(2012) *Jurisprudence* 3(2), pp. 341-6

New Perspectives on Nazi Law

Carolyn Benson, Vienna

Julian Fink, Vienna

Introduction

The purpose of this symposium is to highlight new trends and developments pertaining to the normative appraisal, and the jurisprudential consequences, of the legal system established by the Nazi government in Germany between 1933 and 1945. In particular, our focus lies on neglected or under-discussed aspects of the Nazi legal system.

Before we come briefly to introduce the contributions to this symposium, it would be helpful to describe some essential characteristics of law under Nazi rule.

What is perhaps most immediately obvious is that this system represented a gross departure from the rule of law[1]: the Nazis eradicated legal security and certainty; allowed for judicial and state arbitrariness; blocked epistemic access to what the law requires; issued unpredictable legal requirements; and so on. A fruitful way to begin to describe the distorted nature of the Nazi legal system is thus to look at the factors that contributed to this grave divergence.

Certain key legal developments stand out as most directly contributing to this result. These include, in particular:

(i) the establishment under Nazi rule of a new *ultimate justificatory standard* of 'good' law;
(ii) the validation of distinctively *political* and *non-formal sources of law* (*Rechtsquellen*);
(iii) the degradation of the written law in favour of vague ideological standards; and

[1] By 'rule of law' we refer to the political ideal of a form of governance in which laws, lawmaking and adjudication meet certain general criteria, including (but not limited to) the principles that all laws should be prospective, publicised, clear, and stable; that the judiciary should remain independent; that courts must be accessible; and that the principles of natural justice ought to be observed. For an elaboration on these principles and a very helpful sketch of the rule of law, see Joseph Raz, 'The Rule of Law and its Virtue' *The Authority of Law*, 2nd edition (Oxford: Oxford University Press, 2009) pp. 210-229. C.f. also earlier interpretations famously offered by F. A. Hayek in *The Road to Serfdom* (1944) 2nd ed. (Oxford: Routledge Press, 2001) and A. V. Dicey *Introduction to the Study of the Law of the Constitution*, 8th ed., (London: MacMillan, 1915), p. 198.

(iv) the denial of the *separation* between law and Nazi 'morality'.

We shall briefly discuss these four developments in turn.

Ad (i). Suppose an 'ultimate justificatory standard of good law' is a principle that the lawmaker accepts in assessing the justification of a legal provision and that itself, at least from the lawmaker's point of view, does not require further justification. Then, according to the Nazi view, the central justificatory standard in the liberal-democratic state was the protection of individual freedom.[2] Upon the Nazi seizure of power, liberal ideas were degraded in legal scholarship.[3] Instead, the primary Nazi standard of 'good law' was taken to be the advancement, purification, and development of those collective properties thought to be essential to the flourishing of the German 'blood-community' (*Blutsgemeinschaft*). In fact, this standard functioned as a chief source of law. The Nazi jurist Heinz Hildebrandt expresses this point as follows:

> [The] initial point [of National Socialism] is neither the individual nor humanity, but the entire German people; its aim is the *securing and promotion of the German blood-community* [...]. The outcome of this are certain principles of law [*Recht*]: firstly, the unconditional alignment of the correctness of law with the general good and the future of the German blood-community; secondly, the constant evaluative primacy of the correctness of law over legal security; and thirdly: the increased acceptance of legal flexibility over legal constancy![4]

Ad (ii). Traditionally, the law, and what is legally required, are thought of as having a source. Such sources can be *formal* or *informal*. The content of a formal source is always expressed within a legally authorised document; commonly, these include the constitution, simple statutes, precedents, administrative regulations, charters and by-laws. The content of a non-formal source is not explicitly expressed in a legal document; such sources may include customs, reasonable expectations, considerations of justice, considerations regarding the nature of things, public policies, and ethical standards.[5]

---

[2] See, for example, Hildebrandt, *Rechtsfindung im neuen deutschen Staate*, (Berlin und Leipzig: W. de Gruyter & Co., 1935), p. 27: 'Liberalism is based on the individual. It views the moral or even economic "freedom" of the individual as an end in itself, a final value' (trans. C.B and J.F).

