

Coercion and Consent in Nazi Germany

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IN THE DECADES THAT immediately followed the end of the Second World War, there was a general consensus that Nazi Germany was a police state. Its all-encompassing apparatus of surveillance and control allowed the individual citizen little freedom of thought or action. The view that what principally characterised the Third Reich was the total destruction of civil freedoms and the rule of law in what the German political scientist Karl Dietrich Bracher called ‘the German dictatorship’ in his classic book of that title, went together with an emphasis on the top-down nature of decision-making in the Nazi regime, putting Hitler at its centre in what came to be known as the ‘intentionalist’ approach to the study of Nazi policy, in which things were seen to have happened because the Nazi leader wanted them to.¹ From the late 1960s onwards, however, this interpretation began to be pushed aside, as a new generation of historians began to explore the inner contradictions and instabilities of the Third Reich’s system of rule. Local and regional histories uncovered a wide and changing variety of popular attitudes towards the Third Reich and its policies. This research emphasised by implication ordinary Germans’ relative freedom of choice to resist or not to resist, and thus restored an element of voluntarism to their relationship with the Nazi regime.²

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¹ Karl Dietrich Bracher, *The German Dictatorship: The Origins, Structure and Consequences of National Socialism* (New York, 1970); Tim Mason, ‘Intention and Explanation: A Current Controversy about the Interpretation of National Socialism’, in Gerhard Hirschfeld and Lothar Kettenacker (eds.), *The ‘Führer State’: Myth and Reality* (Stuttgart, 1981), pp. 23–40.

² Useful historiographical surveys include Ian Kershaw, *The Nazi Dictatorship: Problems and Perspectives of Interpretation*, 4th edn. (London, 2000) and John Hiden and John Farquharson, *Explaining Hitler’s Germany. Historians and the Third Reich*, 2nd edn. (London, 1989); classic

At the same time, the apparatus of the police state began to look a good deal less coercive than it had done in the 1950s. A variety of studies showed that the Gestapo, once portrayed as a universally intrusive institution of surveillance and control, was in fact a relatively small organisation, certainly when compared to the State Security Service of Communist East Germany, the Stasi.³ And recently, a large-scale and methodologically sophisticated opinion survey of elderly Germans conducted in the 1990s by the American historian Eric Johnson and the German sociologist Karl-Heinz Reuband has claimed that a majority of those questioned admitted to being 'positive' or 'mainly positive' about Nazism at one time or another during the regime. Only a small minority ever feared being arrested by the Gestapo. 'Hitler and National Socialism', Johnson and Reuband have argued, 'were so immensely popular among most Germans that intimidation and terror were rarely needed to enforce loyalty.' The regime's popularity could also be clearly seen in the results of the elections and plebiscites it held at various intervals during the 1930s. The 99 per cent support the electorate gave to Hitler and his policies, according to the historian Robert Gellately, provided 'remarkable' evidence of 'popular backing' for the regime, a view endorsed by Hans-Ulrich Wehler, perhaps Germany's leading historian, who has claimed in his survey of the period that 'a systematic strategy of manipulation was not pursued' by the Nazis on these occasions.⁴ The

studies include Franz Neumann, *Behemoth. The Structure and Practice of National Socialism 1933–1944*, 2nd edn. (New York, 1944); Martin Broszat, *Der Staat Hitlers: Grundlegung und Entwicklung seiner inneren Verfassung* (Munich, 1969); Martin Broszat, et al. (eds.), *Bayern in der NS-Zeit*, 6 vols. (Munich, 1977–83); Jeremy Noakes, 'The Oldenburg Crucifix Struggle of November 1936: A Case Study of Opposition in the Third Reich', in Peter D. Stachura (ed.), *The Shaping of the Nazi State* (London, 1983), pp. 210–33; Tim Mason, *Social Policy in the Third Reich: The Working Class and the 'National Community'* (Providence, RI, 1993, first published in German in 1977). For the *Sopade* reports, a major source for social historians, see Klaus Behnken (ed.), *Deutschland-Berichte der Sozialdemokratischen Partei Deutschlands (Sopade) 1934–1940*, 7 vols. (Frankfurt am Main, 1980).

³ For a sample of this work, see Klaus-Michael Mallmann and Gerhard Paul, 'Omniscient, Omnipotent, Omnipresent? Gestapo, Society and Resistance', in David F. Crew (ed.), *Nazism and German Society 1933–1945* (London, 1994), pp. 166–96; Reinhard Mann, *Protest und Kontrolle im Dritten Reich: Nationalsozialistische Herrschaft im Alltag einer rheinischen Grossstadt* (Frankfurt am Main, 1987); more generally, Robert Gellately, 'Die Gestapo und die deutsche Gesellschaft: Zur Entstehung einer selbstüberwachenden Gesellschaft', in Detlef Schmiechen-Ackermann (ed.), *Anpassung, Verweigerung, Widerstand: Soziale Milieus, Politische Kultur und der Widerstand gegen den Nationalsozialismus in Deutschland im regionalen Vergleich* (Berlin, 1997), pp. 109–21.

⁴ Eric A. Johnson and Karl-Heinz Reuband, *What We Knew: Terror, Mass Murder, and Everyday Life in Nazi Germany: An Oral History* (Cambridge, Mass., 2005), pp. 329–33 and jacket flap

most sweeping claims in this respect have been made by the left-wing German historian Götz Aly, who has recently argued that ‘the Third Reich was not a dictatorship maintained by force’. Instead, it was a popular regime, sustained by the enthusiasm of the vast majority for its achievement, early on, of material prosperity and social equality. Its decision-making structures were not ‘top-down’ but ‘flat’, giving maximum opportunity to people for participation in the formulation and implementation of policy.⁵

These arguments have been driven not least by a strong moral imperative, fuelled by the re-emergence of war crimes cases since the fall of Communism, and the launching of compensation and restitution actions on a variety of fronts, from looted art to slave labour. Anything that implies constraints on the free will of historical actors puts a potentially serious obstacle in the way of establishing their culpability. The language of the courtroom has been imported into history, as everyone who lived in Germany or Europe between 1933 and 1945 is categorised as a ‘perpetrator’, a ‘bystander’ or, less often, a ‘victim’. Hans-Ulrich Wehler has argued that it would be ‘mistaken to characterize the *Führer* state primarily as a terror regime in which a band of desperadoes under the leadership of an Austrian social outcast exercised a kind of alien rule over Germany to which the decent but defenceless majority had to bow’. Such a view, commonly found in West Germany in the immediate post-war period, provided an alibi for the majority, he argues, while it conveniently ignores the fact that there was a ‘broad consensus’ in support of the regime from the outset. This consensus, he argues, was maintained above all by the charismatic appeal of Hitler and by a mixture of ‘bread and circuses’ for the masses. In consequence, there existed in Nazi Germany an ‘unreserved agreement between the rule of the *Führer* and the opinion of the people’.⁶ For Wehler, admitting such a consensus underpins the postulate of collective guilt that provides the primary integrating factor in Germany’s post-unification national identity. This identity has never been untested, and there have been repeated attempts to provide an alternative,

text; Robert Gellately, *Backing Hitler. Consent and Coercion in Nazi Germany* (Oxford, 2001), pp. 14–16; Hans-Ulrich Wehler, *Deutsche Gesellschaftsgeschichte, IV: Vom Beginn des ersten Weltkrieges bis zur Gründung der beiden deutschen Staaten 1914–1949* (Munich, 2003), pp. 614, 652. Here, as elsewhere, translations are mine unless otherwise noted.

⁵ Götz Aly, *Hitler’s Beneficiaries. Plunder, Racial War, and the Nazi Welfare State* (translated by Jefferson Chase, New York, 2007), p. 28.

