

# Distortions of Normativity

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**Abstract** We discuss some implications of the Holocaust for moral philosophy. Our thesis is that morality became distorted in the Third Reich at the level of its social articulation. We explore this thesis in application to several front-line perpetrators who maintained false moral self-conceptions. We conclude that more than a priori moral reasoning is required to correct such distortions.

**Keywords** Holocaust · Hannah Arendt · Barbara Herman · Adolf Eichmann

## 1 Introduction

Judging by the mainstream professional journals, one would have to conclude that the only impact of the Holocaust on the practice of moral philosophy has been to make it easier, by providing a set of uncontroversial examples. As early as 1946, the recently

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liberated concentration camps were serving as a convenient source of obvious cases.<sup>1</sup> The spirit of these allusions to the Holocaust was tellingly satirized by Elizabeth Anscombe in her 1957 book *Intention*, when she offered this example<sup>2</sup>:

The Nazis, being pretty well universally execrated, seem to provide us with suitable material. Let us suppose some Nazis caught in a trap in which they are sure to be killed. They have a compound full of Jewish children near them. One of them selects a site and starts setting up a mortar. Why this site?—Any site with such-and-such characteristics will do, and this has them. Why set up the mortar?—It is the best way of killing off the Jewish children. Why kill off the Jewish children?—It befits a Nazi, if he must die, to spend his last hour exterminating Jews. (I am a Nazi, this is my last hour, here are some Jews.) (Anscombe 2000, 72).

As Anscombe noted, Nazism had become a philosophical byword for that which is “pretty well universally execrated”. Anscombe’s flippant tone seemed to mock the lack of seriousness with which such examples were typically introduced (“I am a Nazi. . . . Here are some Jews”).

The philosophical significance of the Nazi crimes must be obscured when they are used as toy examples of immorality; for if their immorality had been as obvious to the perpetrators as it is today, the crimes might never have occurred. The execution of Jews was regarded by the executioners themselves not as a guilty excess but rather as an onerous duty, befitting not only a Nazi in his last hour but even an apolitical Hamburg policeman assigned to enforce “order” in occupied areas (Browning 1993). The fact is that eliminating whole populations, by killing if necessary, was regarded by a significant number of participants as the right thing to do, and was regarded as at least thinkable by an even wider

<sup>1</sup> Some examples follow: “a) A man who betrays a friend into the hands of a Nazi executioner for the sake of personal advancement is *detestable*. b) The Nazi commander who ordered a woman burned alive in a crematorium, because she refused to undress for execution, performed a *loathsome and revolting deed*” (Brandt 1946, 121); “Is the satisfaction ‘good,’ or a good, when ‘the beast of Belsen’ is satisfied by observing the efficiency of his crematory?” (Dommeyer 1946, 357); “Imagine yourself trying to convince Mr. Churchill that when he said ‘that bad man’ he was attributing no moral characteristic to Hitler and that he was in no way contradicting Dr. Goebbels” (Mabbott 1949, 136–137; see also 139, 146, 148); “It is pointless to invent an axiom that men ought always to be treated as ends in themselves in order to demonstrate the truth of ‘It is wicked to send people to Belsen or Buchenwald’” (Weldon 1953, 99, quoted by Wollheim 1955, 414–415); “Suppose [...] that an inmate and an executive of Buchenwald confronted us with two conflicting theses. The former asserts, ‘I should not be tortured or exterminated.’ The latter contends, ‘You should be tortured and exterminated.’ Does the conventional theory of truth give us any basis for saying more than, ‘Both you gentlemen are expressing conventional whims. [...]?’” (Wells 1951a, 190); “Only a puristic academic could explain to the inmate of Buchenwald that his feeling of revulsion to human torture is just a matter of 1) arbitrary definition or 2) subjective emotion, and that 3) the response really has no cognitive meaning” (Wells 1951b, 683); “The criticism [of relativism] pictures us watching the proceedings at Dachau and able to say only, ‘Well, of course I feel it is all dreadfully wrong; but then I know Hitler feels it is right; and so I must just try to understand’” (Moore 1958, 379); “Suppose one man says, ‘As a Nazi it is my duty to obey the Führer, and the Führer has ordered that Isidore Bloom should be treated kindly in Dachau. Therefore, Isidore Bloom should be treated kindly in Dachau’; and another man says, ‘As A Christian I believe that all men should be treated kindly. Therefore Isidore Bloom should be treated kindly in Dachau’. According to Toulmin both men would be giving an ethically relevant reason [ . . .].” (Nahknikian 1959, 73); “It might, for example, be the case that accepting a description of the way in which Belsen was run involved accepting the assertion ‘Belsen was not an ideal institution’” (Swinburne 1961, 302); “It is perfectly possible to judge rationally that one community is happier than another, e.g. that Cambridge University is a happier community than was Belsen concentration camp” (Ewing 1963, 336).

<sup>2</sup> Of course, satirizing uses of the Holocaust as an example was not Anscombe’s main purpose in the passage we quote.

circle.<sup>3</sup> Explaining how so many individuals could lose their moral bearings is one of the main philosophical challenges of the Nazi crimes—a challenge that goes unacknowledged when those crimes are treated simplistically.

We do not mean to suggest that we are better able than others to meet the challenge. Even making the attempt can seem presumptuous. We therefore offer the following arguments with trepidation.

One philosopher who recognized the challenge to moral philosophy posed by the Holocaust was of course Hannah Arendt, whose *Eichmann in Jerusalem* included several passages of philosophical reflection (Arendt 1994). Unfortunately, these passages were less than clear, and the essays in which she tried to clarify her thoughts were not completely successful (Arendt 2003a, 17–48; b, 49–146).

Arendt's book is best known for the phrase that supplied its subtitle, “the banality of evil”. The phrase was unfortunate, because it seemed to describe evil itself as banal, which was hardly Arendt's intention. “Evil embodied in the banal” would have been closer to the mark, though of course less catchy. Her point was that Eichmann was not a diabolical genius but rather a mediocrity, less a monster than a clown.<sup>4</sup> This interpretation of Eichmann's character is highly controversial,<sup>5</sup> as are other aspects of Arendt's book.<sup>6</sup> But our interest in Arendt's work on Eichmann does not intersect with these controversies. We shall focus on two other themes.

The first theme is Arendt's diagnosis of Eichmann's “inability to think” (Arendt 1994, 49) which led her to conclude that “[h]e *merely*, to put the matter colloquially, *never realized what he was doing*” (Arendt 1994, 287). The second theme is her analysis of Nazi Germany as an inverted moral order, a social environment in which the categories of legality and illegality, morality and immorality, were not only blurred but upside down. We do not accept Arendt's elaboration of these themes, but we believe that they contain valuable insights. We will first outline her view and then indicate where we plan to depart from it.

When first introducing the topic of Eichmann's thoughtlessness, Arendt specifies the kind of thought of which he seemed incapable:

The longer one listened to him, the more obvious it became that his inability to speak was closely connected with an inability to *think*, namely, to think from the standpoint of somebody else. No communication was possible with him, not because he lied but because he was surrounded by the most reliable of all safeguards against the words and the presence of others, and hence against reality as such. (Arendt 1994, 49)

<sup>3</sup> Although the Nazis knew that their program of extermination would be perceived as wrong by world opinion, they did not see it as wrong themselves. See, for example, Himmler's notorious Posen address, “in which he described the ‘extermination of the Jewish people’ as ‘a glorious page in our history and one that will never be written and can never be written’” (Cesarani 2004, 158; see also Haas 1992; Koonz 2005).

<sup>4</sup> “Despite all the efforts of the prosecution, everybody could see that this man was not a ‘monster,’ but it was difficult indeed not to suspect that he was a clown” (Arendt 1994, 54). See also: “He was not stupid. It was sheer thoughtlessness—something by no means identical with stupidity—that predisposed him to become one of the greatest criminals of that period. And if this is ‘banal’ and even funny, if with the best will in the world one cannot extract any diabolical or demonic profundity from Eichmann, that is still far from calling it commonplace” (Arendt 1994, 287–288).

<sup>5</sup> Arendt's characterization of Eichmann as “a colourless bureaucrat” has been recently criticized by David Cesarani who emphasizes the role of Eichmann's ideological commitments (Cesarani 2004, 71).

<sup>6</sup> Arendt was accused of insensitivity and arrogance about the terrible dilemmas faced by Jewish communities who dealt with the Third Reich. Moreover, her derogatory remarks on the state prosecutor Gideon Hausner were thought by some to express German–Jewish prejudice towards Jews from the Eastern territories. For a recent critical discussion of these problems see Benhabib (1996, Chapter 6), Neiman (2002, 273ff.), Cohen (2001).

Reading this passage, one might suppose that “an inability to think . . . from the standpoint of somebody else” is Arendt’s description of what might otherwise be described as Eichmann’s lack of empathy for his victims. But the immediately following passage indicates that a lack of empathy for his victims is not what Arendt had in mind<sup>7</sup>:

Thus, confronted for eight months with the reality of being examined by a Jewish policeman [in Israel], Eichmann did not have the slightest hesitation in explaining to him at considerable length, and repeatedly, why he had been unable to attain a higher grade in the S.S., that this was not his fault. [. . .] What makes these pages of the examination so funny is that all this was told in the tone of someone who was sure of finding “normal, human” sympathy for a hard-luck story. (Arendt 1994, 49–50)

Thus, when Arendt speaks of Eichmann’s inability “to think from the standpoint of somebody else”, she is speaking of a tendency to mischaracterize his circumstances and actions. Because he couldn’t see the encounter from Captain Less’s point of view, he managed to misconstrue it as a conversation with a sympathetic listener rather than an interrogation by an accuser.

