

# The Private Conscience and Legitimate Authority

IT IS now almost seventeen years since Dwight Macdonald opened a lively discussion of the subject of "collective guilt" in the pages of his short-lived but always exciting periodical *Politics*. World War II was then fast approaching its end in the total defeat of the Nazi "Thousand Year Reich," and the question of the form the peace would take was already engaging the attention of the intellectual and political leaders of the Allied world. The prevailing tone was clearly one of stern vindictiveness. The so-called Morgenthau Plan and its insistent supporters proposed to reduce the defeated Germany to the permanent status of a pastoral nation, forbidden ever again to develop an industrial potential; popular writers like Rex Stout carried the punish-the-Teutonic-beast line into even more drastic expression. It was the moment before the "unconditional surrender," the prize that had cost so much in blood and sacrifice. In a sense, the expectation of a thoroughly Carthaginian peace was a logical extension of the thinking that had given rise to so questionable a military goal.

To Macdonald's credit, he had the courage to raise his voice in protest against the nonsense with which these vicious proposals were clothed, the thesis that Germans *as a people* were collectively responsible for the atrocities perpetrated by the Nazi regime. It would be overstating the case to give him credit for the ultimate abandonment of this thesis and the conclusions that had been drawn from it and had received respectful hearing and even support from people who would be ashamed to admit it today. Those who read his provocative essays were few; and not all of them were willing to agree with him—a fact amply demonstrated by the letters published by him in subsequent issues of the magazine.

As it turned out, however, the vindictive "responsibility of the whole German people" thesis—though it did play some part in the early stages of the Occupation, especially in the somewhat indiscriminate "de-Nazification" and overly strict "nonfraternization" policies—was

not accepted on any long-term basis. It was reflected, perhaps, in the tone if not in the formal proceedings of the Nuremberg Trials; but whatever other criticisms may be made of them, the judgments passed there were directed against individuals and not against any national collectivity.

Maybe it was an understandable reaction to the early excesses, but by some irony of fate later events and changes in attitudes have since brought us to the point where the "responsibility of peoples" issue has been reversed and turned inside out. Instead of demanding that all Germans be forced to accept the responsibility (and pay the penalty) for the Nazi actions, the prevailing idea today—and, indeed, for some time now—is that *no* Germans (other than Hitler, of course, and the others sentenced to death by the victor court at Nuremberg) should be held responsible for them; that, moreover, it is in bad taste to suggest that the individual Germans who served Hitler in any capacity can, or should, be criticized for that fact.

THIS NEW formulation, I submit, is just as wrong, and probably even more dangerous, than the old. The "responsibility of peoples" issue of 1945 was based on a kind of retaliatory racism and would ultimately have lost the support of reasonable men. The new formulation, however, is based on something that appears far more respectable in essence and, therefore, less likely to disappear of its own accord; I refer to the exaggerated notion it incorporates of the proper scope of state authority and the quality of obedience to be required of the individual citizen.

The whole issue has found its clearest statement in the defense of Adolf Eichmann and, in particular, in his statement to the court after it announced its verdict: "I did not *will* the murder of human beings. This mass slaughter is *solely* the responsibility of the political leaders. *My guilt lies in my obedience.* . . . Obedience is praised as a virtue, and *I would therefore request that my having obeyed be the sole fact that is taken into account.*" The words and phrases given emphasis represent the essential points in the general defense that has been advanced *and accepted* far too lightly and in

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far too many instances involving direct and active complicity in Nazi programs and policies.

In Eichmann's case, no doubt, the offenses with which he is charged are so gross that it is unthinkable that they can be covered by the mantle of "virtuous action." Nevertheless, it is quite obvious that the defense has impressed many to the point of wishing that the trial had not taken place, that (as at least one Catholic diocesan paper has suggested) this whole sorry business of the Nazi period and its attendant atrocities should be laid to rest once and for all so that we can concentrate all of our energy (and, presumably, animosity) upon the current evils being perpetrated by the Soviet Union.