⁶ Wehler, *Gesellschaftsgeschichte, IV*, pp. 675–6 (the section is entitled ‘Die Konsensbasis von Führerdiktatur und Bevölkerung’).

or to undermine its premises by portraying the Germans as victims of war and conquest as much as anybody else was. But it has achieved hegemonic status none the less. It rests on a shared sense of responsibility for Nazism's crimes that can now be observed almost everywhere in Germany, but above all in Berlin, where a monument and museum to Nazism's principal victims have been placed at the very heart of the nation's new capital city.⁷

But the emphasis on a national consensus behind Nazism in the 1930s and early 1940s is not confined to those whose primary interest is in providing historical legitimisation for a left-liberal concept of nationhood. It is now widespread amongst historians of Nazi Germany in whatever country they are based. 'In their successful cultivation of popular opinion', Robert Gellately has written, 'the Nazis did not need to use widespread terror against the population to establish the regime.' 'The Nazi revolution', he argues, 'did not begin with a sweeping onslaught on German society, but moved forward in tune with what the great majority of people wanted or would tolerate.' Terror, he says, was directed above all at small groups of social outcasts, and did not threaten the lives of the vast majority of ordinary Germans. Most Germans were indeed aware of the concentration camps and the terror apparatus, but their reaction was one not of fear but of approval. If terror did play a role in consolidating the regime, then it was the terror the Gestapo and the criminal police exercised against social outsiders, which helped convince the overwhelming majority of ordinary Germans that law and order were at last being restored after the chaos and disorder of the Weimar Republic. 'The silent and not-so-silent majority', says Gellately, 'backed the regime.' This is not an isolated view. Indeed, a new consensus seems to have emerged according to which the Third Reich was thus, to use a phrase used recently by a number of historians, both German and non-German, a 'dictatorship by consent', a *Zustimmungsdiktatur*, to quote the title of a chapter by Frank Bajohr in a recent collaborative scholarly history of Hamburg in the Nazi era.⁸

⁷ Bill Niven, *Facing the Nazi Past: United Germany and the Legacy of the Third Reich* (London, 2002), provides a balanced assessment.

⁸ Robert Gellately, 'Social Outsiders and the Consolidation of Hitler's Dictatorship, 1933–1939' in Neil Gregor (ed.), *Nazism, War and Genocide. Essays in Honour of Jeremy Noakes* (Exeter, 2005), pp. 56–74, at p. 58 (also quoting Wehler, *Gesellschaftsgeschichte*, IV, p. 676); and Gellately, *Backing Hitler*, p. 257; Frank Bajohr, 'Die Zustimmungsdiktatur: Grundzüge nationalsozialistischer Herrschaft in Hamburg', in *Hamburg im 'Dritten Reich'*. Herausgegeben von der Forschungsstelle für Zeitgeschichte in Hamburg (Göttingen, 2005), pp. 69–131.

In what follows, I will take a critical look at three central propositions, or groups of propositions, on which this new consensus rests. These are:

1 The Nazis did not seize power but won it legally and by consent. They only applied coercion to small minorities of social outsiders, and had the approval of the vast majority of the population in doing so.

2 Nazi repression, exercised through the Gestapo and the concentration camps, was on a small scale and did not affect the majority of the population.

3 The overwhelming popularity of the regime from the outset is demonstrated by the staggeringly successful results it achieved in national elections and plebiscites, by later opinion surveys of people's memories of the regime, by ordinary people's willingness to denounce to the authorities anybody who stepped out of line, and by the widespread publicity given to the concentration camps, which thus appeared to be generally accepted as useful institutions by the German public.

I will return at the end to draw some general conclusions in the light of the points I have raised in these introductory remarks.

I

The first, and in many ways the most obvious problem with the argument that Nazi Germany from the very outset was a 'dictatorship by consent' lies in the nature of the Nazi seizure of power. Of course, it has become conventional to criticise this concept, and to point out that Hitler did not seize power. Rather, he was allegedly handed it on a plate by representatives of the conservative elites and the military establishment, who secured his appointment as Reich Chancellor on 30 January 1933. Wehler, indeed, gives his description of Hitler's appointment the title 'The Handing-over of Power'.⁹ What followed was, Robert Gellately maintains, a 'legal revolution', whose actions were legitimated by decrees and laws passed by elected legislative assemblies up to and including the Reichstag, thus reassuring the mass of the population that everything was in order.¹⁰ But of course the Nazis were not handed power on 30 January 1933. There was instead, as Bracher pointed out long ago, a power vacuum in Germany, in which no government and no political force, not even the army, was able to assert itself or gain popular legitimacy for its

⁹ Wehler, *Gesellschaftsgeschichte*, IV, p. 380.

¹⁰ Gellately, 'Social Outsiders', p. 58.

actions. Moreover, although Hitler did become head of the Reich government on 30 January, there were only two other Nazis in the cabinet, which was dominated by conservatives, headed by the Vice-Chancellor Franz von Papen, whose aim it was to outmanoeuvre Hitler and use his mass support to legitimise their own policies of establishing a counter-revolutionary authoritarian regime of their own. The Nazi seizure of power did not end on 30 January; in fact it only began at that point.

Nor was it legal, as Bracher, who actually coined the phrase ‘legal revolution’, pointed out. Hermann Göring’s crucial actions as Minister-President of Prussia, for instance, lacked legal foundation because the status of his appointment was invalidated by the lawsuit brought by the Social Democratic government of Prussia that had been illegally deposed by Papen the previous June. The Enabling Act that provided much of the foundation for Hitler’s legislative powers was passed illegally because Göring, as President of the Reichstag, broke the law in refusing to count the absent but legally elected Communist deputies in the total from which he reckoned the two-thirds majority needed for the Law’s passage. The fact that it would have passed even without this illegal action did nothing to make it legal. Göring’s appointment of hundreds of thousands of Nazi stormtroopers as auxiliary Prussian police was of dubious legality given his own position’s lack of legitimacy. And even if it had been legitimate, this would not in any way have legalised the numerous physical attacks, murders, lootings and other acts they went on to commit over the first half of 1933, as the many thousands of criminal prosecutions brought against them by state prosecutors’ offices in the course of 1933—all of them subsequently quashed on Hitler’s orders—eloquently testified.¹¹

Against whom was Nazi violence directed? Gellately in particular claims it was from the outset only visited upon small minorities. Both during 1933 and afterwards, he argues, the concentration camps were overwhelmingly used as so-called re-education centres for social outsiders, including not only Communists but also habitual criminals, the work-shy, vagrants, homosexuals, alcoholics and the like. In fact, however, in 1933 the Communists were by some distance the largest category of people imprisoned in the camps. It was only later that social outsiders became a majority. And the Communists can only with difficulty be

¹¹ For these arguments, see Richard J. Evans, *The Coming of the Third Reich* (London, 2003), pp. 451–6, with further references; also Norbert Frei, “‘Machtergreifung’: Anmerkungen zu einem historischen Begriff”, *Vierteljahrshefte für Zeitgeschichte*, 31 (1983), 136–45, and Bracher, *The German Dictatorship*, pp. 246–50.

described as social outsiders, since they were strongly integrated into working-class communities all across the industrial regions of Germany; they were only social outsiders from the perspective of the middle classes, a perspective which Gellately too often unconsciously adopts. Nor were the Communists a tiny or marginal minority: in the Reichstag elections of November 1932 they gained a hundred seats, more than half as many as the Nazis did.¹²

Much more important, however, is the fact that Nazi violence in 1933, and indeed well before that, was not directed exclusively against the Communists but also targeted the Social Democrats, whose representatives sat in councils and parliaments across the land and who had led not only the Prussian but also the Reich government at various times before the Nazi seizure of power. Gellately dismisses Nazi violence against the Social Democrats as insignificant,¹³ but even a cursory glance at the evidence reveals its shocking intensity and extent in the first six months of 1933 as the Nazis moved to crush what they called 'Marxism', by which they meant not Communism (which they termed 'Bolshevism'), but Social Democracy. Three thousand leading members of the party were arrested immediately after it was banned on 21 June 1933, beaten up, tortured and in many cases killed. An attempt at armed resistance in the Berlin suburb of Köpenick prompted the immediate arrest of five hundred Social Democrats by Nazi stormtroopers, who in the course of the so-called 'Köpenick blood-week' tortured them so severely that ninety-one of them died. Senior political figures, far from being immune, were specifically targeted: the Social Democratic Minister-President of Mecklenburg, Johannes Stelling, was tortured to death and his body tied up in a sack and thrown into a river, from which it was fished out soon after along with the bodies of twelve other Social Democratic Party functionaries killed the same night. The Social Democratic mayor of Stassfurt was shot dead by Nazis as early as 5 February 1933. The ex-mayor of Breslau, the former editor of the town's daily paper, and the recently sacked chief administrator of the Breslau district, all of them Social Democrats, were arrested and imprisoned in a newly opened concentration camp by the

¹² Gellately, 'Social Outsiders', pp. 58–60; November 1932 election results summarised in Evans, *The Coming*, p. 299, and analysed authoritatively in Jürgen W. Falter, *Hitlers Wähler* (Munich, 1991), esp. pp. 34–8.

