

JEW OF NAZI GERMANY: “*HOMO SACER*” IN MODERN TIMES

Bharti

B-16/A, Ground Floor,
Near J.V.T.S Garden
Chhattarpur Extension,
New Delhi-110074

Abstract

The term “holocaust” refers to “a large- scale sacrifice or destruction of life, especially by fire”, as defined by the *New Lexicon Webster’s Dictionary of the English Language (1989)*. ‘The Holocaust’ was a genocide in which the Nazi Regime exterminated approximately 6 million Jews, under the command of Adolf Hitler and his collaborators. On January 30, 1933, when President Hindenburg appointed Hitler as the Chancellor, the democratic constitution was soon dismantled. Some new laws like The Nuremberg Laws, and the law against the establishment of new parties and The Reich Citizenship Laws contributed harassment of the Jews. Later during the World War II, anti-Semitism turned to physical torture and murder, also known as the “Final Solution”. Many camps were set up by the Nazi’s in which they detained and tortured the Nazi opponents. Earlier known as the “Concentration Camps”, this camp system expanded into labour or hard labour camps, some as transit camps and exchange camps. Most infamous were the extermination camps with the large gas chambers, where carbon monoxide generated by the gasoline cylinders was used to murder people. These instances can be seen in the light of the functioning of these German camps as the space for Jews representing “*homo sacer*” and “bare life” in modern times, as analysed by Giorgio Agamben in *Homo Sacer, Sovereign Power and Bare Life* (originally published as *Homo sacer. Il potere sovrano e la nuda vita*, 1995). It revolves around the issues of sovereign, power, bio power, state, state of exception, modernity and history of modernity. This paper will provide an insight into the laws passed when Hitler gained power and the effect they had on those living in Germany at that time. What other options could have been available to Germans? What laws allowed the camps to be put up and made as a normative part of Jew’s lives and anti- Nazis?

A ‘camp’ is a temporary settlement for displaced people, emerged out of state of exception and martial law. The state of exception is similar to state of emergency, but here the rule of laws can be bend by the sovereign in the name of good. The camps claim their

justification by the concern for the people and nation-state's security. Earlier the camps were initiated because of the colonial wars or racial or ethnic differences. But the camps soon turned to extremity in modern times and the bare life which was one located at the margins of political life is acquiring more and more space in political domain. The state of exception, which was once located outside of the juridical order, outside law, territorially, is now being located within juridical order by the sovereign power itself. "The camp is the space that is opened when the state of exception begins to become the rule" (Agamben, 168). People have won certain rights and liberties but at the same time their lives are bound to the state order.

The condition of the Jews in Nazi Germany exemplified the concepts such as bare life, biopolitics and the overlapping of fact and law in camps. From appointment of Hitler as the chancellor, who dismantled the democratic constitution, making of the Nuremberg laws, to setting up of the concentration camps and executing of the "Final Solution", the Jews were leading a bare life as a "*homo sacer*". The term "*homo sacer*" means sacred man who may be killed and yet not sacrificed. *Homo sacer* can be killed by anyone and his/her death will not constitute sacrifice and mourning. S/he becomes homo sacer by abandonment, banning. In that ban, life of him/her becomes open to everyone's interventions. S/he becomes isolated from political and juridical relationships and exposed to everything that could come.

With modernity and nation-state coming into being, the traditional anti-Semitism took new forms, as this term was also coined during this era by the German Wilhelm Marr in 1879. It will not be right to present European history as one long campaign of discrimination and violence against the Jews. Earlier for some centuries in Eastern Europe, Jews led a life which was peaceful as compared to the modern times. Germany could still be considered as a part of the more tolerant European areas, Prussia was the first German state to grant citizenship to its Jews as early as 1812. It is therefore necessary to look into the situations and circumstances which allowed the slaughtering of nearly two-thirds of European Jews.

