

# Moral Philosophy and the Holocaust

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## Chapter 6

### Perpetrator Motivation: Some Reflections on the Browning/Goldhagen Debate

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#### The Issue

What motivated the perpetrators of the Holocaust? Christopher Browning and Daniel Goldhagen differ in their analysis of Reserve Police Battalion 101 (Browning, 1992; Goldhagen, 1996). The battalion consisted of around 500 'ordinary' Germans who, during the period 1942-44, killed around 40,000 Jews and who deported as many to the death camps. Browning and Goldhagen differ over the motivation with which the men killed. I want to comment on a central aspect of this debate.

There is much that I shall not comment on. I shall avoid issues about whether there was something special about the Germans which led them, as a nation, to the killings they did, on the scale they did, to the people they did. That debate has generated the most controversy. But in fact it is not the only issue, or even the most interesting issue, that these two historians raise. So far as possible, I shall focus on why these particular 'ordinary' German men did what they did.

For the most part, I shall examine and assess the arguments deployed by Browning and Goldhagen over this particular battalion. But I also want to show how, or perhaps more modestly, tell a story according to which, the difference between these two historians over Battalion 101 is an instance of a broader difference over the explanation and justification of human action. Indeed, the difference may be deep enough that it reveals a difference over human nature itself. However, the focus will be primarily on the particular historical case, even though the broader issues are never far away.

The issue seems to be one of empirical psychology: what motivated the men? So what interest might a philosopher have in the issue? Why not leave it to those who have the relevant empirical expertise? However, empirical psychological questions about motivation are not categorically distinct from philosophical questions about the nature and explanation of action. And particularly controversial cases may reveal these differences. One of the good things about the writings of these two historians is the way they bring this out, and do so explicitly at times. They do not superficially drop the names of philosophers or vague philosophical isms; rather

recognizably philosophical issues are transparently and honestly aired. Theirs is no mere postmodern posturing or pretentious wordiness, but a serious and honest attempt to explain a particular historical event in the light of more general considerations, and at the same time to think about the more general considerations in the light of the particular historical event.

I would like to mention that I admire the work of both these historians. The issue has become rather partisan, so that it is assumed that one must be cheering for one and booing the other. But if I am right that there are rather large conceptions of human action and human nature underlying the debate, then I think we should become more appreciative of the fact that both have views that have considerable plausibility. And even if we think one of them wrong, then we should do them the credit of thinking them wrong in an interesting way, a way that springs from a deep and attractive, if ultimately misguided, view of the springs of human action.

The target question is: what were the *motives* of the perpetrators of Battalion 101? These perpetrators were almost all Germans and their victims were almost all Jews. Many perpetrators of these kinds of killings of Jews were not German, and many other victims of similar German battalions were not Jews. But in this case, for the most part, perpetrators were Germans and victims Jews.

However, both Browning and Goldhagen do at times appeal to non-German perpetrators and to non-Jewish victims as evidence for their views about the German killing of Jewish victims. This is one way in which, in the course of the debate, the focus gets widened and then narrowed again.

Our question is also restricted in time. The question is: what were the motives of the men *at the point of action*? Historians may appeal to anti-Semitism in Germany in the prewar Nazi period or in the pre-Nazi period as *evidence* for a view about the wartime motivations of the men. Goldhagen and Browning differ on this question. For example, Browning queries Goldhagen's assessment of the extent of 'eliminationist' anti-Semitism during the Nazi and pre-Nazi period in Germany (Browning, 1998, pp. 194–200). And since the men were a representative cross-section of German society, Browning infers that anti-Semitism played less of a role in the minds of the men of Battalion 101 than does Goldhagen. Similarly, the two historians sometimes appeal to what the men said under interrogation after the war. But the hope is to locate the ultimate motivation as they killed. This is another way that the focus gets widened and then narrowed again.

Broadly speaking, the main issue that separates Browning and Goldhagen is the extent to which *anti-Semitism* was a motivating factor in bringing these German conscripts to kill Jews. Roughly, Goldhagen thinks that it was, whereas Browning thinks that it wasn't. But, since it is important that anti-Semitism comes in different forms, the more precise claim at issue is whether the killers were motivated by 'eliminationist' anti-Semitism, where that amounts to thinking that Jews should be got rid of. This might be either by expulsion ('resettlement') or by genocide. 'Genocidal' anti-Semitism is one kind of 'eliminationist' anti-Semitism, which is, in turn, a species of the broader genus of anti-Semitism. Both Browning and Goldhagen cite evidence in their favour, and I shall not attempt to adjudicate. Goldhagen thinks that most Germans in Nazi Germany endorsed eliminationist anti-Semitism, and also that the majority of the men of Battalion 101 did so too, and

killed for that reason. Browning disagrees with Goldhagen over whether the majority of Germans in pre-Nazi and Nazi Germany endorsed eliminationist anti-Semitism, and he disagrees over the men of Battalion 101 (Browning, 1998, p. 215). Browning thinks that most Germans held a milder kind of anti-Semitism, which meant that they were passive and did not resist the actions of a minority who held the more virulent form. He writes:

With a few exceptions the whole question of anti-Semitism is marked by silence ... It would seem that even if the men of Reserve Police Battalion 101 had not accepted the anti-Semitic doctrines of the regime, they had at least accepted the assimilation of the Jews into the image of the enemy. (Browning, 1992, p. 73)

Influenced and conditioned in a general way, imbued in particular with a sense of their own superiority and racial kinship as well as Jewish inferiority and otherness, many of them undoubtedly were; explicitly prepared for the task of killing Jews they most certainly were not. (Ibid., p. 184)

By contrast, for Goldhagen

the perpetrators, 'ordinary Germans', were animated by antisemitism, by a particular *type* of antisemitism that led them to conclude that the Jews *ought to die*. (Goldhagen, 1996, p. 14)

For Browning, it is sufficient to explain the killings that (1) a majority of the men had a far less virulent form of anti-Semitism, (2) that a minority had the more virulent eliminationist form, plus (3) crucial 'situational' factors – pre-eminently, peer-pressure and authority mechanisms – that operated on the majority of the men (Browning, 1992, pp. 184–6; see also Browning, 2000, p. 169). I shall say that Browning's explanation is 'situational' and that Goldhagen's is 'evaluational'. Of course, the situation was not black and white. Many complex factors bore on the men. There is obviously *some* truth in both Browning's and Goldhagen's hypotheses. The question is how much weight to give to situationist and evaluationist factors.

Both Browning and Goldhagen are fascinated by the opportunity provided by Major Trapp for opting out of the killing, which was by and large ignored by the men (Browning, 1992, p. 2; Goldhagen, 1996, pp. 213–14). Both seek to explain this absence. Goldhagen's thought is: without the motive of anti-Semitism, surely the men would not have obeyed a weak order, the disobeying of which carried no sanction, unless they morally endorsed it and were motivationally inclined to do it. That certainly seems plausible. Nevertheless, it is also possible that many of the men were not sufficiently motivated to kill in virtue of their less virulent anti-Semitism, but other factors led them to it. That, I presume, is Browning's position. Hence other factors are brought into play and given explanatory salience besides eliminationist anti-Semitism.

So – to conscript Kant's language – for Browning, the men merely acted in accordance with anti-Semitism but not out of respect for anti-Semitism, whereas for Goldhagen the men acted in accordance with anti-Semitism *because* they acted out of respect for anti-Semitism. Goldhagen's explanation is Kantian in that it puts the

men's moral conception of their own actions at centre stage. Browning's explanation is more Humean in that it seeks to explain their actions by appeal to various causal factors, which include internal mental dispositions and external 'situational' factors, and which may or may not include a self-directed moral evaluation. Perhaps a Humean can explain how moral evaluation is possible on the basis of attitudes and desires (Blackburn, 1998). But for a Humean, action explanation can proceed without moral evaluation.

Compare a case where Goldhagen's thesis is clearly correct and where Browning would obviously be wrong – as I am sure he would admit. Every one of the leading Nazis executed after the Nuremberg trials went to their deaths with a clear conscience. They say as much. They all believed that they had done the right thing. For example, at the Nuremberg trials, Göring said: 'I will absolutely and gladly take responsibility for even the most serious things which I have done ...'<sup>1</sup> And again: 'The only motive which guided me was my ardent love for my people, its happiness, its freedom, and its life.'<sup>2</sup> Obviously, Göring was no amoralist! At one point, he spoke of his 'sense of justice'.<sup>3</sup> There is no plausibility in the idea that Göring was someone who was attracted to evil *qua* evil, as Berel Lang suggested that many Nazis were (Lang, 1990; I argue that the Nazis had moral views that were false but perfectly coherent in Zangwill, 2000).