[3] See, e.g. the lengthy discussion of the liberal era and its emphasis on the freedom of the individual in Ernst Forsthoff's *Der Totale Staat* (Hamburg: Hanseatische Verlagsanstalt: 1933), esp. pp. 8-28, as well as Otto Koellreutter's more pithy discussion of the liberal *Rechtsstaat* in *Deutsches Verfassungsrecht* (1935), 3rd edition (Berlin: Jünker und Dünnhaupt Verlag: 1938) pp. 14-15. See also Rudolf Huber's *Verfassungsrecht der Großdeutschen Reiches* (1939), 2nd edition (Hamburg: Hanseatische Verlagsanstalt).

[4] Heinz Hildebrandt, *Rechtsfindung im neuen deutschen Staate*, pp. 31-2 (trans. C.B. and J.F).

[5] For the distinction between 'formal' and 'informal' sources of law see, for example, Charles P. McDowell, *Criminal justice in the community*, (1939), 2nd edition, (Cincinnati, Ohio: Anderson Pub. Co.) pp. 26ff.

The Nazis validated the following informal sources of law: (a) National Socialist ideology, (b) the party platform of the NSDAP[6], (c) the will (volition) of the *Führer*[7], and (d) the 'sound perception' of the people.[8] An excessive rejection of the authority of formal sources led to a situation in which these vague and malleable informal sources were substantially relied upon in determining what the law required. (a) and (b) proved particularly notorious in, for instance, the instalment of the *Nuremberg Laws*,[9] while (c) and (d) contributed to a practical abandoning of the principle *nullum crimen, nulla poena sine lege*, which had been guaranteed under Article 116 of the Weimar Constitution.

Ad (iii). As a consequence, the Nazis degraded the written legal statute (*Gesetz*) and prioritised what they took to be law and justice as such (*Recht*). According to the National Socialist conception of law, *Recht* was understood as an expression of the 'racial soul' of the German *Blutsgemeinschaft*. It therefore consisted of the principles at the heart of the so-called 'racial community' and the Nazi movement as a whole. The written law, by contrast, was considered necessary in the Nazi state only insofar as *Recht* required a concrete determination in particular

---

[6] 'The party platform of the NSDAP is a real, and our most important, source of law. Today, it is already valid law and dominates and penetrates in different but always effective forms the entire activity of all German preservers of the law [*Rechtswahrer*], the lawmakers and the law-interpretating […] judges, […] the attorneys, and the legal scientists and tutors.' Carl Schmitt, 'Aufgabe und Notwendigkeit des deutschen Rechtsstandes', in *Deutsches Recht. Zentralorgan des National-Sozialistischen Rechtswahrerbundes* 6 (1936) p. 181 (trans. C.B. and J.F.).

[7] 'In a community that regards the state as a means to the National-Socialist ideology, the law is the idea and will of the *Führer*.' Schmitt, 'Aufgabe und Notwendigkeit des deutschen Rechtsstandes' p. 184 (trans. C.B. and J.F.).

[8] The 'sound perception of the people' was formally introduced as a criterion in determining the legal status of actions not covered by the existing written law by the 'Gesetz zur Änderung des Strafgesetzbuchs vom 28. Juni 1935', Art. 1, §2, RGBl. I, p. 839. Prior to this legislation, though, the importance of ensuring a connection between law and what was thought to be a racially inborn 'legal conscience' or 'legal sense' on the part of the ordinary member of the *Blutsgemeinschaft* was articulated by various Nazi writers. See, e.g. Herman Göring, 'Die Rechtssicherheit als Grundlage der Volksgemeinschaft' *Schriften der Akademie für Deutsches Recht*, ed. Hans Frank (Hamburg: Hanseatische Verlagsanstalt, 1935), esp. pp. 9-10, 13-14 (p. 13: 'It is neither the letter of the written law [*Gesetz*], nor the letter of the law as such [*Recht*], but the legal sense itself: the conviction that what happens is under all circumstances right, may it be formed into law in one form today and in another form tomorrow. That is what is eternal: the sensation, the belief and the longing for rightness and justice' (trans. C.B. and J.F.). See also the treatment of this theme in Helmut Nicolai, *Die rassengesetzliche Rechtslehre: Grundzüge einer Nationalsozialistischen Rechtsphilosophie,* (Munich: Verlag Verlag Frz. Eher Nachf., 1932).

