer is not limited by checks and controls, by special autonomous bodies or individual rights, but it is free and independent, all-inclusive and unlimited. It is not, however, self-seeking or arbitrary and its ties are within itself. It is derived from the people; that is, it is entrusted to the Führer by the people. It exists for the people and has its justification in the people; it is free of all outward ties because it is in its innermost nature firmly bound up with the fate, the welfare, the mission, and the honor of the people.<sup>[50]</sup>

Neesse, in his *The National Socialist German Workers Party—An Attempt at Legal Interpretation*, emphasizes the importance of complete control by the party leadership over all branches of the government. He says there must be no division of power in the Nazi state to interfere with the leader's freedom of action. Thus the Führer becomes the administrative head, the lawgiver, and the highest authority of justice in one person. This does not mean that he stands above the law. "The Führer may be outwardly independent, but inwardly he obeys the same laws as those he leads."<sup>[51]</sup>

The *leadership (Führung)* in the Nazi state is not to be compared with the *government or administration* in a democracy:

*Führung* is not, like government, the highest organ of the state, which has grown out of the order of the state, but it receives its legitimation, its call, and its mission from the people ...<sup>[52]</sup>

The people cannot as a rule announce its will by means of majority votes but only through its embodiment in one man, or in a few men. The principle of the *identity* of the ruler and those who are ruled, of the government and those who are governed has been very forcibly represented as the principle of democracy. But this identity ... becomes mechanistic and superficial if one seeks to establish it in the theory that the people are at once the governors and the governed ... A true organic identity is only possible when the great mass of the people recognizes its embodiment in one man and feels itself to be one nature with him ... Most of the people will never exercise their governing powers but only wish to be governed justly and well ... National Socialist *Führung* sees no value in trying to please a majority of the people, but its every action is dictated by service to the welfare of the people, even though a majority would not approve it. The mission of the *Führung* is received from the people, but the fulfilment of this mission and the exercise of power are free and must be free, for however surely and forcefully a healthy people may be able to make decisions in the larger issues of its destiny, its decisions in all smaller matters are confused and uncertain. For this reason, *Führung* must be free in the performance of its task ... The Führer does not stand for himself alone and can be understood not of himself, but only from the idea of a work to be accomplished ... Both the Führer and his following are subject to the idea which they serve; both are of the same substance, the same spirit, and the same blood. The despot knows only subjects whom he uses or, at best, for whom he cares. But the first consideration of the Führer is not his own advantage nor even, at bottom, the welfare of the people, but only service to the mission, the idea, and the purpose to which Führer and following alike are consecrated.<sup>[53]</sup>

The supreme position of Adolf Hitler as Führer of the Reich, which Huber and Neesse emphasize in the preceding quotations, is also stressed in the statements of high Nazi officials. For example, Dr. Frick, the German Minister of the Interior, in an article entitled "Germany as a Unitary State," which is included in a book called *Germany Speaks*, published in London in 1938, states:

The unity of the party and the state finds its highest realization in the person of the Leader and Chancellor who ... combines the offices of President and Chancellor. He is the leader of the National Socialist Party, the political head of the state and the supreme commander of the defense forces.<sup>[54]</sup>

It is interesting to note that, notwithstanding the generally recognized view as expressed in the preceding citations that the authority of the Führer is supreme, Hitler found it necessary in April 1942 to ask the Reichstag to confirm his power to be able at any time, if necessary, to urge any German to fulfil his obligations by all means which appear to the Führer appropriate in the interests of the successful prosecution of the war.<sup>[55]</sup> (The text of the resolution adopted by the Reichstag is included as document 5, *post* p. 183.)