Eichmann’s lack of perceptiveness about what he was doing left him vulnerable, in Arendt’s view, to the poisonous diet of lies that were fed to the German people. And “the lie most effective with the whole of the German people”, she claims

was the slogan of “the battle of destiny for the German people” [*der Schicksalskampf des deutschen Volkes*], coined either by Hitler or by Goebbels, which made self-deception easier on three counts: it suggested, first, that the war was no war; second, that it was started by destiny and not by Germany; and, third, that it was a matter of life and death for the Germans, who must annihilate their enemies or be annihilated. (Arendt 1994, 52; parenthetical in the original)

Arendt sees this big lie as partly responsible for Eichmann’s inability to see his contribution to the Holocaust for what it was:

Eichmann’s astounding willingness, in Argentina as well as in Jerusalem, to admit his crimes was due less to his own criminal capacity for self-deception than to the aura of systematic mendacity that had constituted the general, and generally accepted, atmosphere of the Third Reich. “Of course” he had played a role in the extermination of the Jews. [. . .] “What,” he asked, “is there to ‘admit’?” Now, he proceeded, he “would like to find peace with [his] former enemies”—a sentiment he shared [. . .] with many ordinary Germans, who were heard to express themselves in exactly the same terms at the end of the war. This outrageous cliché was no longer issued to them from above, it was a self-fabricated stock phrase, as devoid of reality as those clichés by which the people had lived for twelve years. (Arendt 1994, 52–53)

<sup>7</sup> Arendt alludes to this matter again when discussing Eichmann’s “inability to think” in her “Postscript”: “It was precisely this lack of imagination which enabled him to sit for months on end facing a German Jew who was conducting the police interrogation, pouring out his heart to the man and explaining again and again how it was that he reached only the rank of lieutenant colonel in the S.S. and that it had not been his fault that he was not promoted” (Arendt 1994, 287). See also: “But bragging is a common vice, and a more specific, and also more decisive, flaw in Eichmann’s character was his almost total inability to look at anything from the other fellow’s point of view. Nowhere was this flaw more conspicuous than in his account of the Vienna episode. He and his men and the Jews were all ‘pulling together,’ . . . The Jews ‘desired’ to emigrate, and he, Eichmann, was there to help them” (Arendt 1994, 47–48).

Having lived under the illusion that he was fighting a self-declared enemy called “Jewry”, in other words, Eichmann thought of Jewry as an opposite party with whom he could make peace, oblivious to the fact that where he imagined a former enemy, there were only former victims.<sup>8</sup> His conception of the interrogation as a confidential conversation was of a piece with this larger misconstrual of his position. We will argue that a similar deficiency was at the core of the moral psychology of even ordinary perpetrators.

The second theme that interests us in Arendt is the thoroughness with which the Nazi regime transformed the conventional moral order, causing its citizens to lose their moral bearings. The Nazis worked with a highly moralized conception of society, based on perverted notions of duty, honor, loyalty, fidelity, and the like. Their behavior wasn’t a matter of amoralism or sheer criminality. As Arendt puts it:

This ‘new order’ was exactly what it said it was—not only gruesomely novel, but also and above all, an *order*.

The widespread notion that we deal here with nothing more than a gang of criminals who in conspiracy will commit just any crimes is grievously [sic] misleading. ... Equally misleading is the common notion that we deal here with an outbreak of modern nihilism, if we understand the nihilistic credo in the sense of the nineteenth century: ‘all is permitted.’ The ease with which consciences could be dulled was partly the direct consequence of the fact that by no means all was permitted. (Arendt 2003a, 41, 42)

Eichmann himself gave telling examples of these distortions. In the police interrogation he revealed himself to be under the absurd illusion of a special SS code of honor and decency:

When Captain Less [his interrogator] asked his opinion on some damning and possibly lying evidence given by a former colonel of the S.S., he exclaimed, suddenly stuttering with rage: “I am very much surprised that this man could have been an S.S. *Standartenführer*, that surprises me very much indeed. It is altogether, altogether unthinkable. I don’t know what to say.” (Arendt 1994, 50)

Eichmann also reacts with indignation when Captain Less confronts him with a book that describes him at the end of the war as quite a small figure, merely clinging to the idea of having fulfilled his duties, as to a sort of straw. Eichmann objects that the fulfillment of his duties was for him never a straw, but a normative standard, binding in itself. He added that he had long since made the Kantian requirement (*Kant’sche Forderung*) into his norm (State of Israel Ministry of Justice 1995, Vol. VIII, 2671, 2672). When asked at trial to explain this statement, Eichmann was able to quote Kant’s Categorical Imperative with fair accuracy (Arendt 1994, 136). And as Arendt points out, he knew what it meant to comply with an “unconditional universal rule”, as he demonstrated by citing his principled refusal to make exceptions for particular Jews with influential sponsors:

This uncompromising attitude toward the performance of his murderous duties damned him in the eyes of the judges more than anything else, which was comprehensible, but in his own eyes it was precisely what justified him, as it had once silenced whatever conscience he might have had left. No exceptions—this was the proof that he had always acted against his “inclinations,” whether they were sentimental or inspired by interest, that he had always done his “duty.” (Arendt 1994, 137)

<sup>8</sup> During cross-examination, he told the presiding judge that in Vienna he “regarded the Jews as opponents with respect to whom a mutually acceptable, a mutually fair solution had to be found” (Arendt 1994, 56–57).

This confusion of criminality with duty struck Arendt as having created “conditions in which every moral act was illegal and every legal act was a crime” (Arendt 2003a, 41). She concludes that Eichmann belonged to a “new type of criminal”, who “commits his crimes under circumstances that make it well-nigh impossible for him to know or to feel that he is doing wrong” (Arendt 1994, 276).

To say that “every moral act was illegal and every legal act was a crime” is a gross exaggeration; yet we think that Arendt was correct in discerning a moral inversion. How could someone who claimed to be following the Categorical Imperative, and who seemed to understand it, nevertheless have become a leading perpetrator of monstrous crimes? More generally, how could ordinary people participate in those crimes when they had been “brought up under the assumption: *Das Moralische versteht sich von selbst*” (Arendt 2003a, 22).<sup>9</sup> We will focus on the more general question, by introducing several lower-level perpetrators whose moral psychology is revealed in diaries and correspondence.

The explanation we will offer is that these perpetrators mischaracterized their situations and consequently misinterpreted and misapplied the guidelines of their conventional morality. Even if fundamental principles remain intact in their abstract form, there can still be a moral inversion such as Arendt describes. Abstract principles must be given a socially relevant interpretation, and they must then be applied by agents with socially inculcated habits of moral perception. It was at these stages that things went wrong in the Third Reich.

Moral philosophers rarely discuss the impact of social context on the processes of interpretation and application. We will begin with one philosopher who is an exception in this respect. Next we will summarize the historical development of the Final Solution, in order to contextualize the actions and self-understandings of the perpetrators whose moral psychology we will then go on to discuss. Our aim will not be to give a comprehensive explanation of these perpetrators’ behavior, much less to explain the Final Solution itself. Our aim will rather be to show how moral reasoning misfired in that context. We will then try to draw some tentative lessons for moral philosophy.

In her paper “The Practice of Moral Judgment”, Barbara Herman draws our attention to the contingent social factors that mediate between abstract principles and their use in concrete situations (Herman 1993). Herman sets her discussion in the framework of Kantian moral theory, but it has implications for our topic that give us reason to rethink other moral paradigms as well.

Herman distinguishes three elements of a Kantian moral theory: the Moral Law; the various formulations of the Categorical Imperative (CI); and the procedure of applying the Categorical Imperative to our maxims. The Moral Law by itself does not provide us with “substantive moral guidance” (Herman 1993, 86), according to Herman; it sets abstract constraints that have to be spelled out in more detail by the Categorical Imperative and the CI-procedure. And even the CI-procedure does not provide substantive guidance by itself, insofar as it must be applied to maxims, which must be framed in morally relevant ways in order for the procedure to work correctly. Herman argues that the test of Kant’s Categorical Imperative cannot be applied to maxims of action framed in just any fashion:

An agent who came to the CI procedure with no knowledge of the moral characteristics of actions would be very unlikely to describe his action in a morally

<sup>9</sup> Arendt glosses the German as “moral conduct is a matter of course” (Arendt 2003a, 22), but a literal translation would be “morality explains itself”.

appropriate way. Kant's moral agents are not morally naive. In the examples Kant gives of the employment of the CI procedure (G422–423), the agents know the features of their proposed actions that raise moral questions *before* they use the CI to determine their permissibility. It is because they already realize that the actions they want to do are morally questionable that they test their permissibility. It is hard to see how any system of moral judgment that assessed maxims of action could work with morally naive or ignorant agents. (Herman 1993, 75)

The moral knowledge that is prerequisite to using the CI test, according to Herman, is contained in what she calls rules of moral salience (RMS), which pick out the “morally questionable” features in light of which actions need to be tested for permissibility.<sup>10</sup> Rules of moral salience are not dictated by the Moral Law, but they are not arbitrary in relation to it, either. Herman describes them as “an interpretation, in rule form, of the respect for persons (as ends-in-themselves) which is the object of the Moral Law” (Herman 1993, 86). (By “an interpretation”, Herman clearly means, not a synonymous explication, but a specific implementation more detailed than the law itself.)

Developing such an interpretation of the Moral Law is “a *practical* task for a community of moral agents” (Herman 1993, 87). Members of the community must devise “a set of rules that encode a *defeasible* solution to questions about the nature of moral agents, the appropriate descriptive terms that capture morally salient features of our situations, our decisions, and so on” (*ibid.*). The results of this task are then passed on “as elements in a moral education” (Herman 1993, 77), “as part of socialization” (Herman 1993, 78).

Here Herman opens the door for a social contribution to individual moral reasoning. The Moral Law, though present within every agent, cannot be applied without moral knowledge that is socially constructed and conveyed:

[T]he RMS [. . .] will, in practice, represent the moral understanding that in part defines a “moral community.” Nor does it seem likely that there is an ideal set of RMS: what has to be taught and with what sense of importance will be a function of a community's particular circumstances (the way social or economic conditions shape moral temptation, for example). On the other hand, not just any set of rules a culture might teach would count as rules of *moral* salience. There is, in G.J. Warnock's phrase, an “object of morality.” Certain aspects of human action and interaction call for the sort of consideration we call “moral”: for example, actions that hurt or deceive; practices that include some but not all within the circle of equal consideration; who has what and under what conditions; responses to unmet human need and want. These matters are the appropriate content of the RMS, but the form of their presentation could not, I think, be once and for all fixed. (Herman 1993, 83–84)

Actually, Herman's notion of rules of moral salience contains two elements that we think should be separated. On the one hand, rules of moral salience shape moral perception by making the agent aware of the features of his situation that call for moral evaluation. On the other hand, the rules include interpretations of the fundamental concepts that figure in the Moral Law and the Categorical Imperative—concepts such as ‘equal consideration’, ‘respect for persons’, and so on. We don't agree with Herman that these elements are necessarily expressed in the form of rules; they are better described as a social articulation of morality.

<sup>10</sup> See also Herman 2007, 75: “Even ordinary moral judgment takes place within a community of judgment: a conceptual space constructed by rules of salience—typically social norms—that identify the features of our circumstances that require moral attention, as well as regulative principles that shape agents' deliberations.”

