

Legislative Basis of Activities of "National-Socialist People's Welfare" within the Framework of Social Legal Policy of the Nazi Regime

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Abstract

The article presents an analysis of the legislative framework and the main lines of activity of the “National Socialist People's Welfare” organization (NSV) that operated in Germany during the Hitler regime. The functioning of the NSV was one of the most important social programs carried out in the framework of the National Socialist social policy. The organization’s mission was to provide material assistance to needy compatriots who included exclusively “full-fledged” racial representatives of the German population, carriers of the national socialist worldview. The activities of the NSV, along with other areas of Nazi social legal policy contributed to the consolidation of society around the Nazi regime and legitimized its institutions.

Keywords: Nazism, National Socialism, charity, social legal policy, “National Socialist People’s Welfare”, the world of common day, discourse, dispositive, social assistance, concern, charity fundraising

1. Introduction

Despite the multi-year fruitful research on various aspects of the ideology and practice of National Socialism, the interest of the scientific community in studying this phenomenon is not only not waned but continues to increase. This is due to both the very specific manifestations of the rehabilitation of Nazism observed today in Ukraine and in the Baltic countries, as well as to the migration flows in modern Europe which has become the epicenter of it. Generated by the latter, a wide range of problems in the economic and socio-political spheres and a sharp deterioration in the criminal situation have resulted in a certain increase in the popularity of right-wing political organizations, including neo-Nazi ones. Many of the provisions contained in the programs of these organizations, in particular relating to the social sphere, bear the stamp of Nazi experience.

And while it’s too early to talk about the possibility of right-wing radicals coming to power in a particular EU country, the presence of the above mentioned trends increases the relevance of the problem analyzed in this publication since it was the social policy of the Hitler regime that served as the most important mobilization factor, which along with propaganda and terror provided the Nazis with the support or loyalty of the vast majority of the German population in Germany.

2. Methodology

The social policy of any state, more precisely the level and results of its implementation are a significant factor in the recognition of the existing political regime and the power elites implementing it. In theoretical and methodological terms, it is hardly possible to investigate the specifics of the legitimation of state power institutions without resorting to a deep study of the social function of the state, its forms and methods of

implementation. From the perspective of the mental measurement method, it is possible to understand the specifics of the attitude of the population majority to the ruling class, government officials or party functionaries, nomenclature, etc. through social legal policy, its vector, sustainability and effectiveness. This approach to the study of the world of common day in state-owned regimes of a “special kind” which decidedly includes the regime established and supported by the National Socialists of Germany for twelve years, is fully combined and moreover becomes heuristically productive using the statistical method, content analysis and the method of social, cultural and genetic reconstruction, allowing the researcher to “read” the real situation in the field of “profane” culture, i.e. “majority civilization”.

In general methodological terms, “the culture of the silent majority” was considered by M.M. Bakhtin (Bakhtin, 1965) and A.Y. Gurevich (Gurevich, 1990a) among other domestic researchers.

Within the framework of Western humanitarian thought, the works of M. Bloch and L. Febvre, the founders of the French “New History”, and others were of particular importance for understanding the political, legal and economic significance of various social factors. It was they who departed from a rigorous study of the so-called “grand history”, events of revolutions, wars, reforms, etc. and began to explore a kind of “small” (although, by the mass of its “coverage”, one can use the concept that is opposite in meaning and content - “large” or “wide”) historical reality, which also includes well-known social institutions: pension provision, hygiene, food, fashion and, it goes without saying, welfare and philanthropy. In general, these French thinkers found the most important national-mental indicators by which one can and should judge the specifics of the ethno-archetypal space of a particular nation or peoples.

The mentality is connected with the very foundations of social life and at the same time cannot be reduced to them because it is always historically and socially peculiar and has its own history. Trying to find the corresponding synonymous series in the world humanities, we note that the concept of “mentality” is the closest in meaning to the concept of “social character” by E. Fromm (Fromm 1987; 1992), as well as the category of “archetype” - a key concept of analytical psychology of C.G. Jung (Jung 1991; 1994).

Actually, in this theoretical and methodological perspective, some modern Russian authors turn to the theory of national mentality, refracting it through the prism of the past or current events in the political, legal, economic and social spheres of life (Mordovtsev and Popov, 2007; Sinyukov, 2010).