Great emphasis is placed by the Nazi leaders on the infallibility of the Führer and the duty of obedience of the German people. In a speech on June 12, 1935, for instance, Robert Ley, director of the party organization, said, "Germany must obey like a well-trained soldier: the Führer, Adolf Hitler, is always right." Developing the same idea, Ley wrote in an article in the *Angriff* on April 9, 1942 (document 6, *post* p. 184): "Right is what serves my people; wrong is what damages it. I am born a German and have, therefore, only one holy mission: work for my people and take care of it." And with reference to the position of Hitler, Ley wrote:

The National Socialist Party is Hitler, and Hitler is the party. The National Socialists believe in Hitler, who embodies their will. Therefore our conscience is clearly and exactly defined. Only what Adolf Hitler, our Führer, commands, allows, or does not allow is our conscience. *We have no understanding for him who hides behind an anonymous conscience, behind God, whom everybody conceives according to his own wishes.*

These ideas of the Führer's infallibility and the duty of obedience are so fundamental in fact that they are incorporated as the first two commandments for party members. These are set forth in the *Organisationsbuch der NSDAP (Nazi Party Organization Book)* for 1940, page 7 (document 7, *post* p. 186). The first commandment is "The Führer is always right!" and the second is "Never go against discipline!"

In view of the importance attached to the Führer principle by the Nazis, it is only natural that youth should be intensively indoctrinated with this idea. Neesse points out that one of the most important tasks of the party is the formation of a "select group" or elite which will form the leaders of the future:

A party such as the NSDAP, which is responsible to history for the future of the German Reich, cannot content itself with the hope for future leaders but must create a strain of strong and true personalities which should offer the constantly renewed possibility of replacing leaders whenever it is necessary.<sup>[56]</sup>

Beck, in his work *Education in the Third Reich*, also insists that a respect for the Führer principle be inculcated in youth:

The educational value of the Hitler Youth is to be found in this community spirit which cannot be taught but can only be experienced ... But this cultivation of the community spirit through the experience of the community must, in order

to avoid any conception of individual equality which is inconsistent with the German view of life, be based upon inward and outward recognition of the Führer principle ... In the Hitler Youth, the young German should learn by experience that there are no theoretical equal rights of the individual but only a natural and unconditional subordination to leadership. [57]

German writers often pretend that the Führer principle does not necessarily result in the establishment of a dictatorship but that it permits the embodiment of the will of the people in its leaders and the realization of the popular will much more efficiently than is possible in democratic states. Such an argument, for example, is presented by Dr. Paul Ritterbusch in *Demokratie und Diktatur* (*Democracy and Dictatorship*), published in 1939. Professor Ritterbusch claims that Communism leads to a dictatorial system but that the Nazi movement is much closer to the ideals of true democracy. The real nature of National Socialism, however, cannot be understood from the standpoint of the "pluralistic-party state." It does not represent a dictatorship of one party and a suppression of all others but rather an expression of the will and the character of the whole national community in and through one great party which has resolved all internal discords and oppositions within itself. The Führer of this great movement is at once the leader and the expression of the national will. Freed from the enervating effects of internal strife, the movement under the guiding hand of the Führer can bring the whole of the national community to its fullest expression and highest development.

The highest authority, however, Hitler himself, has left no doubt as to the nature of Nazi Party leaders. In a speech delivered at the Sportpalast in Berlin on April 8, 1933, he said:

When our opponents say: "It is easy for you: you are a dictator"—We answer them, "No, gentlemen, you are wrong; there is no single dictator, but ten thousand, each in his own place." And even the highest authority in the hierarchy has itself only one wish, never to transgress against the supreme authority to which it, too, is responsible. We have in our movement developed this loyalty in following the leader, this blind obedience of which all the others know nothing and which gave to us the power to surmount everything. [58]

As has been indicated above, the Führer principle applies not only to the Führer of the Reich, Adolf Hitler, but to all the subordinate leaders of the party and the government apparatus. With respect to this aspect of the Führer principle, Huber (document 1, *post* p. 155), says:

The ranks of the public services are regarded as forces organized on the living principle of leadership and following: The authority of command exercised in the labor service, the military service, and the civil service is Führer-authority ... It has been said of the military and civil services that true leadership is not represented in their organization on the principles of command and obedience. In reality there can be no political leadership which does not have recourse to command and force as the means for the accomplishment of its ends. Command and force do not, of course, constitute the true nature of leadership, but as a means they are indispensable elements of every fully developed Führer-order. [59]

The Führer principle is officially recognized by the party, and the party interpretation thereof is set forth in the *Party Organization Book* (document 7 and charts 1 and 1-A, *post* pp. 186, 488, 489).