¹³ Gellately, 'Social Outsiders', p. 58 ('far fewer members of the SPD were "persecuted" in any way', i.e., compared to the Communists); Gellately's use of the inverted commas to distance himself from the term 'persecuted' suggests in any case that the persecution was largely a figment of the victims' imagination.

stormtrooper leader Edmund Heines, who paraded one of them through the streets of the town dressed as a harlequin: Heines also kidnapped and arrested the former President of the Reichstag, Paul Löbe, another Social Democrat, and put him in the camp too.¹⁴

A characteristic incident occurred in Braunschweig on 13 March 1933 when stormtroopers burst into a session of the town council, hauled off the Social Democratic mayor, and forced him to resign; to underline the point, a gang of SS men then stripped him, beat him insensible, and threw a bucket of water over him, after which they dressed him again and paraded him through the streets to the town prison. Social Democratic councillors and officials in the town were threatened with similar violence should they fail to resign their posts; one of them was beaten to death when he refused. The leading Social Democrat in Cologne, Wilhelm Sollmann, was tortured at Nazi Party headquarters and made to drink a mixture of castor oil and urine, while the director of the Social Democratic newspaper in Chemnitz was shot dead when he refused to tell a gang of stormtroopers where the party funds were. Incidents of this kind were repeated in different forms all across Germany in the spring of 1933 as the Nazis moved to take over town councils and city administrations. Five hundred municipal administrators and seventy mayors had been forcibly removed from office by the end of May 1933; not all of them were Social Democrats of course, but many were.

These people were hardly members of a despised minority of social outcasts. Indeed, between them, the Social Democrats and the Communists had won 13.1 million votes in the Reichstag elections of November 1932, a good many more than the Nazis, who won only 11.7 million. In the Weimar Republic's system of proportional representation, these figures translated directly into parliamentary seats, which gave the combined working-class parties 221 to the Nazis' 196. The two working-class parties were, of course, bitterly divided against each other, and the many proposals for common action to stop the Nazis never stood a serious chance of success. These parties, particularly the Social Democrats, were closely affiliated to Germany's massive trade union movement, rendered largely ineffective by mass unemployment. Its premises were invaded across the land on 2 May 1933 by gangs of stormtroopers, their furniture and equipment looted, their assets seized, and their

¹⁴ These and many other, similar incidents, are detailed in Evans, *The Coming*, pp. 320, 341, 347, 360–1; for a good regional study, see Richard Bessel, *Political Violence and the Rise of Nazism: The Storm Troopers in Eastern Germany 1933–1934* (London, 1984).

functionaries arrested and thrown into concentration camps, where they were brutally mishandled; in the industrial town of Duisburg, four union officials were beaten to death in the cellars of the trade union headquarters.¹⁵

Overt coercion was applied in 1933, then, not to despised minorities of social outcasts, but above all to the working class and its organisations. Many recent authors have failed to recognise this crucial fact, and have differentiated simply between ‘social outcasts’ and the rest, describing the latter as a more or less uniform majority of ‘the people’, ‘the masses’, or ‘the Germans’, as Wehler, for example, frequently does. Both Gellately and Johnson and Reuband also fail to differentiate between social classes. They fail to recognise the fact that the major obstacle to the regime in generating support for its policies and actions both in 1933 and subsequently was posed by the mass allegiance of millions of workers to the ideals and principles of Social Democracy and Communism, an allegiance whose formal expression could only be broken by terror. Not surprisingly, as soon as the regime collapsed, in 1945, trade unions, Social Democratic and Communist party organisations, strikes, and other expressions of this allegiance reappeared almost instantly, and on a remarkably widespread basis, testifying to the inability of the Nazis to win the positive support of the great majority of working-class Germans.¹⁶

The middle classes and the peasantry were more amenable to the Nazi message, given their fear of Communism and their support in varying degrees for an authoritarian solution to Germany’s political, social and economic crisis. Thus they required a much less concentrated application of violence and intimidation to force them to capitulate to the new regime and agree to the dissolution of their parties. It was real enough all the same. The only other party with mass support besides the Nazis, the Social Democrats and the Communists was the Catholic Centre. Its Reichstag deputies were persuaded first to vote for the Enabling Law, then to wind the party up, with some prodding from the Papacy, when the

¹⁵ Evans, *The Coming*, p. 341. Numerous documented examples of violence against Social Democrats and others (including, especially, Jews) were provided in the *Brown Book of the Hitler Terror and the Burning of the Reichstag*, ed. World Committee for the Victims of German Fascism, President [Albert] Einstein (London, 1933).

¹⁶ Dick Geary, ‘Working-class Identities in the Third Reich’, in Gregor (ed.), *Nazism*, pp. 42–55; Rüdiger Hachtmann, ‘Bürgertum, Revolution, Diktatur—zum vierten Band von Hans-Ulrich Wehlers “Gesellschaftsgeschichte”’, *Sozial.Geschichte*, 19 (2004), 60–87, at 80; Geoff Eley, ‘Hitler’s Silent Majority? Conformity and Resistance under the Third Reich’, *Michigan Quarterly Review*, 42 (2003), 389–425 and 555–9.

imminent prospect of a Concordat between the Vatican and the Third Reich was dangled before their eyes. Yet the party wanted a Concordat not least because of the massive intimidation to which it had been subjected since the end of February 1933. This included violent attacks on Centre Party meetings during campaigning for the elections of 5 March 1933, during one of which the Centre Party politician and former government Minister Adam Stegerwald was severely beaten by Nazi stormtroopers (on 22 February). One after another in the spring and early summer of 1933, Catholic lay organisations were being forcibly closed down or merged with their Nazi counterparts, Catholic journalists and newspaper editors were arrested, especially if they had attacked the Nazi-led coalition government in print, and leading Catholics were brutally mistreated by the SA. The Württemberg State President Eugen Bolz, a leading Centre Party politician, was arrested and severely beaten on 19 June 1933, only the most prominent of many. In Bavaria, the new chief of the political police, Heinrich Himmler, ordered on 26 June 1933 the placing in 'protective custody' of all the Reichstag and Landtag deputies of the Bavarian People's Party, the autonomous Bavarian equivalent of the Catholic Centre in the rest of Germany: indeed, he went even further and ordered the arrest of everyone who had been 'particularly active in party politics', no matter what party they belonged to. The Catholic Trade Unions suffered the same fate as their socialist equivalents, and, crucially, Catholic civil servants were openly threatened with dismissal unless they resigned from the Centre Party. Not surprisingly, it was fear of the complete destruction of its lay organisations and the reversal of all the progress that Catholic laymen had made towards gaining equality of status with Protestants in the civil service and the professions over the previous decades that provided the major impetus behind the agreement of the Centre to dissolve itself in return for a Concordat in which the new regime would commit itself—with how little sincerity would soon become apparent—to preserving the integrity of the Catholic community and its institutions.¹⁷

Between them, the working-class parties and the Catholic Centre represented a majority of the electorate. Together they had won 291 seats to the Nazis' 196 in the last free Reichstag elections of the Weimar Republic,

¹⁷ Details in Evans, *The Coming*, pp. 322–3, 363–6; also Martin Broszat, 'The Concentration Camps 1933–1945', in Helmut Krausnick *et al.*, *Anatomy of the SS State* (London, 1968), pp. 397–496, 409–11; more generally Günther Lewy, *The Catholic Church and Nazi Germany* (New York, 1964), pp. 45–79.

in November 1932. The other parties had lost virtually all their electoral support since 1930 and were thus a less serious obstacle. Here too, however, violence and the threat of violence played a part. Like the Catholic Centre Party, the liberal State Party voted for the Enabling Law not least because of Hitler's bloodcurdling announcement in the debate that their decision whether to support or oppose the Law was a decision 'as to whether it is to be peace or war', or, in other words, if the Law was rejected, he would set two and a half million stormtroopers loose on everyone who had opposed it. All the same, many State Party politicians at every level from local councils upwards were subsequently arrested and the party forced to dissolve itself by the end of June 1933. The continuing dismissal of its members from the civil service seems to have been the main impulse behind the People's Party's decision to wind itself up, though its self-immolation did little to save their jobs in many cases. Hitler's Nationalist Party coalition partner, which like the People's Party and the Centre Party had no real commitment to the Weimar Republic or indeed to democracy by this time, was all in favour of the suppression of the labour movement and the parties of the left. What it did not expect, however, was that it would itself be suppressed. At the end of March 1933 the house of Ernst Oberföhren, the party's parliamentary floor leader in the Reichstag, was raided and his office searched, and a few weeks later he was found dead in suspicious circumstances. The warning was clear enough, and it was backed by explicit threats. Meeting with Hitler on 30 May 1933 to complain about the violence and intimidation to which their party representatives were being subjected, the Nationalist leaders were treated to what one of them called a 'hysterical outburst of rage' in which the Reich Chancellor announced that he would let the SA 'open fire' on the Nationalists and their paramilitary affiliates and 'arrange a blood-bath lasting three days long' if they refused to dissolve their party. To underline the point, he had one of their leading figures, Herbert von Bismarck, arrested. Within a few weeks, both the Nationalist Party and the paramilitary units associated with it were no longer in existence.¹⁸

These events did not entirely subdue Hitler's conservative coalition partners, who became increasingly concerned about the violence of the

¹⁸ Evans, *The Coming*, pp. 367–74. The best account of the enforced dissolution of the non-Nazi political parties and the accompanying violence is still the heavily documented collection edited by Erich Matthias and Rudolf Morsey, *Das Ende der Parteien 1933: Darstellungen und Dokumente* (Düsseldorf, 1960), in which Friedrich Freiherr Hiller von Gaertingen's account of the Nationalists (the DNVP), on pages 541–642, is particularly valuable.