In order to understand the perverse application of moral standards under the Nazis, we must understand how people perceived their circumstances and how they interpreted abstract moral concepts. These perceptions and interpretations provided the meaning that their actions had for them. They thus determined what the perpetrators thought they were doing—which is precisely what Arendt thought that Eichmann got wrong.

As Raul Hilberg says in his famous study of the Holocaust,

The onslaught did not come from the void; it was brought into being because it had meaning to its perpetrators. It was not a narrow strategy for the attainment of some ulterior goal, but an undertaking for its own sake, an event experienced as *Erlebnis*, lived and lived through by its participants. (Hilberg 2003, 1059)

Thus, we need to understand what made the undertaking meaningful in itself for its participants, and so we must look to their *Erlebnis* and elaborate its normative dimensions.

We will consider the experiences of three ordinary perpetrators, as reported in their own words at the time. First, however, we must present some historical background in order to explain their participation in the Holocaust and to set their personal narratives in the larger historical narrative in which they played a part.

The Final Solution was meant to be the solution to a particular problem, the answer to a particular question, namely, the “Jewish question”, or *Judenfrage* (Bein 1990).<sup>11</sup> The Nazi regime initially addressed the “Jewish question” by trying to remove the Jews from public and economic life—boycotting and then confiscating Jewish businesses, gradually excluding Jews from the professions, and greatly restricting personal contacts between Jews and non-Jews. They also began to pursue their goal of redefining the state itself in racial terms. The “Law for the Restoration of a Professional Civil Service”, excluding the Jews from public employment, was enacted on April 7, 1933, slightly more than 2 months after their accession to power (Mommsen 1966). This process was to culminate in the Nuremberg Laws of 1935, stripping Jews of their citizenship.

The state thus came to embody a racial ideology, which permeated all state functions, even down to the level of the police, which were fused with the SS under Heinrich Himmler in 1936. These instruments of state coercion were guided by an ideology whose core elements were stated by Werner Best in his 1936 commentary on the Gestapo Law:

[The Political Police is] an institution which carefully supervises the political sanitary state of the German body of people, an institution which recognizes in good time each symptom of disease and identifies the germs of destruction—whether they developed due to inner corrosion or were imported externally due to wilful poisoning—and extinguishes them by any sort of appropriate means. This is the idea and the ethos of the Political Police in the racial Führerstaat of our time. (Herbert 2001, 164, our translation)

<sup>11</sup> The notion of a *Judenfrage* first arose in the wake of the Enlightenment and French revolution, when the Jews were granted civil rights, or were “emancipated”. The supposed question was whether their newly accorded status as fellow citizens of Christians could be reconciled with their religious commitment to “chosenness” and to their future reunion from the diaspora in a restored kingdom of Israel. Posed thus dispassionately, the question was entertained by the Jews themselves, who sometimes wondered to what extent they wished to be assimilated as Frenchmen, Germans, or Austrians. But the question also became a lightning-rod for all sorts of anti-semitism, under the influence of which it mutated into the question of “what to do about” the Jews, or how to reverse their perceived encroachments. The tragically ironic result is that the phrase “a solution of the Jewish question” (*eine Lösung der Judenfrage*), which was to litter the correspondence and memoranda of Nazi leaders, appeared in 1896 in the subtitle of Theodore Herzl’s Zionist manifesto, *Der Judenstaat: Versuch einer modernen Lösung der Judenfrage* (Herzl 2004).



How these ideological commitments were to be implemented became clearer after the annexation of Austria in March 1938, when the Nazis initiated a program, managed by Adolf Eichmann, of forcing the Jews of Vienna to emigrate. In November of that year, the *Kristallnacht* pogrom raised the pressure and the rate of emigration. By May 1939, Eichmann claimed to have forced 100,000 Jews out of Austria by “legal” means (Cesarani 2004, 71).

The “Jewish question” took on a new complexion with the invasion of Poland in September 1939. The outbreak of the war narrowed and finally closed the avenues of forced emigration, while the incorporation of previously Polish territories added millions of Jews to the population of the Reich. The troops of the *Wehrmacht* were followed by police forces and SS *Einsatzgruppen*, whose mission was to secure civil order by executing local officials, members of the intelligentsia, criminals, suspected partisans, and others deemed to be security risks. Jews were included in these executions on the pretext of their belonging to any and all of these suspect groups, as natural resisters, criminals, and vectors of disease or subversive ideology. These operations quickly expanded into spontaneous mass shootings of Jews and Poles during the first weeks of the war (Browning 2004, 28–35).

At this time, however, official Nazi policy for the Jews had the final goal of expulsion (Browning 2004, 28). Jews were to be concentrated in ghettos for the purposes of “control and later deportation” (Browning 2004, 111). Ethnic Germans living outside the newly expanded Reich were to be repatriated and settled on land confiscated from Poles and Jews, the latter of whom were to be expelled to a “Jewish reservation” in unincorporated Polish territory (Browning 2004, 43). An eastern wall (*Ostwall*) would separate this territory from Germany, and Hitler anticipated moving the line of demarcation further to the east only “after decades” (Browning 2004, 27). This vast shuffling of populations quickly encountered serious bottlenecks, however, raising an especially pointed version of the question what to do with the Jews.

Attempts to overcome these bottlenecks became embroiled in various controversies among Nazi leaders and local officials, as a result of which the expulsions stalled.<sup>12</sup> Contention also arose over whether the Jews were to be used—indeed, imported—as laborers in support of the war effort, or simply isolated and expelled (Browning 2004, 175–178), and whether the ghettos were to be death-traps or self-supporting enclaves (Browning 2004, 111–168).

The “Jewish Question” mutated once again with the German invasion of Western Europe in May 1940. The invasion added hundreds of thousands of Jews to German control, and it raised the prospect of access to the sea and to Western European colonies abroad (Browning 2004, 81). The destination envisioned for the Jews therefore shifted.

In May 1940, Himmler wrote a memorandum expressing the “hope completely to erase the concept of Jews through the possibility of a great emigration of all Jews to a colony in Africa or elsewhere” (Browning 2004, 69). At the same time, alien populations in the east were to be screened for the purpose of “fish[ing] out of this mush the racially valuable, in order to bring them to Germany for assimilation” (Browning 2004, 69). These plans still extended no further than the resettlement of populations: “However cruel and tragic each individual case may be,” Himmler wrote, “this method is still the mildest and best, if one rejects the Bolshevik method of physical extermination of people, out of inner conviction

<sup>12</sup> As Browning puts it: “While the Nazis never wanted openly to admit it and struggled against such a conclusion for months, it turned out that, at least temporarily, consolidating Lebensraum in the incorporated territories and solving the Jewish question were not complementary but competing goals” (Browning 2004, 43).

[that it is] un-German and impossible” (Browning 2004, 69, 70).<sup>13</sup> The following fall, Reinhard Heydrich still wrote about the “settlement of the Jewish question” as being achieved through “evacuation overseas” (Browning 2004, 102). But as the prospect of victory against Britain dimmed, and with it, the hope of controlling the seas, the idea of shipping Jews abroad became unrealistic. Even so, the notion of expelling the Jews to some destination or other stayed alive (Browning 2004, 89). In February 1941, Heydrich wrote of achieving a “total solution to the Jewish question” by “sending them off to the country that will be chosen later” (Browning 2004, 104). The notion that resettlement would provide the solution to the “Jewish question” persisted among the Nazi leadership until at least June of 1941 (Browning 2004, 104).

This view began to change with the “war of destruction” against the Soviet Union, which would add more Jews to the sphere of German control while pushing further east the boundaries beyond which they would have to be expelled (Browning 2004, 110). As in Poland, executions of supposedly dangerous elements were carried out in the wake of the invading forces, and Jewish men were targeted on the pretext of being bolshevists (“commissars”) and *Weltanschauungsträger*—carriers of a world-view inimical to the Reich.<sup>14</sup>

When the invasion did not succeed as quickly as planned, even Jewish women and children, who had been excluded from the initial executions, were slated to be shot (Browning 2004, 261). Thus began, in August 1941, the first use of mass murder to render areas completely *judenrein*. By the end of the summer, however, an obstacle to large-scale executions was becoming clear. Front-line members of the firing squads, who had been shooting their victims individually, were suffering psychological trauma from the rigors of this grisly work.<sup>15</sup> More “humane” methods of eliminating unwanted populations was needed—methods that would be more humane for the victims, perhaps, but only for the sake of sparing German troops the onerous task of murdering them one-by-one. The idea of such methods was already in the air. In July, Rolf Heinz Höppner had written the following to Eichmann about the possibility of interning the Jews of the Warthe region: “There exists this winter the danger that all the Jews can no longer be fed. It should be seriously considered if it would not be the most humane solution to dispose of the Jews, insofar as they are not capable of work, through a quick-acting agent. In any case it would be more pleasant than to let them starve.” (Browning 2004, 321).

Such a “quick-acting agent” already existed—a preexisting hammer to which these developments served up the Jews as an exposed nail. Gas chambers such as those eventually used to murder Jews at the notorious death camps had first been developed in the

<sup>13</sup> Translation slightly modified for clarity. See also the remark of a subordinate of Hans Frank, Governor-General of unincorporated Poland, to which the Jews were to be deported: “In the end one cannot simply starve them to death” (Browning 2004, 71).

<sup>14</sup> As Christopher Dieckmann writes: “The murder of the Jewish men was seen as a way of executing the order to ‘liquidate’ the Soviet leadership stratum” (Dieckmann 2000, 249). See also Browning 2004, 259: “As in preinvasion memoranda and plans, German officials in the field hid ideological bias behind practical rationalizations, mostly by presenting anti-Jewish measures as part of a wider policy of ‘pacifying’ the occupied area.” See also Browning 2004, 110: “Both (Soviet commissars and Soviet Jews) would have to be eliminated by the onrushing Einsatzgruppen, for ultimately they were perceived as one—the political and biological manifestations of the same Jewish-Bolshevik menace.”

<sup>15</sup> See Browning 2004, 353: “Bach-Zelewski claimed to have told a shaken Himmler after the latter had witnessed a relatively small execution in Minsk: ‘Look at the eyes of the men in this commando, how deeply shaken they are! These men are finished for the rest of their lives. What kind of followers are we training here? Either neurotics or savages!’” In his post-war testimony Bach-Zelewski also claimed that Himmler “after witnessing the execution in Minsk on August 15 had asked [Einsatzgruppe B commander Arthur] Nebe to consider other killing methods” (Browning 2004, 354).

winter of 1939–1940 for the purpose of “ethanizing” large numbers of mentally and physically handicapped adults,<sup>16</sup> a program that appears to have been envisioned by Hitler as early as 1935 (Friedlander 1995, 62). Six medical killing centers, under the supervision of resident physicians, received transports of handicapped patients from all over the Reich.<sup>17</sup>

It remains a matter of debate among historians exactly when a decision was reached to apply this technology to solving the “Jewish question” once and for all. At some point in the summer or fall of 1941, the techniques that had been developed for large-scale “ethanasia” were married to the policy of wholesale extermination that had developed on the Soviet front, begetting what is now known as the “Final Solution”.