The leading Nazis believed that they had all put Germany first, in a certain way of conceiving of what 'Germany' means. German Jews, of course, did not count as 'German' in this special conception – indeed they were conceived to be the very antithesis of Germans. There should be no doubts as to the motivations with which leading top Nazis acted. They did not suffer from weak will of any sort. They were not subject to over-riding situational pressures. It is clear that they believed in what they did, and they acted accordingly. Those hanged at Nuremberg went to their deaths believing that they had done the right thing. The word 'Germany' was on all their lips. To deny this would be to deny the evidence of what they themselves said, and much else besides. I take it that it is not controversial to claim that the top Nazis were motivated by anti-Semitism. Of course, even they were not all alike. Anti-Semitism was a priority for Himmler in a way it was not for many other of the leading Nazis. Nevertheless, the others clearly had strong and motivationally significant eliminationist anti-Semitic views and attitudes, which flowed at least in part from their particular brand of German nationalism.

Our question is whether something similar is true of the more 'ordinary' men of Battalion 101. Browning distinguishes between the more fanatical Nazi leaders and the general public (Browning, 1998, p. 201). But, by itself, this doesn't meet Goldhagen's point. For even if there is such a distinction, the question is what the less fanatical form of anti-Semitism consisted in. For it may have been fanatical enough to be the kind of reflectively endorsed eliminationist motivation that Goldhagen thinks the killers had.<sup>4</sup>

The question is: what was going on in the minds of the men as they killed? Goldhagen, in somewhat Hegelian style, thinks that ideology drove at least this segment of history (Goldhagen, 1996, p. 455); Browning, in somewhat Marxist style, thinks that ideology did not drive at least this segment of history.

A similar kind of issue is played out in many areas in the humanities. For

example, there is an issue about the kind of explanation supplied in the sociology of art, particularly in its standard Marxist and feminist forms (Bourdieu, 1984; Eagleton, 1984; Wolff, 1984). In so far as it is definitive of the sociology of art to abstract from the conscious mental states of the producers and consumers of art, there is a good case for saying that the whole subject is predicated on an error. For no purely 'structural' or 'functionalist' explanation can match the power of a mentalist explanation according to which people's motivations in making and consuming art are, to a significant extent, *transparent* to them. We need to probe people's conception of their own actions, which they see as flowing from their own desires and evaluations. Moreover, the history of art cannot be understood without taking that perspective on board, and it cannot be understood if it confines itself merely to examining abstract social structures, and the like. (I pursue an argument along these lines in Zangwill, 2002.) The debate over the Holocaust is similar in many ways.

Note that the issue we are addressing is rather indirectly related to a standard issue about the Holocaust, according to which there are 'intentionalist' or 'functionalist' explanations of it. For the 'functionalist' school, the ideological contents of the killers' heads did not matter. Whatever motives or ideology they had would not have made any difference, for it was the social structures that determined the occurrence of the Holocaust. On this view, ideology was epiphenomenal, as it is for many Marxists. For the 'intentionalist' school, the virulent anti-Semitism of the Nazis themselves and their narrow circle drove history. But, as with the functionalist school, the thoughts of the men in the killing fields – the perpetrators – were epiphenomenal. But for Goldhagen, both these views are wrong. He is, as it were, a democratic Hegelian: the ideology of the masses drove history, at least in this case. Goldhagen is nearer the intentionalist school than the functionalist school, for unlike the functionalists, he thinks that ideology was efficacious, but Goldhagen also thinks that the efficacious ideology was not restricted to the Nazis and their immediate circle, but was embraced by the majority of Germans, and in particular by those who carried out the killings. Goldhagen goes as far as to assert the counterfactual that if the men in the Battalion had lacked the ideology, the killings would not have happened.

Goldhagen's explanation is not 'monocausal' as many of his cruder critics carelessly and unfairly alleged. (See some of the essays in Shandley, 1998.) Goldhagen allows that many factors together led to the Holocaust. But Goldhagen does think that anti-Semitism was the only relevant *motivational* factor in leading the men to kill. Goldhagen recognizes that other factors were necessary for the killings, but he insists that eliminationist anti-Semitism, as a real psychological factor in the mind of the majority of the killers, was also an important necessary condition (Goldhagen, 1998, pp. 140–41). He thinks, that is, that it is a condition without which the killings would not have taken place. For Goldhagen, the other necessary but non-motivational factors were that state power was in the hands of those committed to extreme anti-Semitic policies, and the war meant that there was the military power and circumstances in which to execute those policies. But the eliminationist anti-Semitic motivation was necessary as a factor in the minds of most of the men. Browning denies this. I shall end up agreeing with Goldhagen

about this motivational necessary condition, but I also think that other motivations were necessary. These other motivations are suggested by Browning's work, even though Browning did not put his conclusions in motivational terms. Hence the eliminationist anti-Semitic motivations of the men are not motivationally sufficient to explain the killings.