SA, four and a half million strong by 1934, by the increasingly openly declared ambition of its leader Ernst Röhm to replace the army, and by their own progressive political marginalisation. In the early summer of 1934, the imminent prospect of the death of Reich President Hindenburg prompted in the Vice-Chancellor, von Papen, the ambition of regaining power by replacing him, hinted at in speeches denouncing the revolutionary rhetoric of the SA. Hitler quelled the restlessness of the SA at the end of June, arresting a number of its leading figures and having them shot by the SS. But it is important to remember that in the so-called Röhm Purge, or 'Night of the Long Knives', Hitler also struck a blow against the conservative right. Those killed included not only Röhm and his associates but also Papen's secretary Herbert von Bose, his speechwriter Edgar Jung, the leader of the Catholic Action organisation, Erich Klausener, former Chancellor Kurt von Schleicher, and others who were on a list compiled by Jung as possible members of a post-Hitler government. Papen was placed under house arrest, and his predecessor as Chancellor, the Catholic politician Heinrich Brüning, escaped with his life only because he was outside Germany at the time. The warning to conservative and Catholic politicians to stay quiet was unmistakable. Coercion across the board was seldom more openly in evidence than in the 'Night of the Long Knives'.¹⁹

II

Nazi violence, real and threatened, was unevenly applied in the months of the seizure of power from February to June 1933. Physical coercion was directed with massive ferocity against Communists, Social Democrats and Trade Unionists, and with discriminating and symbolic or exemplary force against those such as liberals, Catholics, Nationalists and conservatives who were less diametrically opposed to the politics of the emerging Third Reich. Nevertheless, it operated across the board. As Richard Bessel has remarked, 'violence . . . during the early months of 1933, was used deliberately and openly to intimidate opposition and potential opposition. It was used to create a public sphere permeated by violence and it provided a ready reminder of what might be in store for *anyone*

¹⁹ Richard J. Evans, *The Third Reich in Power* (London, 2005), pp. 31–6, with further references. For a well-documented narrative, see Heinz Höhne, *Mordsache Röhm: Hitlers Durchbruch zur Alleinherrschaft 1933–1934* (Reinbek, 1984).

who stepped out of line, who failed to show loyalty to the new order.²⁰ How, then, have some historians failed to recognise this fact and claimed instead that Nazi violence was directed only against small and socially marginal minorities? This brings me to the second proposition or group of propositions I want to discuss, namely that Nazi repression was exercised through the Gestapo and the concentration camps, it was on a small scale, and it did not affect the majority of the population.

Wehler barely mentions the repressive apparatus of the Nazi state, except in passing, and when he does, it is to allude to ‘the instruments of terror: Gestapo, protective custody, revocation of citizenship, concentration camps’.²¹ Gellately’s most recent statement of his views does not mention other sanctions besides arrest by the Gestapo and imprisonment in a concentration camp.²² Aly backs up his assertion that ‘most Germans simply did not need to be subjected to surveillance or detention’ by pointing out that ‘the Gestapo in 1937 had just over 7,000 employees’ who, ‘with a far smaller force of security police . . . sufficed to keep tabs on more than 60 million people’. By 1936, he adds, ‘only 4,761 people—some of whom were chronic alcoholics and career criminals—were incarcerated in the country’s concentration camps’.²³ Similar assumptions are evident in Johnson and Reuband’s statement, taking up a wider historiography, that:

In the light of the large number of individuals arrested by the Gestapo and temporarily detained in concentration camps and the cruelty of the Gestapo’s conduct—especially where the extortion of confessions was concerned—many authors have assumed that fear of falling into the hands of the Gestapo constantly plagued everyone in the Third Reich and concluded that fear and terror were the decisive factors in shaping the German population’s everyday behaviour. Our survey evidence, however, does not support this assumption and conclusion.²⁴

There is a real circularity about these arguments, as the assumption that the Gestapo and the concentration camps were the only agents of control and repression in the Third Reich inevitably produces the answer, when this assumption is made the basis of interview questions, that they were not very significant, and so leads on to the sweeping conclusion that

²⁰ Richard Bessel, ‘The Nazi Capture of Power’, *Journal of Contemporary History*, 39 (2004), 169–88, at 182 (my italics).

²¹ Wehler, *Gesellschaftsgeschichte* IV, p. 676; Hachtmann, ‘Bürgertum’, 80.

²² Gellately, ‘Social Outsiders’, pp. 63–4.

²³ Aly, *Hitler’s Beneficiaries*, p. 29.

²⁴ Johnson and Reuband, *What We Knew*, p. 354.

control and repression did not feature at all in the lives of the great majority of Germans.

Two points need to be made here. The first is that the principal instrument of terror in Nazi Germany was not the concentration camp but the law—not, to use Ernst Fraenkel's terminology, the prerogative state but the normative state, not in other words the state apparatus created by Hitler, notably the SS, but the already existing state apparatus dating back decades or even centuries.²⁵ This is not to belittle the camps' role in 1933, of course. During 1933 perhaps 100,000 Germans were detained without trial in so-called 'protective custody' across Germany, most but by no means all of them members of the Communist and Social Democratic Parties. The number of deaths in custody during this period has been estimated at around six hundred and was almost certainly higher. By 1935, however, the vast majority of these prisoners had been released on good behaviour and there were fewer than 4,000 of them left. Almost all the early camps had already been shut down by the end of 1933.²⁶ A major reason for this decline lay in the fact that the leading role in political repression was now being carried out by the regular courts and the state prisons and penitentiaries. A whole new set of laws and decrees passed in 1933 vastly expanded the scope of the treason laws and the death penalty. A law of 24 April 1933, for example, laid down that anyone found guilty of planning to alter the constitution or to detach any territory from the German Reich by force, or engaging in a conspiracy with these aims, would be beheaded: the concept of 'planning' included writing, printing and distributing leaflets, altering the constitution included in due course advocating the return of democracy or the removal of Hitler as Leader, conspiring included anyone associated with the guilty parties. A law of 20 December 1934 went even further and applied the death penalty to aggravated cases of 'hateful' statements about leading figures in the Nazi Party or the state. Another law made 'malicious gossip' illegal, including spreading rumours about the regime or making derogatory remarks about its leaders. A whole system of regional Special Courts, crowned by the

²⁵ Ernst Fraenkel, *The Dual State: Law and Justice in National Socialism* (New York, 1941).

