

Coercion and Consent in Nazi Germany

Professor Richard J. Evans FBA delivered the Raleigh Lecture on History in 2006. In it, he reviewed the evidence for the degree to which ordinary Germans exercised freedom of choice in backing Hitler's regime. In the edited extract below, he illustrates the extent and range of legal measures used to control the German populace, challenging the view that Nazi repression was directed only against small and socially marginal minorities.

THE PRINCIPAL instrument of terror in Nazi Germany was not the concentration camp but the law. 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 600 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. 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 national People's Court, the *Volksgeschichtshof*, was created to implement these and other, similar laws.

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 organization of any kind apart from the Church (and its ancillary lay organizations) 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 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.

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 forty years ago, 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.

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

*Prisoners from Dachau concentration camp on their way to work, 1933.
Photo: akg-images, London*



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 Church, accusing them of pederasty and bringing a large number of them before the courts in widely publicized 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.

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 fortifications of the West Wall, with its 12-hour shifts of back-breaking 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 — when workers demanded more wages or shorter hours, or were overheard making derogatory remarks about their bosses, or about the regime, on the shop-floor.

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 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 offender's welfare benefits to reporting their names to the district Party organization for forwarding to the Gestapo. 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 organization, so its effects were not limited to the deviant or the marginal.

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