### Some Inconclusive Arguments

Goldhagen argues that the fact that the men of Battalion 101 were *proud* is evidence against Browning's peer-pressure hypothesis. If Goldhagen is right that the men were indeed proud, it would be significant, for pride is a moral emotion. If the men were proud, then they morally endorsed their actions. But why should we think that they were proud?

Goldhagen adduces the *photographs* taken by members of the Battalion as evidence for their pride (Goldhagen, 1996, pp. 245–7, pp. 405–6). The photographs, Goldhagen maintains, show that they felt pride, not shame, in their work. The men certainly look cheerful and proud in the photographs, and so the photographs seem to suggest that the men were proud of their work and therefore did not act out of peer pressure. If they were proud, then they must have judged that their work was worthwhile.

It is not controversial that the photographs present their soldiers as apparently cheerful and proud of what they are doing. However, inferences from that are controversial. One only has to be a little cautious to think that reading real pride into the men in the photographs is at least not straightforward and at most speculative and risky. First, we can easily imagine a sceptical Browning asking: are these photographs a representative sample of the photographs available? And are the men depicted in the photographs a representative sample or just the extreme minority of the men that Browning concedes were eliminationist anti-Semites? And second, even if the photographs do show a representative sample of the men, posed photographs of this sort are typically the upshot of a deliberate project of constructing history. When one poses for a photo, one often presents the appearance one wants to be 'remembered'. One is fabricating 'memory' as one would like it or as others would like it. Even unposed photographs do not simply 'present' reality in a straightforward way. But in posed photographs the situation is far more complex. For the people who pose are participants in creating the resulting photograph. The idea that there is the photographer, on the one hand, and the posing people, on the other, who are merely recorded in the photograph, is surely an illusion. The posing people are collaborators in the overall photographic enterprise.<sup>5</sup>

This point harms Goldhagen's case, because we cannot take the photograph as reliably recording pride. The men are likely to have been adopting the emotional guise that they thought was deemed appropriate in that context. It does not follow that they really felt that emotion. There is little reason to believe that, on this basis. For these reasons, and perhaps for others, the *apparent* pride in these photographs of these soldiers does not lend much support to Goldhagen's hypothesis. Perhaps it is weak evidence. But by itself, it is not sufficient to justify Goldhagen's

evaluational view. The photographs might weakly confirm something we already had evidence for, but they are not enough on which to found a controversial doctrine.

Goldhagen appeals to the *cruelty* of the perpetrators. Here he appeals to victim testimony rather than perpetrator testimony. He appeals to the Jewish victims who report that the perpetrators killed with joy and hatred (Goldhagen, 1998, p. 135). This evidence from victims is stronger than that from photographs since the men clearly did not care what their Jewish victims thought, whereas they did care what would be thought by those they thought would see the photographs. The men apparently *enjoyed* the killing. The cruelty of the killings does seem to speak against Browning's obedience or situational views and for Goldhagen's evaluational view. Goldhagen's thought is: why would one *cruelly* and *enthusiastically* obey orders to kill if one disapproved of the orders or even were evaluatively neutral about them? This cruelty, then, seems to support Goldhagen's evaluational explanation. In Goldhagen's words: 'ordinary Germans were motivated by a virulent form of anti-Semitism that led them to believe that the extermination of the Jews was necessary and just' (Goldhagen, 1998, p. 137).

The debate over cruelty often involves argument by comparison. Goldhagen argues that non-Jewish victims of the Holocaust were treated differently in this respect. Browning replied by disputing this. Browning claims that the Germans were also cruel to non-Jewish victims. He gives the example of the group in charge of killing the mentally handicapped who held a party to celebrate killing 10,000 people (Browning, 1998, p. 208). This seems to show cruelty and pride in their work of the same sort that Goldhagen emphasizes in the case of the killing of Jews. But this particular reply of Browning's is ineffective, for many reasons. For one thing, this was not the work of Battalion 101. But, putting that to one side, the men of Battalion 101 might have had all sorts of other murderous ambitions towards other groups, which they were not able to fulfil. Whether or not they also had other such murderous ambitions, they were able to fulfil their ambitions with respect to the Jews. That they were eliminationist anti-Semites does not mean that they were perfect angels in other respects! Furthermore, that *non-Germans* also killed Jews cruelly is simply irrelevant. It does not make the German killers less cruel. There is also a difficulty with the particular example that Browning uses. That the killing of the mentally handicapped was celebrated shows *callousness*, not necessarily *cruelty*, which is something different. They were celebrating a job well done. They clearly did not care about those they killed. But a cruel act is one in which one *does* care, negatively, about one's victim. However, there may be better examples that Browning could draw on. Perhaps they treated Soviet prisoners of war as they did the Jews. But even if this were so, it would not help Browning, for it just shows that the men were generously catholic with their cruelty. Anti-Semitism can and does coexist perfectly comfortably with all kinds of other negative motivations and evaluations concerning other groups.