OTHERS ARE faring better than Eichmann. The recent diplomatic flurry over Soviet demands that General Heusinger be turned over to them for trial as a war criminal is a case in point. Here is a man who served as master planner for Hitler's military aggressions and who did his work remarkably well, it would seem. The obvious insincerity of the Soviet move aside, one must grant that, if Hitler's wars were unjust and "a crime against humanity" (as was maintained at Nuremberg), there is some objective merit in the Soviet charges. Yet not only has the General's slate been wiped clean, but he has been installed in one of the most responsible posts in the NATO military establishment. The attempt to build him up as one of the generals in the plot against Hitler is not at all convincing. The standard histories of the Resistance offer no evidence of his involvement; and this is significant in view of the fact that the plotters apparently tried to approach every top-ranking military man who gave even the slightest sign of readiness to turn against the *Führer*.

Nor is the fact that General Heusinger was sent into punitive retirement by Hitler evidence of such involvement. Had there been any basis for suspecting complicity in the plot, Heusinger would undoubtedly have shared the far more serious penalties meted out to the other conspirators. Under the circumstances, the best explanation for the clean slate he now boasts is that he has been cleared of responsibility for his actions and their consequences, that his only "guilt" was felt to lie in his obedience to his superiors.

The case of Dr. Globke, State Secretary to Chancellor Adenauer, is also relevant to this discussion. His major contribution to the Third Reich was his work in connection with the codification of the infamous Nuremberg racial legislation—which legislation, be it remembered, had more than a passing importance for the program of harassment and persecution of Jews that was to culminate in the "Final Solution" for which Eichmann has now been sentenced to death. The Chancellor's political opponents have long, and unsuccessfully, protested Globke's position of prominence and

influence; the protests have consistently been turned back on the grounds that the work he did was not willed by him but by his political superiors. His defenders go further and insist that, had Globke not done the job he did, someone else would have taken his place. Thus not only is he not to be held responsible for his work on the racial laws, but he is to be thanked for keeping some more fanatic Nazi out of that important post.

There is no intent here to stir old embers into flame or to suggest that these men, and the others all along the line who directly and actively supported the Nazi regime out of too automatic or too extensive a spirit of obedience, should now be called to account and punished. The Soviet demands concerning Heusinger clearly would serve no purpose but propaganda and reprisal and, in the process, would cloud the really important issue that must be faced. The same objection can be raised even against the Eichmann trial; for by focusing attention upon this man and convicting him of the horrors of the extermination camps, we lose sight of the far more vital question of the frame of mind—and the ethical and theological principles which have produced and which maintain it—which permits any individual to rationalize his personal conformity and even participation in unjust actions or regimes.

IN A moving essay on "Auschwitz, Hiroshima, and the Hopes of Man," Christian Geissler strips this question to its bare essentials. Horrible as the totals were, he insists that the real horror of the extermination camp is not to be read in the calculations of how many people were burned by other people over how long a period of time in how many ovens operating for how many hours each day. These factual data become insignificant when matched with the other facts that human beings designed those ovens for the specified purpose; that, again with full knowledge, business men contracted to produce and deliver the poison gas; that workmen, with full knowledge of what they were doing, constructed the ovens; that doctors, with full knowledge, selected the victims; that locomotive engineers drove the transports to their destination; that soldiers guarded these trains—and all with knowledge of what was going on.

Then, as his title indicates, Geissler parallels this charge with an indictment of all who knowingly participated in or contributed to the atrocities at Hiroshima



and Nagasaki. What Auschwitz and Hiroshima have in common, he feels, is the proof they offer of a frightful human capacity for "justified" inhumanity. "Any mind which can formulate justifications for the wholesale liquidation of men, that mind is corrupt," he declares—and he immediately adds his dismal, but probably accurate, conclusion: "This corruption is general."

