

**THE HIDDEN ANTHROPOLOGICAL ASPECT OF EMMANUEL LEVINAS'S  
'FACE OF THE OTHER' IN CONTEXT OF THE HOLOCAUST:  
A CASE OF APPLIED POLITICAL AND LEGAL PHILOSOPHY.<sup>1</sup>**

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**Abstract**

*For Emmanuel Levinas, the death of the other is the "first death" and the fundamental ethical experience. He emphasizes that it is through the experience of the death of others that we develop a relationship with death. Thus, Levinas reverses the traditional perspective. Death breaks down the isolation of the self and makes existence pluralistic. It is the occasion for breaking out of one's own self-reference. The "death of the other" is the starting point of ethics, as it marks the beginning of an infinite responsibility of the self towards the other. This aspect of Levinas's work has only been considered from an ethical point of view to date. However, this is not the only conceivable one. Ethics and anthropology have areas of overlap. It is equally plausible to consider this aspect from an anthropological perspective. The article will do so using the Holocaust and the actions of the Nazis as examples.*

**Keywords:** Emmanuel Levinas; ethics; anthropology; political philosophy; legal philosophy; the other; national socialism.

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**Introduction**

Studying Emmanuel Levinas's philosophy, I became captivated by one aspect in his work *Humanism of the Other* (2006). It has fascinated me to such an extent that I have not been able to get it out of my head ever since. It is one of the most well-known aspects of Emmanuel Levinas's work, but at the same time it is an aspect that has only been considered from one point of view to date, the one the author himself suggests and leads us towards: Namely, from an ethical point of view.

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<sup>1</sup> In today's world, only experts in the specialized issues of a particular philosophy express themselves in philosophy. Therefore, the author wants to make it clear that he is not a Levinas expert and does not want to pretend to be one. Nevertheless, I have also studied Emmanuel Levinas's philosophy and, among other things, taught his work *Humanism of the Other* (2006) together with my colleague from Charles University Prague, Ondřej Skripnik. The joint course took place in 2011 as part of a research stay by Ondřej in Karlsruhe. This research stay resulted in the publication of a joint volume on the Czech philosopher Jan Sokol. Cf. Arnswald/Skripnik 2014b. Sokols' practical philosophy also makes strong references to the political as well as to the ethical, and to life-world issues such as those of the other. See Arnswald/Skripnik 2014a.

For Emmanuel Levinas, the death of the other is the "first death" and the fundamental ethical experience. While Western philosophy – except for Wittgenstein<sup>2</sup> – viewed death as an event from the perspective of the self, Levinas emphasizes that it is only through the experience of the death of others (through knowledge, observation, or the accounts of dying people) that we develop a real relationship with death. Levinas reverses the traditional perspective. Instead of seeing one's own death as a transcendental model of death, he makes the death of the other the paradigm (Levinas 1998, 177; see also Levinas 2006, 7; see also Czapski 2023, 248).

Our experience of death is not direct, but indirect.<sup>3</sup> It comes from knowledge about dying people and the accumulated experiences of others, not primarily from fear of our own death. According to Levinas, death breaks down the isolation of the self and makes existence pluralistic. It is the occasion for breaking out of one's own self-reference. For him, this "death of the other" is the starting point of ethics, as it marks the beginning of an infinite responsibility of the self towards the other; a responsibility that precedes every conscious decision (Levinas 1998, 124; see also Levinas 2006, 7, 56; see also Esterbauer 2019, 34).

From an ethical perspective, direct encounters between people give rise to responsibility for one another (Levinas 1985, 95). The latter is obvious and intended by the author, but it is not the only conceivable one. Since ethics and anthropology are not only closely related, but also have areas of overlap, I believe it is equally plausible to consider this aspect of Levinas's work from an anthropological perspective.

However, as far as I know, the latter has not yet taken place. This circumstance and the fact that the aforementioned thought of Levinas has not left my mind even after decades encourages me to organize and present my thoughts on this here. Perhaps, one might hope, the perspective of someone who is not directly involved in Levinas research will prove refreshing and enriching. This is at least the intention of the article, which I hope will introduce and elucidate a new aspect.

### 1. Levinas's 'Face of the Other'

Levinas's 'face of the other' refers to the profound ethical encounter with another person's face (Esterbauer 2019, 13), which reveals their vulnerability and transcendence beyond our attempts to objectify them (Levinas 1979, 77; see also Orphanopoulos 2025, 86). This

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<sup>2</sup> See Arnsward 2026. Furthermore, during World War I, Wittgenstein used his own fear of death as an existentialist experience of the meaning of his own life. Thus, death was also a demarcation line here, to determine the purpose of existence and thus once again an ethical undertaking (Arnsward 2022, 145-166; see also Arnsward 2024, 65-86). The demarcation line of death or the face are just some of many that arise in human language to point beyond it to what lies outside the realm of language (Arnsward 2012, 134).

<sup>3</sup> This point is particularly consistent with Ludwig Wittgenstein's understanding. See Arnsward 2026.

face is not a physical object but a "living presence" that speaks to us (Trinh 20024, 1),<sup>4</sup> imposing an infinite responsibility to care for the other and commanding a fundamental "Do not kill" imperative that places ethics as a primary philosophy over theories of knowledge.<sup>5</sup> A living presence means that the face is not a static image but a dynamic. It expresses a unique person who cannot be reduced to a concept or idea (Levinas 1985, 87; see also Levinas 1998, 82, 132; see also Esterbauer 2019, 14).