There are also included herein, as charts 2 and 2-A and 3 and 3-A (*post* pp. 490, 491, 492, 493), photostatic copies and translations of two charts from *Der nationalsozialistische Staat* (*The National Socialist State*) by Dr. Walther Gehl, published in 1935. These charts clearly show the concentration of

authority in the Führer and the subordinate relation of the minor leaders in both the state and the party.

## The Party: Leadership by an Elite Class

### 1. Functions of the Party

The third pillar of the Nazi state, the link between *Volk* and Führer, is the Nazi Party. According to Nazi ideology, all authority within the nation is derived ultimately from the people, but it is the party through which the people expresses itself. In *Rechtseinrichtungen und Rechtsaufgaben der Bewegung (Legal Organization and Legal Functions of the Movement)* (document 8, post p. 204), published in 1939, Otto Gauweiler states:

The will of the German people finds its expression in the party as the political organization of the people. It represents the political conception, the political conscience, and the political will. It is the expression and the organ of the people's creative will to life. It comprises a select part of the German people for "only the best Germans should be party members" ... The inner organization of the party must therefore bring the national life which is concentrated within itself to manifestation and development in all the fields of national endeavor in which the party is represented. [60]

Gauweiler defines the relationship of the party to the state in the following terms:

The party stands above and beside the state as the wielder of an authority derived from the people with its own sovereign powers and its own sphere of sovereignty ... The legal position of the party is therefore that of a completely sovereign authority whose legal supremacy and self-sufficiency rest upon the original independent political authority which the Führer and the movement have attained as a result of their historical achievements. [61]

Nesse states that "It will be the task of National Socialism to lead back the German people to an organic structure which proceeds from a recognition of the differences in the characters and possibilities of human beings without permitting this recognition to lead to a cleavage of the people into two camps." [62] This task is the responsibility of the party. Although it has become the only political party in Germany, the party does not desire to identify itself with the state. It does not wish to dominate the state or to serve it. It works beside it and cooperates with it. In this respect, Nazi Germany is distinguished from the other one-party states of Europe: "In the one-party state of Russia, the party rules over the state; in the one-party state of Italy, the party serves the state; but in the one-party state of Germany, the party neither serves the state nor rules over it directly but works and struggles together with it for the community of the people." [63] Nesse contends that the party derives its legal basis from the law inherent in the living organism of the German *Volk*:

The inner law of the NSDAP is none other than the inner law of the German people. The party arises from the people; it has formed an organization which crystallizes about itself the feelings of the people, which seemed buried, and the strength of the people, which seemed lost. [64]

Nesse states that the party has two great tasks—to insure the continuity of national leadership and to preserve the unity of the *Volk*:

The first main task of the party, which is in keeping with its organic nature, is

to protect the National Socialist idea and to constantly renew it by drawing from the depths of the German soul, to keep it pure and clear, and to pass it on thus to coming generations: this is predominantly a matter of education of the people.

The second great task, which is in keeping with its organizational nature, is to form the people and the state into the unity of the nation and to create for the German national community forms which are ever new and suited to its vital development: this is predominantly a matter of state formation. These two tasks, one of which deals with substance and the other with function, belong together. It is as impossible to separate them as it is to split up the party into organism and organization, form and content.<sup>[65]</sup>

Huber (document 1, *post* p. 155) describes the tasks of the party in similar terms. He states that the party is charged with the "education of the people to a political people" through the awakening of the political consciousness of each individual; the inculcation of a "uniform political philosophy," that is, the teaching of Nazi principles; "the selection of leaders," including the choice and training of especially promising boys to be the Führers of the future; and the shaping of the "political will of the people" in accordance with the Führer's aims.<sup>[66]</sup>

The educational tasks of the party are stressed by Beck, who develops the idea that the *Volk* can be divided into three main groups, "a supporting, a leading, and a creative class."<sup>[67]</sup> It is the duty of the leading class, that is, the party, from which the creative class of leaders is drawn, to provide for the education of the supporting class.