Geissler's solution, in which the "hopes of men" are seen to lie, is a restoration of the ideal of individual responsibility, under which the demand is made of every individual that he renounce for himself (and reject for others) the easy loopholes that have served so well in the past: the escape through the formal justification of the substantially unjustifiable, the escape into a sense of resignation and hopelessness, the escape into a rationalization in terms of the more exalted ideals of duty and sacrifice. In short, he would restate the "responsibility of peoples," not in the sense that whole collectivities are to be punished for the evil programs pursued by their leaders, but rather, in the sense that all the individual persons who comprise these "peoples" can and must be held responsible for their own contributions to the success of those programs and leaders.

Certainly such a restatement of individual responsibility need not—and should not—fail to allow for the operation of human weakness and the effect of outside pressures and controls; but such allowance must never be permitted to extend to the point where explanation and understanding become confused with excuse and justification. Such a new approach would be as far removed from the assumption of blanket guilt that stirred Dwight Macdonald to protest as it is from the current tendency to accept whatever was done as nothing other than the innocent, even virtuous, obedience to authority.

Not many Americans (and very few Catholics) are prepared to accept the full implications of this admittedly more rigid definition of the responsibilities of the individual citizen. For one thing, it is generally accepted that the individual is helpless before the power of the state and, therefore, cannot be held responsible for its decisions. Every now and then someone will break the pattern and reap a harvest of notoriety for his pains, whether as a newsworthy curiosity or, if the matter is more serious, as a dangerous radical.

The *New York Times*, for example, recently reported the refusal of a West Coast Republican attorney to sign a required state loyalty oath on the grounds that he might thereby be committing himself in advance to support a regime of the extreme left (or right) which might conceivably come to power and which he would consider himself bound in conscience to oppose. This is a most interesting case, especially when one considers the number of Germans who refused to join any resistance activities because of the oath of allegiance they had taken to Hitler and his regime. But it is safe to say that the principle behind such a stand will be lost on

most readers, who merely note the accounts of such deviations from the norm with an amused chuckle (or, perhaps, a snort of patriotic indignation), turn the page, and quickly put such "crackpot" ideas safely out of mind and memory.

SUCH INDIFFERENCE or scorn would be buttressed by a recourse to the traditional theological definitions of the citizen-ruler relationship. Since all authority originates in God, the authority of the secular superior is divinized to the point that a civil ruler can command the obedience of the Christian citizen as a *moral* obligation. (This does not hold, of course, when the act commanded is certainly immoral; but, here too, by allowing for "the limited access to facts" and granting "the presumption of justice" to the state where doubt is present, the theologian provides a convenient "out.") Is the citizen troubled by the form of government or by the obviously irreligious or actually anti-religious behavior of its leaders? Then let him remember that all forms of government are morally indifferent and that the sinfulness of the evil ruler does not free the citizen from his obligation to render obedience. (Unless, of course, there is a direct attempt on the part of the state to interfere with the rights or operations of the Church; interestingly enough, these teachings do not usually permit the same flexibility of application in favor of the ruler that obtains above.) The dice are always loaded in favor of "legitimate authority," and the individual Christian can always take comfort in the assurance that whatever actions he performs out of obedience in good faith will be viewed as meritorious and any evil they may involve will be charged against those who gave him the orders.

This obviously drastically condensed statement of the traditional moral teachings dealing with the nature and scope of civil responsibility and obedience will, I think, be supported by the standard moral guidance handbooks. That it has served, and still serves, as an active guide to individual behavior is clearly illustrated by the support given by Catholics to Hitler's wars and by the indignant reaction to any implied or direct suggestion that such support should not have been given. There is no intent to cover this particular controversy here, but one specific example of how it applies to the point in question might be offered.