In general, the desire to study the subjective (culturally anthropological) side of social, political, legal, and economic life (noted by A.Y. Gurevich) has led to the identification of human activity proper, the will of individuals and their groups, interests, driving motives and ideological foundations (Mordovtsev and Mordovtseva, 2016) of different actions (Mordovtsev and Petrash, 2019). “But these motives may not be an expression of their class or other material interests - rather often they turn out to be derivatives of those ideal models that are embedded in their minds by culture, religion and all kinds of traditions ... Life leaves any set of behaviors including irrational (or seeming so)” (Gurevich^{1990a}).

Thus, the methodology for examining the subject area of this article essentially turns out to be connected with what M. Foucault once called the “dispositive” method of researching any sociality. The significance of the dispositive primarily lies in the fact that within its framework, explicit and hidden elements of social relations, which take place in a particular historical period of the legal space and the system of political rule, are “pulled together”. Through the dispositive method one can discover the unique national flavor of power relations in different areas of their implementation, certain scientific and philosophical concepts find their expression, the elements of legal and political mentality are being articulated in one way or another, etc.

In relation to the topic of the presented scientific article, it is worth paying attention to the work of J. Marabini “Everyday life of Berlin under Hitler” (Marabini, 2003), in which, in fact, the “Foucault’s dispositive” is used. The author “figures out” the German mentality, or rather, it’s astonishing metamorphosis during the crisis of the European personal identity caused by the First World War, through the involvement of several elements of the social dispositive of that historical era: “the time of the assault brigades”, “the apotheosis of the Olympic Games”, the discourse of the “Kristallnacht.1938”, “drums of war”, etc. Such an approach obviously involves not only “sliding” over the surface of the historical events of the German people during the Third Reich, but allows, as they say, a glimpse inside its “lining”.

3. Main part

So, having come to power in the wake of the global economic crisis, the Nazis from the first days of their reign began to pursue an active social policy, realizing that the stability of their regime largely depends on the degree of effectiveness of the latter.

An important instrument of social policy in the Third Reich was the activity of a number of all-empire charitable organizations, carried out under the strict control of the party and the state. Among them, the National Socialist People's Welfare (NSV) organization played an important role, led by E. Hilgenfeldt, who was also the chief of the Main Charity Directorate in the Imperial System of the National Socialist German Workers' Party (German: Nationalsozialistische Deutsche Arbeiterpartei, abbreviated NSDAP) since January 1934. The order on the implementation of the "Law on ensuring the unity of the party and the state" of March 29, 1933 in § 3 defined the NSV as an alliance that joined the NSDAP (Snyder, 1976: 245).

On August 14, 1933, the charter of the "National Socialist People's Welfare" was adopted, in which, with reference to Hitler's order of May 3, 1933, it was defined as the "main department of the NSDAP on all issues of charity and concern". The document noted, that the NSV manages the imperial free charity community, which includes "the Central Committee of the Internal Mission, the Caritas Union and the German Red Cross", and also takes care of the health of the German population, seeing its first duty in development and promoting "the living, healthy forces of the German people" (§ 2). Any German citizen who had reached 21 years of age and was distinguished by the purity of "Aryan" origin could become a member of the NSV. A member joining the NSV was given a membership card, and after two years one could get a membership card if there was an application. Persons who opposed or did not adhere the principles of National Socialism were excluded from the organization (§ 3). The organs of the union, according to the charter, were the board, council, meeting of members (§ 7). It was especially noted that the chairman of the board, called the "Reichswalter" (§ 10), appointed by the imperial party leadership, individually takes decisions, and board members have only an advisory vote. The board was approved by the Reich Minister of the Interior, and the Ministry of Internal Affairs could at any time withdraw any member and cancel or postpone the execution of the decision of the head of the board (§ 8). The composition of the council, which had an advisory vote in the board and in the meeting of members, was staffed by the imperial leadership of the NSDAP (§ 9). The decisions of the meeting of members should also be approved by the Ministry of Internal Affairs, the consent of which was mandatory for making amendments to the charter (Vorländer, 1988: 201-203).