²⁶ Ulrich Herbert, Karin Orth and Christoph Dieckmann, 'Die nationalsozialistischen Konzentrationslager. Geschichte, Erinnerung, Forschung', in Herbert, Orth and Dieckmann (eds.), *Die nationalsozialistischen Konzentrationslager*, 2 vols. (Frankfurt am Main, 2002), I, 17–42, at 26.

national People's Court, the *Volksgerichtshof*, was created to implement these and other, similar laws.²⁷

It is important to remember the extreme extent to which civil liberties were destroyed in the course of the Nazi seizure of power. In the Third Reich it was illegal to belong to any political grouping apart from the Nazi Party or indeed any non-Nazi organisation of any kind apart from the Churches (and their ancillary lay organisations) and the army; it was illegal to tell jokes about Hitler; it was illegal to spread rumours about the government; it was illegal to discuss alternatives to the political status quo. The Reichstag Fire Decree of 28 February 1933 made it legal for the police to open letters and tap telephones, and to detain people indefinitely and without a court order in so-called 'protective custody'. The same decree also abrogated the clauses in the Weimar Constitution that guaranteed freedom of the press, freedom of assembly, freedom of association and freedom of expression. The Enabling Law allowed the Reich Chancellor and his cabinet to promulgate laws that violated the Weimar Constitution, without needing the approval of the legislature or the elected President. The right of judicial appeal was effectively abolished for offences dealt with by the Special Courts and the People's Court. All this meant that large numbers of offenders were sent to prison for political as well as ordinary criminal offences. In 1937 the courts passed no fewer than 5,255 convictions for high treason. These people, if they escaped the death penalty, were put into a state prison, often for a lengthy period of time. From 1932 to 1937 the prison population increased from 69,000 to 122,000. In 1935, 23,000 inmates of state prisons and penitentiaries were classified as political offenders. The crushing of the Communist and Social Democratic resistance ensured that these numbers had fallen by more than 50 per cent by the beginning of 1939; nevertheless, they were still far more significant than the numbers of political offenders in the camps after 1937, when the camps expanded again; this time they really did function mainly as places of confinement for social rather than political deviants.²⁸

²⁷ Evans, *The Third Reich in Power*, pp. 67–75; Richard J. Evans, *Rituals of Retribution. Capital Punishment in Germany 1600–1987* (Oxford, 1996), pp. 620–45; Nikolaus Wachsmann, *Hitler's Prisons. Legal Terror in Nazi Germany* (New Haven, 2004), esp. pp. 165–83; Gerhard Fieberg (ed.), *Im Namen des deutschen Volkes: Justiz und Nationalsozialismus* (Cologne, 1989), p. 68. For the early camps, see Jane Caplan, 'Political Detention and the Origin of the Concentration Camps in Nazi Germany, 1933–1935/6', in Gregor (ed.), *Nazism*, pp. 22–41.

²⁸ Evans, *The Third Reich in Power*, pp. 79, 85–7.

The second point to be made is that legal condemnation for treason, malicious gossip and similar offences, and quasi-legal 'preventive detention' in concentration camps, were only the most severe of a vast range of sanctions that reached deep into German society in pursuit of the regime's efforts to prevent opposition and dissent. Local studies give a good picture of the range of coercive measures open to the regime and its servants in these respects. In the small north German town of Northeim, for instance, the subject of William Sheridan Allen's classic study *The Nazi Seizure of Power*, first published in 1965, the Communists were arrested in the early months of 1933, along with some of the town's leading Social Democrats; the Social Democratic town councillors were forced to resign after attending a council meeting in which the walls were lined by brownshirts who spat on them as they walked past. Forty-five council employees were sacked, most of them Social Democrats working in institutions as varied as the town gas works, the local swimming pool, and the municipal brewery. At a time of continuing mass unemployment they were unlikely to find other jobs. The local Nazis put pressure on landlords to evict Social Democrats from their apartments, and made sure the police subjected their homes to frequent searches in the hunt for subversive literature.²⁹

At every level, too, the regime used coercion of a kind that did not involve arrest or incarceration when it sought to implement particular policies and secure the appearance of public support for them. Members of the Catholic, liberal and conservative political parties were coerced into joining the Nazis in the spring of 1933, and above all after the civil service law of 7 April, by the direct threat of losing their jobs in state employ, which in Germany included not only civil servants and local officials but also schoolteachers, university staff, prosecutors, policemen, social administrators, post office and public transport officials, and many others. When, some years later, it moved to abolish denominational schools and force parents to enroll their children in state-run secular educational institutions, in order to subject them more completely to Nazi indoctrination, the regime ran local plebiscites on the policy, and threatened parents who refused to vote in favour with the withdrawal of welfare benefits, including child support. A massive propaganda campaign was unleashed against monks and priests who staffed private schools run by the Catholic Church, accusing them of pederasty and bringing a large

²⁹ William Sheridan Allen, *The Nazi Seizure of Power: The Experience of a Single German Town, 1922–1945*, 2nd edn. (New York, 1984), pp. 218–32.

number of them before the courts in widely publicised trials. Parents, even schoolchildren, were then pressured to petition against being taught by alleged deviants such as these. Here, then, was a major proportion of the population, the Catholics, getting on for 40 per cent of all Germans, consisting of far more than mere social deviants or outcasts, that was subjected to persistent coercion and harassment when it stood in the way of a key policy of the regime.³⁰

There were thus many kinds of coercion in Nazi Germany. It was particularly evident in the area of charity and welfare, where stormtroopers knocked on people's doors or accosted them in the street demanding contributions to Winter Aid. In all schools, pupils who failed to join the Hitler Youth were liable to be refused their school-leaving certificate when they graduated, destroying their prospects of an apprenticeship or a job. Because the Nazi regime acquired powers to direct workers to where it felt they were needed, it was able to use the threat of reassignment to dirty and difficult jobs as a sanction against troublemakers. Over a million German workers had been compulsorily reassigned to work in munitions and war-related industries by 1939, often being forced to live a long distance from their families, and sometimes transported to their destinations escorted by prison warders. Increasingly, as the rearmament programme began to create labour shortages and bottlenecks, skilled workers in key industries were punished by lesser sanctions such as these, rather than by measures, such as imprisonment, that would deprive the state of their labour. Being sent to work on the defensive fortifications of the West Wall, with its twelve-hour shifts of backbreaking manual labour, became a favourite instrument of coercion on the part of employers under pressure from the government's Four-Year Plan Office to produce more and keep costs down, and faced with workers demanding more wages or shorter hours, or overheard making derogatory remarks about their bosses, or about the regime, on the shop-floor.³¹

The very wide range of coercive measures used by the regime at every level was enforced by an equally wide range of coercive agents. It is a mistake to focus exclusively on the Gestapo on the assumption that it was the sole, or even the principal instrument of control in Nazi Germany. Detlev Schmiechen-Ackermann, for instance, has recently drawn attention to the 'Block Warden' or *Blockwart*, a popular name given to low-level officials of the Nazi Party, each of whom was responsible for a block of apartments

³⁰ Evans, *The Third Reich in Power*, pp. 244–7.

³¹ The classic study of coercion on the shop-floor is Mason, *Social Policy*, pp. 266–74.

or houses, where he had to ensure that people took proper air-raid precautions, hung out flags on Hitler's birthday and similar occasions, and refrained from engaging in illegal or subversive activities. The Block Wardens kept a close watch on former Communists and Social Democrats, listened out for expressions of dissatisfaction with the regime, and could punish political or social deviance by a variety of means ranging from stopping the offenders' welfare benefits to reporting their names to the district Party organisation for forwarding to the Gestapo.³² In the workplace, Labour Front officials carried out a similar function, and were able to transfer recalcitrant workers to unpleasant jobs, increase their hours, or deny them promotion. Surveillance, control and political discipline were exercised by Hitler Youth leaders, who were normally a good deal older than their charges. By 1939 membership was compulsory, and some 8.7 million out of a total of 8.9 million Germans aged 10 to 18 belonged to this organisation, so its effects were not limited to the deviant or the marginal.

Taken together, all these agencies of coercion added up to what one historian has recently called a polymorphous, uncoordinated but pervasive system of control, of which the Gestapo formed only one small though important part. Here too, of course, their animus was directed most forcefully against former Communists and Social Democrats in working-class areas, but it was present as a looming threat in middle-class society as well.³³ It was not surprising, therefore, that most of Johnson and Reuband's respondents recalled that they had to be careful about what they said when speaking to strangers or to people they knew to be Nazis, 'such as the ubiquitous Nazi Party block leader'. One interviewee recalled: 'In the course of time, all people became cautious. They simply didn't speak with people anymore.' Ordinary Germans, as Johnson and Reuband rightly conclude, 'knew well that rash, politically unacceptable remarks and corresponding behavior could lead to serious punishment and possibly endanger their lives'.³⁴ In consequence, they withdrew more and more into the private sphere. Johnson and Reuband do not draw the obvious conclusion that people were living in a climate of fear, but even

³² Detlef Schmiechen-Ackermann, 'Der "Blockwart". Die unteren Parteifunktionäre im nationalsozialistischen Terror- und Überwachungsapparat', *Vierteljahrshefte für Zeitgeschichte*, 48 (2000), 575–602.

