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RFC: ATI120618V12

Revista Dilemas Contemporáneos: Educación, Política y Valores.

<http://www.dilemascontemporaneoseduccionpoliticayvalores.com/>

Año: VII Número: Edición Especial Artículo no.:120 Período: Noviembre, 2019

TÍTULO: Un experimento racial en la Alemania nazi en términos de la legitimación de la política legal del Tercer Reich: La ley y la Dimensión Cultural, en el ejemplo de las actividades de "Lebensborn".

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RESUMEN: El objetivo final de esta política era desarrollar un superhombre racialmente impecable, considerado uno de los factores más importantes para garantizar el dominio mundial de la Alemania nazi. El fenómeno de "Lebensborn" se considera en un amplio contexto cognitivo de comprensión del mecanismo de legitimación de la política legal nazi, teniendo en cuenta las características de la cultura jurídica y política, la ideología del Tercer Reich. Los autores, utilizando la Carta del "Lebensborn", identificaron y analizaron las principales direcciones y resultados de esta organización. Se presta especial atención a la creación en el Tercer Reich de hogares maternos especializados de "Lebensborn"; además, este último se considera en el contexto de la legitimación de la política legal racial.

PALABRAS CLAVES: legitimidad, política legal, Lebensborn, teoría racial, política natalista.

TITLE: A racial experiment in Nazi Germany in terms of the legitimization of the Legal Policy of The Third Reich: The Law and Cultural Dimension on the example of the Activities of “Lebensborn”.

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ABSTRACT: The ultimate goal of this policy was to develop a racially impeccable superman, considered one of the most important factors in guaranteeing world domination of Nazi Germany. The phenomenon of "Lebensborn" is considered in a broad cognitive context of understanding the mechanism of legitimization of Nazi legal policy, taking into account the characteristics of legal and political culture, the ideology of the Third Reich. The authors, using the "Lebensborn" Charter, identified and analyzed the main directions and results of this organization. Special attention is given to the creation in the Third Reich of specialized maternal homes of "Lebensborn"; In addition, the latter is considered in the context of the legitimation of racial legal policy.

KEY WORDS: legitimacy, legal policy, Lebensborn, racial theory, natalist policy.

INTRODUCTION.

The modern world has been separated from the end of World War II and the fall of the Nazi regime for more than seventy years. During this time, a stream of scientific research devoted to various

aspects of the phenomenon of national socialism has acquired a cosmic scale. However, paradoxically, interest in the latter not only did not fade but, on the contrary, continues to increase.

We should bear in mind that over decades of rigorous research of Nazi legal policies carried out in various spheres of life of the population of Germany, questions were often raised about the content of the mechanism and forms of its legitimation, recognition of its principles, goals, means of implementation, results by citizens of the Third Reich. This problem does not lose its relevance at the present time since different solutions thereto bring us closer to understanding the essence and specificity of fascism as a “diagnosis” of European legal culture of the XX century.

In addition, the actualization of the declared subject at the beginning of the XXI century is to a large extent associated with numerous migration problems that confronted most of the states of modern Europe and reached an extreme degree of severity due to the failure of the policy of multiculturalism and the inability of traditional democratic parties to find ways to solve them effectively.

Under these conditions, the influence of right-wing parties on the electorate grows. At the same time, many radical politicians, when formulating certain program settings of the political organizations they represent, turn to the Nazi past, including the provisions of racial theories borrowed by the Nazis and the experience of their implementation in practice in the Third Reich.

DEVELOPMENT.

Methods.

The study is based on the principles of historicism, consistency, and objectivity. The main methods are problematic and historical-systemic, the method of legal-cultural measurement, and cultural-genetic reconstruction of various political and legal phenomena.

Main part.

The racial theory that pervaded all the pores of German society during the Nazi period attached great importance to the unification of all Germans of "Aryan" origin - representatives of the Nordic race within the framework of the "popular community". Achieving the unity of the nation, according to the National Socialists, was impossible without ensuring the unity of blood.

The ideas about “the essence of Germans conditioned by Nordic blood” and that “the rise or decline of German civilization is associated with an increase or decrease in the percentage of Nordic blood” [Gunter G. F. K. 2002] were voiced by German raceologists, even before the Nazi regime was established.