To begin with we can say that though the German society was tolerant, comparatively the German politics was never liberal or democratic. A destabilization was created by the defeat in the First World War, Germany was made to take up the blame for the "Great War". Several factors such as the loss of overseas colonies, reduction in the size of the armed forces, inflation of 1923 and the unemployment of the Great Depression from 1929 onwards resulted in political extremism. The favours moved into the hands of the NSDAP (the Nationalist Socialist or "Nazi" party), founded by Adolf Hitler and his colleagues. Hitler had in his mind a vision of powerful Germany dominating all Europe. A vision that led to the death of millions of people. But it was imbibed in his psyche by the immense hatred he had for the Jews- "black parasites" as he called them in *Mein Kampf* (My Struggle). Though the Nazis won only a minority of the parliamentary seats in the elections, the division between socialists and the communists made it the largest single party in the Reichstag. This paved way for Hitler to become the chancellor in January 1933 as elected by the president Hindenburg. Hitler had the power to pass to the laws and as a consequence he gained dictatorial power by 1934. All hopes of democratic institutions were shattered in the absence of parliament, courts or elections. It is important to notice that even before Hitler became the dictator, he used laws as a way to accomplish the aims of Nazi party, ignoring civil liberties and democratic institutions. He took a very gradual approach both politically and socially in order to eliminate all Jews. To start, in 1933, few months after being appointed as the chancellor, Hitler proposed the "Law for the Restoration of the Professional

Civil Service”, according to which it was illegal for the Jews, communists and those declared “unfit”, to work in the civil services. The law was used major first step to distinguish who is a Jew and who is not a Jew.

Next important goal achieved by the Nazi party was that of taking away the citizenship of the Jews which created a legal difference them and the Germans. In the town of Nuremberg, during a Nazi party conference Hitler announced three new laws, known as the Nuremberg laws. Following are the most relevant sections of the Nuremberg laws regarding the citizenship of the Jews and also the destruction of a democratic politics:

Law for the Protection of German Blood and German Honour

September 15, 1935

Section1- Marriages between Jews and citizens of German or some related blood are forbidden. Such marriages . . . are invalid, even if they take place abroad in order to avoid the law.

Section2- Sexual relations outside marriage between Jews and citizens of German or related blood are forbidden.

Section3- Jews will not be permitted to employ female citizens of German or related blood who are under 45 years as housekeepers.

Next is the Reich Citizenship Law which proved to be a fatal blow to the Jews and ultimately to their confinement in the camps:

The Reich Citizenship Law

September 15, 1935

Article16- Section 2. 1. A Reich citizen is that subject who is of German or related blood only and who through his behaviour demonstrates that he is ready and able to serve faithfully the German people and Reich.

2. The right to citizenship of the Reich is acquired by the grant of citizenship papers.

3. A citizen of the Reich is the sole bearer of full political rights as provided by the law.

Addition to the Reich Citizenship Law

November 14, 1935

Article4- 1. A Jew cannot be a Reich citizen. He has no voting rights in political matters; he cannot occupy a public office. 2. Jewish officials will retire as of December 31, 1935 Article5- 1. A Jew is a person descended from at least three grandparents who are full Jews by race 2. A Mischling [someone of mixed background] . . . is also considered a Jew if he is descended from two full Jewish grandparents.

Law Against the Establishment of Parties

14July1933

Article 1- The National Socialist German Workers’ Party constitutes the only political party in Germany. Article2- Whoever undertakes to maintain the organization of another political party or to form a new political party shall be punished with penal servitude of up to three years or with imprisonment of

between six months and three years, unless the act is subject to a heavier penalty under other regulations.

These laws gave a new definition to what it meant to be a Jew. Before the arrival of these laws, the Jews in Germany were endowed with the status of citizens, spoke German, and even voted in elections. But the Nuremberg Laws declared that Jews are no longer German citizens protected by German laws. The Nazis were only concerned with maintaining the purity of blood. Though the Nuremberg laws explicitly attacked Jews, the interpretation was also extended to the gypsies and the blacks, as having “alien blood”.