In 1943 an Austrian peasant was beheaded in Berlin for his refusal to serve in a war that he, as a Catholic, believed to be unjust. While still contemplating the prospect of such a refusal and its certain consequences, he had sought moral guidance from local priests to whom he often turned for spiritual direction and, finally, to his bishop. After his arrest he was attended by a succession of chaplains serving the various prisons in which he was held pending trial and execution. All gave him the same advice—and it followed the pattern

summarized above. He was to quiet his doubts; he was to remember that he was not responsible for the actions of the secular ruler; he had no basis on which to reach a judgment as to the justice or injustice of the war; his only responsibility was to live up to his obligations as husband and father and as loyal citizen.

Even more significant, however, is the fact that these advisors would give such a man the same advice today under the same circumstances. Indeed, in the case of the bishop, there is evidence that he twice intervened personally *after the war* to block publication of what he felt to be overly laudatory accounts of the peasant's action: prudent care must be taken, he felt, lest that action be presented as a model for others to follow. To his mind, "the greater heroes" were the men who fought and died in fulfillment of their duties as citizen, even as the early Christians had fought and died in the armies of Imperial Rome.

The time demands a thorough re-assessment of the relevance of these traditional theological formulations in a world of nations no longer governed by "the Christian prince" (if, indeed, they ever were), a world which has experienced totalitarian forms of government which leave no room for the preservation of the essential rights and dignity of the human person. Of course all authority comes from God; but now that we have learned how easily the authority exercised by man can be abused and how disastrous are the effects of that abuse, we need a moral theology which would require that every exercise of this authority be exposed to the test of the enlightened moral conscience of the individual subject to it.

In a sense, such a rule is what we are already applying to Eichmann when we reject his plea—and I am sure we would reject it even if we believed it to be sincere—that he was only doing his duty and performing the tasks assigned to him by his "legitimate authority." Why, then, is it so hard to apply the same rule to the locomotive engineer and the train guards who took their orders from him? Or, today, to the scientist who is ready to create the neutron bomb and the newspaper columnist who urges his readers and the Congress to vote the funds to enable him to do so?

THE ANSWER which comes most easily to mind is, of course, the familiar escape from responsibility by reason of ignorance or, stated another way, by reason of limited access to the relevant facts. This factor cannot be denied; in fact, when we allow for the various ways in which the secular authority can and does manipulate, distort and even suppress essential facts to suit its purpose, this answer takes on added validity. Yet it should be possible to hold that, rather than furnishing an excuse for permitting the individual a *carte blanche* suspension of moral judgment, this situation merely introduces an argument for forgiveness in charity for

the mistakes in judgment he can and will make because of inadequate information. It should not reduce in the least the obligation of each to seek out all the facts that are available and to form a responsible judgment on the basis of those facts.

In other words, if the citizen makes a wrong judgment because those in authority have blocked his access to the truth, then one is justified in assigning the responsibility to the ruler. But this is a far different situation from the one in which the citizen tries to shunt his own responsibility to the shoulders of the ruler as part of the "waiver" or suspension of judgment involved in the "presumption of justice" that now prevails in the recommended solution of any question of doubt.

The proposed re-formulation of the "responsibility of peoples" issue presupposes a recognition of an expanded scope of individual competence. The tone of disdain which marked Archbishop Groeber's 1935 statement in which he declared that the decision as to the justice or injustice of any given war was always left to "legitimate authority" and never entrusted to the individual "with all his shortsightedness and emotionality" must be abandoned. In its place we should develop a greater measure of respect for the human person and affirm that, with the help of the divine graces available to him, he *can be* capable of recognizing the difference between right and wrong and *should be* encouraged and inspired by his spiritual leaders to manifest these capabilities and graces in his social behavior. Again, the emphasis is important. If he "can be" but is not now capable or ready to do so, the Church must develop whatever new programs and techniques may be necessary to convert that potential into actuality. If this individual is "short-sighted" and given too much to "emotionality," it is the task of the religious community and its leaders to provide the spiritual formation and strength to enable him to broaden his scope of vision and to channel or restrain his passions. This, too, is vastly different from Groeber's solution of merely dismissing him as hopelessly incompetent and excluding him from what is probably the most crucial moral question facing mankind in the modern world.

