

'Political Tyranny and Ideological Crime': Rereading 'Anatomy of the SS State'

Devin O. Pendas

Hans Buchheim/Martin Broszat/Hans-Adolf Jacobsen/Helmut Krausnick, *Anatomie des SS-Staates*, 2 vols., Olten: Walter 1965, paperback edition: Munich: Deutscher Taschenbuch-Verlag 1967, 8th ed. 2005; first English edition: *Anatomy of the SS State*, New York: Walker/London: Collins 1968. Quotations in this article follow the English edition of 1968 resp. the German edition of 1967, vol. 1.



Rereading a book is always an uncanny experience in multiple temporalities. If the linguistic turn has taught us anything, it is that the context of reading shapes the meaning of the text that is read. The historicist impulse to reconstruct the original context on the basis of the text itself is at best an asymptotic, at worst a quixotic, pursuit. Yet texts remain, some more so than others. Those texts which continue to be read and reread long after their original context has passed we call 'classics'. This is a term most frequently applied to literature, of course, but also to philosophy and other scholarly works animated by a generalising impulse. It pertains to works, in other words, which lay claim to a significance transcending their original context. It is rarely applied to works whose principle value is empirical or narrow-

ly scholarly. These are presumed to be only temporarily useful interventions into an ongoing scholarly debate, in which later works draw on and 'supersede' the insights of earlier ones, rendering their predecessors superfluous. (Rather the reverse of Jove and his children.) Consequently, relatively few works of historical scholarship are considered classics in the full sense. History's emphasis on the particular, its frequent skepticism of theoretical generalisations, and its embrace of archival empiricism have all tended to preclude the emergence of a broad canon of 'historical classics'. There have, however, been exceptions to this rule.

Among this small group of historical classics, *Anatomy of the SS State* is perhaps one of the more surprising. It is, after all, precisely the kind of narrowly focused, empirically based work that tends to be superseded relatively quickly by subsequent publications. Yet, *Anatomy of the SS State* remains avai-

lable in an inexpensive, mass-market paperback edition in German. Although out of print in English, used copies are widely available, and the book continues to be recommended in scholarly online forums as a source for the study of the Third Reich. Obviously, a substantial number of people are still interested in reading the book. Equally telling, it is a work which continues to inspire heated reactions and contemporary controversy, as the tumult surrounding Nicolas Berg's work demonstrated a few years ago.¹



This implies that there are at least two reasons for still reading *Anatomy*. First, one can read it for the insights it continues to offer into the history of the Third Reich, i.e. as a secondary source. Second, one can read it as symptomatic of a certain kind of academic politics of the past in West Germany in the 1960s, i.e. as a primary source. These are not necessarily related readings. For instance, few today would read Gibbon as a guide to Roman history, yet J.G.A. Pocock has taught us much in recent years about the eighteenth century by a close reading and contextualisation of *Decline and Fall of the Roman Empire*.² Alternately, though it may well be time to historicize Foucault as a representative figure of the 1970s, he is still most frequently read as a guide to topics and methods for historical analysis. So, ought

we reread *Anatomy* as a primary or a secondary source? Both, I would suggest. It is precisely the book's capacity to both make ongoing contributions to the study of the Third Reich and provide an important lens through which to view the 1960s in West Germany that lend it its classic status.

Both the structure and content of *Anatomy* owe much to its origins.³ By the early 1960s, key members of the Institute for Contemporary History in Munich were becoming increasingly worried about what they perceived as a growing wave of rightwing historical revisionism regarding the Nazi past and were actively seeking opportunities to reach a broad public in order set the record straight. They found their opportunity when Hessian Attorney General, Fritz Bauer, approached the institute seeking expert reports (*Gutachten*) for

¹ Nicolas Berg, *Der Holocaust und die westdeutschen Historiker. Erforschung und Erinnerung*, Göttingen 2003, 3rd ed. 2004. For a selection of responses to Berg's controversial work, see *Historisches Forum* 2 (2004): Der Holocaust und die westdeutschen Historiker. Eine Debatte, ed. for H-Soz-u-Kult by Astrid M. Eckert and Vera Ziegeldorf, available at <<http://edoc.hu-berlin.de/histfor/2/>>.

² John G.A. Pocock, *Barbarism and Religion*, 4 vols., Cambridge 2001-08.

³ Devin Pendas, The Historiography of Horror: The Frankfurt Auschwitz Trial and the German Historical Imagination, in: Jeffrey M. Diefendorf (ed.), *Lessons and Legacies VI: New Currents in Holocaust Research*, Evanston 2004, pp. 209-230.

the upcoming trial of Auschwitz perpetrators then being prepared in Frankfurt. Bauer hoped the reports would, as he put it, 'make the true intentions of the Nazi regime accessible to the court and the German public in the form of scholarly presentations'.⁴ From the prosecution's point of view, the importance of the reports was to provide indispensable background information for the trial. From the Institute's perspective, they were a way to reach a broader audience than would be possible through scholarly publications.