Every member of the body of the people must belong to the politically supporting class, that is, each one who bears within himself the basic racial, spiritual, and mental values of the people ... Here no sort of leading or creative activity is demanded but only a recognition of the leading and creative will ... Only those are called to leadership in political life who have recognized the community-bound law of all human life in purest clarity and in the all-embracing extent of its validity and who will place all the powers of their personal lives with the help of a politically moral character in the service of the formation of community life ... From the politically leading class arise the politically creative personalities. These are the mysterious elemental forces which are beyond all explanation by human reason and which through their action and by means of the living idea within them give to the community of the people an expression which is fresh, young, and eternal. Here is the fulfilment of the highest and purest political humanity ... The education of the socialist personality is essentially the forming of the politically supporting class within the German people and the encouragement of those political tendencies which make a man a political leader. To educate to political creativeness is just as impossible as to educate to genius. Education can only furnish the spiritual atmosphere, can only prepare the spiritual living-space for the politically creative personality by forming a uniform political consciousness in the socialistic personality, and in the development of politically creative personalities it can at the most give special attention to those values of character and spirit which are of decisive importance for the development of this personality.<sup>[68]</sup>

Goebbels in *The Nature and Form of National Socialism*(document 2, *post* p. 170) emphasizes the responsibility of the party for the leadership of the state:



The party must always continue to represent the hierarchy of National Socialist leadership. This minority must always insist upon its prerogative to control the state. It must keep the way open for the German youth which wishes to take its place in this hierarchy. In reality the hierarchy has fewer rights than duties! It is responsible for the leadership of the state and it solemnly relieves the people of this responsibility. It has the duty to control the state in the best interests and to the general welfare of the nation.<sup>[69]</sup>

Dr. Frick, German Minister of the Interior, in his chapter in *Germany Speaks* indicates the exclusive position of the party in the Third Reich:

National Socialist Germany, however, is not merely a unitary state: it is also a unitary nation and its governance is based on the principle of leadership ...

In National Socialist Germany, leadership is in the hands of an organized community, the National Socialist Party; and as the latter represents the will of the nation, the policy adopted by it in harmony with the vital interests of the nation is at the same time the policy adopted by the country ... The National Socialist Party is the only political party in Germany and therefore the true representative of the people...<sup>[70]</sup>

To Dr. Ley, the party is identical with the Führer. As he wrote in the *Angriff* on April 9, 1942 (document 6, *post* p. 184), "The National Socialist Party is Hitler, and Hitler is the party."

The role of the party in legislation, in political matters, and in the appointment of Government officials is indicated by the Führer's decree of May 29, 1941,<sup>[71]</sup> as amplified by the order of January 16, 1942, concerning its execution.<sup>[72]</sup> (Document 9, *post* p. 212). This order provides that all legislative proposals and proposed laws and decrees, as well as any proposed changes therein, must pass through and receive the approval of the Party Chancelry.

## 2. Party Membership

Details concerning the qualifications and duties of party members are contained in the *Party Organization Book* for 1940 (document 7, *post* p. 186).

Membership is finally confirmed by the issuance of a membership card or a membership book. Anyone who becomes a party member does not merely join an organization but he becomes a soldier in the German freedom movement and that means much more than just paying his dues and attending the members' meetings. He obligates himself to subordinate his own ego and to place everything he has in the service of the people's cause. Only he who is capable of doing this should become a party member. A selection must be made in accordance with this idea.