Given that the Jews were not just killed but killed cruelly, Goldhagen's explanation certainly seems to have the edge over Browning's more situational explanation. This was not merely *effective* killing, as it was when they killed the mentally ill.

However, the bad news for Goldhagen is that even if he is right about the distinctive cruelty with which the men of Battalion 101 killed Jews, it is far from clear that this supports his evaluational thesis. There is a fundamental objection to Goldhagen's whole argument on this point. There is a familiar and hallowed contrast between pleasure and duty. This contrast has been a feature of the intellectual landscape at least since Plato. The two can be in tension. Stern duty can point us in one direction, while seductive pleasure tempts us elsewhere. Human weakness may make one pursue pleasurable things that we believe are not right. In particular, that one *enjoys* one's work does not mean that one thinks it *right*. Goldhagen asks us to respect the victims' evidence, which seems sensible, but if the victims merely report that the perpetrators *enjoyed* the killing, we cannot make any evaluational inference from that, for the perpetrators may have been motivated by pleasure, not duty. (Joanna Bourke (1999) documents many cases in which men enjoy killing in war.)

There could in principle be victim evidence, which somehow pointed to a specific *type* of pleasure or cruelty, which more obviously spoke of an evaluation or a self-reflective endorsement of the killings. But so far as I know (and I may be wrong about this), neither Goldhagen nor anyone else has offered specific evidence along these lines. (I should say that I think that such an argument would be very interesting, and might have a good chance of succeeding in supporting the evaluational hypothesis.)

The contrast between duty and pleasure can also be taken the other way. One can think something right but take no pleasure in it. One might think one's job a worthy one, but not enjoy it. For example, a rat-catcher might feel this way. This objection to Goldhagen is the flip side of an objection to Browning. Browning often appeals to the *displeasure* of the men in killing Jews, as evidence against Goldhagen's evaluational view (for example Browning, 1998, pp. 211–15). Browning says that the men were 'angry, sickened, depressed and shaken' (*ibid.*, p. 212). Let us assume that Browning is right that the men felt these emotions at the time. Let us take their word for it – despite ample reasons for thinking that they had reasons to play down their wartime activities and their endorsement of the 'work' that they were engaged in. Perhaps they really had these emotions and desires. However, Kant, rightly, in my view, distinguished these kinds of motives from the motive of duty (Kant, 1998). Goldhagen's claim is, or ought to be, that they acted, at least in part, out of the motive of duty. One might think that it is one's duty to kill rats or ants but be 'angry, sickened, depressed and shaken' at the unpleasant nature of the work one must do. One might think that the work is a pressing duty but not want to do it *oneself*, like a gory but essential medical operation. One might find it distasteful, disgusting and so on, but think that it ought to be done. Or one might think that the cockroaches in one's kitchen deserve to die, but one might not at all relish treading on them. One might find killing them repulsive, despite one's positive evaluation of one's action. Similarly, that some of the men of Battalion 101 did not enjoy killing Jews does not show that they were not partly driven to do it by the thought that it was their duty to kill them.

The crucial issue is: did the men think that they were doing the right thing? Not: did they enjoy it? Indeed there is an *ad hominem* point against both authors here. If

Goldhagen is prepared to dismiss some of the men's reluctance to kill as stemming from mere squeamishness as opposed to moral disapproval, then he should also be prepared to grant Browning that some of the pleasure the men felt in killing merely shows a kind of visceral blood-lust pleasure, rather than moral approval. And it is no less true that if Browning wants to appeal to visceral blood-lust, he should allow Goldhagen the appeal to squeamishness. Kant's important distinction between 'inclination' and 'the motive of duty' means that the pleasure the Germans took in killing Jews, or equally the displeasure that led some to refrain from killing, does not establish that they were acting or refraining from acting out of duty – that they judged what they did or did not do to be right.

At one point, in support of his non-evaluational view, Browning quotes the policeman who said after the war: 'Truthfully, I must say that at the time we did not reflect about it at all' (Browning, 1992, p. 72). But that is quite consistent with Goldhagen's evaluational view. For perhaps they 'did not reflect' because it was *obvious* to them that it was right. Browning unwarrantedly projects a non-evaluational interpretation on to these words where there is also a rival evaluational interpretation. Contrast the words of the murderous policeman with the words of a Polish 'righteous gentile' called Stefan Raczynski, who said 'It was the natural thing to do ... when the Jews started coming from the forest and they were hungry, we gave them food and didn't think anything of it.' Somewhat similarly, a Dutch 'righteous gentile' called Arie van Mansun said 'There was nothing special about what I did. I did what everyone should have done.' (Both quoted in a display in the United States Holocaust Museum.) A moral judgement can inform one's behaviour in a fundamental way, even though it is not at the forefront of one's consciousness.