Anatomy of the SS State is simply the published version of the reports prepared for the trial by Hans Buchheim (on the SS and command and compliance), Martin Broszat (on the concentration camps), Helmut Krausnick (on anti-Jewish policy), and Hans-Adolf Jacobsen (on the Commissar Order). It is true that some of the work for these reports was undertaken earlier, independently of the legal context. Buchheim's report on the SS incorporated material from numerous earlier essays, and Broszat's report on Nazi policy in Poland simply recapitulated his previous book on the subject and hence was not included in *Anatomy*.⁵ But in at least two respects, the legal origins of these reports had a crucial impact on the book that emerged. First, the prosecution specified the topics they wanted covered.⁶ So the book's focus on the SS, the concentration camp system and the persecution of the Jews was largely dictated by the prosecution.

Second, because it was the court's job, not the historians', to determine the individual guilt of the defendants, the reports could quite properly ignore questions of agency. They were simply background information. 'We are concerned not so much with the details of what the SS *did* but with the question of how an instrument of power such as that formed by the combination of the SS and the police could arise, and how it functioned – in fact we are concerned with the day-to-day practice of totalitarian tyranny.' (p. xiv/p. 10) Clearly, there was an elective affinity between the emerging structuralist approach to the history of the Third Reich and this juridical need for pure background. Yet the absence of agency that some critics have lamented in *Anatomy* was to at least some degree a result of the legal origins of its individual chapters.

This is especially clear in those reports drafted exclusively for the trial, like Buchheim's on 'Command and Compliance'. There Buchheim argued that as citizens, Germans owed no obligation of obedience to *Führerbefehle*, which had only ideological, not legal force. 'This means that those who did obey carry a share of responsibility which can be precisely defined – putting it at its lowest, the responsibility for having given their ideological assent. This assent did not have to be based upon some genuine inner conviction nor did it neces-

⁴ Pendas, *Historiography* (fn. 3), p. 212.

⁵ Martin Broszat, *Nationalsozialistische Polenpolitik 1939–1945*, Frankfurt a.M. 1961.

⁶ Pendas, *Historiography* (fn. 3), p. 213.

sarily mean that those concerned were expressly and specifically in agreement with the crimes ordered.' (p. 360/p. 276) Consent was granted simply by joining the SS. This is a form of argumentation clearly aimed at least in part at addressing legal issues pertaining to the distinction between murder and manslaughter and the question of perpetratorship. Ideology counted under German jurisprudence as a 'base motive' in defining murder. Also, according to German law, perpetrators were those who internalised the criminal motives leading to a crime; everyone else was an accomplice. In the specific legal context, Buchheim's claim that obedience to Führer orders constituted a form of internalised ideological consent without constituting subjective approval of specific crimes was an attempt to do two things at once. It made clear that the motives for the crime had been ideological throughout the SS, and hence were 'base' in German legal terms. At the same time, though, he made it clear that not every SS man approved directly of specific murders and thus, in German legal terms, may not have made those crimes 'his own'. Buchheim left no doubt that the killing in Auschwitz was murder under German law but left it open for the court to decide whether any given SS man internalised those ideological motives sufficiently to be considered a perpetrator. The historical argument here was deeply implicated in a specific legal interpretation of Nazi atrocity.

One of the crucial things that a rereading of *Anatomy* as a primary source thus reveals is the cross-pollination of the historical and legal discourses about the Nazi past in the 1960s. The tendency to abstraction inherent in the institutional typologies of 'structuralist' historiography reinforced and was reinforced by reductive understanding of motivation and causation discernable in the dominant *Gehilfenjudikatur* of Nazi trials.⁷ Whatever the failings and limitations of prominent West German historians in this era were, they were hardly unique. There was a general tendency in the 1960s to both engage the Nazi past more seriously than in the 1950s and to do so at oblique angles. Nowhere was this more apparent than on the leading edge of the politics of the past where the paths of historians and judges converged.⁸

Anatomy's limitations are today quite evident. In recent years, the historiography of the Third Reich has taken what one historian has termed a 'voluntarist turn'.⁹ This turn stresses the tremendous scope of Nazi criminality, not as one element among others in the regime but as its defining feature. It also stresses the broad popular complicity in this criminality. As Saul Friedländer has put it, 'The everyday involvement of the population with the regime was

⁷ Michael Greve, *Der justitielle und rechtspolitische Umgang mit den NS-Gewaltverbrechen in den sechziger Jahren*, Frankfurt a.M. 2001, pp. 145-170.