[9] Evidence of this can be found in Werner Marckmann and Paul Enterlein, *Die Entjudung der deutschen Wirtschaft* (1938, Berlin: Gersbach & Sohn Verlag), p. 11.

circumstances.[10] It was considered law only because, and only where, it expressed the underlying principles of *Recht*. In cases of disagreement between *Recht* and *Gesetz*, the former was deemed decisive. Insofar as it was central to the *Führer*-principle that the will of the leader ultimately determined what was to be done in legal matters, it was argued that the application of the law to the present case could not be *restricted* by the wording of written statutes, which might themselves prescribe decisions contrary to the *Führer's* volition. It is in this vein that Manfred Fauser writes the following:

> It is justified to deem the equation of [positive] law [*Gesetz*] and justice [*Recht*] as unnatural and unrealistic (and 'positivistic') and thus to reject it. According to the racial view, justice [*Recht*] is an expression of the racial soul [*Rassenseele*] before the law. Justice has to embody the people's sense of justice and the longing of the racial soul.[11]

Ad (iv). According to the Nazi *Weltanschauung*, every race possesses its own 'soul' (*Rassenseele*): the seat of particular cultural and ethical values. As *Recht* was taken by the Nazis to be a direct expression of this racial soul, a guiding tenet of Nazi legal thinking was that law as such could not be separated from the living ethical spirit of the *Blutsgemeinschaft*. This opened the way for viewing actions offensive to the 'sound' *moral* conscience of the community as *legally* punishable. German law was conceived as deeply rooted in the customary moral life of the German community; it was not created by command, but grounded in the moral conscience of the people. In particular, National Socialist norms of honour, loyalty, decency and trustworthiness that had previously been considered standards of *private* virtue came to play the part of publicly enforceable *legal* standards. The sphere of private morality was thus eradicated under Nazi rule, making way for legal intrusions into people's lives that were by their very nature unpredictable, politically motivated, and, by light of standards made commonplace since the Enlightenment, wholly illegitimate.

In sum, the Nazi legal situation was thus one in which law was rendered unpredictable, malleable, and inextricably dependent on current political ideology.[12] This shift in thinking about the source of law and the standards for legitimate legal decisions was then used by Nazi jurists to justify the *substance* of Nazi laws, rendering law under Nazi rule an indispensable tool in the direct persecution, degradation and dehumanisation of those deemed 'enemies' of the Nazi state. Laws explicitly mandating the isolation, humiliation, disenfranchisement, and deportation of citizens on racial and other discriminatory grounds could be viewed as expressions of the underlying imperative, the heart of German *Recht*, to protect and promote the *Blutsgemeinschaft*. With the above jurisprudential framework in place, a

---

[10] See, e.g. Helmut Nicolai, *Die rassengesetzliche Rechtslehre* , pp. 31-32.

[11] Manfred Fauser, 'Das Gesetz im Führerstaat', in *Archiv des öffentlichen Rechts* 26 (1935), pp. 131-2 (trans. C.B. and J.F.).

[12] In his contribution to this symposium ('Evil Law, Evil Lawyers? From the Justice Case to the Torture Memos'), David Fraser discusses to what extent a sense of legal correctness and a phenomenological experience of justice is always based on – or at least connected to – the prevailing political ideology.

substantive shift in the content of German law was therefore given theoretical grounding, making possible the legal justification of the anti-Jewish laws which were to pave the way toward the atrocities of the 1940s.

* * *

After the end of WWII, Anglo-American academic discussion of the Nazi legal system during the 1950s and early 1960s raised interesting questions concerning the legality of Nazi statutes, as well as the practical implications of decisions on this matter for certain puzzling post-war legal cases. Famously, the question of whether Nazi law was in fact *law* was one of the more memorable points of contention in H.L.A. Hart and Lon L. Fuller's 1958 debate, with its focus on the so-called Grudge Informer Case.[13] In their exchange of views, Hart and Fuller touched on problems spanning from the specific matter of whether wicked Nazi laws should be invalidated by retrospective statutes to the more general and theoretical questions of whether the validity of particular laws depends on their moral content and whether the existence of law must at least make some positive moral difference to the circumstances in which it is present. The substantive wickedness of the Nazi legal system and its failure to live up to the basic principles characterised by the rule of law offered both scholars a concrete focal point for a discussion concerned principally with the relation between law and moral value, as well as the implications of this for what ought, legally and morally, to be done.