### Authority

Let us now turn to the issue of authority and of obedience to the orders of authority.

Both Browning and Goldhagen are impressed by the fact that no German was ever punished for refusing to follow orders to kill Jews. Before the killing began Major Trapp, who was in charge of the entire Battalion, told the men that they did not have to kill – they could opt out with no sanction. And a few men were known to have taken up this offer and indeed suffered no sanction. Goldhagen infers that authority mechanisms (alone) cannot explain compliance with the order to kill. *This* argument (and it is not Goldhagen's only argument, as we shall see in a moment) makes two questionable assumptions. The first is that an authority mechanism needs to be backed by sanctions to work. The second is that the men either approved or disapproved of their actions. Both of these assumptions are questionable. On the first point, an authority mechanism might work even if not backed by sanctions. It is enough that it supplies a pressure to *conform*; positive feedback can work in the absence of negative feedback. On the second, the men might have made no judgement at all, rather than a negative judgement. Hence the authority mechanism might be effective even though no sanction was applied, and even though the men did not think that their actions were right.

However, there is another argument of Goldhagen's concerning authority that I think is effective. I think it is his best card. This is his appeal to the fact that Jews were killed even in the face of orders to keep Jews alive. Here orders were being broken and authority flouted. This seems to show that killing Jews was taken to be a good thing, and killing them had little to do with authority structures (Goldhagen, 1996, pp. 382–3). My judgement is that this argument is a very promising one. The argument does, it must be admitted, make certain assumptions: that disobedience was not merely the activity of an extreme minority; that disobedience was not motivated by the pleasure of killing as opposed to a moral judgement about the action; and that the disobedience did not stem from the obedience of earlier orders which retained a kind of momentum, so that newer orders were overridden. However, I get the impression that these assumptions are plausible, though it would certainly be good to see further explicit discussion of them.

Browning replied to this argument from disobedience by saying that the men also disobeyed orders and killed non-Jews, such as Soviet prisoners (Browning, 1998, pp. 204–9). But this does not show that those killings were not evaluatively driven as well. Perhaps the killers had eliminationist anti-Semitic motivations plus similar motivations directed to Soviet prisoners or other groups.

What happened when men of Battalion 101 disobeyed orders was the very opposite of what Browning should predict if he is drawing on Stanley Milgram's work on obedience to authority (Milgram, 1969). Milgram describes a variation on his famous electric shock experiment where there are *two* authorities who disagree (*ibid.*, pp. 105–12). One authority orders the continuation of the experiment with higher shocks while the other orders a cessation of shocks. Milgram comments:

It is clear that disagreement between the authorities completely paralyzed action. Not a single subject 'took advantage' of the instructions to go on; in no instance did individual aggressive motives latch on to the authoritative sanction provided by the malevolent authority. Rather action was stopped dead in its tracks. (*Ibid.*, p. 107)

But how different the Holocaust! There, there was just one authority who forbade action, and furthermore there *was* a sanction for disobedience, unlike the variation on the Milgram experiment. Yet action was *not* 'stopped dead in its tracks', but persisted despite orders. This supports Goldhagen's conjecture. Browning would have us extrapolate from the Milgram experiments to the Nazi killing fields. Well, it seems that if we do so, we will have to have recourse to eliminationist anti-Semitic ideology – to a positive moral evaluation of the killings. Otherwise, why were authoritative orders flouted?

On the issue of authority, it is ironic, given the sort of criticism which Goldhagen's book aroused outside Germany, that it is *Browning* not *Goldhagen* who appeals to the German national character! Browning talks of 'The German propensity to follow orders' (Browning, 1998, p. 217; contrast Goldhagen, 1998, pp. 142–3). Goldhagen contests this by appeal to the revolt against the Weimar Republic (Goldhagen, 1996, pp. 381–2). There Germans took to the streets against authority. But Browning replied, with considerable plausibility, that this is the exception that proves the rule, since people were revolting in order to restore an authoritarian undemocratic German tradition. On *this* point, I think that Browning

is probably right to insist on the importance of specifically German authoritarianism as a factor leading to the Holocaust. However, on Goldhagen's side (*contra* Browning, 1998, pp. 217–18), this point has nothing to do with 'situational' factors and Milgram experiments, as Browning assumes. Such situational explanations appeal to factors outside of people's cognition. (Browning says that social science introduces 'factors beyond the cognition of the perpetrators' (Browning, 1992, p. 220).) But the German authoritarian culture was something consciously and reflectively endorsed, not a non-mentalistic factor manipulating people like puppets. The German people were more like *willing victims* of a Milgram experiment. As with the anti-Semitism, people *thought* that they were obeying orders that were right and proper. That was their reflectively endorsed political culture, not a mere behavioural regularity.