According to Hitler, whose *Mein Kampf* especially focused on the issue of blood pollution as a factor in the degeneration of the "great cultures of the past", non-observance of "purity of blood" threatened people with the cessation of their "earthly existence" [Hitler A. 1992]. The same ideas were developed in the publications of prominent Nazis - Alfred Rosenberg (“any people can be freed from political oppression, never racial contamination”, “blood and everything connected with the people should be respected as contributing to moving forward...”) [Rosenberg A. 1998], Baldur von Schirach (since “blood and race are given to the people only once,” their existence in the future depends on their preservation”) [Schirach B. 1934] and others.

Such an approach in the Third Reich was the basis for solving the demographic problem, which from the very first days of the existence of the new regime fell into the priorities of its social policy. It was not just about ensuring the birth rate boom as soon as possible, but about achieving it exclusively through the birth of “genetically healthy” and “racially full” offspring (those who did not meet these criteria became victims of hard eugenic selection) [Palamarchuk E. A. 2007]. However, since the reproductive opportunities theoretically possessed by “racial and biological” Aryan families, according to the ideologists of national socialism, were clearly insufficient to solve

these problems, additional reserves should be found. One of the most important in this regard was the union with the symbolic name Lebensborn (Source of Life), created under the auspices of the SS. The latter circumstance seems to be very symptomatic, considering the toughness of the selection in this elite Nazi "order" (including the draconian demands made on its members contained in Himmler's Order of Engagement and Marriage of the SS Men signed on December 31, 1931) [Padfield P. 2002; Graber G. S. 1978; Steiner J. M. 1976] was established by the SS Reichsführer, a passionate advocate of racial selection.

The Lebensborn Charter, adopted on December 12, 1935, included the goals of the newly created organization: "providing support to racially and hereditarily-biological families with many children," placing mothers, valuable in accordance with the same selection criteria, in specially established birth centers or maternal homes of Lebensborn and providing them with the necessary care "after a thorough inspection by the SS General Directorate for Race and Settlements of their own and producer families to ensure the reproduction of a full-fledged offspring", and taking care of newborns and their mothers.

To achieve these goals, the Union was allowed to use any means (§2). The appointment and dismissal of the chairman of the Union and his deputy were carried out by the SS Reichsführer on the proposal of the chief of the SS General Directorate for Race and Settlement (§3). Both individuals (any German who expressed a willingness to contribute to the achievement of its goals) and legal entities had the right to membership in the Union. The decision on admission was the responsibility of the deputy chairman of Lebensborn (§6) [PGBA. Φ. 1372].

In broad terms, it was about a fundamental qualitative improvement in the racial composition of the German nation through the targeted reproduction of the Nordic race. The SS members were called upon to make the main contribution to solving this problem. The influx of elite Nordic blood was

supposed to be ensured both through natural reproduction in SS families and through the conception of SS members of illegitimate children by racially immaculate Aryan women.

For this purpose, the SS were ordered to join Lebensborn. In a letter of directive dated September 13, 1936, Himmler reminded his subordinates that he had earlier "indicated to all SS Fuhrers that our struggle would be in vain if we would not supplement the political victory with the victory of the birth of good blood. The issue of increasing the birth rate is not a private affair of individuals but represents a duty to our ancestors and our people". Noting that the first step in this direction was the order issued by him in December 1931 on the engagement and marriage of SS men, Himmler focused on the senselessness of concluding "good marriages" if they did not produce numerous offspring (at least three or four children), in connection with which he insisted that in solving this problem the SS should set the tone, and in particular the leadership corps of the SS". He explained that in the case "if unfortunate circumstances deprive the marriage of their own offspring, each SS Fuhrer must adopt purebred and race-worthy healthy children, educate them in the spirit of National Socialism and give them an education that matches their abilities".

For the selection of suitable children, the SS Fuhrer had the Lebensborn Union, which membership, in his opinion, representatives of the SS elite should regard as their honorable duty. The same Fuhrers of the SS, who occupied a more modest official position, and ordinary SS men were also expected to join the Union with the aim of practical implementation of the relevant ideas of the SS "clan community".

The SS Fuhrers were obliged to bring to the attention of their subordinates the contents of this order and to intensify the work of recruiting new members to Lebensborn [PFBA. Φ. 503]. On September 17, a special clarification on joining the Union was sent to all structural units of the SD [PFBA. Φ. 500.]. Later, the chief of Himmler's personal chancellery additionally notified the heads of all SS structural units that the Reichsfuhrer had taken control of the above requirement [PFBA. Φ. 1372].