The structure of Imperial control "of the National Socialist People's Welfare" included the following services: organizational (engaged particularly the statistical processing of the results of NSV activities, exhibitions' design and developing of long-term plans); financial (in addition to addressing immediate tasks arising due to its name, the service was in charge of the records of NSV members and audit of the existing service vacancies); concern for the young people welfare (it was responsible for organization of leisure for children, youth, veterans of the Nazi movement, the care of blind, deaf and lost hearing, those who found themselves without a job due to layoffs, tourists, clinics for alcoholics, stations, and support to the "Mother and Child" organization, responsible for providing assistance to needy families, including care of infants, children, mothers' leisure, the creation of children's places and temporary kindergartens organized in rural areas at harvest time); the service of public health (in "close cooperation with the social welfare services and state health authorities" dealt with the health issues that were not attributed to the competence of other departments, sending it to the parteigenossen and volksgenossen patients' treatment, the implementation of health measures in areas of distress, the implementation of measures to support tuberculosis patients and people who did not receive it through the social security system and the German Labour Front - DAF); the service of recruitment and training (held the propaganda work to covered the organization's activities in press; was responsible for the release of their own periodicals, and professional and political training of NSV personnel - leaders and support staff - in the spirit of national socialist ideology) (Snyder, 1976: 321-324).

On July 25, 1933 the "Führer" published the order of the imperial party leadership on the establishment of the organization branches in the Gau. All party members received orders to join the NSV. At the same time, F. Argus, the district NSV leader in Baden, published an article in the "Führer" in which he related the provision of assistance to racially healthy Germans experiencing temporary economic difficulties and the provision of charitable support to their mothers, since they "guarantee the future of the people", to the organization's tasks. The care of sick and helpless persons, according to Argus, should have been assigned to religious and state charitable organizations (Grill, 1983: 366-367).

A letter from the imperial and Prussian minister of labour to the NSV headquarters dated April 28, 1935 stated that "the common mission of all the major associations of free charitable assistance of the Reich" was to eliminate the need, support the "healthy forces of the people" and contribute to the internal strengthening of the "new Reich". According to this document, from the budget funds of 1934 (excluding spa treatment costs) he transferred: to the NSV fund - 637 thousand, for the activities of the German Red Cross - 84 thousand and for the needs of the Internal Mission - 280 thousand Reichsmarks (Vorländer¹⁹⁸⁸: 218). However, the main sources of

funds received by the NSV were the “tribute” levied on each member of the “people’s community” in the form of forced holdbacks from wages and salaries, and the funds of the “Winter Relief of the German People” (an organization created in the Weimar Republic in 1931 in order to provide material support to the poor, and revived by the Nazis for a similar purpose; “Winter Relief” was also headed by Hilgenfeldt. - Auth.).

In addition to professional one, the organization’s leadership paid particular attention to the worldview training of its members. The corresponding order was signed by Hilgenfeldt on January 21, 1935 (Snyder, 1976: 386-387).

Moreover, since one of the most important tasks of the NSV was to contribute to the preservation and strengthening of the German people, racial-hygienic and hereditary-biological criteria were the basis of its activity. “National Socialist People's Welfare” refused care to the vitally weak and inferior *volksgenossens*, since according to official Nazi guidelines only compatriots who were physically and mentally impeccable and who had to transfer these qualities to their offspring in a genetic way and thereby contribute to “strengthening the strength of the people”, deserved such support (Lampert 1983: 200). Due to the fact that racial ideas pervaded all areas of social policy in the Third Reich, targeted charitable discrimination against “non-Aryans”, primarily Jews, also manifested itself in the charitable support. The “Racially Alien Elements” were either refused to this support, or all the expenses associated with it were passed onto the shoulders of their fellow tribesmen. The document, dated November 22, 1937, entitled “Measures to Provide Jewish Old Persons in Need of Help”, said: “For economic reasons, the vast majority of Jews in need of help over the age of 65 cannot be placed in old-age homes. This would partly lead to unjustified unloading of families in which older people receive their food”. It was noted that, despite the creation of 904 new places in nursing homes, it was not possible to maintain them only at the expense of charitable organization funds, in connection with this fact, in each specific case “it is necessary to demand that either the native community or relatives” take part of the costs to themselves. In particular, they were required to make a monthly contribution of at least 20 Reichsmarks. Corresponding exactions were also levied on emigrants. “Recently,” it was said further, “on our initiative, Jewish charitable organizations have repeatedly held negotiations with the migrants” regarding the paying in “a proportionate amount of money to provide their remaining relatives” (RGVA. [Russian State Military Archive]. Fond 500. Opis 1. Delo 279a. List 2-4).