The face is more than just a physical appearance. It is more than a physical or aesthetic feature; it is the most exposed and vulnerable aspect of a person, revealing their unchanging "otherness." As the otherness of the other, the face is also not neutral. Rather, it conveys a strong ethical message. In its vulnerability, it implicitly says, "Do not kill me." The encounter creates an infinite and non-reciprocal responsibility to the other, which arises simply because they exist and are exposed to us (Levinas 1985, 194-219; see also Orphanopoulos 2025, 86; see also Czapski 2023, 240ff.; see also Trinh 2024, 4).

This experience disrupts our egocentric world and forces us to recognize that the other is not an object for our own purposes. The face-to-face encounter is a relationship that cannot be mediated by a third term, such as a social role, or a shared interest. It is a direct, ethical relationship. For Levinas, death cannot lead to a better understanding of oneself but instead points to the impossibility of a future (Levinas 2006, 27, 51, 56). Readers of Levinas will already know which passage I am referring to from the phrase "face of the other" in the title. This shows how well known and what significance this passage is given to in the work. The passage reads:

This proximity does not mean a new "experience" opposed to the experience of objective presence, an experience of the "thou" produced after, or even before, the being's experience of an "ethical experience" in addition to perception. No, it means casting doubt on EXPERIENCE as source of sense, it means the limit of transcendental apperception, the end of synchrony and its reversible terms; it means the non-priority of the Same and, through all these limitations, it means the end of actuality, as if the inopportune came to disturb the concordances of representation. As if a strange weakness caused presence or being-in-act to shiver and topple. Passivity more passive than the conjoint passivity of the act, which still aspires to the actualization of all its potentials. Synthesis inverted into patience and discourse turned into a voice of "subtle silence" making a sign to Others – to the fellow man, that is, the unencompassable. Weakness without cowardice, like the incalcescence of pity. Discharge of a being who lets go of himself [*se dé-prend*]. Perhaps that is what tears are. The swoon of being

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<sup>4</sup> Emmanuel Levinas's concept of the face that speaks is similar to Ludwig Wittgenstein's "to show" and "to show itself." The latter is also something that shows itself without language (Arnswald 1998, 50; see also Arnswald 2009b, 7). In this sense, neither of the two thinkers derives ethics from metaphysics (Arnswald 2009a, vii).

<sup>5</sup> It is important here to note that to Levinas "shared values, strictly speaking, are not outside oneself. Rather they are conceived of as part of an illuminating horizon from which representation receives meaning and to which it creatively adds meaning in order to make the world the same, to adapt it to its standards." (Note 2013, 70.)

fainting into humanity, not deemed worthy of the attention of philosophers. But the violence that would not be this repressed sigh or would have strangled it forever does not even belong to the race of Cain; it is the daughter of Hitler, or his adopted daughter. The contestation of the priority of the Act and its privilege of intelligibility and significance, the rupture in the unity of "transcendental apperception," signifies an order – or disorder – beyond being, before the place before culture. We recognize ethics. We can distinguish in this contact anterior to knowledge, this obsession by the other man, the motivation of many of our everyday tasks and great scientific and political works, but my humanity is not embarked in the history of this culture that appears, offering itself to my assumption and making possible the very liberty of that assumption. The other man commands by his face, which is not confined in the form of its appearance; naked, stripped of its form, denuded of its very presence, which would again mask it like its own portrait; wrinkled skin, trace of itself, presence that at every moment is a retreat into the hollow of death with an eventuality of no return. The otherness of the fellow man is this hollow of no-place where, face, he already takes leave [s'absente], without promise of return and resurrection.

Waiting for the return in the distress of a possible no return, waiting that is impossible to while away, patience requiring immortality. This is how we say "thou": speaking to the second person, asking or concerned about his health. Requiring immortality despite the certainty that all men are mortal. Demand for immortality. Demand that would already lie in my privileged relation with myself, which excludes me from any genre, showing that humanity is not a genre like animality. An exclusion from the human genre repeated in the death of others, each new death a new "first scandal." These profound observations in Vladimir Jankélévitch's very moving book on death also go back – beyond the undeniable motifs of human exception: dignity of the person, conatus, and concern for being in a being conscious of its death – to the impossibility of canceling responsibility for the other, impossibility more impossible than jumping out of one's skin, the imprescriptible duty surpassing the forces of being. A duty that did not ask for consent, that came into me traumatically, from beneath all memorable present, anarchically, without beginning. That came without being offered as a choice, came as election where my contingent humanity becomes identity and unicity, through the impossibility of escaping from election. Duty imposed beyond the limits of being and its annihilation, beyond death, putting being and its resources in deficit. Nameless identity. It says I which is identified with nothing that presents itself, if not the very sound of its voice. The "I speak" is understood in all "I do" and even in the "I think" and the "I am." (Levinas 2006, 6f.)

