

Himmler Speech at the Academy of German Law (October 11, 1936)

Abstract

Shortly after coming to power, the National Socialist government initiated sweeping and radical reforms of the state apparatus, a process referred to as *Gleichschaltung* or “coordination.” One of the first steps in this process involved the consolidation of German municipal, state, and federal police services, both to assert political authority over the police and to expand state power. In 1934, Heinrich Himmler was appointed chief of all police forces outside of Prussia (where the Prussian state police fell under the jurisdiction of the Prussian Interior Ministry and therefore Hermann Goering). Himmler later became chief of all Reich police forces in 1936.

A key element in this process involved rewriting German law. The National Socialists sought to recast the very notion of codified law. The Nazis conceived of law as a system of higher virtues and principles that guided and protected the *Volk*, rather than as a lengthy series of strictly defined conventional legal codes. In his speech to the Commission for Police Law at the Academy of German Law in October 1936, Himmler reflected on this conceptual shift, arguing that German law appealed to a higher authority, a conscious sense of what was right rather than established convention. Instead of crime being associated with a particular actionable offense, National Socialist leaders sought a more subjective legal code that emphasized concepts like racial origin, “mentality” [*Gesinnung*], and general attitudes, which, it was presumed, applied to particular groups of people, rather than individuals.

Source

[...]

When we National Socialists came to power in the year 1933 some of us were charged with taking over the police. I can speak from my own experience here: in March 1933, in Munich, I took over the police as chief of police for Munich and later for both Munich and Nuremberg. Back then, we National Socialists were confronted with a police that had originally been created as a strictly obedient instrument of power of an absolutist state whose leading and most powerful legacy from this time was its unpopularity and the animosity it inspired among the populace; at the same time it had lost the all-encompassing power of the police force in an absolutist state. While it was still called an “apparatus of power” it no longer was one in reality; it was a body in need of help, constrained in all its parts. Everywhere police officers had to take care not to fall into a trap when arresting a criminal, whereas the criminal got off scot-free. We National Socialists then got to work, not without the right to do so, which we carried within us, yet without a law—it might sound strange for me to say this before the Academy for German Law, but you will understand it. From the very beginning, I took the position that I absolutely did not care whether our actions were in conflict with a paragraph of the law; in order to fulfill my duties, I generally do what my conscience allows me to take responsibility for in my work for the leader and the people and what corresponds to common sense. Whether other people whined about the “breaking of laws” was completely irrelevant in those months and years in which the life or death of the German people was at stake. Foreign countries—not least fueled by numerous forces within this country—naturally spoke of a lawless situation within the police force and thus within the state. They called it lawless because it did not conform to what they considered lawful. However, the truth is that with our work we laid the foundations for a new law, the right to life of the German people.

[...]

In Germany, we have to gradually get to the point where we do certain things and don't do certain things, where our compatriot educates himself. In order to achieve this, we must take the burden of too many decisions off the police force without choosing the sluggish path of the regular justice system. One could think of an old institution that already existed among our people centuries ago but was then abolished, namely the establishment of a justice of the peace, a court of arbitration. A justice of the peace could judge without written law as an honorable man with his feet firmly on the ground in accordance with justice and common sense. These are some of the thoughts I had as chief of the German police about the German police force itself, its organization, its human education, and its tasks. Your task, gentlemen, will be to ensure that this right will be anchored by a few basic terms. These basic terms must first be found in this process, however. For what we are doing is merely the reinstatement of our people's oldest law. We are not creating anything new, but we must try to pick up where the thread was disastrously torn centuries ago. The rights always fit any time period, the basic terms only need to be correct and correspond to the blood and the spirit and body of our people that sprang from the blood. If you succeed in formulating these rights and putting them into phrases, not paragraphs, but wise and clever phrases that make sense even to the simplest person without any education in the law, then you will have accomplished a great work that will be one of the very great works of the National Socialist freedom movement, just as the creation of the Hereditary Farm Law was one of the movement's most decisive and greatest works because it is a legal creation of the most ancient kind, and—I'm taking the liberty of adding this as well—just as the creation of a National Socialist constitutional law will be one of the most urgent tasks.

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Source: Hans Frank, et al., eds. *Grundfragen der deutschen Polizei. Bericht über die konstituierende Sitzung des Ausschusses für Polizeirecht der Akademie für Deutsches Recht am 11. Oktober 1936*. Hamburg: Hanseatische Verlagsanstalt, 1936, pp. 11–16.

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