Himmler promised that in the future Lebensborn would provide a significant increase in the Aryan population. Like all the obsessed with *idée fixe*, the Reichsführer did not limit his imagination. According to him, at least one hundred thousand children should have been born every year in maternity hospitals of the Union in comfortable conditions. Particularly valuable for the Nazis were the boys, regarded as future soldiers. It was assumed that within 30 years the army will be replenished with four hundred thousand people (according to the estimates of SS Oberführer Gregor Ebner, "six hundred new regiments") [Engelmann B. 1986]. No less "benefit" was expected for the German economy: a report on the Organization's activities for 1939 noted that in the future, the value of the contribution of each such child who entered adulthood in monetary terms amounted to one hundred thousand imperial marks [Lilienthal G. 1985].

Such ambitious plans pushed for the constant structural expansion of the Union, during the existence of which a network of comfortable birth centers was established: six in Germany, nine (eight according to other sources) [Burleigh M., 1933 – 1945.] in Norway, and one each in Belgium and France [Bock G. 2003]. Their "capacity" was unequal. The Friesland house, which was located in the Mountain Nest castle, acquired by the Union in 1938 for a modest amount of 60 thousand Reichsmarks [Engelmann B. Op. cit. P. 195.], was equipped with 34 sleeping beds for mothers and 45 for children, the Pomerania house had 60 and 75 sleeping beds, respectively, and the largest maternity hospital of Lebensborn - Ostmark - 263 and 487, respectively [Lilienthal G. Op. cit. S. 52 – 53.]. All this required huge expenses. The financial support of Lebensborn was carried out in several directions.

One of the fundamentally important sources of financing, in terms of worldview, was membership fees. According to the Charter of the Union, their annual amount was at least 12 Reichsmarks for individuals and at least 30 Reichsmarks for legal entities (§6). They should be transferred to the Berlin account of Lebensborn No. 18430. Each person who entered the Union in a hand-filled

application had to confirm their consent to pay such fees [PGBA. Ф. 1372. Оп. 6. Д. 3. Л. 202 об., 192 – 193.]. In the future, the size of membership fees, which, according to the SS Reichsfuhrer, should be considered as a sacrifice in the name of the future German nation, were clarified.

In the already quoted directive of September 13, 1936, Himmler called up the SS Fuhrers to remember the need in wartime to “make sacrifices of a personal and material nature”, without which “further building of Germany for centuries and millennia would be impossible”. The directive also noted that the membership fee of the SS Untersturmfuhrer and Obersturmfuhrer in leadership posts had to be one Reichsmark per month. The corresponding contribution, expected from the "SS Fuhrers who did not hold major posts", and from ordinary SS members - members of the "Lebensborn", had to corresponded to their income (specific amounts were not indicated) [PGBA. Ф. 503. Оп.1. Д. 214. Л. 213 – 214]. In addition to membership fees, Lebensborn also received private donations.

Lebensborn was also financed from the funds of Nazi charitable organizations, part of the proceeds from the “Aryanization” of Jewish property, etc. [Engelmann B. Op. cit. P. 195.].

Lebensborn's maternal homes had broad administrative and financial autonomy. They had their own registration offices, which issued birth certificates to babies born here, while nothing in such documents indicated the illegitimate origin of their owners. Newborns who did not pass eugenic selection were subject to destruction within the framework of the “euthanasia” program. The representative of the "super race" received his name during a ritualized ceremony: the baby was laid on a pillow in front of a special altar covered with a tablecloth embroidered with an image of a swastika, and if it was a boy, his forehead was touched by the SS "dagger of honor" after which he became a member of the Black Order. If it was a girl, the leader of the house delivered a short speech above her, and after giving her a name by all those present, a song of the corresponding content was sung.

Mothers of newborns had a choice: to keep their children or to give them to Lebensborn for subsequent adoption by adoptive parents (many families belonging to the SS elite expressed their willingness to adopt them). According to reports, most mothers preferred the second option, since a significant part of women in labor were minor girls, who had to hide their pregnancy from relatives [Engelmann B. Op. cit. P. 195 – 197; Burleigh M., Wippermann W. Op. cit. P. 65 – 66.].

Pregnancies were also a common case among nurses of Lebensborn's homes, who were actually charged with this role. A resolution of the SS General Directorate for Race and Settlement of 1937 stated: "Lebensborn brings them (nurses. - *auth.*) together with a man not by chance but for deliberately performing an honorable duty of the nation" [Engelmann B. Op. cit. P. 199.].

However, good conditions, low maintenance costs, and, during the war years, the advantages of being located in a rural area that was not subjected to such frequent raids by the Allied aircraft as large industrial cities, made Lebensborn houses an attractive place for childbirth for prominent SS men and insiders of the Nazi party [Evans R. G. The Third Reich in Power 1933 – 1939].