For Levinas, the appeal of the other, expressed in the face, to the viewer is the beginning of discourse with the other and, consequently, the beginning of ethics. The human face transcends its mere physical appearance; the other person, in revealing themselves through their face, breaks free from their observable form. To speak to the other is therefore an existential "opening" by which a person emerges from behind their physical semblance, engaging in a direct and open encounter with another. That is why Levinas says that "the face speaks," appealing to others to take care of it:

The other who manifests himself in the face as it were breaks through his own plastic essence, like someone who opens a window on which his figure is outlined. His presence consists in divesting himself of the form which, however, manifests him. His manifestation is a surplus over the inevitable paralysis of manifestation. This is what the formula "the face speaks" expresses. The manifestation of a face is the first discourse. To speak is before all this way of coming from behind one's appearance, behind one's form – an opening in the openness. (Levinas 1986, 351f.)

The expression on the face intensifies into a request, and ultimately even an instruction, to the viewer to respond to its exposure, to its nakedness (Orphanopoulos 2025, 86):

The epiphany of the absolutely other is a face in which the other calls to me and signifies an order to me by its nudity, its denuding. Its presence is a summation to respond. (Levinas 1986, 353)

The other person's face reminds us of invisible death, which affects everyone and has something to do with every human being. The death of others challenges us; those who remain indifferent become accomplices to this death. In death, the other person must not be alone, they must not die alone, because indifference would be shared responsibility, and our responsibility lies rather in remembering the self through the face, because it is our fellow human being who manifests themselves in this (Czapski 2023, 252). The mystery of death is not its mystery alone, but it affects every other human being. Therefore, nobody can be left alone with it. Levinas writes:

But in this *facing* of the face, in this mortality – a summons and a demand that concern the *I*, that concern me. As if the invisible death which the face of the other faces were my business, as if that death "had to do with me." The death of the other man implicates and challenges me, as if, through its indifference, the *I* became the accomplice to, and had to answer for, this death of the other and not let him die alone. It is precisely in this reminder of the responsibility of the *I* by the face that summons it, that demands it, that claims it, that the other is my fellow-man.

Taking as my point of departure this straightforwardness between the other and the *I*, I was once able to write that the face is for an *I* – that the face is for me – at once the temptation to kill and the "Thou shalt not kill" which already accuses it, suspects me and forbids it, but already claims me and demands me. The proximity of my fellowman is the responsibility of the *I* for another. The responsibility for the other man, the impossibility for the other man, the impossibility of leaving him alone with the mystery of death is, concretely, through all the modalities of *giving*, the acceptance of the ultimate gift of dying for the other. (Levinas 2000b, 186.)

Levinas emphasizes the uniqueness of the individual in two ways: in terms of the irreplaceability of his responsibility for others and in terms of the perception of others, as

if the self were forever the first to be called upon to bear this responsibility, and the resulting non-rejection of responsibility that ultimately passes on to each individual person. However, responsibility also stands out in another respect, because it is eternal, as it is passed on from person to person, or, to put it more in Levinas's terms: "From unique to unique." (Raffoul 2010, 191; see also Raffoul 2010, 202) Our responsibility compels us to listen by giving our attention to others:

Uniqueness seems to me to assume meaning in terms of the irreplaceability that comes to, or returns to, the I in the concreteness of a responsibility for the other: a responsibility that, from the start, devolves upon the I in the very perception of the other, but as if in that representation, in that presence, it already preceded that perception, as if it were already there, older than the present, and hence, a responsibility that cannot be refused, of an order alien to knowledge; as if, for all eternity, the I were the first one called to this responsibility; non-transferable and thus unique, thus I, the chosen hostage, the chosen one. An ethics of the meeting – sociality. For all eternity, one man is answerable for another. From unique to unique. Whether he looks at me or not, he "regards me"; I must answer for him. I call face that which thus in another concerns the I – concerns me – reminding me, from behind the countenance he puts on in his portrait, of his abandonment, his defenselessness and his mortality, and his appeal to my ancient responsibility, as if he were unique in the world – beloved. An appeal of the face of my fellowman, which, in its ethical urgency, postpones or cancels the obligations the "summoned I" has toward itself and in which the concern for the death of the other can be more important to the I than its concern as an I for itself. The authenticity of the I, in my view, is this listening by the first one called, this attention to the other without subrogation, and thus already faithfulness to values despite one's own mortality. (Levinas 2000c, 227)

In an almost biblical sense, Levinas spells out our moral responsibility toward others, our fellow mortal beings, who are our comrades-in-arms in giving meaning to the world and in the coming experience of death (Casper 2009, 37). Just as the other faces the inevitable, death, so do we. Just as he dies, so do we. Just as he should not be left alone in death, neither should we. This constitutes our moral obligation, which, as the highest duty, responds "Here I am" to the call of the caller:

Fear and responsibility for the death of the other person, even if the ultimate meaning of that responsibility for the death of the other person is responsibility before the inexorable, and at the last moment, the obligation not to leave the other alone in the face of death. Even if, facing death – where the very uprightness of the face that asks for me finally reveals fully both its defenseless exposure and its very facing – even if, at the last moment, the not-leaving-the-other-alone consists, in that confrontation and that powerless facing, only in answering "Here I am"? to the request that calls on me. Which is, no doubt, the secret of sociality and, in its extremes of gratuitousness and futility, love of my neighbor, love without concupiscent. (Levinas 2000a, 130f.)

In summary, it can be said that in Levinas's philosophy, the death of the other functions not as an end, but as an ethical starting point that establishes the fundamental responsibility of the self for the survival and well-being of the other.