³³ Dieter Nelles, 'Organisation des Terrors im Nationalsozialismus', *Sozialwissenschaftliche Literatur-Rundschau*, 25 (2002), 5–28; Evans, *The Third Reich in Power*, pp. 114–18, 272, 276, 485–6.

³⁴ Johnson and Reuband, *What We Knew*, pp. 359–60.

on the evidence they present, it seems justifiable to conclude that they were. Ultimately, too, as their respondents suggest, the fear that formed the permanent backdrop to their daily lives was not a fear of the Gestapo, still less of ordinary citizens, friends or relatives, but a fear of active Nazis, low-level Party officials, and committed supporters of the regime: if you fell into conversation with a stranger, you might be able to tell whether he belonged to one of these categories by small signs such as, for example, whether he used the Hitler greeting, but you could never be entirely certain, so it was best to be circumspect, and if you knew the person you were talking to was an active Nazi, then you certainly had to be cautious.

III

Why was such a vast apparatus of coercion and control necessary if, as historians like Wehler, Gellately, Johnson and Reuband and others claim, the Nazi regime was viewed in such a popular light by the mass of the German people? This brings me to the third proposition or bundle of propositions I want to examine: that the overwhelming popularity of the regime from the outset is demonstrated by the extraordinarily successful results it achieved in national elections, by later survey data on people's memories of the time, by ordinary Germans' willingness to denounce to the authorities anybody who stepped out of line, and by the public support given to the concentration camps as indicated by the prominence given to them in the Nazi press. Certainly, to begin with the plebiscites and elections that were held at intervals under the Third Reich, the regime regularly won over 90 per cent of the vote when it put its policies to the people for approval. But were these results really such striking indicators of the regime's popularity as some have claimed? A wide range of contemporary reports strongly suggests that they were not. In the plebiscite on Hitler's appointment as Head of State following the death of Hindenburg in 1934, for instance, and in the plebiscite of April 1938 on union with Austria, and on other occasions, gangs of stormtroopers rounded voters up from their homes and marched them to the polling stations. Here the electors were usually forced to vote in public, since in many places the polling booths had been removed, or were labelled 'only traitors enter here'; this was more than mere rhetoric, since in 1938, when the plebiscite was coupled with a vote of confidence in Hitler, anyone voting 'no' was voting against Hitler and would therefore—as Nazi officials

and propaganda agents did not fail to point out—be committing an offence under the treason laws.³⁵

At all these elections, polling stations were surrounded by stormtroopers whose minatory attitude made clear what would happen to anybody who failed to conform. Suspected opponents of the regime were given specially marked ballot papers, and in many places rumours were circulated beforehand that all the papers were secretly numbered, so that people who voted ‘no’ or spoiled their ballot papers could be identified and punished; and indeed people who took this course, or refused to vote, were beaten up by the brownshirts, or dragged through the streets with placards round their neck calling them traitors, or even committed to mental hospitals. Just to ensure an overwhelming ‘yes’ vote, many former Communists, Social Democrats and other critics of the regime were arrested before the vote and only released when it was safely over, and ballot papers in many areas were already marked with a cross in the ‘yes’ box before electors arrived at the polling station; in some areas it was reported that so many ‘no’ votes and spoiled papers were replaced with one or more forged ‘yes’ ballots that the number of ‘yes’ votes actually exceeded the number of electors. None of this meant, of course, that in a plebiscite on an issue like unification with Austria, the government would have failed to obtain a majority for its actions; but it is surely safe to say that in a free vote, it would not have obtained the 99 per cent ‘yes’ vote it got by the tactics of manipulation and intimidation I have just outlined; in the plebiscite of 1934 it might even have failed to win a majority.³⁶

Let us turn to evidence for the Nazi regime’s supposedly overwhelming popularity from 1933 onwards provided by later opinion survey data. Johnson and Reuband claim that their interviews of elderly Germans during the 1990s show that ‘Hitler and National Socialism were [so] immensely popular among most Germans’.³⁷ Yet their sample consisted overwhelmingly of people born between 1910 and 1928, people who therefore would have been between the ages of 5 and 23 at the beginning of the Third Reich and 17 and 35 at the end. In the nature of things, more of them would have been born towards the end of the period chosen than

³⁵ Otmar Jung, *Plebiscit und Diktatur. Die Volksabstimmungen der Nationalsozialisten. Die Fälle ‘Austritt aus dem Völkerbund’ (1933), ‘Staatsoberhaupt’ (1934) und ‘Anschluss Österreichs’ (1938)* (Tübingen, 1995); Theodor Eschenburg, ‘Streiflichter zur Geschichte der Wahlen im Dritten Reich’, *Vierteljahrshefte für Zeitgeschichte*, 3 (1955), 311–18; Evans, *The Third Reich in Power*, pp. 109–13.

³⁶ For detailed evidence, see Evans, *The Third Reich in Power*, pp. 109–13.

³⁷ Johnson and Reuband, *What We Knew*, jacket flap text.

towards the beginning. All we know about Nazi Germany, from the *Sopade* reports to the diaries of people like the Jewish professor Victor Klemperer, underlines the fact that Nazi propaganda was most effective in the younger generations of Germans, who after all had had few chances to form their own firm values and beliefs before the regime began, and who were subjected to massively intense and unremitting indoctrination from their schools, from the Hitler Youth, and from the mass media orchestrated by Goebbels. It was overwhelmingly young people, for example, who joined in the antisemitic violence of the *Kristallnacht* and shouted insults at Victor Klemperer in the streets.³⁸ And Johnson and Reuband themselves note that ‘younger people . . . were disproportionately receptive to National Socialism’.³⁹ Their survey shows that 62 per cent those of their respondents born in Berlin between 1923 and 1928 admitted to having been ‘positive or mainly positive’ about National Socialism, compared to only 35 per cent of those born between 1911 and 1916; in Dresden the comparable figures were 65 per cent and 39 per cent, in Cologne 45 per cent and 21 per cent. It would not be unreasonable to suppose that the figures for people born, say, before 1890 or 1880 would have been lower still. Their *overall* results, therefore, are skewed by the fact that most of their respondents were born in the 1920s.⁴⁰

Moreover, as the authors themselves point out, when faced with their three questions—whether they believed in National Socialism, whether they admired Hitler and whether they shared Nazi ideals—only a minority (18 per cent) answered in the affirmative to all three, while 31 per cent answered yes to two. Thus only 49 per cent of those who took part in the survey gave a clear yes to more than one of these three questions. Only when those whose answers appeared as ambivalent or neutral were added in did this become a majority. Johnson and Reuband’s careful and exemplary detailed analysis of their survey data shows that the attitudes of most of the people they questioned were mixed: some viewed some aspects of Nazism positively but not others, while many people’s attitudes changed quite markedly over time, a factor that emerges more clearly from some of the in-depth interviews than from the statistics provided by the opinion survey. All these variations and qualifications are spelled out in convincing detail in the text of Johnson and Reuband’s book; it is

³⁸ Evans, *The Third Reich in Power*, pp. 585–7.

³⁹ Johnson and Reuband, *What We Knew*, pp. 332, 335.

⁴⁰ *Ibid.*, p. 335.

a pity that they disappear entirely when it comes to summarising and presenting their conclusions.⁴¹

The third major strand of evidence presented by some historians in favour of the regime's popularity is the practice of denouncing law-breakers to the authorities. How much does the practice of denunciation actually reveal about people's attitudes to the regime? What it does not reveal, to begin with, is that Nazi Germany was a 'self-policing society', as Gellately has claimed, for people did not denounce offenders to each other, they denounced them to the authorities, including the Gestapo, and if the Gestapo and other agencies of state and party control had not been there to act, either legally or extra-legally, against the objects of denunciation, then denunciation would have been meaningless. In practice, of course, denunciation was extremely rare: there were only between three and fifty-one denunciations a year in Lippe, where the population was 176,000, during the Third Reich, for instance; and a relatively high proportion of denouncers were members of the Nazi Party—42 per cent in Augsburg, for example. In Düsseldorf, some 26 per cent of Gestapo investigations were triggered by denunciations from members of the general population; the other three-quarters were initiated by Gestapo officers or informers, Nazi Party organisations, the criminal police and the SS, and state authorities of one kind and another. In addition, a study of recently declassified Gestapo files for the Koblenz and Trier region has revealed that the Gestapo made extensive use of paid informers and also kept a register of unpaid informers, whom they did not scruple to use repeatedly; around a third of these people were members of the Nazi Party or its affiliated organisations.⁴²

In the case of contraventions of the Nuremberg racial laws, the proportion of cases that arose from denunciations was a good deal higher, but this was not least because such offences were largely committed in private, and few were likely to know about them apart from neighbours, acquaintances and family. In any case, as I have already noted, people were generally very cautious about what they said to strangers, so the relative prominence of family members, relatives and neighbours in denouncing people to the Gestapo might reflect among other things the fact that people often lowered their guard when talking to them. 'Malicious gossip' cases were more often than not begun by denunciations, above all, at

⁴¹ Johnson and Reuband, *What We Knew*, pp. 325–45.