In the present symposium, however, we attempt to move beyond the issues raised in the Hart-Fuller debate. Whether or not a legal system possesses legality is of course a central theme in the normative appraisal of the Nazi legal system. Arguably, however, our normative judgement should not be limited to the issue of legality. We should also consider the legal (or legal-theoretic) conditions from which Nazi law arose and developed, the way it was experienced by those practicing and subject to it, and how it related to the pre and post-Nazi legal era.

---

[13] H.L.A. Hart, 'Positivism and the Separation of Law and Morals', *Harvard Law Review* 71 (1958): 593-629; Lon L. Fuller, 'Positivism and Fidelity to Law – A Reply to Professor Hart', *Harvard Law Review* 71 (1958): 630-672. The term 'grudge informer' in this context refers to people who helped to prosecute, supposedly under Nazi law but ultimately for morally questionable personal motives, those who criticised Hitler or the war. The case discussed in the Hart-Fuller debate concerned in particular a wife who had helped in the prosecution of her own husband, and who was later prosecuted in a post-war West German court for having illegally deprived her husband of his freedom (*rechtswidrige Freiheitsberaubung*). For more on this example and its philosophical implications, see, in addition to Hart and Fuller above, H.O. Pappe, 'On the Validity of Judicial Decisions in the Nazi Era', *The Modern Law Review* 23.3 (1960): 260-74; David Dyzenhaus, 'The Grudge Informer Case Revisited', *New York University Law Review* 83 (2008): 1000-1034; and Thomas Mertens, 'Radbruch and Hart on the Grudge Informer: A Reconsideration', *Ratio Juris* 15 (2002): 186-205.

In fact, a general theme that requires further examination is why a system that lacked the 'inner morality of the law' (in Fuller's sense) could remain stable as long as it did and be applied in practice by German jurists. Questions that equally require further philosophical attention include the following:

(i) In what ways did the predominant legal culture of the Weimar Republic contribute to the rise of the Nazi legal system, and in what ways might the distinctively German brand of positivism popular before the rise of Nazism be said to have contributed to the Nazis' gross departure from the rule of law?
(ii) What was the phenomenological experience of those practicing and subject to Nazi law? What was the Jewish experience of daily life under the Nazi legal system? What was the subjective justification and the self-understanding of those practicing Nazi law?
(iii) Under which circumstances, and on what basis, can we justifiably say of a particular Nazi legal provision that it ought not to have been enacted?
(iv) Was part of the post-war criticism of Nazi law (in particular, that it was strictly instrumentalised by the Nazis' political aims) itself nothing but an instrumental expression of the predominant interests of post-war politics?

Although contributors to this symposium are clearly inspired by the ideas raised by Hart and Fuller, their papers address these further legal-philosophical questions, and so depart in interesting ways from the approach to raising questions about Nazi law that we find in the 1958 debate.

* * *

A common post-war reaction to the failure of the German judicial system to prevent the atrocities of the 1930s and '40s – as well as its active involvement in many of these horrors – was a sense that the influence of legal positivism on the German judiciary was somehow responsible. In particular, it was argued that the 'law is law' attitude supposedly engendered by legal positivism created a situation in which judges and ordinary citizens were rendered less likely to take action against injustices that had been given the cloak of legality by Nazi lawmakers.

In 'Positivsm and Relativism in Post-war Jurisprudence', Raymond Critch argues that positivism did not in fact play a substantive role in allowing the perverted judicial culture of the Third Reich. While others – notably Stanley Paulson – have already cast a great deal of doubt on Gustav Radbruch's claim that positivism rendered 'the German juristic fraternity defenceless in the face of laws of arbitrary and criminal content,'[14] Critch presents an alternative reading of

[14] Translation from Walter Ott and Franziska Buob, 'Did Legal Positivism Render German Jurists Defenceless During the Third Reich,' *Social & Legal Studies* 2 (1993): pp. 91-104, quoting Radbruch 'Gesetzliches Unrecht und übergesetzliches Recht' in *Rechtsphilosophie* (Heidelberg: Müller, 1999) p. 211.

Radbruch's claim, arguing that German positivism's underlying relativism was what rendered the judiciary defenceless. His explanation of the metaethics of pre-war positivism focuses on Radbruch and Hans Kelsen. On his analysis, each of these jurists espoused very different kinds of relativism with very different jurisprudential commitments. Critch concludes that while Radbruch is right about positivism's non-cognitivistic and relativistic commitments, he is mistaken to conclude that this had the impact on the judiciary he takes it to have had.