## **2. From Levinas's Ethics to Nazi Morality**

For Levinas, the thought of the death of the other is the origin of ethics. The face of the other is perceived as vulnerable and helpless, and the encounter leads to an infinite responsibility for him. The possibility of another person's death causes us to feel guilt and responsibility for them. This death places us in advance in a position of responsibility that we do not set for ourselves. Before encountering the face of the other, the self already has a responsibility that is not limited to what the other represents but extends to the shared human destiny. This responsibility, which arises from the knowledge of death, is at the core of human existence (Levinas 1998, 46, 50; see also Levinas 2006, 6f., 52).

Levinas criticizes the idea that the subject understands his or her own death as an event that leads to a deeper understanding of himself or herself. Instead, he argues that the death of the other breaks through the selfish circle of self-concern. For Levinas, the experience of death is not primarily one that we have through our own mortality, but one that reaches us "secondhand," through our knowledge and observation of the death of others. The fear of the death of the other thus becomes the basis of our infinite responsibility toward them (Levinas 1998, 124, 183; see also Levinas 2006, 7; see also Czapski 2023, 246).

The shock of another person's death can be so profound that the subject feels guilty for the death of the other person. This is not to be understood in the sense of actual guilt, but rather as an expression of deep ethical shock and connection. For Levinas, encountering the face of the other is the central moment in which ethical relations arise.<sup>6</sup> The face forbids killing and demands personal responsibility. It is an expression of vulnerability and need that eludes control and possession. Ethical responsibility towards others is infinite and inescapable. The death of others brings this principle into focus, as it represents the highest form of vulnerability. Concern for the mortality of others is the highest moral expression of humanity (Levinas 2006; 67; see also Czapski 2023, 240ff.).

It is already clear here that this can hardly be the subject of National Socialist morality, insofar as it was publicly named. The official Nazi morality was a particularistic system of ethics that rejected traditional universal morals like care, compassion and equality in favor of a "racial ethics" that prioritized the interests of the Aryan race

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<sup>6</sup> Emmanuel Levinas describes this as follows: "The manifestation of the face is the first discourse." (Levinas 2006, 31). The sentence is repeated in "The Trace of the Other" (Levinas 1986, 351f.).

and the state, known as the *Volksgemeinschaft*.<sup>7</sup> This ideology, rooted in social Darwinism and eugenics, dictated that certain groups were a threat to the community and thus had "life unworthy of being lived," justifying persecution, enslavement, and mass murder as morally right within this framework (Bauman 1989, 61-82). Key elements included racism, honor, emotional hardness, and prioritizing the community over the individual.

In part, it was also based on a holistic system, which allowed many Nazi leaders to propagate a kind of private morality if it pointed in the direction that the *Führer* considered wishful. In this respect, there was even a competition among Hitler's paladins to outbid each other in interpreting what Hitler considered morally desirable. This competition among the Paladins significantly reinforced the effect of National Socialist "morality". It is also the subject of ever-increasing violence, where each sought to surpass the other in cruelty and thus in maximum loyalty to the *Führer* (Fischer 1998, 211, 231).

Nazi morality denounced Judaeo-Christian compassion and Enlightenment principles like individualism and egalitarianism as weak and detrimental to the community. The interests of the community, defined by race, were seen as more important than individual rights or well-being. It replaced universal humanistic ethics with a system that saw moral obligations as restricted to the "Aryan" or German community of the *Volksgemeinschaft* (national community) (Krausnick/Buchheim/Broszat/Jacobsen 1965, 4, 14ff.; see also Bauman 1989, 51, 59; see also Fischer 1998, 42, 162, 189, 203, 376).

The ideology promoted a "survival of the fittest"-view of society, seeking to "eradicate inferior life" and prioritize those deemed biologically superior. This core principle allowed for the extermination of those deemed to be a "burden" on the state, including Jews, the disabled, and homosexuals. A virtue was made of being emotionally "hard" and rejecting empathy, pity, or mercy towards those considered outside the racial community (Krausnick/Buchheim/Broszat/Jacobsen 1965, 11f., 15f., 18, 336ff.; see also Bauman 1989, 21f., 36f., 71ff., 242).

Thus, it is commonly assumed that many perpetrators acted with a "clear conscience" because they were conditioned to believe their actions were morally justified by this system (Bauman 1989, 22, 101, 177, 203). The "ethics" prescribed by the National Socialists were a perverse distortion of traditional moral concepts, serving the ideology of the regime and Hitler's power. Instead of universal values, they were based on extreme nationalism, social Darwinism, and racial fanaticism (Krausnick/Buchheim/Broszat/Jacobsen 1965, 362).

However, if we take Levinas's 'face of the other' seriously, which can be seen as a pre-linguistic ethical intention or feeling (Galliker 2011, 132), then Nazi morality cannot

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<sup>7</sup> Avishai Margalit denies any significance to such a morality, which is merely particularistic. He therefore maintains that "exclusive identification with one's own people is itself immoral." (Margalit/Arnszweig 2003, 38; The translation is mine – U.A.).

override the ethical decision that a person, even a Nazi, must make in the face of the suffering other.<sup>8</sup> This other person speaks to you face-to-face in their vulnerability, which begs: "Do not kill me." This encounter leads to an infinite and non-reciprocal responsibility towards the other, which no one can escape.