Browning may have been led astray by one aspect of Milgram's writing. Milgram tends to describe conformity to authority in overly behaviouristic fashion:

There must be a ... drive, tendency, or inhibition that precludes activation of the disobedience response. The strength of the inhibiting factor must be of greater magnitude than the stress experiences, or else the terminating act would occur. (Milgram, 1969, p. 43)

But this seems to be a very odd description of the situation. It would be implausible to think that there is no mentalistic component to conforming to authority. Rather the subject's *beliefs* about authority are surely crucial. Milgram's own research suggests this. He found that a scruffily dressed 'authority' receives less obedience. As Milgram writes,

the decisive factor is the response to authority, rather than the response to the particular order to administer shocks. Orders originating outside of authority lose all force ... It is not what the subjects do but for whom they are doing it that count. (*Ibid.*, p. 31)

But if that is so, Milgram should not be describing his entire project as undermining the common-sense idea that

A person acts in a particular way because he has *decided* to do so. Action takes place in a physical-social setting, but this is merely the stage for its occurrence. The behavior itself flows from an inner core of the person ... (*Ibid.*)

For if a person is *differentially* responsive to different authorities, the response to authority must stem from a decision, which in turn stemmed from a desire or evaluation of the person.

So when Browning says that social science introduces 'factors beyond the cognition of the perpetrators', he is following one aspect of Milgram in accepting a somewhat behaviourist conception of obedience to authority. Browning cites Himmler's speech to the SS men in which, according to Browning, he said that 'exalting obedience is one of the key virtues of all SS men' (Browning, 1992, p. 74). But this is a value that the SS men were supposed to share and internalize. It was to be a consciously endorsed value, not a mere mechanism.<sup>6</sup>

What is questionable here, at bottom, is the general idea that obeying orders is

*content neutral* – that it is the sheer obedience which counts, not what is ordered. What is true is that once one has accepted an authority, it might be true that one obeys particular orders without consciously endorsing them when one acts, just as one drives a car – deliberately – without thinking consciously about what one is doing. But one's general acceptance of that authority, in adults, is not independent of an estimation of the rightness of what the authority orders.

My view is that there needs to be more investigation of the way the different values of the agents interacted. Authoritarian and anti-Semitic motivations and values could in principle conflict with one another, and Goldhagen cites some unusual cases where they did. But in the case of Battalion 101, by and large they did not. Authority was a motive and a value, not just a mechanism. And the same is true of anti-Semitism. For the most part, authoritarian and anti-Semitic motives and values neatly complemented each other.

### Coda

The question we have been looking at, in Kant's terms, is: what was the deep and basic maxim of the actions of the men as they killed (O'Neill, 1985)? Well, there were lots of men in the Battalion, and a lot of different actions over the years, and the answer will not be exactly the same for all of them. Still, the relevant question is: for most men, and for most killings, what was the predominant efficacious maxim? Was it 'I must kill Jews' or 'I must obey orders' or 'I must not let my colleagues down'? Or was it a tie?

The indirect and comparative evidence points in both directions. Looking back at political culture in the pre-Nazi and Nazi period seems indecisive. And looking at non-Jewish victims and non-German perpetrators does not help. Cruelty does not favour Goldhagen, for the cruelty may stem from a non-evaluative pleasure and not from a value judgement.