Coming to the confinement of the Jews in the camps, we must also understand the working of the state and laws in creating the space of camps. Agamben sees camp as the matrix of modernity. Camp is a “hidden matrix” because it is an event that repeats itself on daily basis of the political domain. In this space of camp that is the state of exception- law and fact, rule and exception overlap. When we try to analyse the logic of the camp, one can find the mingling of concepts such as security of state and personal liberty. The state enforces extraordinary practices to preserve individual liberties or personal freedom, which overlap with the securities of the state. An obvious paradox is observed in the presence of the camp, as its inhabitants are those deemed to have no claim on the nation, but are brought even more firmly under its control by virtue of their exclusion from its laws. The exclusion makes them even more vulnerable to the control and authority of the state. The categories of human and citizen are exposed in the figure of the denationalized citizen, such the Jewish and Gypsy outcast of the third Reich or the stateless refugee. The anxiety over “national security” is the reason given to create the new space of camp. It is also significant to note that camps appear together with the new laws on citizenship, and the denationalization of the citizens such as the Nuremberg laws. The harsh reality of these laws creating camps is exposed in the “Final Solution” devised by the Nazis regime to completely destroy the Jews. Considering the extermination of the Jews in Nazi Germany, Agamben is right in calling the Jews as the symbol of “*homo sacer*” of the modern times, representing bare life.

Before taking the brutal step of extermination in 1941, the Nazis first consolidated and confined the Jews under their authority. The important policy in the occupied territories was “ghettoization”, that is confinement of Jews under unhygienic conditions in the overcrowded vicinities of major cities. This led to creating genocidal situations with rise in overcrowding, starvation and also outbreaks of diseases. Ghettos were small and poor areas in cities, and non-Jews were barred from there, enforcing isolation and separation of Jews. These were meant to exploit the labour force of the Jews and to keep them under control. Later they were shifted to concentration camps and extermination camps or the gas chambers, but even before this several Jews died of the widespread epidemics in many ghettos.

With the murder of innocent children and women, who are viewed as helpless and dependents, by gunfire and the bloodshed seen by the German armed men, it began to take a psychological toll. To lighten this stress on the perpetrators and to increase the numerical efficiency of the killing, the gas chambers were introduced in the camps. Gas vans and trucks were put into use to asphyxiate Jews. Earlier Nazis used carbon monoxide, generated by gasoline engines or released from carbon monoxide cylinders, but later Zyklon B was used. This “euthanasia” campaign of killing by gas was first employed in 1931 and proved to be an important forerunner in the genocide.

The concentration camps were used by the Nazis to confine their opponents and treat them with cruelty. As the Nazis acquired more and more territory, the camp system expanded and became an important tool for restructuring European society based on racial terms. Forced labour was relevant characteristic of the camp system. Due to inhuman conditions such as filthy environment, starvation and brutality of the staff, many prisoners died in there.

With the coming of the “Final Solution”, that is the term for the murder of all the Jews, around six extermination camps were set up in which anti-Nazis, specifically Jews were murdered systematically. Approximately 3,20,000 people, most of them Jews, were murdered there. Most infamous of the extermination camp was built at Auschwitz, several gas chambers were also built there and eventually more than a million Jews were murdered.

One is compelled to question about the passivity of the Germans towards Nuremberg laws, and other discriminatory policies formed by the Nazis. Both the Jews and Germans have been living in relative peace in towns and cities, they had Jewish doctors and teachers and even intermarriages. There is not a simple answer to this question of non-resistant behaviour of the Germans. Obedience can be seen as an important factor. People in the Nazi Germany were provided with bounties for obeying Nazi policies and faced unwelcomed consequences when refused to obey. Human greed of obtaining profit opportunities is a relevant factor in influencing Germans to follow the unjust laws. On one hand the minority groups were stripped of the basic civil and human rights, on the other hand the Germans had acquired several beneficial options. With the “Law for the Restoration of the Professional Civil Service”, the positions that were held by the Jews and other minority groups, now came under the control of Germans along with the property and valuables confiscated from Jews and anti-Nazis. Other compelling factors are conformity and the fear of exclusion. The sudden blow to the Jews and certain will of many Germans to support the Nazi ideology, brings into questioning the acceptance of Jews in German society before Hitler’s rise to power.