### 3. The Argumentation of Nazi Morality and Its Implementation Using the Example of the Supposed National Socialist Self-image "*Law is Whatever We Like.*"

The enforcement of Nazi morality was based on certain core principles, namely: social Darwinism and racial hygiene, total obedience to the *Führer*, the common good before self-interest, dehumanization of victims, and justification of violence.<sup>9</sup> These core principles can be summarized as follows:

- Social Darwinism and racial hygiene: The Nazis propagated the idea that the "Aryan" race was superior to other races and must dominate them. This idea was perverted into an "ethical principle" that legitimized the killing of human beings in the name of "racial purity." Jewish people were portrayed as "vermin." See Krausnick/Buchheim/Broszat/Jacobsen 1965, 11ff., 15ff., 37, 106, 132, 320, 338; see also Bauman 1989, 74, 105.

- Total obedience to the *Führer*: Loyalty to Hitler replaced individual moral judgment. The oath taken by members of the *Schutzstaffel* (SS), "My honor is loyalty," linked personal honor with absolute obedience rather than integrity. The motto was: "What is good for Germany is legal." See Krausnick/Buchheim/Broszat/Jacobsen 1965, 128ff., 366f; see also Pauer-Studer 2020, 77, 83, 213.

- Common good before self-interest: The common good, as defined by the Nazis, took precedence over the rights and lives of individuals. Jewish citizens were excluded from the community, and their persecution was justified as a measure to protect the "German people." See Krausnick/Buchheim/Broszat/Jacobsen 1965, 8, 18, 28, 362.

- Dehumanization of victims: Nazi propaganda aimed to dehumanize certain groups, especially Jews. This was intended to neutralize any moral qualms about their persecution, ghettoization, and systematic murder. See Krausnick/Buchheim/Broszat/Jacobsen 1965, 365; see also Bauman 1989, 21, 117-129.

- Justification of violence: Terror and coercion against opponents as well as disregard for the principles of the rule of law, the complicity of the legal administration in Nazi terror were presented as legitimate means of achieving Nazi goals. See

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<sup>8</sup> Emmanuel Levinas sums up this compulsion to decide: "No one can stay in himself; the humanity of man, subjectivity, is a responsibility for others, an extreme vulnerability." (Levinas 2006, 67)

<sup>9</sup> Anthony D. Kauders takes a different view of Nazi morality, although this does not contradict what has been said here: "Nazi morality incorporated several features that distinguished it from previous particularisms and contemporary universalisms, including a militant, unrepentant anti-universalism; a regime based on honor, indignation, and revenge; and an antisemitism associated with rebirth, purification, and redemption." (Kauders 2022, 47)

Krausnick/Buchheim/Broszat/Jacobsen 1965, 27, 30, 41, 202f., 382, 388; see also Baumann 1989, xiii, 21, 73f., 119, 186-189; see also Fischer 1998, 209, 215f., 224, see also Wachsmann 2004, 8.

- Twisted justice: Nazi ideology even perverted the legal system. The judiciary lost its independence and was controlled by the Nazis. The legal terror led to an explosive increase in the number of prisoners in jails, penal institutions, and concentration camps. Police terror was omnipresent, the legal bureaucracy helped to legitimise more radical police measures. Torture and executions were also commonplace. The *Volksgerichtshof* ("People's Court") sentenced thousands of political opponents to death. The legal administration helped to mask the terrorist nature of the *Third Reich*. Even before the Nuremberg trials, laws and regulations for human experiments existed in Germany, but they were deliberately disregarded to enable the concentration camp experiments. As Hitler's popularity began to decline, terror escalated dramatically to discipline the population. See Krausnick/Buchheim/Broszat/Jacobsen 1965, 80, 135; see also Baumann 1989, 21, 58, 87, 125, 176f.; see also Pauer-Studer 2020, 79f., 201, 206; see also Wachsmann 2004, 70, 194, 204, 320, 347, 373.

The "ethics" that the Nazis claimed to follow were thus a distorted image intended to justify and rationalize the regime's inhuman crimes. Under National Socialist rule, the law was fundamentally perverted by establishing the principle of "the *Führer* protects the law" as the supreme legal principle (Schmitt 1934, 945-950).<sup>10</sup> This was not a formal law, but rather an ideological foundation that guided every governmental and legal decision and marked the end of the constitutional state.

The replacement of law by the "will of the *Führer*" was accompanied by further measures under National Socialism, which can be summarized as follows:

- Elimination of the separation of powers: In the National Socialist state, the independence of the judiciary, a core element of the rule of law, was systematically eliminated. The legislative (lawmaking), executive (government), and judicial (adjudication) branches were subordinated to the absolute will of the *Führer*. See Fischer 1998, 211ff., 221; see also Pauer-Studer 2020, 77, 79f.; see also Pauer-Studer 2023, 291f.

- Merging of politics, law, and morality: Nazi legal theorists such as Carl Schmitt argued that law, politics, and morality in the Nazi state had to form a unity represented by the unity of the people and the *Führer*. See Fischer 1998, 211ff., 221; see also Pauer-Studer 2020, 79f., 84, 93f., 213, 228; see also Pauer-Studer 2023, 291f.