Consultants from T4, as the “ethanasia” program was known, visited Lublin during the construction of Treblinka, Sobibor, and Belzec (Friedlander 1995, 297)<sup>18</sup> which belonged to what was later to be called “Operation Reinhard” (in honor of its architect, Reinhard Heydrich, who had been assassinated).<sup>19</sup> Almost all of the staff in these killing centers were then recruited from T4 (Friedlander 1995, 297ff, 237–245). They brought their methods and procedures with them.<sup>20</sup>

The camps erected during Operation Reinhard represented the application of previously developed methods to a “problem” that, until the latter half of 1941, had been addressed with what Eichmann liked to call “political” rather than “physical” solutions (Cesarani 2004, 106)—that is, by forced emigration, deportation, and ghettoization. The technology

<sup>16</sup> The term ‘ethanasia’ is in quotation marks because showing mercy to the victims was not in practice the regulating goal of the program (Friedlander 1995, 87).

<sup>17</sup> The first gassings of Jews as such—that is, simply because they were Jews—were carried out on German soil in 1940 as a relatively small part of this “ethanasia” program (Friedlander 1995). Whereas non-Jewish handicapped patients were selected for “ethanasia” after a cursory medical evaluation, Jewish patients were sent to the medical killing centers in exclusively Jewish transports on no medical pretext whatsoever. The fact remains, however, that these transports accounted for a small fraction of what have conservatively been estimated as 70,000 murders of the ill and handicapped (Friedlander 1995, 109), in gas chambers disguised as shower rooms, using procedures like those subsequently used at the killing centers in the East, which had not yet been planned, much less constructed. Shortly before Hitler ordered a stop to the “ethanasia” program (which continued by other means nonetheless), physicians previously involved in that program had begun to make periodic visits to concentration camps, where they selected inmates to be transported to the medical killing centers, for the purpose of reducing the number of potential troublemakers and “useless eaters”—that is, inmates unable to work (Friedlander 1995, 142 ff.). Concentration-camp inmates became the sole victims of these centers after the “stop order” was issued, in August of 1941. Here again, the selections included Jews as such, but only as one group among many who were selected for this “special treatment” (Friedlander 1995, 144). (Killings of the handicapped continued by other means, in what was called “wild” ethanasia. See Friedlander 1995, Chapter 8.)

<sup>18</sup> In popular understanding of the Third Reich, the concentration camps—which held a vast range of criminals, political prisoners, prisoners of war, so-called ‘asocials’, and foreign slave-laborers, as well as Jews, Gypsies, and homosexuals—are typically conflated with the death camps where the latter groups were collected solely for the purpose of being murdered.

<sup>19</sup> These centers were preceded in operation only by Chelmno, which used gas vans of a kind that had been developed for the *Einsatzgruppen* and were operated by an officer who had used such vans to kill the handicapped in Poland (Friedlander 1995, 286, 139).

<sup>20</sup> See Friedlander’s description: “First, subterfuge was used to fool the victims upon arrival with the appearance of normality. In the ethanasia centers, physicians and nurses checking medical files made the killing center look like a regular hospital, while in the camps of Operation Reinhard, the trappings of the reception area and the welcoming speech by a staff member made the killing center look like a labor camp. The victims were told in both places that they had to take showers for hygienic reasons, and the gas chambers were disguised as shower rooms, while the belongings of the victims were carefully collected and registered to maintain the illusion of normality. [. . .] Second, in both the Reich and the East, the victims were crowded into the gas chamber, and their corpses were burned immediately after they had been killed” (Friedlander 1995, 300).

of mass murder was refined and vastly expanded by the Nazis to solve their “problem” with the Jews, but it was borrowed for this purpose from other contexts.

This brief summary raises several issues for moral philosophers. Most importantly, it suggests that the Holocaust cannot be seen solely as the work of a few demonic masterminds. To be sure, the genocide that assumed its ultimate form after the Wannsee Conference of January 1942 would not have occurred had Hitler not issued an order for the “physical annihilation” of the Jews.<sup>21</sup> But the “Final Solution” required the voluntary participation of thousands, from ordinary policemen who waived the opportunity to be excused from firing-squad duty (Browning 1993, 57, 64); to the local commanders who improvised on their instructions to pacify conquered areas and then to eliminate “useless eaters”; to mid-level functionaries, who frequently exercised considerable initiative in carrying out their tasks.<sup>22</sup>

Thus, what proved to be mass murder was thinkable for a large number of people, not all of whom could have been the sort of evil geniuses held responsible for the Holocaust in the popular imagination. And atrocities short of mass murder were thinkable for an even wider circle of people including, for example, the demographic and economic planners who conceived the “General Plan for the East”, which envisioned the elimination of up to 30 million Soviet citizens, by exposure and starvation (Browning 2004, 240; Dieckmann 2000, 253; Aly and Heim 2002),<sup>23</sup> and industrialists who exploited slave laborers under brutal, often murderous conditions (Gregor 1998, Bähr et al. 2008; Gall 2002; Mommsen 1996).

Our question is why morality did not have the effect of making these atrocities unthinkable. What concerns us is not so much the behavior of the perpetrators at the top of the Nazi hierarchy as that of the ordinary people who were directly involved in the shooting and gassing. The reason why the latter perpetrators were not deterred by morality, in our view, is that moral principles were filtered through socially conditioned interpretations and perceptions that gave events a distorted normative significance. In order to explore these distortions, we will consider a few perpetrators whose thinking is revealed to at least some extent by letters or diaries written at the time of their misdeeds. They were more or less ordinary people who were assigned to duties that, for reasons difficult for us to fathom, they were willing to perform.

Our first case is that of Johann Paul Kremer, a physician and Dozent of Anatomy at the University of Münster, who served at Auschwitz during a period when its gas chambers were in operation.<sup>24</sup> Kremer’s diary is of interest for several reasons: his age at the time of serving in Auschwitz (58), his doctorate in philosophy (Berlin 1914); the brevity of his service at Auschwitz (3 months); and his post-war statements to interrogators about specific entries in the diary.

Until his arrival at Auschwitz, in August 1942, Kremer recorded brief entries detailing fairly mundane features of daily life: meals eaten, train journeys taken, surgical procedures performed, the weather, and so forth. On August 27, he wrote:

<sup>21</sup> This phrase comes from Adolf Eichmann’s testimony about a conversation with Heydrich in late summer 1941 (Cesarani 2004, 91). Historians generally agree that Hitler’s order was not in writing; they disagree as to when it was issued.

<sup>22</sup> See especially the narrative of the deportation from Hungary in Chapter Six of Cesarani (2004), 159–199.

<sup>23</sup> Starvation of the Soviet population was also an element of German military strategy, which specified that two-thirds of the army was to be “provisioned entirely from the East” by taking food from the mouths of the local population (Dieckmann 2000, 253).

<sup>24</sup> A translation of Kremer’s diary is published in KL Auschwitz as *Seen by the SS*, published by the Auschwitz-Birkenau State Museum in Oswiecim (Auschwitz-Birkenau State Museum 1996, ISBN 83-85047-32-8). Selections from Kremer’s diaries can also be found in Klee et al. (1991), 256–268. See p. 296 for biographical details.

*Brigadeführer* Gentzken visited the hospital on his way to Carlsbad. He spoke of the repudiation of intellectualism, particularly by Goebbels, of the gradual deterioration of the universities and of the Ministry for Population Policy. (Entry of August 27, 1942; Auschwitz-Birkenau State Museum 1996, 160–161)

Although Kremer did not explicitly endorse these sentiments, he recorded them without comment, and they foreshadow subsequent entries indicating skepticism about Nazi racial doctrine.

One event that would be consequential for his subsequent career was his publication of a research paper entitled “A Noteworthy Contribution to the Problem of the Hereditary Nature of Traumatic Deformations”, an accomplishment of which he seems to have been especially proud. The Lamarckian thesis of this paper was interpreted as contrary to Nazi racial doctrine and would eventually prevent his appointment to a chair at Münster after his service at Auschwitz. Learning of the reason for his rejection after the fact, in 1943, he vented his frustration in the diary:

And so I have really become a victim of my sincere belief in scientific ideals and in the unlimited freedom of research [ . . . ]. By such manoeuvres science has received a mortal blow and has been banished from the country! The situation in Germany today is no better than in the times when Galileo was forced to recant and when science was threatened by tortures and the stake. Where, for Heaven’s sake, is this situation going to lead us in the twentieth century!!! I could almost feel ashamed to be a German. And so I shall have to end my days as a victim of science and a fanatic of truth. (Entry of January 13, 1943; Auschwitz Birkenau State Museum 1996, 177)

In the margin next to this entry, Kremer wrote: “There is no Aryan, Negroid, Mongoloid or Jewish science, only true or false science!”<sup>25</sup>

Similar remarks appear in an entry that Kremer wrote after his service at Auschwitz, when he was asked to attend a course on “population policy” and “race hygiene”. Upon arrival, he wrote, “Room and board are good, the intellectual claims poor”.<sup>26</sup> Thus, Kremer could cast himself as an opponent of Nazi ideology, as he did again after the war. Ordered by the Allies to report as a laborer during the occupation, he wrote:

One has to put up with things like this because one was an SS physician. No one considers the fact that I lost my position through the NSDAP [Nazi Party], since I dealt the party one of the heaviest blows in the ideological sense by publishing my work on the hereditary nature of acquired qualities. (Entry of August 6, 1945; Auschwitz Birkenau State Museum 1996, 214)

In short, Kremer was no adherent of Nazi racial doctrine. His participation in the Holocaust must be understood in other terms.

<sup>25</sup> When Kremer was invited to attend a training session for propaganda lecturers on “population policy” and “race hygiene”, he wrote: “It may only have been the result, among many other motives, of the desire to stop my scientific work. If only people could see behind the scenes of the scheming university flunkies who are my ill-wishers. I have always been a thorn in their flesh because of my work and of the fact that I was the first to join the party” (Entry of May 24, 1943; Auschwitz Birkenau State Museum 1996, 181). Elsewhere, Kremer rails against the stupidity of the scientific establishment who “have got themselves into a blind alley by accepting the concepts of leucocytes and phagocytes; they will never be able to escape from their impasse without the radical interference of an outsider”—namely, Kremer himself. He proposes to write a book demonstrating that the cells classified as leucocytes and phagocytes are simply the remnants of decaying tissues that have found their way into the bloodstream (Entry of December 26th, 1943; Auschwitz Birkenau State Museum 1996, 187).