⁸ Norbert Frei/Dirk van Laak/Michael Stolleis (eds), *Geschichte vor Gericht. Historiker, Richter und die Suche nach Gerechtigkeit*, München 2000.

⁹ Neil Gregor, 'Nazism – A Political Religion? Rethinking the Voluntarist Turn', in: Gregor (ed.), *Nazism, War and Genocide. Essays in Honour of Jeremy Noakes*, Exeter 2005, pp. 1-21.

far deeper than has long been assumed, due to the widespread knowledge and passive acceptance of the crimes, as well as the crassest profit derived from them.¹⁰ In view of this new historiographic context, *Anatomy's* extension of Ernst Fraenkel's 'dual state' thesis seems particularly exaggerated. The claim, for instance, that the SS was an instrument for the 'de-governmentalisation of public life' seems to both overstate the uniqueness of the SS and to let ordinary state bureaucracies off the hook too easily (p. 133/p. 22). Buchheim's claim that the Wehrmacht was an institution that owed allegiance to the state, while the SS owed its allegiance directly to the Führer (p. 274/p. 182) seems to be, at best, a distinction without a difference in light of recent research on the role of the German army in mass atrocities.¹¹ It ignores both the extent to which the Wehrmacht was directly Nazified and the degree to which the military bought into the ideology of a Jewish-Bolshevik threat to the East. Clearly there were important differences between the army and the SS but there were more similarities than *Anatomy* recognised as well.

If in these terms, *Anatomy* seems to have been superseded by subsequent historiography, why bother to read it at all anymore save as a primary source? To begin with, it remained strikingly superior to much of the subsequent scholarship of the 1970s and early 1980s, which all too often devolved into sterile debates over *Faschismustheorie* and lacked the kind of empirical rigour so characteristic of Buchheim, Broszat and the others. The return to detailed empirical studies of the Third Reich beginning in the late 1980s thus frequently built directly or indirectly on the findings in *Anatomy*. Moreover, while the recent voluntarist turn in the historiography of the Third Reich has had a largely salutary impact that has deepened our understanding of major aspects of the regime, it has one potentially serious drawback. There is a real risk in this new historiography that the legitimate stress on the popular support for the Nazi regime and the mass complicity in its crimes might lead to excessive homogenisation of German society. While Daniel Goldhagen's work obviously represents an extreme form of this tendency, it remains nonetheless important to guard against any potentially simplistic portrait of 'the Germans' as all being of a piece.¹² Peter Longerich, for example, has recently pointed to the difficulties of making significant claims about the depth of popular support the regime and its criminal policies.¹³

¹⁰ Saul Friedländer, The Wehrmacht, German Society, and the Knowledge of the Mass Extermination of the Jews, in: Omer Bartov/Atina Grossmann/Mary Nolan (eds), *Crimes of War. Guilt and Denial in the Twentieth Century*, New York 2002, pp. 17-30, here p. 28.

¹¹ See, for example, Hamburger Institut für Sozialforschung (ed.), *Verbrechen der Wehrmacht. Dimensionen des Vernichtungskrieges 1941-1945*, Hamburg 2002, or Christian Gerlach, *Krieg, Ernährung, Völkermord. Forschungen zur deutschen Vernichtungspolitik im Zweiten Weltkrieg*, Hamburg 1998.

¹² Daniel Jonah Goldhagen, *Hitler's Willing Executioners. Ordinary Germans and the Holocaust*, New York 1996.

In this regard, *Anatomy's* typologising approach offers a powerful corrective to any tendencies to simplify historical interpretation. It is a book that is concerned, above all, with categories and differences. In this sense, calling the book an anatomy is highly apt. While this has the disadvantage of largely bracketing questions of causation (particularly in the longer term), it has the advantage of articulating the sinews of power and clarifying how the Nazi regime actually operated. If the recent historiography of the Holocaust has made tremendous progress, it is at least in part because it has been able to incorporate a rich understanding of the exact operation of the Third Reich. *Anatomy* still has much to teach us about that operation. In other words, we cannot read *Anatomy* as the last word on the Nazi regime, but we can still usefully read it as one of the first.

Prof. Devin O. Pendas Ph.D., Boston College, 140 Commonwealth Avenue, Chestnut Hill, MA 02467-2478, USA, E-Mail: pendas@bc.edu

¹³ Peter Longerich, „*Davon haben wir nichts gewusst!*“ *Die Deutschen und die Judenverfolgung 1933–1945*, Munich 2006.