During the war period, girls were often brought here, becoming involuntary victims of Nazi racial politics. Here are some recollections of a certain Frau K. During her training as a nurse at the Red Cross school in Berlin, she and her three friends were ordered to go to the Eastern Front, "somewhere near Riga". K., thanks to her father's contacts, managed to avoid this trip. From correspondence with her friends, she found out that they were sent not to the front but to the SS units located behind the front line so that they became pregnant from senior SS officers. According to Frau K., none of her friends, who came from respectable middle-class families, "had a special desire to have a baby, rather the opposite". However, they returned from Latvia pregnant and "were immediately sent to the Lebensborn house near Wurzburg" [Engelmann B. Op. cit. P. 199.].

In the Union's facilities, girls and unmarried women lived in Puritan strictness and were constrained by many restrictions. According to Himmler's personal instructions, they were forbidden to use lipstick, do nails, or shave eyebrows. The SS leadership believed that the future wives of the SS men (namely, such a fate was predicted for many of them) should not look like those young salon ladies who knew how to dance and preen. They should have been in good health and prove their compliance with their future "high" destiny through sports achievements. In this case, an imperial sports medal, won by the best of them, served as a kind of quality certificate [Stephenson J. *Women in Nazi Society*. N. Y., 1975].

At the request of Himmler, he was regularly reported of the amount of milk "produced" by nursing mothers staying under the care of Lebensborn. The "record-holders" were awarded. In particular, they were allowed to spend another year in a Lebensborn house [Engelmann B. *Op. cit.* P. 200 – 201.].

Equally stringent requirements were also imposed on the staff of Lebensborn mothers - doctors, midwives, and nurses, whose selection initially caused difficulties in the leadership of the Union. After the Red Cross refused to provide help, this problem was solved in part by recruiting staff from among young unmarried women who wanted to stay with their children or who were afraid of returning to their families [Engelmann B. *Op. cit.* P. 195 – 196.], partly due to the involvement of activists from Nazi women's organizations.

At the same time, the leadership of the SS vigilantly ensured that the latter acted strictly within the framework of their official duties, suppressing the slightest attempts to encroach on the prerogatives of the Himmler department. The following case is quite typical in this respect. On August 1, 1939, Fraulein Edith Bick, a member of the subsidiary service of the Deutsche Frauenwerk women's organization, was fired from the Klosterheide house of Lebensborn for stealing five Reichsmarks. An internal investigation revealed additional scandalous details of this case. A letter containing the

above information sent on September 18 of the same year by a certain SS standartenfuhrer (his name is not stated in the archives) to the Lebensborn headquarters in Munich and the Deutsche Frauenwerk leadership, draw attention to the “indecent behavior” of the gausteleiterin (head of the district department) of “Deutsche Frauenwerk”, forcing the girls working at Klosterheide to report everything that happened there. The questions she asked related, in particular, to how punctually the medical staff of this house observed the established daily routine. Special emphasis in the letter was on the inadmissibility for such a manager to engage in “collecting information about the organization of the SS Reichsfuhrer through such an inexperienced young girl”, and it was noted that the Klosterheide administration lost its confidence in Deutsche Frauenwerk, necessary for their fruitful cooperation [PГBA. Ф. 519. Оп. 3. Д. 46. Л. 202 – 203, 208 – 209].

In then year 1943, plans were discussed for the creation of Lebensborn's special school of nurses [Engelmann B. Op. cit. P. 197.] but this project, for obvious reasons, failed.

Let us note one more characteristic detail. Throughout the existence of the Union, there has been a tendency in its maternity hospitals to increase in the number of unmarried mothers. In the Pomerania house, for example, such trend looked as follows: in 1938, single mothers accounted for 47% of all women who used its services, in 1939 - 56% and a slight decline in 1940 (51 %) was again followed by rapid growth: in 1941 - 58%, and in 1942 - even 71% [Lilienthal G. Op. cit. S. 58.].

This situation, which was observed in other houses of the Union, was consistent with the SS Reichsfuhrer plans. In a conversation with his personal physician, Felix Kersten, on May 7, 1943, Himmler noted that his creation of Lebensborn was necessitated by “giving racially unmarried women the opportunity to have a baby, freeing them from any costs”. The homes of the Union gave “them the opportunity to spend several weeks preceding the birth in decent conditions, calmly awaiting a great event. It is unlikely to imagine, how much it means for a woman who has been

subjected to harassment and resentment because her child was illegitimate, to find a home where she can relax spiritually and bodily, get medical help and feel that everyone is happy with the baby she is about to give birth to".