Readiness to fight, readiness to sacrifice, and strength of character are the requirements for a good National Socialist. Small blemishes, such as a false step which someone has made in his youth, should be overlooked; the contribution in the struggle for Germany should alone be decisive. The healthy will naturally prevail over the bad if the will to health finds sufficient support in leadership and achievement. Admission to the party should not be controlled by the old bourgeois point of view. The party must always represent the elite of the

people. [73]

German blood is one of the prerequisites for party membership. The *Party Organization Book* for 1940 (document 7, *post* p. 186) also states, "Only those racial comrades who possess German citizenship are eligible for admission." [74]

Party members shall not exceed ten per cent of the German population of the region. "The ideal proportion of the number of party members to the number of racial comrades is set at ten per cent. This proportion is to apply also to the individual Province [Gau]." [75]

### 3. Pledges and Symbols of Allegiance

Party members take an oath of loyalty to the Führer in the following terms: "I pledge allegiance to my Führer, Adolf Hitler. I promise at all times to respect and obey him and the leaders whom he appoints over me." [76]

#### (a) The Hitler Salute

A pledge of allegiance to the Führer is also implied in the Nazi salute, which is usually accompanied by the greeting, "Heil Hitler." The phrase *mit deutschen Gruss*, which is commonly used as a closing salutation in letters, is another form of the Hitler greeting. *Knaurs Konversations-Lexikon (Knaur's Conversational Dictionary)*, published in Berlin in 1934, contains the following definition:

*German greeting, Hitler greeting:* by raising the right arm; used by the old Germans with the spear as a greeting of arms [*Waffengruss*]. Communal greeting of the National Socialists; introduced into general use in 1933.

That this greeting was used by the Nazis as early as 1923 is demonstrated by a photograph which appeared in *Das Buch der NSDAP, Werden, Kampf and Ziel der NSDAP (The Book of the NSDAP, Growth, Struggle, and Goal of the NSDAP)* by Walter M. Espe (Berlin, 1934), illustration 34 (document 10, *post* p. 214).

In the same book (page 23 in the supplement entitled "*Die NSDAP*") the following distinction is made between the usual Nazi greeting and the Storm Troopers' salute:

While the German greeting consists merely in raising the right hand in any desired manner and represents rather a general comradely greeting, the SA salute is executed, in accordance with the specifications of the SA service regulations, by placing the left hand on the belt and raising the extended right arm.

The SA salute is to be given to all higher ranking leaders of the SA and the SS and of the veterans' organization which has been incorporated into the SA, as well as to the Army and the national and security police forces.

The comradely German greeting is to be exchanged between all equally ranking members of the SA and the SS and members of a corresponding rank in the Army, the police, the veterans' organization, the German air-sport league, the Hitler Youth, the railway guards, and the whole membership of the party so far as they are distinguishable by regulation uniforms.

## (b) The Swastika

Early in its history the Nazi Party adopted the swastika banner as its official emblem.<sup>[77]</sup> It was designed by Hitler himself, who wrote in *Mein Kampf*:

I myself after countless attempts had laid down a final form: a flag with a background of red cloth, having a white circle, and, in its center, a black swastika....

As National Socialists we see our program in our flag. In the *red* we see the social idea of the movement, in the *white* the nationalistic idea, and in the *swastika* the fight for the victory of Aryan man and at the same time for the victory of the idea of creative work, which in itself always was and always will be anti-Semitic.<sup>[78]</sup>

The swastika banner came into general use after January 30, 1933 as a symbol of allegiance to the Hitler regime, but not until two years later was it made the German national flag by the Reich flag law of September 15, 1935.<sup>[79]</sup> Another law, decreed on April 7, 1937,<sup>[80]</sup> specified that:

The insignia which the NSDAP, its formations, and associated organizations use for their officers, their structure, their organization, and their symbols may not be used by other associations either alone or with embellishments.

It is interesting to note that party regulations forbid members to use passport photographs in which they appear in party uniform or wearing party insignia and that party members are forbidden to discuss foreign policy with foreigners unless they are officially designated by the Führer to do so. The pertinent regulations read:

### *Pass Photos on Identification Cards*

Members of the NSDAP must not use pass photos which show the holder of any identification card in a uniform of the party or of any of its formations. It is also forbidden to use as pass photos pictures which show the person wearing a party button.