<sup>26</sup> Entry of June 20, 1943; Auschwitz Birkenau State Museum 1996, 182.

Kremer arrived at Auschwitz on August 30, 1942, to replace a surgeon who had been taken ill. Three days later, he recorded, “Was present for the first time at a special action” (Entry of September 2, 1942; Auschwitz Birkenau State Museum 1996, 162). In his post-war interrogation, he described his role as follows:

By September 2, 1942, at 3 a.m. I had already been assigned to take part in the action of gassing people. These mass murders took place in small cottages situated outside the Birkenau camp in a wood. [. . .] All SS physicians on duty in the camp took turns to participate in the gassings, which were called *Sonderaktion* [special action]. My part as physician at the gassing consisted in remaining in readiness near the bunker. I was brought there by car. I sat in front with the driver and an SS hospital orderly [*SDG*] sat in the back of the car with oxygen apparatus to revive SS-men, employed in the gassing, in case any of them should succumb to the poisonous fumes. When the transport with people who were destined to be gassed, arrived at the railway ramp, the SS officers selected from among the new arrivals persons fit to work, while the rest—old people, all children, women with children in their arms and other persons not deemed fit to work—were loaded onto lorries and driven to the gas chambers. I used to follow behind the transport till we reached the bunker. There people were driven into the barrack huts where the victims undressed and then went naked to the gas chambers. Very often no incidents occurred, as the SS-men kept people quiet, maintaining that they were to bathe and be deloused. After driving all of them into the gas chamber the door was closed and an SS-man in a gas mask threw the contents of a Cyclon tin through an opening in the side wall. The shouting and screaming of the victims could be heard through that opening and it was clear that they were fighting for their lives [*Lebenskampf*]. These shouts were heard for a very short while. I should say for some minutes, but I am unable to give the exact length of time. (Auschwitz Birkenau State Museum 1996, 162, n.50)

After recording his attendance at the *Sonderaktion*, Kremer wrote in his diary, “By comparison Dante’s *Inferno* seems almost a comedy. Auschwitz is justly called an extermination camp!” His most pointed reaction to a “special action” followed 3 days later:

At noon was present at a special action in the women’s camp . . . —the most horrible of all horrors. *Hschf*. Thilo, military surgeon, was right when he said to me today that we are located here in the *anus mundi* [anus of the world]. In the evening at about 8 p.m. another special action with a draft from Holland. Men compete to take part in such actions as they get additional rations—1/5 liter vodka, 5 cigarettes, 100 grammes of sausage and bread. (Entry of September 5, 1942; Auschwitz Birkenau State Museum 1996, 162-163)

In his post-war interrogation, Kremer explained this entry as follows:

Being an anatomist I had seen many horrors, had dealt with corpses, but what I then saw was not to be compared with anything ever seen before. It was under the influence of these impressions that I [wrote this entry in my diary]. I used [the] expression [*anus mundi*] because I could not imagine anything more sickening and more horrible. (Auschwitz Birkenau State Museum 1996, 163. n.51)

By this point, Kremer had already witnessed the murder of more than 2,300 people. During his three months at Auschwitz, he would attend 14 “special actions”, in which over 10,000 victims were gassed.

Kremer recorded every “special action” at which he was present, noting on each occasion how many he had witnessed to date. He sometimes mentioned exceptional circumstances, such as: “Terrible scenes when three women begged merely to have their lives spared” (Entry of October 18th, 1942; Auschwitz Birkenau State Museum 1996, 169). In his interrogation, Kremer explained, “They were young and healthy women, but their begging was to no avail. The SS-men, taking part in the action, shot them on the spot” (Auschwitz Birkenau State Museum 1996, 169, n.82).

Kremer was also present at punishments of inmates and at “medical” killings by phenol injection. In the latter case, he attended partly in order to collect samples, because he was interested in the effects of starvation on human tissues<sup>27</sup>:

To choose suitable specimens I used to visit the last block on the right [Block 28] where sick prisoners from the camp came for medical examination. During the examination the prisoners who acted as doctors presented the patients to the SS physician and described the illness of the patient. The SS physician decided then—taking into consideration the prisoner’s chances of recovery—whether he should be treated in the hospital, perhaps as an outpatient, or be liquidated. [. . .] The SS physician primarily designated for liquidation [by injection] those prisoners whose diagnosis was *Allgemeine Körperschwäche* [general bodily exhaustion]. I used to observe such prisoners and if one of them aroused my interest, owing to his advanced state of emaciation, I asked the orderly to reserve the given patient for me and let me know when he would be killed with an injection. At the time fixed by the orderly the patients selected by me were again brought to the last block, and were put into a room on the other side of the corridor opposite the room where the examinations, during which the patient had been selected, had taken place. The patient was placed on the dissecting table while he was still alive. I then approached the table and put several questions to the man as to such details which pertained to my research. For instance, I asked what his weight had been before the arrest, how much weight he had lost since then, whether he took any medicines, etc. When I had collected my information the orderly approached the patient and killed him with an injection in the vicinity of the heart. As far as I knew only phenol injections were used. Death was instantaneous after the injection. I myself never made any lethal injections. (Auschwitz Birkenau State Museum 1996, 167)

What are we to make of these statements? Apparently, Kremer had heard Auschwitz described as an “extermination camp” even before he arrived but had not taken the

<sup>27</sup> See these diary entries: “Extracted and fixed fresh live material from liver, spleen and pancreas” (Entry of Nov. 13, 1942; Auschwitz Birkenau State Museum 1996, 172); “Was present at a punishment and 11 executions. Have taken fresh liver, spleen and pancreas material after an injection of pilocarpine” (Entry of Oct. 17, 1942; Auschwitz Birkenau State Museum 1996, 169); “First frost this night, the afternoon again sunny and warm. Fresh material of liver, spleen and pancreas taken from an abnormal individual” (Entry of Oct. 15, 1942; Auschwitz Birkenau State Museum 1996, 169); “Fresh material (liver, spleen and pancreas) from a Jewish prisoner of 18, basically atrophic, who had been photographed before. As usual, the liver and spleen were preserved in Carnoy, and the pancreas in Zenker (prisoner no. 68030)” (Entry of Nov. 13, 1942; Auschwitz Birkenau State Museum 1996, 172). Kremer kept this material, and after the war he thought of doing research on it: “I am [. . .] thinking of establishing a small laboratory of my own out of my modest means, once the war is over. Basically, I only need badly a microtome, since I have brought materials from Auschwitz which absolutely must be worked on. I shall put my thoughts in a book, perhaps under the title, *Retgression of Tissues or Histolysis*, and so my views shall at least be preserved” (Entry of Dec. 26, 1943; Auschwitz Birkenau State Museum 1996, 186).

Kremer’s research interest in the victims is discussed by Robert Jay Lifton (Lifton 2000, 292–293). Lifton quotes one of Kremer’s colleagues as testifying that “Kremer looked upon the prisoners as so many rabbits”.

description seriously until witnessing his first *Sonderaktion* (“Auschwitz is justly called an extermination camp!”).<sup>28</sup> He remarked on the horror of these scenes (“Dante’s Inferno”, “*anus mundi*”), and yet he later rated these horrors on the scale of his medical experiences (“As an anatomist”, “young and healthy women”), suggesting that he was adopting a professional distance from the depravity on display. He regarded the “special actions” as sufficiently significant to count and record with care, and yet he also came to take them in stride after the initial shock.

Kremer’s failure to comment on the criminality of the gassings cannot be attributed to fear of criticizing the regime in his diary, since he was shortly to write a polemic against the notion that there is such a thing as “Jewish science”. He was not young and inexperienced, nor incapable of defining ideals in opposition to those around him. Finally, he never expressed any hatred or contempt toward the victims.

One can hypothesize, however, that these very factors facilitated his complicity. He conceived of his role as professional, as that of a physician on duty at the gassings, as an anatomist observing the corpses, and as a medical researcher in the sickbay. According to SS physicians interviewed by Robert J. Lifton, the medical community at Auschwitz encouraged its members to rely on their professional self-conceptions (Lifton 2000, 173). For example, the “selections” of Jews to be gassed were rationalized by analogy with medical triage in war. When newcomers protested that “[s]electing is not the province of the doctor, because it is a completely nonmedical activity”, veterans would respond, “‘What do you do in war, . . . in battle, don’t you have to select there as well?’ Since not all can be treated and not all can be transported, this [need to select] is the problem of every medical doctor” (Lifton 2000, 196).

The selections were also compared to public-health measures designed, on the one hand, to maintain the health of the slave-labor force and, on the other, to prevent epidemics in the camp<sup>29</sup>:

[T]heir task included maintaining the health of these slave laborers, at least to the degree of enabling them to work. But SS doctors could take the opposite view as well, claiming that overcrowding and extremely poor hygienic conditions could lead to devastating epidemics. They would therefore insist that fewer arrivals be admitted to the camp; that, in effect, a greater percentage of them be killed. (Lifton 2000, 174–175)

Thus, sending inmates to the gas chambers could even be characterized as an act of medical “idealism”:

For the SS doctor, efficiency in selections became equated with quarantine arrangements and the improvement of actual medical units, all in the service of

<sup>28</sup> Kremer’s reaction to the sight of the gas-chambers is echoed by one of Robert J. Lifton’s informants: “There was no one in Germany or in the whole world who had not heard Hitler’s and Streicher’s proclamation that the Jews had to be exterminated [*vernichtet*]. . . . Everybody heard that. And everybody ‘heard past it’ [*vorbeigehört*; ‘didn’t take it in’]. Because nobody believed that such a reality would come into practice. . . . And suddenly one is confronted with the fact that what one used to, my God!, take for propaganda verbiage [*Propagandageschwätz*] is now totally, completely, wholly [*ganz, ganz, ganz*] matter-of-fact [*trocken*; literally, ‘dry’] and strategically concrete, that it is being realized [*verwirklicht*] with 100-percent strategy. That above all shook one. That one did not foresee [but] . . . you knew if, and all of a sudden you are standing in front of it. Did you really know it?” (Lifton 2000, 204–205; ellipses and interpolations in the original).