- Undermining the law: The Nazis did not use the law as a shield to protect individuals, but as a weapon to enforce their ideology. The law was abused to justify injustice,

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<sup>10</sup> Carl Schmitt comments on Reich Chancellor Adolf Hitler's Reichstag speech of July 13, 1934, in an article entitled "Der Führer schützt das Recht" [The *Führer* Protects the Law] in the *Deutsche Juristen-Zeitung* [German Legal Newspaper] (Schmitt 1934, 945). The title refers to a sentence in the article, which reads as follows: "The *Führer* protects the law from its worst abuse when in the moment of danger, by virtue of his domain as *Führer* and as the supreme judicial authority, he directly creates law." (Schmitt 2013, 64) An English translation of the text has been available since 2012 (Vagts 2012, 203-209).

violence, and terror, even in the penal system. See Fischer 1998, 211ff., 221; see also Wachsmann 2004, 8; see also Wachsmann 2015, 64; see also Pauer-Studer 2020, 94, 201, 206, 228; see also Pauer-Studer 2023, 291f.

The ideological premise that the law was ultimately determined by the *Führer* led to arbitrariness and legal uncertainty. Judgments were no longer based on the neutral application of the law, but on the interpretation of the "will of the *Führer*," which legalized the persecution of minorities and political opponents. The law no longer served justice, but rather the enforcement of the regime's criminal goals (Fischer 1998, 211ff.).

This type of Machiavellianism was also underscored by Carl Schmidt's article title "The *Führer* Protects the Law," (Cf. Schmitt 2013, 63-67), "which can be seen as a commentary on the emergency decree with which Hitler, applying the Weimar Constitution, largely suspended that very constitution and thus abolished the rule of law; or in the claim attributed to Hermann Göring, which undoubtedly sums up the height of arbitrary rule: 'Law is whatever we like.'" <sup>11</sup> (Kroß 2002, 57).<sup>12</sup>

As indisputable as the establishment of this arbitrariness in National Socialism may be, and as much as the will of the *Führer* can be regarded as a substitute for the law, the question remains open as to whether this constitutes an ethical-political principle of action that can claim universal validity, even if many people held this position at the time (cf. Kroß 2002, 57; cf. Sharpe 2018, 204; cf. Lepsius 2003, 25f.). Oliver Lepsius argues that "Führer orders thus had primacy over all other sources of law." (Lepsius 2003, 25) and Herlinde Pauer-Studer confirms in respect to the *Führer* decrees that "[g]iven the NS state's normative framework, in which the Führer's will amounted to a source of law, they counted as legally valid." (Pauer-Studer 2023, 302) However, at the same time, individuals following under the Military Criminal Code were not prohibited from making decisions based on their conscience.

The Military Criminal Code for the *Deutsche Reich*, as amended on October 10, 1940, published in the *Reichsgesetzblatt* [the law gazette of the *Deutsche Reich*] Part I in Berlin on October 16, 1940, still provided for participation as follows in § 47, as previously in the *Deutsche Reich* of the German emperor:

If the execution of an order in the course of duty violates criminal law, the superior who gave the order shall be solely responsible. However, the subordinate who obeyed the order shall be punished as an accomplice: [...] if he knew that the order of his superior concerned an act that was intended to be a general or military crime or offense. (SA 1940, 1347-1362)

This makes it clear that the military order does not constitute an absolute barrier to criminal responsibility, so that even Nazi morality does not have the final say. Of course, the

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<sup>11</sup> Rush Rhees indirectly attributes this saying to Hermann Göring. According to Rhees, Wittgenstein thought that Göring's "Right is whatever we want it to be" is also "a kind of ethics." See Rhees 1972, 101f.

<sup>12</sup> The translation here and in the following German texts is mine – U.A.

reverse is also true: A soldier cannot rely solely on his orders, because he had the opportunity to refuse the order with reference to § 47 of the Military Criminal Code. The Code therefore allowed every soldier to refuse to participate in a crime.

This in turn means that if a subordinate participated in the crime even though he had the right to refuse under § 47, he did not commit the act solely on orders. It follows that the subordinate was an accomplice who participated in the crime, even though he had the right to refuse to do so and thus cannot have committed the crime solely on orders. In this respect, it can be assumed that his participation in the crime was an expression of his will to consciously realize the ideas and moral concepts of National Socialism.

It is true that in such a totalitarian regime as in Nazi Germany there is little room for pluralism, so that loyalty to the leader, who protects the law and administers justice arbitrarily, means that the law must ultimately be subordinate to the particular interests of the National Socialists or, ultimately, to the *Führer*. That is essentially what is meant by 'Law is whatever we like.' However, the crucial question is whether such an interpretation of the law can claim general validity even in a dictatorship. As already explained here, it did not even have absolute priority under the Military Criminal Code.

Regardless of the abstract legal situation, the question remains to which Levinas's thesis on the morality of the individual, specifically face-to-face with the other, is justified.

#### 4. Morality and Evil as Two Anthropological Constants in Every Human Being

While the formulation of an ethical-political principle of action<sup>13</sup> does indeed raise questions, as it would also have to be justified ethically, Levinas concept of the 'face of the other' offers a completely different approach to ethics, which at the same time claims universality for itself. Here, it is already apparent that Levinas argumentation refers to an anthropological component of human beings in the emergence of ethics in the face of the other.