In a conversation between Kordt, the representative of the NSV General Directorate (главного управления) and Trentz, the SS Oberscharführer, on December 9, 1938 (shortly after Kristallnacht), the first one stated that the NSV was interested in transferring Jewish orphanages from the Reich that were empty “after the action”, and noted that some of these orphan homes had already been confiscated by the Gau authorities (RGVA. Fond 500. Opis 1. Delo 637. List 1a).

Within the framework of the same policy, it was carrying out a regular reduction and then a complete rejection of charitable expenses for Romani, who were forcibly placed in special “Roma” camps (Milton, 1995). Later, in 1940, the “Law on the Community Aliens” was developed, which was to take force in 1945. According to §1 of the Law, a person was recognized as alien to the community if one proved his inability to “meet the minimum requirements of the people’s community” by his actions and especially by “an extreme degree of lack of mental abilities or character”. The official explanation of the objectives of the Law said: “The National Socialist point of view on charity is that it can be provided to nation comrades who both need it and deserve it. In the case of the community aliens, which only burden the people’s community, charity is not necessary”, but rather “police coercion” is required in order to either turn them back into “useful members of the community” or get rid of this burden (Noakes, 1985: 18).

The party sought to turn the NSV into a mass organization. Periodically, campaigns were carried out to recruit new members into it. The most active part in them was to be taken by the SS units. “As directed by the leadership of Berlin Gau”, - it was noted by the directive sent on April 27, 1938 by the Führer of the Seventh Cavalry SS-Standard to the command of the first and second Cavalry SS assaults, - on Sunday, May 15, 1938n the recruitment campaign ... of members for the NSV will be held. All units participate in this recruiting campaign. ...” (RGVA. Fond 1372. Opis 5. Delo 251. List 77). The appeal of the Ost Supreme Department of March 29, 1939, concerning another large-scale event of this kind, said: “NSV Berlin Gau holds a great recruitment campaign for members from April,3 to April,15, 1939, that is, during these weeks all *partigenossen* and related units are recruiting their acquaintances and relatives for NSV members. ... The recruitment campaign is led by the appropriate units, which “enter into competition among themselves.” ... It was reported that for the winners of the competition, which would be determined by a special commission consisting of representatives of all divisions, 15 prizes were prepared with a total value of 25,500 Reichsmarks (RGVA. Fond 1372. Opis 5. Delo 251. List 77).

By 1939, the NSV numbered 17 million people (Evans, 2005: 489). It goes without saying, not everyone joined the NSV for ideological reasons. So, one of the reports of the Karlsruhe Gestapo mentioned former members of Marxist organizations, who sought to occupy the places of NSV blockwalters (quarter chief) in order to use their position to carry out subversive anti-state work. In another case, it was reported about a certain official who was married to a Jewish woman and for this reason was sent to retire in June 1937, who tried to return “to duty” by the similar way (Grill^{1983: 372}).

Among other things, one should not discount the factor of competition that unfolded between different Gau for involving as many new members in the organization as possible, which gave the NSV Gauleiters and Gauamtswalters (local chief of gau hierarchy) the opportunity to report to their senior management about their successful activities once again. For that purpose, local leaders often resorted to direct dictatorship, using strict party discipline (Grill, 1983: 370).

The NSV leadership paid much attention to interaction with other organizations, agreeing with them on the differentiation of powers in the field of charity. In its opinion, such coordination of efforts was to become one of the most effective arguments in favor of creating a “people's community” in the Nazi state.

On February 6, 1935, Hilgenfeldt signed a circular on cooperation with the female service of the German Labour Front, which was to be carried out as part of the subsidiary institution of “Mother and Child”. It was noted in the circular that the indicated service sent social production workers to enterprises staffed mainly by women, and plants and factories with a predominantly male team were provided with production folk educators, from whom (in addition to performing “labor pedagogical and production-political tasks”) it was required to know about the financial situation and psychological climate in the employees’ families of their enterprise and inform “competent local organizations of the people welfare service” of families that need “special additional assistance from the “Mother and Child” organization” (Vorländer, 1988: 132). On July 2, 1936, the same agreement was concluded between the leadership of the NSV and the National Socialist Women's Organization (NS-Frauenschaft). It determined that NSV took responsibility for the construction and maintenance of holiday homes (with the exception of the NS-Frauenschaft boarding houses intended for its members) and kindergartens (excluding those created and financed by the Imperial Maternal Service in schools designed to educate mothers). In addition, “NS-Frauenschaft” had to transfer the special day rooms for children at NSV disposal and could provide lists of “suitable assistants” for them (Snyder, 1976: 270-271).