We should consider the situation that Germany was under totalitarianism, when many of these laws were passed. Resistance became even more difficult when Hitler became the dictator. By 1935 many mechanism were established in order to prevent protest movements, Hitler had set up an active secret service and state police, concentration camp came into being for the anti-Nazis, public space such as schools were also bombarded. Nazi propaganda was aiming at convincing the people that all actions were taken in the interest of Germany.

Even while facing such atrocities we can still find sparks of resistance by the Jews against the murderous assault. In expressing the very effort to stay alive and an attempt to sustain themselves emotionally shows the vigour and attempts to dismantle Nazi ideology. In many ghettos the Jewish Councils along with other underground communal organisation put in many efforts to supply food, medicines and other essential requirements. The human spirit was expressed through organization and participation in cultural, educational and religious activities. Even armed underground organizations were also prepared for resistance against the Nazis. Armed uprisings, though short term took place in Warsaw, Krakow, Auschwitz Berkenau and few more.

Apart from Jews themselves, there were also the “Righteous Among the Nation”, the non-Jews who helped and rescued the Jews during the Holocaust. Most of the times it was the common people who hid few Jews in their homes or yards by building a bunker, where they would stay for as long as years devoid of any sunlight. There were groups in Netherlands,

Norway, France and Belgium who helped Jews in finding hiding places. Even the Germans who held high positions used their power to provide aid to Jews. The most prominent name among these was Oskar Schindler, the German businessman who employed thousands of Jews in his factory and rescued them. Around 17,000 men and women have been honoured with the title of “Righteous Among the Nation”. The long history of conflict between Judaism and Christianity was not the only reason for such hatred expressed by the Nazis. It was also related to social and economic relations the Jews and non-Jews around them. The Nazi’s hatred of Jews quite unusual as it was racial and biological. Insecurity of the Nazis that the Jews are struggling for dominance over the human race, made their hatred towards them different. In Hitler’s eyes, it was necessary to destroy the Jewish community to avoid a situation where they would subvert their efforts and deceive Germany in the back. He used law as a weapon against the Jews and set up the camp system in order to murder them systematically therefore putting them into the status of a “*homo sacer*”.

WORKS CITED

- Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press, 1995, 166-180. Print.
- Cesarani, David. Interview by Laurence Lees. Web. www.ww2history.com
<http://www.ww2history.com/experts/David_Cesarani/The_Nazi_hatred_of_the_Jews>
- Dawidowicz, Lucy S. *The Holocaust and the Historians*. Cambridge: Harvard University Press, 1965, 4-22. Print.
- Dunlop, John K. *A Short History of Germany*. London W.I: Oswald Wolff, 1965, 97-118. Print.
- “Frequently Asked Questions: Yad Vashem, Jerusalem”. *Shoah Resource Center*. Web. www.Yadvashem.org. 3 October 2014.
<<http://www.un.org/en/holocaustremembrance/docs/FAQ%20Holocaust%20EN%20Yad%20Vashem.pdf>>
- Hitler, Adolf. *Mein Kampf* (My Struggle), trans. Ralph Mannheim. Boston, MA: Houghton Mifflin, 1943. Print.
- Merkel, Peter H. *Political Violence under the Swastika: 581 Early Nazis*. New Jersey: Princeton University Press, 1975. Print
- Perera, Suwendrini, “What is a Camp...?”. 1.1(2002) www.borderlands.net.au
http://www.borderlands.net.au/vol1no1_2002/perera_camp.html
- “The Jewish Holocaust”. Web. www.genocidetext.org .
3 October 2014 <http://www.genocidetext.net/gaci_holocaust.pdf>