In 'Law and Morality in the SS-jurisdiction: The SS-Judge Konrad Morgen', Herlinde Pauer-Studer casts new light on a neglected problem. How can a post-1945 court convict a person for grossly immoral deeds committed between 1933 and 1945 in Germany if those deeds where consistent with (or even required by) Nazi law? Hart argued that there would have been some merit in handling cases such as the Grudge Informer Case by frankly and honestly applying *retroactive* laws as an alternative to letting those in question go unpunished or merely denying that prior legal statutes had the force of law.[15] However, as Hart acknowledges, this suggestion leads to the inevitable sacrifice of a key component of the rule of law, as a *non*-retroactive application of the law is necessary for ensuring the law's predictability.[16] An alternative tack would involve denying morally repugnant Nazi laws the status of 'law' altogether, thus precluding a central defensive argument on the part of the Grudge Informers and those in similar post-war legal situations. Hart, for example, presents his view in opposition to the view he attributes to Gustav Radbruch, who became convinced that we can adequately handle cases of gross injustice done in the name of the law only by assuming that *morality* itself represents a universal limit on what can count as law, such that no legal statute or enactment can count as legally valid if it offends against basic moral principles.[17]

In her contribution, Pauer-Studer takes issue with the notion that the mere synthesis of morality and law is the proper prism through which to deal with the problems posed by Nazi law. According to her argument, the Third Reich provides a striking example of a situation in which morality itself came under great pressure, no longer providing an adequate guiding standard, as some theorists have assumed it must. In order to illustrate her central claims, Pauer-Studer reveals the 'moral mechanics' behind the Nazis' unification of law and morality. In particular, she focuses on the first-person perspective of a Nazi judge, Konrad Morgan, who applied Nazi law within a highly moralised segment of Nazi legislation (i.e. the SS jurisdiction) in order to prosecute high-ranking Nazi officials involved in extermination programmes. In his post-war attempts to justify and explain the relationship between law and morality, Judge Morgen

---

[15] 'Positivism and the Separation of Law and Morals', pp. 619-20.

[16] Cf. Lacey, 'Philosophy, Political Morality, and History: Explaining the enduring resonance of the Hart-Fuller Debate', pp. 1081-2.

[17] See, e.g. Radbruch, 'Gesetzliches Unrecht und Übergesetzliches Recht', *Süddeutsche Juristen-Zeitung* 1 (1946), pp. 105-108. See also Hart's characterization of this view in 'Positivism and the Separation of Law and Morals', pp. 615-21.

provides us with a fascinating yet neglected insight into how the Nazi moralisation of the law guided the application of Nazi law in the judicial process.

This case study leads Pauer-Studer to two chief conclusions. First, she shows how the first-person interpretation of abstract moral principles can lead to a distorted application of morality through (ab)using the authority of judicial institutions. Second, she argues that in order to deal with the moral deficiencies of the Nazi legal system, we cannot simply do away with the distinction between law and morality as such. Instead, we should approach the problems posed by Nazi law via a non-moralising conception of legality that hinges on the basic requirements of a rule of law system. In order properly to deal with the failures of the Nazi system, she argues, what is needed is a correct and undistorted application of valid moral insights via requirements of legality that can be articulated without endorsing a comprehensive moral outlook.

'Evil Law, Evil Lawyers?: Authority, Legality, Legitimacy from the "Justice Case" to the Torture Memos' (David Fraser) takes issue, *inter alia*, with the following apparent inconsistency. In the so-called "Justice Case" (1947) (*United States v. Joseph Altstoetter et al.*, Nuremberg, Germany) a significant number of former justice officials in the Third Reich were charged and convicted by a US-led court for war crimes, crimes against humanity, and their membership in criminal organizations. A large part of this conviction was not premised on positive, but on natural law embodying universal values like 'humanity' and 'civilization'. More than 50 years later, US government attorneys drafted a collection of legal documents that came to be known as the 'torture memos'. These memoranda aimed at giving a legal basis and justification for so-called 'enhanced interrogation techniques'. Although this legal attempt to legitimise *de facto* torture arguably stands in stark contrast to universal values that led to the convictions in Nuremberg in 1947, and, in addition, could be considered as infringing international criminal law, none of the US attorneys responsible for the torture memos have been charged with the offence of conspiracy to commit crimes against humanity.