During the war, this practice was further developed. On July 19, 1941, Bormann issued a decree on the division of competences between the NSV and the state public health service on the issues of “preventive family assistance, especially the care of pregnant women, women in labour, newborns and small children”, which relate to “the most important tasks of people care”. It particularly pointed out that due to the shortage of personnel caused by the wartime difficulties, it was required “to use the available specialists as efficiently as possible”. The NSV recommended to establish “Mother and Child” helping and counseling centers for pregnant women, women in labour and newborns, mainly where the people health service did not have one. The employees of such centers were charged with the obligation to provide the health department with the information about the people they cared for in order to compile files on hereditary health (Snyder, 1976: 464-465). On October 15, 1941, this document was supplemented by a joint order of the Reich Minister of the Interior and the head of the party office on cooperation between the health service and the “Mother and Child” organization in the field of care for newborns and young children, clarifying that, according to § 3, p. 1 of the “Law on the Unification of Health Care” of July 3, 1937, the bodies of the Public Health Ministry were still responsible for the implementation of general medical tasks. The NSV was also responsible for providing additional specialists and auxiliary personnel to their disposal. Moreover, all necessary expenses were borne by the NSV (Snyder, 1976: 466-468).

Already in the pre-war period, charitable gatherings reached impressive sizes. So, in 1936, when the second four-year plan was adopted, according to official statistics their total amount was 351,127,000 Reichsmarks. The charity department accounted for 3609,000 Reichsmarks of that amount (Statistisches Jahrbuch für das Deutsche Reich, 1938: 590). However, it should be borne in mind that behind these impressive figures there was the compulsory nature of the contributions that every German had to make to the funds of various Nazi organizations including charitable ones under the threat of severe sanctions.

During the war, the NSV in addition to the above was entrusted with the following tasks: providing support to illegitimate children of dead military personnel; the evacuation of part of the population from areas bombarded by the allied aviation and the custody of the evacuated; participation in air defense measures (Princess Vassiltchikova, who lived in Germany at that time, wrote in her diary on July 28, 1943: “The NSV seems to take control of the situation, but the difficulties are enormous”) (The Berlin Diaries 1940-1945..., 1987: 82); the

organization of sending parcels by the population to relatives at the front; Germanization of Alsace (Kershaw, 1987: 162; Grill, 1983: 367).

In the early war years, in the wake of the enthusiasm of a significant part of the population about the victories of the Wehrmacht, cash receipts from citizens in favor of the NSV increased. Such a conclusion can particularly be drawn from the transcript of the planning meeting conducted by Goebbels on September 11, 1940: "On the issue of concerts at the army request," it says, "the minister agrees to accept an additional number of employees in the NSV to process incoming cash donations, since the sum of 120,000 marks (evidently collected at that time. - Auth.) is only part of the expected flows of funds" (RGVA. Fond 1363. Opus 3. Delo 12. List 23).

The imperial and metropolitan authorities kept charity events under constant control, trying to prevent the collection from falling. Along with other departments, and possibly to a greater extent, it was the Ministry of Education and Propaganda, headed by Goebbels, who was also Gauleiter of Berlin, which paid special attention to this. When at a meeting chaired by the Minister on May 19, 1941, Brekoff, one of his employees, reported that the gathering in favor of the Red Cross held in Berlin the previous day "amounted to 2.1 million marks against 2.5 million marks last year", Goebbels immediately ordered to find out the reasons for such a decline, and Martin, a participant in the meeting, suggested that since in some cases people were victims of "double collection - at home and at the duty station" - this fact embittered some of them (RGVA. Fond 1363. Opus 3. Delo 20. List 40-41). Goebbels repeatedly emphasized the need for charity events to avoid any actions that could cause irritation of the population. Speaking to senior officials of his ministry on July 31, 1940, he cited security reports indicating that "the activities ... of the NSV in the occupied areas (the scope and significance of those, pursuing purely propaganda goals, were small. - Author) find no understanding anywhere in Germany", and imposed a ban on the periodical publications of messages about the provision of any assistance to the "defeated enemy" (RGVA. Fond 1363. Opus 3. Delo 10. List 43).