Noting further that access to the Lebensborn maternal homes was open to married Germans, Himmler emphasized that no distinction is made between married and unmarried women - "they are all addressed by their Christian names without any "Fraulein" or "Frau", therefore, "none of them knows who is married and who is not". The Reichsführer predicted a great future for Lebensborn. In his opinion, the finest hour of the Union should have come in the post-war period, when the obligation "of every woman who has reached the age of thirty and is still childless,... to have children in this way" would be legalized. According to Himmler, along with the legalization of bigamy, "the promotion of the birth of illegitimate children and... their full equalization in their rights with children born in marriage, have the same goal... - to protect and improve the racial qualities of the Great German Reich so that it can fulfill its great tasks both in the center of Europe and in repelling the growing avalanche of Asian peoples" [Kersten F. 1940 – 1945].

With the outbreak of war, which brought the first casualties, the Lebensborn leadership took on a certain softening of the initial requirements: they began to provide pre- and post-natal care to unmarried Germans who became pregnant from men other than SS members. In addition, it was entrusted with the task of creating branches of the Union in countries with a racially similar population, as well as selecting and raising children suitable for Germanization from the occupied territories of the USSR, Poland and other countries of Eastern Europe, who were forcibly taken from their parents and transported to Germany - to the Lebensborn houses, where they were subjected to additional tests for racial compliance. Those who passed these tests were handed over to their foster parents, the rest were returned to their homeland. In total, according to reports, the Third Reich "borrowed" in a similar way two hundred thousand children from the states of Eastern

Europe, of which not more than 15-20% returned to their families after the war [Bock G. Op. cit. P. 126; Burleigh M., Wippermann W. Op. cit. P. 252, 66, 72.].

According to Himmler, who was appointed to the post of Imperial Commissioner for the Strengthening of the German Nation on October 7, 1939, such measures should in a short time ensure a powerful influx of much-needed "Nordic" blood. However, the defeat in the war put an end to the idea that gave birth to Lebensborn.

CONCLUSIONS.

The racial experiment in Nazi Germany was a significant and integral element of the legal policy of the Third Reich. Its legitimacy level in the "Aryan" society was very high. However, the results of the reproductive activities of the Union were quite modest.

In the pre-war period (1936-1939), 1,437 women gave birth in Lebensborn maternity hospitals, 823 of which were single [Koonz K. 1987] (moreover, in the year 1939, only 8,000 of 238,159 the SS men expressed a desire to become "Lebensborn fathers") [Hene H., 2003; P. 150.]. Over the entire period of the Union's existence, seven to eight thousand Germans and about six thousand Norwegians used its services, about 55% of which were single mothers [Bock G. Op. cit. P. 125 – 126.]. No storm of elite natality ensued. According to current data in the Lebensborn houses, a total of not more than eight thousand children sow the light (the number of fifty thousand, provided by Jacques Delarue, is overestimated).

The situation with reproduction in the SS families was no better. A study conducted in 1939 showed that at that time, each of the 115,690 families of ordinary SS men had an average of only 1.1 children [Evans R. G. Op. cit. P. 521.] the same indicator (1.5) was slightly higher in the families of the SS leadership [Vasilchenko A. 2008.]. By 1942, the situation did not change. Moreover, by this time, 61% of SS members remained single [Bock G. Op. cit. P. 127]. We have no relevant data on

the final stage of the war, but the deteriorating situation on the fronts, of course, did not contribute to the marriage boom in the SS environment.

Himmler's selection hopes also failed. In the 1970s, special studies were conducted in West Germany that revealed the absence of any significant differences between the "elite" children born in the Lebensborn maternal homes and their peers from ordinary families [Engelmann B. Op. cit. P. 201.]. Potential "celestials" turned out to be mere mortals.

Thus, the grandiose eugenic experiment turned into another utopia, which did not meet the expectations of its creators. The Nazis did not succeed in turning the Lebensborn into a superracial nursery, having made a revolution in the field of traditional morality of German society in this regard. We can only speculate about the moral suffering of the Lebensborn residents, forced to hide their origin throughout their lives. The price the racially unfit children paid for their failed "elitism" was even higher. Fortunately, the regime's collapse nine years after the establishment of Lebensborn did not allow Himmler to give the Union's activities a scale that would make its consequences irreversible.

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RECIBIDO: 10 de octubre del 2019.

APROBADO: 21 de octubre del 2019.