⁴² Claire Hall, 'The Gestapo Spy Network 1933–1945' (Ph.D. thesis, University of Hull, forthcoming).

least in the early years of the regime, from innkeepers and drinkers in bars, where alcohol loosened the tongue: significantly, however, as the consequences of loose talk gradually became clear, the proportion of malicious gossip cases in the Augsburg court, the focus of a particularly illuminating study, that derived from denunciations in pubs and bars fell from three-quarters in 1933 to one-tenth by the outbreak of the war. As Gellately has pointed out, moreover, many denunciations from ordinary citizens were made from personal motives, and say nothing about their overall attitude to the regime, its ideologies or its policies.⁴³

In many cases, of course, denunciation would lead to prosecution, appearance before a Special Court, and imprisonment—not in a concentration camp but in a state-run jail. Nevertheless, above all in the first two years of their rule, the Nazis made a point of publicising the concentration camps and their function, at a time when the repressive efforts of state and Party were directed mainly against political opposition and dissent. To claim, as Gellately does, that camp prisoners in 1933–4 were ‘social outsiders of one kind or another’ is simply incorrect. Not only were Communists not social outsiders, unless one wants to stigmatise the entire German working class—by some estimates, fully half the entire population of Germany—as social outsiders; the camps, as anyone who has paid any attention to the events of 1933 will know, were intended for Social Democrats too; and the ‘good citizens’ of Germany in 1933, who Gellately portrays as rejoicing in the ‘crackdown’, included, as we have seen, large numbers of Social Democratic mayors, councillors, deputies, officials, civil servants and others. Far from rejoicing, they were themselves now liable to be thrown into the camps.⁴⁴

Articles and even pictures were printed prominently in local newspapers when the Dachau camp was opened in 1933, as Gellately notes. They advertised the fact that not only Communists but also Social Democrats or ‘Marxists’ and political opponents of every hue were being ‘re-educated’. Once more, local evidence is telling on this point. In Northeim in 1933,

⁴³ Bernward Dörner, ‘NS-Herrschaft und Denunziation. Anmerkungen zu Defiziten in der Denunziationsforschung’, *Historical Social Research*, 26 (2001), 55–69; Werner Röhr, ‘Über die Initiative zur terroristischen Gewalt der Gestapo—Fragen und Einwände zu Gerhard Paul’, in Werner Röhr and Brigitte Beierkamp (eds.), *Terror, Herrschaft und Alltag im Nationalsozialismus: Probleme der Sozialgeschichte des deutschen Faschismus* (Münster, 1995), pp. 211–24; Gerhard Hetzer, ‘Die Industriestadt Augsburg. Eine Sozialgeschichte der Arbeiteropposition’, in Broszat *et al.*, (eds.), *Bayern*, IV, 1–234; Gisela Diewald-Kerkmann, *Politische Denunziation im NS-Regime oder die kleine Macht der ‘Volksgenossen’* (Bonn, 1995); Evans, *The Third Reich in Power*, pp. 96–118.

⁴⁴ Gellately, ‘Social Outsiders’, p. 59.

for example, the local and regional papers ran stories on Dachau and the nearby camp at Moringen, and carried regular reports on the arrest of citizens for making derogatory remarks about the regime and its leaders. The guards at Moringen were drawn from the local population, and prisoners were released mostly after only a few weeks inside, so that knowledge of the camp must have been widespread in Northeim and the surrounding district.⁴⁵ Of course, here as elsewhere there were multifarious contacts of other kinds with the local population, who were involved in constructing and supplying the camp and carrying out maintenance and repairs; but these did not necessarily indicate only support for its objectives: a plumber could repair leaky water-pipes in the camp office building and still be afraid of what might happen if he stepped out of line or uttered an incautious remark. On occasion, the regime was explicit in its general use of the threat of the camps for people who made trouble: 'Concentration camp', declared the front page of Germany's newspapers in the immediate aftermath of the 'Night of the Long Knives', 'is threatened . . . for rumour-mongering and offering slanderous insults to the movement itself and its Leader.' Mostly the threat was implicit.⁴⁶ Nevertheless, it was directed potentially at anybody, not just at social outsiders. It was only after the initial wave of repression in 1933–4 that the camps, having ceded their function of political 're-education' to the Special Courts and the state prisons, became repositories for social outsiders.

IV

Recent historiography has been rightly critical of older studies that reduce popular opinion in the Third Reich to no more than the product of coercion and propaganda. But to belittle the former and ignore the latter in favour of a wholly voluntaristic approach is not very useful as a means of explaining how the Third Reich operated. Propaganda was important, but it did not operate of course on a blank slate as far as most people's views were concerned. Nazi propaganda was at its most effective where it tapped into already existing beliefs, as Ian Kershaw demonstrated in his classic study of popular opinion in Bavaria under the Third Reich some years ago.⁴⁷ Where people, notably Social Democrats,

⁴⁵ Allen, *The Nazi Seizure of Power*, pp. 218–32.

⁴⁶ Evans, *The Third Reich in Power*, pp. 37–8.

⁴⁷ Ian Kershaw, *Popular Opinion and Political Dissent in the Third Reich: Bavaria, 1933–1945* (Oxford, 1983).

Communists and Catholics, had formed their values and taken up their political stance well before the beginning of the Third Reich, it was less than wholly effective. Propaganda also had an effect where it bore at least some relationship to reality: the Nazis won widespread if sometimes grudging approval for instance by the reduction of unemployment, the restoration of order on the streets, and the successful re-establishment of Germany's international prestige and freedom of action. In the latter part of the war, by contrast, Goebbels's assurances of imminent victory were believed by few.

Yet the more people clung to alternative values to those of Nazism, the more important terror was as a means of coercing them into submission. The Nazis themselves were the first to admit this. On 15 March 1933, referring to the semi-free elections that had taken place ten days previously, giving the Nazi Party and its Nationalist coalition partners a bare absolute majority of the vote, Goebbels declared that the government would 'not be satisfied for long with the knowledge that it has 52 per cent behind it while terrorising the other 48 per cent but will, by contrast, see its next task as winning over that other 48 per cent for itself.' Goebbels's speech was as remarkable for its frank admission of the role of terror in the establishment of the Third Reich as it was for its bold declaration of the importance of obtaining the ideological support of the whole of the German people. The story of the following years is in part the story of how the Nazis succeeded in key respects in doing this. Yet Goebbels's aim of winning over the majority of the people to wholehearted enthusiasm for Nazism was only partially fulfilled. The Nazi leadership knew by 1939 that most Germans paid its most loudly and insistently proclaimed ideals little more than lip-service: they conformed outwardly while keeping their real beliefs for the most part to themselves. Nazism had succeeded in shifting the attitudes and beliefs of most Germans, particularly in the younger generation, some way in the direction it wanted, but it had not reached the ambitious goal it had set itself. This situation, attested above all in local studies such as Allen's *The Nazi Seizure of Power*, was in turn a reflection of the fact that, in the end, coercion was at least as important as propaganda in its impact on the behaviour of the vast majority of people who lived in Nazi Germany.⁴⁸

⁴⁸ Goebbels's speech of 15 March 1933 in David Welch (ed.), *The Third Reich: Politics and Propaganda*, 2nd edn. (London, 2002), pp. 173–4; on the effects of propaganda more generally, see the judicious assessment by Ian Kershaw, 'How Effective was Nazi Propaganda?', in David Welch (ed.), *Nazi Propaganda: The Power and the Limitations* (London, 1983), pp. 180–203.