### *Conversations With Foreigners*

It is forbidden to all party members to engage in discussions of foreign policy with foreigners. Only such persons as have been designated by the Führer are entitled to do so.<sup>[81]</sup>

## The Totalitarian State

The Weimar Constitution, although never formally abrogated by the Nazis, was rendered totally ineffectual by two basic laws, promulgated within two months after the seizure of power by the party. The first of these was the "Decree of the Reich's President for the Protection of the People and State" (document 11-I, *post* p. 215), issued February 28, 1933, the day after the Reichstag was burned down. It

suspended "until further notice"<sup>[82]</sup> articles of the Weimar Constitution guaranteeing essential democratic rights of the individual. Thus, according to article I of this decree, "restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press, on the right of assembly and the right of association, and violations of the privacy of postal, telegraphic, and telephonic communications, and warrants for house-searches, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed."<sup>[83]</sup> The abrogation by the Nazis of these fundamental rights of democracy has never been repealed or amended. In fact, this decree represents the presupposition and confirmation of the police sway established throughout Germany by the Nazis.<sup>[84]</sup>

The second basic law, known as the "Enabling Act," the "Law To Remove the Distress of People and State," of March 24, 1933 (document 11-II, *post* p. 217), swept away parliamentary government entirely. By abrogating the pertinent articles of the Weimar Constitution, it enabled the Nazi Cabinet under Hitler's chancellorship to appropriate money and legislate without any responsibility to the Reichstag or any obligation to respect the Constitution.

The dissolution of democracy in Germany was sealed by the unification of the authoritarian Nazi Party with the German state. Soon after the party came to power in 1933, steps were taken to effect and secure this unity. The process is described by Huber (document 1, *post* p. 155) as follows:

On July 14, 1933 was issued the law against the formation of new parties which raised the NSDAP to the only political party in Germany [document 11-III] ... The overthrow of the old party-state was accompanied by the construction of the new movement-state [*Bewegungsstaat*]. Out of a political fighting organization the NSDAP grew to a community capable of carrying the state and the nation. This process was accomplished step by step in the first months after the National Socialist seizure of power. The assumption of the office of Chancellor by the Führer of the movement formed the basis for this development. Various party leaders were appointed as *Reichsminister*; the governors of the provinces were national leaders or *Gauleiter* of the party, such as General von Epp; the Prussian government officials are as a rule *Gauleiter* of the party; the Prussian police chiefs are mostly high-ranking SA leaders. By this system of a union of the personnel of the party and state offices the unity of party and state was achieved.<sup>[85]</sup>

The culmination of this development was reached in the "Law To Safeguard the Unity of Party and State," of December 1, 1933 (document 11-IV, *post* p. 221), which proclaimed the NSDAP "the bearer of the German state-idea and indissolubly joined to the state." In order to guarantee the complete cooperation of the party and SA with the public officials, the Führer's Deputy and the Chief of Staff of the SA were made members of the Cabinet.

With regard to the relation between the party and the state, Neesse writes:

The NSDAP is not a structure which stands under direct state control, to which single tasks of public administration are entrusted by the state, but it holds and maintains its claim to totality as the "bearer of the German state-idea" in all fields relating to the community—regardless of how various single functions are divided between the organization of the party and the organization of the state.  
<sup>[86]</sup>

To maintain cooperation between the party and state organizations, the highest state offices are given to the men holding the corresponding party offices. Gauweiler (document 8, *post* p. 204) attributes to the party supreme leadership in all phases of national life. Thus the state becomes merely an administrative

machine which the party has set up in accordance with and for the accomplishment of its aims:

As the responsible bearer and shaper of the destiny of the whole German nation the party has created an entirely new state, for that which sought to foist itself upon her as a state was simply the product of a deep human confusion. The state of the past and its political ideal had never satisfied the longing of the German people. The National Socialist movement already carried its state within itself at the time of its early struggles. It was able to place the completely formed body of its own state at the disposal of the state which it had taken over. [87]

The official party interpretation of the relation between party and state, as set forth in the *Party Organization Book* for 1940, appears in the Appendix as document 7 (*post* p. 186).