The Austrian peasant and the countless others who met death because they could not, in conscience,



duplicate the patterns of conformity and obedience shown by the Huesingers and the Globkes (not to mention the locomotive engineers, the train guards, and the sales representatives for the manufacturers of Cyclon B) offer undeniable proof that man is capable of developing such competence and exhibiting such responsibility. Thus the same tragic era which plumbed the depths of human depravity in the acts for which Eichmann has been brought to judgment also provides us with the hopeful vision of the heights to which the human spirit can rise. It merely remains for us to read its lesson.

AND THE lesson was spelled out for us by that same peasant in a remarkable little essay on "Irresponsibility" written in pencil on the pages of a child's notebook. In it he offered as "a little example" the hypothetical case of two men each performing substantially the same political services for the National Socialist regime. One was committed to the Movement and believed that what he did was good and just; the other rejected the Nazi

ideology and its goals and policies as unjust. Yet the latter considered himself the "better" of the two because he did not share the other's pro-Nazi point of view. It remained for this simple peasant to grasp a truth that eluded the much more highly educated Dr. Globke: in his eyes, the non-Nazi actually bore a greater measure of guilt for his actions, for he had the full awareness that what he did would produce more evil than good, whereas the other saw nothing wrong and actually regarded his work as the performance of a simple duty. "Naturally," the peasant observed, "the words sound sweet to our ears when we are told that the responsibility is borne by others"; but, as his own subsequent acts were to prove, he did not find those sweet assurances convincing.

Seventeen years ago, as I have recalled, Dwight Macdonald was involved in the discussion of "the responsibility of peoples" for a horrible war which was then about to end. It is of extreme urgency that this discussion be reopened now at a time when a far more horrible war seems about to begin.

## Gnostics at the Garden

NOEL E. PARMENTEL, JR.

ALTHOUGH PUBLICLY branded a Fellow Traveler on the Right Wing, I have never really been accepted by the hard guys as one of the cadre. The problem is my inability to go all the way with the gag, to participate in the mysteries celebrated at all levels of The Movement, enabling true believers to imagine that the minute details of their gossip, chatter and in-fighting are of acute relevance to both the body politic and the human condition. This self-deception reaches a kind of crescendo twice monthly in the pages of *National Review*, (to which I am a sometime contributor and a Sunday, Monday And Always devotee).

Where else but in the *National Review* could one learn why recently, in Osaka, Japan, the wife, Pat Buckley, of the editor, Bill Buckley was moved to address him as "You ass"; or which of the editor's sisters has the best French accent; where the girls have their hair done in Paris; the latest whimsey and *nom de plume* of the editor's kid brother; the views of the editor's brother-in-law on the impeachment of Earl Warren; what four of the editor's nieces and nephews, aged six through twelve, think—in roughly 2,500 words

—of the United Nations; the views of the children's mother on the care and feeding of paper boys. In addition to this absorbing Inside Dopester stuff on the Buckley family, one finds long editorial controversies on the peripatinations of obscure French priests, as well as all the academic gossip and faculty politics of the Michigan State University Senate, faithfully recorded by Russell Kirk, that Samuel Pepys of East Lansing.

But I speak of this auto-narcosis which afflicts the Right Wing more in sorrow than in anger. Barry Goldwater and Bill Buckley are still My Kind of People, and when I received in the mail one bitter December morning a summons to attend (on a date which turned out to be Ash Wednesday) a star-studded Conservative Rally for World Liberation From Communism, I made my reservations early. And just as well.

As befits my sympathizer position, I have attended, helped out with, and, occasionally, if I felt flush, even sprung for a few bucks at Right Wing affairs. I have parroted the line at such *ridottos* as the Joe McCarthy Rally, the Roy Cohn Dinner, *Walpurgis* Night at Carnegie Hall and Cocktails Against Communism. I have known them all already, but I have never seen anything like Madison Square Garden at the opening of the Lenten Season. The image that comes to mind is

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