The establishment of an ethical-political principle of action would meet with rejection from Ludwig Wittgenstein, for example, as he contradicts such an idea in a kind of argumentative reverse conclusion, because "the *absolute good*, if it is a describable state of affairs, would be one which everybody, independent of his tastes and inclination, would *necessarily* bring about or feel guilty for not bringing about. And I want to say that such a state of affairs is a chimera. No state of affairs has, in itself, what I would like to call the coercive power of an absolute judge." (LE 40)

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<sup>13</sup> Terrorism is contrary to this in that it represents a deliberate commitment to immorality, as it is intended to deliberately cause fear and terror. It therefore does not require an ethical-political principle of action in the sense of moral justification and does not normally manifest such a principle. See Arnsward/Kertscher 2004; see also Arnsward/Kertscher 2005.

While Wittgenstein believes that there are no facts, no explanations, and that one can only move forward by setting an example of moral authority for others,<sup>14</sup> Levinas sees the face as a sign of goodness. It reveals both the equality of all human beings and the divine, because the face of God is always described in the Bible as affection, devotion, and grace, which should serve as a model for human beings to flourish. This requires no moral justification, as it is the reason why morality arises. It is therefore sufficient that the other person exists and is at our mercy (Levinas 1979, 78; see also Czapski 2023, 246; see also Dieckmann 2017, 71-96; see also Gehrke 2006, 433ff.).

Thus, when someone sees another person in their vulnerability, mortality, and existential danger, they look them in the face and must decide which moral code to follow. Seeing the other person's face leads to being addressed by them. No words need to be exchanged, but the other person appeals to the viewer. The face says, "Thou shalt not kill." (Levinas 1985, 89) Even the SS men could not escape these looks and appeals and therefore had to make individual decisions.<sup>15</sup>

The situation described by Levinas is thus pre-linguistic, meaning that the "face of the other" appeals to the viewer without any verbal justification in the form of an ethical-political principle of action.<sup>16</sup> Verbal justification is not necessary, because it is at this moment of face-to-face encounter that morality arises and must be responded to immediately. According to Levinas, no ideology can make the decision for you here; no justification can replace your own moral sense. The soldier or SS officer cannot invoke the *Führer* here; the interaction takes place only between him and the other and determines the viewer's moral stance. Unless the person is ill or mentally disturbed, they must face this decision and cannot evade it, let alone talk their way out of it.

Mathias Schreiber sees the transition from Levinas's humanism to Marxism and National Socialism as follows:

Levinas argues that Marxism and Nazi racism are both materialistic in their thinking and have both discarded the "magic wand of reason" that carried the Enlightenment's passion for freedom. The most important matter for Marxists is economics, while for

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<sup>14</sup> In this case, every order from the *Führer* would have been merely an example that one could follow or ignore. But even then, anyone who follows the *Führer* under these circumstances consciously adopts his morality and National Socialist goals. Delegating this decision to a representative would not be possible, especially in this case (Arnswald 2025).

<sup>15</sup> Thomas Bedorf addresses this point by writing: "The 'response of responsibility' means that perceiving the other already implies that we must fulfill our responsibility, whether we want to or not." (Bedorf 2011, 169; transl. by the author) Zygmunt Bauman also comments on this aspect: "The socially enforced moral systems are communally based and promoted – and hence in a pluralist, heterogeneous world, irreparably relative. This relativism, however, does not apply to human 'ability to tell right from wrong'. Such an ability must be grounded in something other than the conscience collective of society." (Bauman 1989, 177)

<sup>16</sup> For Hans-Georg Gadamer, on the other hand, encountering the other always occurs first through language, and it is language that opens the space to encounter the other, even if dialogue encompasses more than just what is spoken (Malpas/Arnswald/Kertscher 2002, xiii).

racists it is an obsessive "feeling for the body," for the "mysterious voices of blood." He declares "the biological" to be the "heart" of intellectual life, benefiting from the unique experience of identity that the "warmth of our bodies" gives us, bringing us closer to it and making it more familiar than the "rest of the world." Nazi racism affirms this "primordial bondage to our bodies" as if it were an act of liberation, and heroizes it in a "Germanic ideal." (Schreiber 2006, 145)

In contrast, Levinas's core message is that the human ego only achieves "true dignity" when it takes "responsibility for other people." It is called to do so by "a God" who reveals himself "in the face of other people," in the "countenance" of that other who is unique and whose mortality requires everyone's attention. (Levinas 1998, 90f., 123) The request of the suffering person to their fellow human beings can also be summed up in a simple slogan. In fact, the sufferer appeals to his observer, who has the power to decide how to act, with the simple request: "Be human."

At this point, one might ask whether Auschwitz is not just as human as feeling compassion for others face to face. To put it more bluntly, one might ask whether the acts committed at Auschwitz are also not human, even if this sounds like a contradiction in terms. Ultimately, however, it was people who carried out these acts. Therefore, it cannot lie outside of humanity, which also makes these acts of evil an anthropological constant of human existence. Paul Feyerabend understands Auschwitz precisely as an anthropological constant of humanity, which he extends to other fields and equates:

I say that Auschwitz is an extreme manifestation of an attitude that still thrives in our midst. It shows itself in its treatment of minorities in industrial democracies; in education, education to a humanitarian point of view included, which most of the time consists in turning wonderful young people into colourless and self-righteous copies of their teachers; it becomes manifest in the nuclear threats, the constant increase in the number and power of deadly weapons and the readiness of some so-called patriots to start a war compared with which the holocaust will shrink into insignificance. It shows itself in its killing of nature and of "primitive" cultures with never a thought spent on those thus deprived of meaning for their lives, in the colossal conceit of our intellectuals, their belief that they know precisely what humanity needs and their relentless efforts to recreate people in their own sorry image; in the infantile megalomania of some of our physicians who blackmail their patients with fear, mutilate them and then persecute them with large bills; in the lack of feeling of many so-called searchers for truth who systematically torture animals, study their discomfort and receive prizes for their cruelty.