Goebbels in his lecture on *The Nature and Form of National Socialism* (document 2, *post* p. 170) stressed the importance of *Gleichschaltung* or the penetration of Nazi ideology into all fields of national life. This to his mind must be the result of the National Socialist revolution. The same aims, ideals, and standards must be applied to economics and to politics, to cultural and social development, to education and religion, and to foreign and domestic relations.

The result of this concept of the totalitarian state has been the compulsory regimentation of all phases of German life to conform to the pattern established by the party. The totalitarian state does not recognize personal liberties for the individual. The legal position of the individual citizen in the Third Reich is clearly set forth by Huber (document 1, *post* p. 155):

Not until the nationalistic political philosophy had become dominant could the liberalistic idea of basic rights be really overcome. The concept of personal liberties of the individual as opposed to the authority of the state had to disappear; it is not to be reconciled with the principle of the nationalistic Reich. There are no personal liberties of the individual which fall outside of the realm of the state and which must be respected by the state. The member of the people, organically connected with the whole community, has replaced the isolated individual; he is included in the totality of the political people and is drawn into the collective action. There can no longer be any question of a private sphere, free of state influence, which is sacred and untouchable before the political unity. The constitution of the nationalistic Reich is therefore not based upon a system of inborn and inalienable rights of the individual. [88]

In place of these rights the constitution of the Third Reich guarantees to the individual his place in the community of the people:

The legal position of the individual member of the people forms an entirely new concept which is indispensable for the construction of a nationalistic order. The legal position of the individual is always related to the community and conditioned by duty. It is developed not for the sake of the individual but for the community, which can only be filled with life, power, and purpose when a suitable field of action is insured for the individual member. Without a concrete determination of the individual's legal position there can be no real community.

This legal position represents the organic fixation of the individual in the living order. Rights and obligations arise from the application of this legal position to specific individual relationships ... But all rights must be regarded as duty-bound rights. Their exercise is always dependent upon the fulfilment by the

individual of those duties to which all rights are subordinate ...<sup>[89]</sup>

The concept of private property in the totalitarian state is also at variance with the democratic concept of private property. In the Third Reich the holder of property is considered merely as a manager responsible to the *Volk* for the use of the property in the common interest. Huber sets forth the Nazi view in the following words:

"Private property" as conceived under the liberalistic economic order was a reversal of the true concept of property. This "private property" represented the right of the individual to manage and to speculate with inherited or acquired property as he pleased, without regard for the general interests ... German socialism had to overcome this "private," that is, unrestrained and irresponsible view of property. All property is common property. The owner is bound by the people and the Reich to the responsible management of his goods. His legal position is only justified when he satisfies this responsibility to the community.<sup>[90]</sup>

Pursuant to this view of the nature of ownership, property may be confiscated whenever the state decides that public management would be in the interests of the community, or if the owner is found guilty of irresponsible management, in which case no compensation is paid him.

Reference has been made to the appointment of party members to important state offices. Gauweiler (document 8, *post* p. 204) points out that the party insured the infusion of the entire structure of the state with its ideology through the civil-service law (*Beamtengesetz*) of January 26, 1937,<sup>[91]</sup> which provides that a person appointed to a civil-service position must be "filled with National Socialist views, since only thus can he be an executor of the will of the state which is carried by the NSDAP. It demands of him that he be ready at all times to exert himself unreservedly in behalf of the National Socialist state and that he be aware of the fact that the NSDAP, as the mouthpiece of the people's will, is the vital force behind the concept of the German state."<sup>[92]</sup>

The infiltration of party members into the civil service has now proceeded to such a point that early in 1942 Pfundtner, the Secretary of State in the German Ministry of the Interior, could write in the periodical *Akademie für deutsches Recht*:

The German civil servant must furthermore be a National Socialist to the marrow of his bones and must be a member of the party or of one of its formations. The state will primarily see to it that the Young Guard of the movement is directed toward a civil-service career and also that the civil servant takes an active part in the party so that the political idea and service of the state become closely welded.<sup>[93]</sup>