Who operated the system of coercion, therefore? How many people were involved in its implementation? The fact that a great many agencies were involved implies that it was put into effect by a far larger range of people than those who belonged to the relatively small organisation of the Gestapo. The SA was nearly three million strong by the beginning of 1934, four and a half million if incorporated paramilitary and veterans' associations like the *Stahlhelm* are included. There were around 200,000 'Block Wardens' by 1935, and no fewer than 2,000,000 of them, including their assistants and deputies, by the beginning of the war. Hundreds of thousands of Germans occupied official posts in Nazi Party organisations of one kind and another, such as the Hitler Youth, the Chambers of Culture, the Nazi Teachers' and university students' leagues, the Labour Front, and so on. Particularly important in this context were the legal and judicial professions, including the regular police force and the Gestapo, most of whose officers were already serving policemen under the Weimar Republic. In Prussia only three hundred out of around 45,000 judges, state prosecutors and officials were dismissed or transferred to other duties for political reasons by the Nazis in 1933; the rest stayed on and enforced the new laws enacted by the regime with only minimal and sporadic objections. If we count in all those many other Germans who held positions of responsibility in the state, the number of people who were willing to some degree or other to play a role in the coercive apparatus of the regime must have run into several millions. Even so, in a nation with a population of 80 million, they remained a minority. Just as important, too, they also knew, like everyone else, that they would fall foul of the regime if they stepped out of line: as many as 22 per cent of people tried for 'malicious gossip' in Augsburg in the mid-1930s were actually members of the Nazi Party. Nevertheless, exercising various kinds of coercion and violence, real or threatened, that would not be tolerated in a democratic society, had become a way of life for millions of Germans by the outbreak of the war.⁴⁹

It is only by recognising that large numbers of Germans had become willing administrators of coercion and repression, and that millions of younger Germans had been heavily influenced by Nazi indoctrination, that we can explain the extraordinarily savage behaviour of the forces that invaded Poland in 1939. The invasion of Poland took place under

⁴⁹ Hetzer, 'Die Industriestadt Augsburg', pp. 146–50; Schmiechen-Ackermann, 'Der "Blockwart"'; Evans, *The Third Reich in Power*, p. 22; Evans, *The Coming of the Third Reich*, p. 383.

favourable conditions, in good weather, against an enemy that was swept aside with contemptuous ease. The invading troops did not need to be convinced by political indoctrination that the enemy posed a huge threat to Germany's future; clearly the Poles did not. Primary group loyalties in the lower ranks of the army remained intact; they did not have to be replaced by a harsh and perverted system of discipline that elbowed traditional military values aside in favour of an extremist racial ideology.⁵⁰ Almost everything that was to happen in the invasion of the Soviet Union from June 1941 onwards had already happened in the invasion of Poland almost two years before. From the very beginning, SS units entered the country, rounding up the politically undesirable, professionals and the intelligentsia and shooting them or putting them in concentration camps, massacring Jews, arresting local men and sending them off to Germany as slave labourers, and engaging in a systematic policy of ethnic cleansing and brutally executed population transfers. From the very beginning, too, Nazi Party officials, stormtroopers, civilian officials and especially junior army officers and ordinary soldiers joined in, to be followed in due course by German settlers moved into Poland from outside. Arrests, beatings and murders of Poles and especially Jews became commonplace. Just as striking was the assumption of all the invading and incoming Germans that the possessions of the Poles and Jews were freely available as booty. The theft and looting of Jewish property in particular by German troops was almost universal.⁵¹

Toughness, hardness, brutality, the use of force, the virtues of violence, had been inculcated into a whole generation of young Germans from 1933 onwards. Among older troops and officials, propaganda also built on a deeper-rooted feeling that Slavs and Eastern Jews were sub-humans. The violence meted out to Poles and especially Jews from the beginning of September 1939 continued and intensified actions and policies already established by the Third Reich. So too did the looting and expropriation to which they were subjected, in the same way as Communist, Social Democratic and trade union assets had been looted and expropriated in Germany in 1933 and Jewish assets at the same time and continuously thereafter. It was in direct imitation of the November 1938 pogrom in Germany that SS units burned down synagogues in some

⁵⁰ Thus the arguments in Omer Bartov, *The Eastern Front 1941–1945: German Troops and the Barbarization of Warfare* (London, 1985); and Omer Bartov, *Hitler's Army* (Oxford, 1991), dating these processes from the invasion of the Soviet Union onwards.

⁵¹ Richard J. Evans, *The Third Reich at War* (London, 2008), ch. 1, for details.

Polish towns in September and October 1939. And the regime's policy towards the Jews of Poland, which moved quickly towards ghettoisation, can only be understood in the light of its previous policy towards the Jews of Germany, who over the preceding six and a half years had been pushed out of their jobs, expropriated, deprived of their citizenship and their rights, and cut off by law from mixing in most ways with the rest of the population.

The substantial minority of Germans who implemented such policies of coercion, terror and mass murder had become accustomed to such things from the experience of the previous six years in Germany itself. Did the majority of the population give its consent to all this? Dick Geary has pointed out that to talk of 'consent' is meaningless unless it is freely given: 'consent', he writes, 'can only be measured in situations in which individuals can choose between real alternatives.'⁵² It is worth calling to mind, too, the fact that the legal definition of 'consent' (for example, in rape cases) lays down the principle that a person consents if he or she agrees by choice and has the freedom and capacity to make that choice. A threat of violence is held in law to rule out consent. Categories such as 'tacit consent' or 'passive consent' are in this context little more than vehicles of negative moral judgement based on an extreme and unrealistic model of active citizenship that assumes that if you do not openly protest against a government policy then you are giving your consent to it.

A more sophisticated approach to the question of consent in Nazi Germany has recently been offered by Peter Longerich, using the example of the regime's policies towards the Jews, but in a way that has implications for other areas as well. The more radical the regime's antisemitic policies became, he argues, the less willing the mass of Germans became to go along with them. Before contacts between Jewish and non-Jewish Germans became in many respects illegal, with the Nuremberg Laws of 1935, it had proved extremely difficult to persuade the mass of Germans to ostracise the Jewish minority. Both in the pogrom of November 1938 and later on, during the war, the majority of people, rather than being indifferent, disapproved of violence and murder towards the Jews. But they felt unable to do anything concrete because of fear of this violence being turned against themselves by the regime and its agents, because of fear of arrest and prosecution, or sanctions of other kinds. This fear reached an extreme in the last eighteen months of the war, as the regime,

⁵² Dick Geary, 'Working-Class Identities in the Third Reich', in Gregor (ed.), *Nazism*, pp. 42–55, at p. 52.

backed by the judicial and law enforcement system, ruthlessly suppressed so-called 'rumour-mongering' about its extermination of Europe's Jews. At the same time, the mass of the German population, who knew what had been happening in Auschwitz and Treblinka, began to repress their knowledge in the face of looming defeat, as the prospect of Allied revenge or retribution for the mass murder began to become more certain. What appeared as indifference was thus in fact something far more active, namely an increasingly desperate search for a way of denying responsibility for actions that almost everybody recognised as crimes. Here too, therefore, fear played a key role in shaping people's behaviour, as indeed it had done throughout the Third Reich in other areas too.⁵³

What implications, finally, does this conclusion have for the task, if we wish to pursue it, of reaching a moral judgement on these people's behaviour between 1933 and 1945? As Neil Gregor has recently pointed out in a critique of what he calls 'the voluntarist turn' in historical studies of the Third Reich, reaching a moral judgement does not require that all those who lived under the Third Reich 'were faced with completely free choices, the outcomes of which were determined only by their own personal convictions, moral codes, or desire for blood'.⁵⁴ 'Human agency', as Tim Mason pointed out, 'is defined or located not abolished or absolved by the effort to identify the unchosen conditions' under which it is exercised.⁵⁵ What we have to recognise in this context, hard though it may be, is the absolute centrality of violence, coercion and terror to the theory and practice of German National Socialism from the very outset. As Richard Bessel has remarked, 'Nazi ideology was, at its core, about violence . . . The horrors unleashed by the Third Reich were a reflection of the fact that the Nazis made their ideology real.'⁵⁶ It is impossible to understand the terror vented by the Nazis upon people in the regions they conquered, especially in eastern and south-eastern Europe, and upon the Jews across the whole of the occupied areas of the Continent, unless we grasp the fact that they had already vented it upon large sectors of their own people before 1939: and not merely on despised and tiny minorities of social outcasts, but on millions of their fellow-citizens, indeed at one level or another, to one degree or another, on the great majority of them.

⁵³ Peter Longerich, *'Davon haben wir nichts gewusst!'. Die Deutschen und die Judenverfolgung 1933–1945* (Berlin, 2006), pp. 313–29.

⁵⁴ Gregor, 'Nazism', p. 20.

⁵⁵ Mason, 'Intention and Explanation', p. 229, quoted in *ibid.*

⁵⁶ Bessel, 'The Nazi Capture of Power', 183.