<sup>29</sup> See also this quotation from one of Lifton’s informants: “There were numerous discussions: Should one gas more or should one [gas fewer]? Where is the limit to be set? That is, if you take more old people into the camps, then there are more diseased people, and that, for many reasons, is the worse problem is they are in the working camp . . . where there is only so much possibility [for keeping limited numbers of people alive]. . . .” (Lifton 2000, 176–177).



keeping enough inmates able to work and the camp free of epidemics. Within that context, the SS doctor inevitably came to perceive his professional function to be in neither the killing nor the healing alone, but in achieving the necessary balance. That *healing-killing balance*, according to the SS doctor Ernst B., was ‘the problem’ for SS doctors. From that standpoint, as he further explained, the principle of ‘clearing out’ a block when there was extensive diarrhea—sending everyone on it to the gas chambers—could be viewed as ‘pseudo-ethical’ and ‘pseudo-idealistic.’ Dr. B. meant that such a policy in that environment could be perceived by the doctors themselves as ethical and idealistic in that they carried out their task to perfection on behalf of the higher goal of camp balance. (Lifton 2000, 202)

Finally, gassing itself was viewed as humanitarian treatment for people who were going to die one way or another.<sup>30</sup> It was even described—at first ironically but later in all seriousness—as a form of therapy.<sup>31</sup>

They considered themselves performing *Therapia Magna Auschwitzciense*. They would even use the initials T.M. At first it was mockingly and ironically, but gradually they began to use them simply to mean the gas chambers. So that whenever you see the initials T.M., that’s what it means. The phrase was invented by Schumann who fancied himself an academic intellectual among the intelligentsia of Auschwitz doctors. By that phrase they mean, for instance, saving people from typhus epidemics. They were doing them a favor. And there was also a sense of humane method in what they were doing. . . . A second part of the concept of *Therapia Magna* was doing things for science—learning things for science, etc. (Lifton 2000, 208)

All of these distortions of the medical code of ethics permeated the environment in which Kremer operated.

Consider next a perpetrator with a long history of allegiance to the National Socialist cause. Felix Landau was an Austrian who joined the National Socialist Worker Youth at the age of 15.<sup>32</sup> He joined the SA (the Nazi’s brown-shirted “storm troops”) in 1933, and the SS in 1934. He participated in the coup attempt that killed the Austrian Chancellor, Engelbert Dollfuss. When the Russian campaign began in 1941, he was serving in occupied Poland. Partly because of a troubled love affair, he volunteered to serve in an *Einsatzkommando* that was to carry out mass executions in the Lvov district. He subsequently had the task of training the Ukrainian militia and organizing Jewish labor in the district.

At the beginning of his service in the *Einsatzkommando*, Landau wrote in his diary: “I have little inclination to shoot defenceless people—even if they are only Jews. I would far rather good honest open combat” (Entry of July 3, 1941; Klee et al. 1991, 90). Landau was not entirely free of thoughts that verged on sympathy for the Jews:

[T]hirty-two Poles, members of the intelligentsia and Resistance, were shot about two hundred metres from our quarters after they had dug their own grave. One of them simply would not die. The first layer of sand had already been thrown on the first

<sup>30</sup> As Lifton’s informant Dr. B. put it: “What is better for him [the prisoner]—whether he croaks [*verreckt*] in shit or goes to heaven in [a cloud of] gas? That settled the whole matter for the initiates [*Eingeweihten*]” (Lifton 2000, 196).

<sup>31</sup> This quotation is from a prisoner who worked with the SS physicians in the capacity of a “nonmedical scientist.”

<sup>32</sup> Landau’s diary entries appear in Klee et al. (1991), 87–106. Biographical information on Landau appears in Klee et al. (1991), 297–298.

group when a hand emerged from out of the sand, waved and pointed to a place, presumably his heart. A couple more shots rang out, then someone shouted—in fact the Pole himself—‘Shoot faster!’ What is a human being? (Entry of July 5; Klee et al. 1991, 90)

On our way two Jews were stopped. They said that they had fled from the Russian army. Their story was fairly unbelievable. Six of our men got out, loaded up and the next minute both were dead. When the order to take aim was given, one of the Jews, an engineer, was still shouting, “Long live Germany.” Strange, I thought. What on earth had this Jew been hoping for? (Entry of July 7; Klee et al. 1991, 93)

They are unbelievable. They even refused to accept a glass of water from us. ... The death candidates assembled with shovels to dig their own graves. Two of them were weeping. The others certainly have incredible courage. What on earth is running through their minds during those moments? I think that each of them harbours a small hope that somehow he won’t be shot. [. . .] Strange, *I am completely unmoved. No pity, nothing.* That’s the way it is and then it’s all over. My heart beats just a little faster when involuntarily I recall the feelings and thoughts I had when I was in a similar situation. On 24 July 1934 in the Bundeskanzleramt [Chancellery] when I was confronted with the machine-gun barrels of the Heimwehr [Austrian militia, 1919–38]. Then there were moments when I came close to weakening. I would not have allowed it to show, no, that would have been out of the question with my character. ‘So young and now it’s all over.’ Those were my thoughts, then I pushed these feelings aside and in their place came a sense of defiance and the realization that my death would not have been in vain.

And here I am today, a survivor standing in front of others in order to shoot them. (Entry of July 12; Klee et al. 1991, 96–97)

Here we see that Landau sometimes could not help but enter into the victims’ point of view. He recognized and reflected on their humanity (“What is a human being?”). He wondered, “What on earth had this Jew been hoping for?”, “What on earth is running through their minds?”, and he arrived at a fairly perceptive answer: “Each of them harbours a small hope that somehow he won’t be shot”. He at least found it “strange” that he was unmoved. His lack of pity was even threatened by the involuntary memory of his own experience in the Dollfuss affair, when he felt self-pity (“So young and now it’s all over”). But by remembering that, he had then put his self-pity aside, he seems to have rationalized feeling no pity on the present occasion.

As these passages illustrate, Landau did not dehumanize Jews, nor does he seem to have hated them. His attitude toward Jews was simply the one that was mandated by the National Socialist state:

A certain Herr Gabriel, a man with an inferiority complex and bulging eyes, became angry because I had dismissed for incompetence a Jewess who was working for me. The gentleman forgets that we have introduced the race law into the National Socialist state. I’d already caught him once tenderly stroking the chin of a Jewess and given him a thorough talking-to. (Entry of July 30; Klee et al. 1991, 104)

The arguments with the Wehrmacht continue. [The *Einsatzgruppen* came into conflict with the German army (*Wehrmacht*), parts of which tried to impose standards of martial law in occupied areas, standards that would have distinguished between combatants and Jews, who were non-combatants.] The Major in charge must be the worst kind of state enemy. I remarked today that I would apply to Berlin for this M. to be put into preventive detention immediately; his actions are a danger to the state.

Take his remark that the Jews fall under the protection of the German Wehrmacht. Who could have thought such a thing possible? That's no National Socialist. (Entry of July 10; Klee et al. 1991, 95)

As for executing Jews, Landau viewed it primarily as a job of work. The executions at which Landau described himself as unmoved are part of a 2-day narrative that begins as follows:

[O]ur KK [Kriminalkommissar—Ed.] ... immediately took advantage of [a superior's] absence to quench his thirst for action. Barely an hour later his wonderful orders such as 'Get a move on, gentlemen, get that whole pile over here to me' and the like were ringing out. He had arrests and shootings to his heart's desire. The prisoners, mostly Jews but also some Ukrainians, keep on coming. ... We 'work' right through the night.

[. . .]

At 11 in the evening we got back to base. A flurry of activity down in the cellar, which I had just cleared up that morning. There were 50 prisoners, two of whom were women. I immediately volunteered to relieve the person who was on guard duty. Almost all of them will be shot tomorrow. Most of the Jews amongst them were from Vienna. Still dreaming of Vienna. I was on duty until three in the morning the next day. Finally went to bed dog tired at 3.30.

At 6:00 in the morning I was suddenly awoken from a deep sleep. Report for an execution. Fine, so I'll just play executioner and then gravedigger, why not? Isn't it strange, you love battle and then have to shoot defenceless people. Twenty-three had to be shot, amongst them the two above-mentioned women. They are unbelievable. [Entries of July 12 and 14; Klee et al. 1991, 96–97]<sup>33</sup>

The narrative ends like this:

Then a few bodies were rearranged with a pickaxe and after that then we began the gravedigging work.

I came back dog tired but the work went on. Everything in the building had to be straightened up. And so it went on without respite. [. . .]

So I worked until 11 o'clock and had to make myself a plan like a proper little architect. Everyone admired my work.

On Sunday, 13 July 1941, the work started again straight away. (Entry of July 12; Klee et al. 1991, 98)

Thus, Landau recounted the executions as tasks in a series that included clearing up the building on the previous morning and clearing it up again the following night. Rearranging bodies with a pickaxe was just another janitorial task. Landau prided himself on being recognized as a good worker ("Everyone admired my work").<sup>34</sup>

When not executing Jews, Landau dealt with them as workers whom he supervised: "There was a tremendous amount of work. Once again I have got to play general to the

<sup>33</sup> There appears to be an error in the dating of these entries by Klee, Dressen, Riess. The entries appear in the order shown, which is clearly the order of the narrative, but they bear dates in reverse order.

<sup>34</sup> See also: "The men had the day off today, some of them went hunting. I had to work here. Thanks and praise is sure to come my way. The above-mentioned Sturmbannführer went off hunting once again with his five men. The work is going ahead well. I have just been informed by the Hauptsturmbannführer that I am to take over the training of the militia. Apparently, I have the right attitude" (Entry of July 21; Klee et al. 1991, 100).