In his contribution, Fraser tackles and attempts to explain this apparent inconsistency by alluding to a significant similarity and continuity between pre-1945 Nazi law and post-1945 Anglo-American law. Fraser argues that by comparing, for instance, the life world and the professional self-understanding of lawyers committed to the aims and policies of, on the one hand, the Nazi government and, on other hand, the George W. Bush administration, it appears that the self understanding of both groups can be made intelligible by conceiving of them as an *interpretative community* that shares (i) a particular intellectual conception of the meaning of law and (ii) a phenomenological experience concerning the practice and utilization of law. In particular, lawyers, Fraser argues, experience and conceptualize the authority and legitimacy of law relative to the political ends and power of the prevailing political system. In fact, lawyers' use (and abuse) of 'good' or 'just' law, and of 'humanity' and 'civilization', are in fact nothing but institutionalized expressions of political supremacy. Fraser aims to show that this holds for Nazi law, the Justice case, and those who wish to legitimize torture and so-called 'targeted killings' in the current 'war on terror'.

In 'Law and Daily Life: Questions for Legal Philosophy from 1938', Kristen Rundle highlights the importance of the experience of the legal subject under Nazi law for Holocaust scholarship and legal philosophy alike. In a series of reflections inspired by Jewish testimonies of life under Nazi law, she aims to lay bare the connections, largely obscured in mainstream legal philosophy, between the form of law and human agency. In particular, her aim is to convince legal philosophers of the relevance of asking questions about the capacities assumed to belong to the legal subject in the dominant legal philosophies, with a view to shedding light on the way in which law is taken both to address and to constitute those whom it governs.

One of Rundle's central observations is that Jewish testimonies of life under Nazi law from the period surrounding November 1938 reveal a profound and growing sense of loss of the possession of a 'daily life'. The question then becomes: do the dominant legal philosophies accommodate this intuition in any real sense? Do they either explicitly or implicitly portray the legal subject as someone capable of possessing a 'daily life'? For Rundle, this shift in attention to the relationship between the presence of law and the possibility of daily life offers a promising path toward a better understanding of more general and traditional questions concerning the relationship between law and such things as value, morality and agency. A central aim of this paper, with its focus on the notion of daily life, is to provide a novel conversational framework in terms of which a deeper understanding of the similarities among competing legal philosophies, otherwise obscured by the big legal-philosophical questions of the 20th Century, might be possible. In addition, the paper offers an original perspective from which to consider the elusive significance of the presence of law for those living under it.

In 'Legal Oughts, Normative Transmission, and the Nazi Use of Analogy', Carolyn Benson and Julian Fink argue for the need to re-examine the normative theoretical framework against which judgments about the Nazi legal system – as well as people's practical duties in response to it – are commonly made. Taking as their focal point the introduction of the use of analogy in Nazi criminal law, Benson and Fink consider the following question: does the fact that the Nazi brand of analogy legislation implied, caused or contributed to the unpredictability of the criminal law lead to the conclusion that an ideally predictable legal system would not contain this type of legislation?

Behind much commonsense criticism of non-ideal legal systems is the assumption that a particular element in that legal system's having caused or increased the non-idealness of that system – its making it *worse* off, as a legal system – grounds the conclusion that the element in question ought to be changed, and that the lawmakers in that system have a responsibility to work toward such change. The main thesis of this paper is that this assumption must be re-examined and that relations such as implication, causation or contribution are not logically sufficient to ground the relevant type of normative inference. In place of implication, causation and contribution, Benson and Fink suggest turning our attention to the relation of *non-defeasible explanation* as a means of grounding the normative conclusion that the law ought not to contain a

particular element. With this theoretical background in place, they argue that a more complex and precise normative evaluation of the practical requirements on lawmakers regarding the Nazi use of analogy is genuinely possible.[18]

[18] We would like to thank the editors of Jurisprudence for inviting us to edit the present symposium, the anonymous referees for reviewing the submitted articles, and our authors for their contributions. The editing of this symposium was carried out under the ERC Advanced Grant 'Distortions of Normativity'. We are grateful for the ERC's financial support.