In the meantime, the goods collected or acquired by the "National Socialist People's Welfare" were not always used for their intended purpose. On May 21, 1941, at the next ministerial meeting, among others, the issue of solving the problem of supplying the population with tobacco was heard. Upon learning that 140 million cigarettes were stored in the NSV's warehouses, which the organization had previously prepared for giveaways dedicated to the Fuhrer's birthday (the event did not take place in connection with Hitler's wishes), Goebbels ordered that these cigarettes should be immediately put on free sale in Berlin (RGVA. Fond 1363. Opus 3. Delo 12. List 47).

Each action of the NSV was widely advertised by means of propaganda. For this, even church holidays were used. Moreover, according to Goebbels's directorial plan, the church in these cases was supposed to recede into the background. So, on December 15, 1942, he instructed the leaders of the press, radio, and cinema on how they should cover Christmas celebrations. In particular, newsreels were charged "first and foremost" with showing frames of festive events organized by the NSV, as well as "children's parties, holidays in hospitals, children's chants, etc." and only in the second turn - Christian symbols (churches, cathedrals, etc.) (RGVA. Fond 1363. Opus 3. Delo 37. List 166).

A fly in the ointment of triumphant reports was not so rare cases of corruption among NSV officials who used the funds collected by the organization for personal enrichment. This problem was the subject of a trial at a meeting in the Reichsministry of Public Education and Propaganda on August 29, 1942. "The State Secretary informs, - appears in the transcript, - that yesterday verdicts were issued to a large number of NSV amtswalters (local chief of low rank) in the Schleswig-Holstein region ... who misappropriated different things from the NSV reserves during heavy raids on the city of Lubeck ... Some time ago the Minister gathered NSV Gauleiters in Berlin and explained to them that such crimes are fraught with great danger; when the public finds out about them in a form that undermines faith in the cleanliness of the NSV and Winter Relief, the number of donations immediately drops. In the Schleswig-Holstein region, donations actually declined rapidly by 50% or more" (RGVA. Fond 1363. Opus 3. Delo 33. List 219-219ob).

4. Conclusions

Despite the fact that among the German population there were many dissatisfied with requisitions to NSV funds, its activities were positively perceived by the majority of Germans, many of whom enthusiastically participated in its actions as voluntary assistants. "Government charitable policy," recalled Frau G. Holbaum, "was exemplary... I worked for the "National Socialist People's Welfare" myself on a voluntary basis. We helped everyone in need, even the families of the communists who were in pre-trial detention. And at Christmas, we prepared thousands of packages for soldiers, each of those contained a quarter pound of gingerbread nuts, a couple of apples, cookies and a bar of chocolate. We also managed to receive soldiers (vacationers - Author) who

did not have families to go home. My family took one for two weeks at Christmas and again at Easter in 1940.” (Engelmann, 1986: 189).

Thus, it cannot be denied that part of the German population received real assistance through the “National Socialist People’s Welfare”. Let us again turn to the testimony of Vassiltchikova, who noted in her diary that the NSV “on the very first day of air raids organized field-kitchens in every ruined street, where all passers-by could get a delicious soup, real strong coffee and cigarettes at any time - everything that could not be found in stores” (The Berlin Diaries 1940-1945..., 1987: 123). However, the scale of such support in itself was not as significant as the psychological effect it provided.

As for the German social assistance system as a whole as one of the components of social policy, during this period it lost its democratic foundations, primarily the principle of self-government, and functioned mainly due to the wide attraction of funds from the population of a forced nature, and the activities of the NSV is an evidence of it. The share of government spending in this area was relatively small. At the same time, the relevant exactions were justified by the authorities as a sacrifice in the name of the common good, which was given the form of a “popular community of all Germans” by the Nazis, and it was an important element of the national socialist ideology. At the same time, it was the NSV that acted as one of the main arguments designed to testify the reality of creating such a community in the Reich, helping to turn the social assistance system into an effective means of uniting society around the Nazi regime.

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