Jews” (Entry of July 9; Klee et al. 1991, 94). The only occasion on which he initiated an execution was when some of “his” Jews refused to work:

Work goes on. This morning we started at 6. The G[ouverneur] G[eneral] is not coming. At 12:00 the Council of [Jewish] Elders reported to me that all the uniforms were ready. Since I had twenty of its men shot for refusing to work, everything’s been running smoothly. (Entry of July 21; Klee et al. 1991, 101)

Work is one of the most persistent themes in Landau’s diary, second only perhaps to his mistress.<sup>35</sup> Those for whom executions were more than a job, Landau regarded as abnormal:

At 4:00 pm on 2 July 1941 we arrived in Lemberg. First impression: Warsaw harmless in comparison. Shortly after our arrival the first Jews were shot by us. As usual a few of the new officers became megalomaniacs, they really enter into the role wholeheartedly. (Entry of July 3, Klee et al. 1991, 89)

In Landau’s mind, in other words, he was not exterminating vermin; he was not “only following orders”; he was *doing a job*. He normalized his activities as the workaday routine of a laborer getting up in the morning and doing a good day’s work. The main problem for him was that it wasn’t the job for which he had thought he was enlisting. He was forced to “play executioner and gravedigger” and “play general”<sup>36</sup> to the Jews rather than apply himself to the “good honest open combat” that he loved:

Our work is over for the day. Comaraderie is still good for the time being. [. . .] I for one—like many of the other men—have been disillusioned with his Einsatz. Too little combat in my view, hence this lousy atmosphere.” (Entry of July 5, Klee et al. 1991, 91)

This on a day when Landau had done little other than help to execute over 300 Jews and Poles. What made for a lousy atmosphere was not the killing; what made for a lousy atmosphere was that it was a lousy job.<sup>37</sup>

Consider finally a perpetrator who had more qualms than Kremer and Landau, but is more committed to Nazi ideology. Karl Kretschmer was a German pharmacist who joined the Nazi Party late, in 1939, and was rejected by the SS for “failure to satisfy requirements during a course on ideology” (Klee et al. 1991, 296).<sup>38</sup> In August 1942, he was sent to the Russian front, where he served in a *Sonderkommando* that participated in mass executions.

Writing to his wife, he said:

As I said, I am in a very gloomy mood. I must pull myself out of it. The sight of the dead (including women and children) is not very cheering. But we are fighting

<sup>35</sup> In his entry of July 9 Landau notes: “If only I had post from my Trude. During the day when I am buried in work it is all right but during the night the loneliness and inactivity simply make me despair” (Klee et al. 1991, 94–5). What Landau might have felt about his immediate circumstances—that they could undermine his faith in humanity—he felt instead about this distant figure: “If she, who has come to mean so much to me, disappointed me I would be completely devastated. I think that I would lose my belief in humanity right up to the day I died” (Klee et al. 1991, 103).

<sup>36</sup> At another point, Landau says, “I’m quite happy to play at being master builder and architect [. . .]” (Entry of July 20, Klee et al. 1991, 99).

<sup>37</sup> Landau was tried and sentenced to life in prison by the *Landesgericht Stuttgart* in 1963 (Klee et al. 1991, 298).

<sup>38</sup> Kretschmer’s letters appear in Klee et al. (1991), 163–171. The date of Kretschmer’s enrollment in the party is here listed as 1949, which is obviously a misprint.

this war for the survival or non-survival of our people. You back home, thank God, do not feel the full force of that. The bomb attacks have, however, shown what the enemy has in store for us if he has enough power. You are aware of it everywhere you go along the front. My comrades are literally fighting for the existence of our people. [ . . . ] As the war is in our opinion a Jewish war, the Jews are the first to feel it. Here in Russia, wherever the German soldier is, no Jew remains. You can imagine that at first I needed some time to get to grips with this. (Letter of September 27; Klee et al. 1991, 163)

In other letters to his wife and children, he wrote:

I have already told you about the shooting—that I could not say ‘no’ here either. But they’ve more or less said they’ve finally found a good chap to run the administrative side of things. The last one was by all accounts a coward. That’s the way people are judged here. But you can trust your Daddy. He thinks about you all the time and is not shooting immoderately. (Letter of October 15, 1942; Klee et al. 1991, 167)

[Y]ou need not worry that we are living badly here. We have to eat and drink well because of the nature of our work, as I have described to you in detail. Otherwise we would crack up. Your Papa will be very careful and strike the right balance. It’s not very pleasant stuff. I would far rather sleep. (Letter of October 19, 1942; Klee et al. 1991, 168)

If it weren’t for the stupid thoughts about what we are doing in this country, the Einsatz here would be wonderful, since it has put me in a position where I can support you all very well. Since, as I already wrote to you, I consider the last Einsatz to be justified and indeed approve of the consequences it had, the phrase: ‘stupid thoughts’ is not strictly accurate. Rather it is a weakness not to be able to stand the sight of dead people; the best way of overcoming it is to do it more often. Then it becomes a habit. I am on tenterhooks to know how you received my letter of 13 October. [This letter was lost or destroyed.] It would perhaps have been better if I had not written it or had written it only later. For the more one thinks about the whole business the more one comes to the conclusion that it’s the only thing we can do to safeguard unconditionally the security of our people and our future. I do not therefore want to think and write about it any further. I would only make your heart heavy needlessly. We men here at the front will win through. Our faith in the Führer fulfils us and gives us the strength to carry out our difficult and thankless task. (Letter of October 19, 1942; Klee et al. 1991, 171)

As these excerpts make clear, Kretschmer felt qualms about what he was doing. He found it difficult to “come to grips” with cleansing the territory of Jews; he was repelled by “the sight of dead people”, to the point that he worried about “cracking up”; and he apparently wrote a letter, now lost, in which he expressed some doubt (perhaps even remorse?) about the operation.

But Kretschmer interpreted these feelings as either weakness or stupidity, which had to be overcome. This interpretation was a consequence of his accepting the ideological characterization of the operation as one of racial self-defense, “literally fighting for the existence of our people” in light of “what the enemy has in store for us”. These phrases repeated the propaganda he had heard about the life-or-death struggle against a Jewish enemy who would exterminate the German people if not exterminated by them first—what Arendt called “the lie most effective with the whole of the German people” (Arendt 1994, 52).

It was common at the Eastern Front for men of the *Einsatzkommandos* to be briefed on this ideological point. In Christopher Browning's *Ordinary Men*, a study of a Reserve Police Battalion serving in a "special action" a few months before Kretschmer's, the commanding officer is reported to have addressed his troops along similar lines. Browning writes:

It would seem that even if the men of Reserve Police Battalion 101 had not consciously adopted the anti-Semitic doctrines of the regime, they had at least accepted the assimilation of the Jews into the image of the enemy. Major Trapp appealed to this generalized notion of the Jews as part of the enemy in his early-morning speech. The men should remember, when shooting Jewish women and children, that the enemy was killing German women and children by bombing Germany. (Browning 1993, 73)

This characterization of the conflict was drawn directly from official propaganda of the preceding months. In March 1942, for example, Hitler had delivered a speech in which he said:

Today we see the dispersion of cooperation among the Jewish wire pullers over a whole world. They unite democracy and Bolshevism into a community of interest engaged in a shared attack by a conspiracy that hopes to be able to annihilate all of Europe. (Herf 2006, 147)

In a nationally broadcast speech the following month, Hitler had claimed that the Jews favored the "extermination of the national leadership and intelligentsia of nations" (Herf 2006, 153). In a speech broadcast in May 1942, the leader of the German Labor Front said, "The Jew is the great danger to humanity. If we don't succeed in exterminating him, then we will lose the war" (Herf 2006, 155). In June Goebbels wrote an essay, also broadcast on German radio, in which he characterized the stepped-up bombing of German cities as "a sacrilegious game" on the part of the Jews, declaring, "[T]hey will pay for it with the extermination of their race in Europe and perhaps even beyond Europe as well" (Herf 2006, 156).

Here we see what Browning calls "the assimilation of the Jews into the image of the enemy", or "[a] generalized notion of the Jews as part of the enemy" (Browning 1993, 73). This image arose from the National Socialist ideal of a *Lebensraum* populated by a racial pure German *Volk*. The very existence of the Jews already seemed inimical to this ideal, and the allies' war against the ideal was therefore considered to be a racial war.

Having assimilated this construal of his situation, Kretschmer resolved to cultivate the habit of murdering innocent people, so as to overcome the repugnance that he interpreted as weakness. At the same time, he was careful not to go to the extreme of sadism or cruelty; he sought to "strike the right balance" by "not shooting immoderately". These words have an Aristotelian ring of habituating oneself to find the proper mean.

What can a moral philosopher say about these people? Why didn't moral considerations restrain them from participation or complicity in murder?

Living in a normative system like the Third Reich, perverted as it was, offered individuals the resources to see themselves as principled. Nor did this social environment lack rules of moral salience, or what we prefer to call a social articulation of morality. On the contrary, the Nazis cultivated rules of moral salience—that was the trick—and we see them at work in the first-person testimony that we have discussed. Let us now consider each of the perpetrators in turn.

The ideology that Kretschmer had internalized took account of "the way social or economic conditions shape moral temptation": moral temptation was conceived, in the first instance, as the temptation to shy away from killing innocent people.

The same ideology included a transformed conception of equal consideration. Each person was to be considered as belonging to one of several pre-defined racial groups, which were conceived to be engaged in a symmetrical struggle for survival or extinction. This rule of “equal consideration” was based on a conception of the “community’s particular circumstances”—that is, on premises about the conditions in which agents find themselves. These premises belonged to a *faux* Darwinism, according to which the laws of nature tied the prospects of each human being to those of his race, which was destined to annihilate, or be annihilated by other races. If allowed to prevail, the Jews would be—would prove themselves to have been all along—potent manipulators of world events. If defeated, they would turn out to have deserved their fate. These alternatives were presented to the German public as the only possible outcomes of a process dictated by human nature.

In this ideological context, Kretschmer could see himself as acting on “universal principles”. The fundamental principle was that all persons must relate to one another either as *Volksgenossen* or *Volksfeinde*, because they were embodied in creatures biologically committed to a battle of races. *Volksfeinde* were owed respect in the Nazi ethos, but it was the respect of mortal enemies, who respect one another precisely by having the courage of their mutual enmity. This conception of the relation between Germans and Jews is the very one that Eichmann expressed in saying that he wanted to make peace with the Jews, his former enemies, now that the war was over (Arendt 1994, 52–53).

Kretschmer was not “morally naive”. He knew that his actions needed a justification. His justification was, first, the end of racial self-defense and, second, means of self-defense that were moderate, that struck “the right balance”. He could conceive of his conduct as moderate because he located it between points of reference that had already been shifted. His Aristotelian mean was in fact a compromise between conscience, which he perceived as weakness, and utter sadism, which he perceived as mere excess. In such an environment, finding the mean was not a reliable guide to moral conduct.

The resulting moral inversion was not at the level of fundamental moral principles; it was brought about by an ideological re-interpretation of moral concepts such as equality, respect, and even the Aristotelian mean. These re-interpretations left Kretschmer with a normative framework that was utterly consistent, so that he could continue to view himself as a principled moral agent.<sup>39</sup>

What about Kremer and Landau? As we have seen, Kremer rejected the Nazi ideology and Landau had barely internalized it. Kremer and Landau rather internalized mis-characterizations of their circumstances in terms that engaged workplace codes of conduct rather than moral principles. They saw features of their situations as normatively salient but as salient for the wrong norms. Moral considerations were thereby silenced by their professional self-understandings.