Browning seems to be right, as against Goldhagen, that authoritarianism was as central a factor as anti-Semitism in Germany (Browning, 1998, p. 218). Yet against Browning and for Goldhagen, I suggest that authoritarianism and anti-Semitism were not rival factors but two neatly mutually fitting complementary motives. Hence I side with Goldhagen on the question of whether eliminationist anti-Semitic motivation was a necessary causal factor. The men did not act merely in accordance with anti-Semitism but also out of respect for anti-Semitism. But I don't agree that it is the only relevant motivational factor in play. The virtue of Browning's work is to draw attention to the role of authority in the killings. But Browning should not have followed the social psychologists in thinking of authority as an impersonal 'mechanism', a mere feature of the 'situation'. Instead the commitment to authority was itself part of ideology, and an evaluational matter, part of the tacit or explicit political outlook of the men of Battalion 101. The fact that authority stood for the right things, of which anti-Semitism was one among many, conferred legitimacy on the authority. And the fact that the eliminationist anti-Semitic policies they were executing were ordered by a legitimate authority conferred legitimacy on the policy. These two motives and values were mutually reinforcing. Both sorts of motivations

and evaluations are indispensable to explaining the Holocaust, at least as enacted by the men of Battalion 101.<sup>7</sup>

### Notes

1. *Trial of the Major War Criminals before the International Military Tribunal, Nuremberg 1947–49*, vol. IX, p. 564.
2. *Ibid.*, vol. XXII, p. 368.
3. *Ibid.*, vol. IX, p. 564.
4. My grandfather heard Hitler on a street corner in Germany in the 1920s, long before he came to power, shouting 'Death to the Jews.' Surely very few in Germany could have been in two minds about whether Hitler and his followers had genocidal intentions. Nevertheless, as Browning reminds us, only 37 per cent of Germans voted for Hitler at their last free election before the war (Browning, 1998, p. 197).
5. W.G. Sebald discusses a photograph of Kafka and two companions in which they are posed behind a comic set that reveals only their faces and gives the appearance that the people in the photograph are doing something unlikely (Sebald, 2000). In the photograph Kafka and his friends appear to be passengers on an aeroplane photographed from outside. According to Sebald, there is good reason to think Kafka was particularly unhappy on the day of the photograph, particularly with his companions, but in the photograph, he is smiling broadly, in accord with the conventions of posing for such photographs. There is also good reason to think that the companions were having a rather merry time that day, but they look very glum in the photograph.
6. Browning writes that 'soldiers can obey orders with which they do not identify' (Browning, 1998, p. 219). Certainly there is such a phenomenon, in some cases. But there is no reason to believe that the 101 killers were like this in more than a minority of cases.
7. Many thanks to Eve Garrard for reading and commenting on drafts of this paper, and to Jonathan Friday, Daniel Goldhagen, Raphael Gross and Bernard Reginster for discussion of the issues.

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## Chapter 7

# Moral Responsibility and the Holocaust

Geoffrey Scarre

It has become something of a commonplace in studies of the Holocaust that whilst it may be possible to achieve at least a limited understanding of the stimulating conditions of the worst atrocity of the twentieth century, no amount of insight into the *mentalité* of its perpetrators could ever warrant our excusing them for what they did. Not only were the Nazis and their associates creators of tremendous evils for the Jews: they were criminal, wicked agents whose motives and aims merit the most unqualified denunciation. Even writers who have probed the mind-set of the agents with some subtlety have generally been quick to disclaim any intention to deny their subjects' guiltiness. Daniel Goldhagen, for instance, in analysing the complex causes which made the men and women of Hitler's Germany succumb to the lethally false, but in the circumstances credible, ideology about Jews and Jewishness firmly condemns the Holocaust as 'one of the worst crimes in human history'.<sup>1</sup> Similarly Hillel Steiner considers that the perpetrators of the genocide deserve the strongest moral blame 'regardless of whether the Nazis got their facts wrong or not' about the dangers offered to the German people by the Jewish.<sup>2</sup> And in discussing the social, psychological and professional pressures that helped to make possible the cruel practices of the Nazi camp doctors, Laurence Thomas remarks that the truth of such explanations 'does not in any way excuse what the Nazi doctors did'.<sup>3</sup> These examples could easily be multiplied.

In this essay I want to explore a disquieting possibility that has been largely, if understandably, neglected by students of the Holocaust. This is that our approach to the question of Nazi guilt is substantially out of line with our normal thinking about moral responsibility and in particular with our usual notions of 'mitigating circumstances'. As a rule, when a person is charged with some moral or legal offence we are ready to listen to the case for the defence; the accused's deed may be atrocious but we do not automatically infer from the presence of *actus reus* the existence of *mens rea*. Perhaps the agent was misled or deluded about the empirical facts or falsely believed they were morally justified in what they did. Not so with the Nazis. Here we assume a priori that nothing could ever diminish the blameworthiness of the architects and agents of genocide. When all the facts are in about the cultural, social and ideological background to the Holocaust, the false racial theories, the bizarre but entrenched beliefs about 'the Jewish threat', the sense of national insecurity and the fear of enemies both within and without, and the painful attempt to redefine German identity following defeat in World War I, we are left exactly where we started on the issue of Nazi guilt: none of these facts has any