As Lifton’s informants describe, Kremer’s environment was one in which aspects of mass-murder were given medical labels such as ‘triage’, ‘quarantine’, and ‘therapy’. Kremer fell in with this professional mind-set, viewing camp inmates as patients, as

<sup>39</sup> Compare the case of the Mafioso introduced by G.A. Cohen in his commentary on Christine Korsgaard’s *Sources of Normativity* (Cohen 1996, 183–184). See also Korsgaard’s reply (Korsgaard 1996, 256–258). The Mafioso considers the Mafia ethos as a law for himself creating obligations the violation of which would amount to a loss of his practical identity. Korsgaard takes the objection seriously; she rejects explicitly the “easy way out”, namely to claim simply that reflection would have led the Mafioso to recognize the immorality of his role and to give it up. She admits with respect to the Mafioso that “[T]here is a sense in which these obligations are real—not just psychologically but normatively” (Korsgaard 1996, 257). When we say that Kretschmer had a consistent normative framework, we do not go as far as Korsgaard; that is, we do not mean that Kretschmer’s normative framework yielded genuine obligations.

anatomical specimens, as subjects of scientific research. Because he never killed anyone with his own hands, he could think of himself as upholding the standards of his profession. And he could be complacent about his professional rectitude because of having proven himself a “fanatic of truth” in opposition to the racial science of the day. With his attention drawn to the “medical” features of his activities, and to the medical ethic that they seemed to call for, he was applying rules of normative salience that did not reveal the true moral weight of what he was doing.

Similarly, Landau normalized his activities by conceiving of himself as a laborer. His own reflections on the humanity of his victims were reduced to practical irrelevance; what was practically salient to him was his job.

Couldn't independent moral judgment have dispelled the socially provided understandings that clouded the thinking of these agents? Herman briefly discusses the Nazis' rules of moral salience and claims that there was clearly no obstacle to recognizing their invalidity: “It is not as if individual Nazis were in no position to see (because of impoverishment of culture or upbringing, say) who was and who wasn't a person, or didn't know (because they were moral primitives, perhaps) what kinds of things it was morally permissible to do to persons” (Herman 1993, 91).

In Herman's view, we can draw a bright line between “cultures with defective RMS [and] those whose rules of moral practice are deviant or blatantly invalid” (Herman 1993, 91). Rules of moral salience, Herman says, “can have a foundation or source in the Moral Law” in virtue of which they are neither “arbitrary nor conventional, for they express the same fundamental concept (the Moral Law) that the CI procedure represents for purposes of judgment” (Herman 1993, 85).

But how can the Moral Law filter out invalid articulations of itself?<sup>40</sup> If a social articulation of morality is needed to interpret and apply the Moral Law, then the Moral Law by itself can have only limited resources for adjudicating between proposed articulations. There must be a way of adjudicating between them, but how?

The case studies that we have presented suggest two important ways in which a social articulation of morality can go wrong. First, it can be based on empirical falsehoods about “[the] community's particular circumstances” (Herman 1993, 83–84)—for example, what Arendt called “the lie most effective with the whole of the German people” (Arendt 1994, 52), namely, that Germans were engaged in a *Schicksalskampf* against a race intent on annihilating them. Given this lie, the most that can be made of equal respect for persons is respect between combatants, as expressed in all-out combat. But secondly, a social articulation of morality can go wrong failing to provide people with a workable conception of social life. As we saw, Kremer and Landau could not make sense of the roles that their circumstances had assigned to them, and so they fell back on understanding themselves in terms of roles that were inappropriate to the circumstances.

Because the Nazi ideology was both empirically and practically unworkable, it could not provide a valid articulation of the Moral Law. In both respects, the fault lay with socially available understandings of the community's circumstances and the roles that were possible within them. As Herman says, developing these understandings is normally “a *practical* task for a community of moral agents” (Herman 1993, 87), carried out through collective reasoning and discourse. But in this case, there was no space for the community to carry out

<sup>40</sup> Herman's text does not offer this hypothesis, and she has pointed out to us that it is not what she had in mind: “My thought in the paper was that they had available to them a richer culture fully capable of setting up a skeptical challenge to received views, and that it was sufficient and sufficiently available to make them responsible for their false quasi-empirical beliefs.” (Personal correspondence)



this practical task: all of the space was occupied by a pervasive ideology imposed from above by the regime.<sup>41</sup>

We have argued that abstract moral concepts and concrete situations cannot be brought into contact except by socially provided interpretations and descriptions. Although we have made this argument in the context of Kantian moral theory, we believe that it applies to other moral paradigms as well. We have already seen how Kretschmer misapplied the concept of an Aristotelian mean. We have also seen how moral sentiments such as pity could be misinterpreted. And we have seen how consequentialist reasoning could be misapplied by the Nazi doctors. Ultimately, however, the fully implications of our arguments for other moral theories remain to be explored.

<sup>41</sup> To be sure, citizens of the Third Reich could get it right, despite the force of the socially provided understandings. However, they didn't escape that force by relying on the familiar forms that moral thinking usually takes. Those forms had become unreliable, as Arendt points out:

[A]ll those who were fully qualified in matters of morality and held them in the highest esteem [. . .] proved not only to be incapable of learning anything; but worse, yielding easily to temptation, they most convincingly demonstrated through their application of traditional concepts and yardsticks during and after the fact, how inadequate these had become, how little . . . they had been framed or intended to be applied to conditions as they actually arose. (Arendt 2003a, 25)

Thus, the ones who got it right were not guided by moral rules:

Those few who were still able to tell right from wrong went really only by their own judgments, and they did so freely; there were no rules to be abided by, under which the particular cases with which they were confronted could be subsumed. They had to decide each instance as it arose, because no rules existed for the unprecedented. (Arendt 1994, 295)

It was not only moral rules that were unreliable; moral sentiments, too, could not be trusted, because they had been misinterpreted and misdirected):

[T]he problem was how to overcome not so much [the front-line perpetrators'] conscience as the animal pity by which all normal men are affected in the presence of physical suffering. The trick used by Himmler—who was apparently rather strongly afflicted with these instinctive reactions himself—was very simple and probably very effective; it consisted in turning these instincts around, as it were, in directing them toward the self. So that instead of saying: What horrible things I did to people!, the murderers would be able to say: What horrible things I had to watch in the pursuance of my duties, how heavily the task weighed upon my shoulders! (Arendt 1994, 130)

Himmler's "trick" is discussed at some length by Jonathan Bennett (Bennett 1974). Also relevant here are interviews with "rescuers" after the War, many of whom failed or even refused to describe their actions in moral terms. See, e.g., Halter (1998); Onliner and Onliner (1988); Block and Drucker (1992); Onliner (2004). One of the most common explanations offered by rescuers was simply this: "It was the normal thing to do." Here are some relevant quotations: "To give a hand to someone who needs help? [. . .] But . . . that's only normal!" (Halter 1998, 5); "I thought it was something quite natural. We knew we must help these people. It is not even pity, it's normal, that's all" (Halter 1998, 35); see also Halter (1998, 52, 158, 238, 291); Block and Drucker (1992, 9); Onliner (2004, 50, 88); "I think I reacted spontaneously, because I am like that" Halter (1998), 51; "You see a child, you see how, . . . in the street, in the station, everything is refused, everything except death—and in the early morning light this child looks at you with his big eyes, with enormous eyes: what do you do? I did it, that's all." (Halter 1998, 74); "I never spent my time asking why I did all that. I did it, that's all" (Halter 1998, 109); see also: "[In response to the question 'Why did you decide to help?'] I decided nothing. A man knocked on my door. He said he was in danger. I asked him to stay, and he stayed till the end of the war" (Halter 1998, 108); "I cannot give you any reasons. It was not a question of reasoning. Let's put it this way. There were people in need and we helped them . . . People always ask how we started, but we didn't start. It started. And it started very gradually. We never gave it much thought" (Onliner and Onliner 1988, 216); "I don't know exactly why I helped. It's just the kind of person I am" (Block and Drucker 1992, 232).

Equally beyond the scope of this paper is the issue of moral responsibility. Our analysis may seem to have exculpatory implications, but one must not reason backwards, from a determination to find the perpetrators culpable to an historical analysis tailored to deliver that result. If a proper understanding of the perpetrators' actions leads to exculpatory implications, then the proper response may be to question the standard conception of culpability.

That conception is brought into question by Susan Neiman, who writes:

Criminals like Eichmann have none of the subjective traits we use to identify evildoers, yet his crimes were so objectively massive that they made subjective factors irrelevant. [. . .] In contemporary evil, individuals' intentions rarely correspond to the magnitude of evil individuals are able to cause (Neiman 2002, 273).<sup>42</sup>

This disproportion between intentions and their consequences leads Neiman to doubt whether an agent's intentions can be allowed to determine our moral response to his actions:

Auschwitz is the result of thousands of steps, undertaken by ordinary people who could have acted differently. They really didn't mean it—and it really doesn't matter. So much the worse for intentions (Neiman 2008, 47, our translation).<sup>43</sup>

As Neiman puts it elsewhere: "If your good will can shine like a jewel while your neighbor is being deported, it cannot be the thing that matters" (Neiman 2001, 78).

We agree with what Neiman here suggests—namely, the need to re-think our traditional conception of moral responsibility in light of the Holocaust. That task remains to be tackled by moral philosophy. It will not even be attempted, however, so long as the Holocaust is treated as philosophically unproblematic.

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<sup>42</sup> See also Arendt's remark: "On nothing, perhaps, has civilized jurisprudence prided itself more than on this taking into account of the subjective factor. Where this intent is absent, where, for whatever reasons, even reasons of moral insanity, the ability to distinguish between right and wrong is impaired, we feel no crime has been committed. We refuse, and consider as barbaric, the propositions ,that a great crime offends nature, so that the very earth cries out for vengeance; that evil violates a natural harmony which only retribution can restore; that a wronged collectivity owes a duty to the moral order to punish the criminal' (Yosal Rogat). And yet I think it is undeniable that it was precisely on the ground of these long-forgotten propositions that Eichmann was brought to justice to begin with, and that they were, in fact, the supreme justification for the death penalty" (Arendt 1994, 277).

<sup>43</sup> In the German original: "Dennoch ist Auschwitz das Ergebnis von Tausenden von Schritten, unternommen von gewöhnlichen Menschen, die anders hätten handeln können. Sie haben es wirklich nicht so gemeint – und das ist auch wirklich egal. Umso schlimmer für die Absicht" (Neiman 2008, 47).

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