As far as I am concerned there exists no difference between the henchmen of Auschwitz and these 'benefactors of mankind' – life is misused for special purposes in both cases. (Feyerabend 1996, 313)

In my opinion, Feyerabend clearly overshoots the mark here when he claims that there is "no difference between the henchmen of Auschwitz" and the "insensitivity of many so-called truth seekers who systematically torture animals," "in education, [...]" which most of the time consists in turning wonderful young people into colourless and

self-righteous copies of their teachers" or "in the colossal conceit of our intellectuals, their belief that they know exactly what humanity needs," not to speak about "the infantile megalomania of some of our physicians who blackmail their patients with fear, mutilate them and then persecute them with large bills." However, one can at least agree with him that all behaviors are human and that evil is therefore also a human category and an anthropological constant of humanity.

That said, the crimes of Auschwitz, which denied other human beings their humanity, seem to me to belong to a different category than, for example, "scientists who conduct animal experiments," "intellectuals who indulge in know-it-all attitudes, teachers who train their students to follow their example," or "doctors who frighten their patients and pursue them with high bills." All this does not do justice to the crimes against humanity and humankind associated with the name Auschwitz. It seems to me that Paul Feyerabend not only misjudges the significance of Auschwitz in terms of its kind and scale, but rather fundamentally fails to grasp its category.

However, what is crucial to my argument is that both morality and evil are two anthropological constants in every human being that are so fundamental in nature that they must be consciously undertaken by the individual and cannot be delegated to others as a decision. In other words, even the perpetrators among the SS men knew what they were doing; they cannot invoke Nazi morality, which would have taken the decision out of their hands in the face of others. No ethical-political principle of action could give these deeds universal validity.<sup>17</sup> The *Führer's* decrees may have successfully delegitimized the existing legal system, but that does not make it a universally valid ethical-political principle of action.

This is evident both in some of the actions of SS men and in the slogans of perseverance uttered by the *Reichsführer SS*, Heinrich Himmler, who knew full well that his men had doubts about the moral correctness of their actions, as his speeches to them show.

## 5. Was There Humanity and Genuine Morality Among SS Men?

The thesis that an ethical-political principle of action such as Nazi morality can have universal validity is furthermore refuted by the concrete actions of a few SS men toward the victims of the National Socialists, i.e., entirely in line with Emmanuel Levinas. Despite massive indoctrination with the moral concepts of the National Socialists described in detail above, which undoubtedly claimed to be an ethical-political principle of action of universal validity, e.g. even SS men nevertheless decided not to follow their orders.

The SS can be considered the worst category of all Nazi organizations and became an important instrument for spreading fear and terror, persecuting political opponents,

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<sup>17</sup> Herlinde Pauer-Studer confirms this when she writes: "When the terms 'ethics' and 'ethical' refer to the Nazi theorists' concept and understanding of ethics, this is in a purely descriptive sense. This use of the terms is not to be confused with a universalistic understanding of ethics, which attempts to establish universally valid criteria of right and wrong." (Pauer-Studer 2020, Fn 7, 204)

and maintaining Nazi rule. The SS was the most loyal force in Hitler's empire, whose oath of allegiance was "*Meine Ehre heißt Treue*" ["My honor is loyalty."] The Waffen-SS was known for its uncompromising and merciless harshness, both towards itself and towards others. This was also evident in the ruthless killing of civilians in occupied territories. The brutality of the SS is evident not only in the extreme crimes they committed, but also in the widespread involvement of numerous SS members – men and women alike – in implementing the Nazi policy of persecution and extermination. It played a leading role in carrying out the Holocaust and other massive crimes of violence (Krausnick/Buchheim/Broszat/Jacobsen 1965, 142; 359, 366; see also Wachsmann 2015, 83; see also Pauer-Studer 2020, 14; 145, 152f.; 179f.).

The SS was a central organ of terror and oppression within the Nazi regime, whose brutality reached systematic and comprehensive proportions. In the concentration camps, which were established and operated by the SS, the guards were known for their extreme physical and verbal abuse of the prisoners. SS men committed arbitrary murders and sadistic acts of cruelty. This included beatings with batons and whips, cruel torture, and the shooting of prisoners who did not obey their demands. SS doctors conducted cruel and deadly medical experiments on prisoners (Krausnick/Buchheim/Broszat/Jacobsen 1965, 101, 385, 400, 480, 484, 501; see also Pauer-Studer 2020, 152f., 161). There were only a few cases of SS men refusing orders; well-known examples include:<sup>18</sup>

- Heinz Siegfried Heydrich, younger brother of Reinhard Heydrich, *Obergruppenführer*, head of the *Reichssicherheitshauptamt* (RSHA) [Reich Security Main Office], and Deputy Reich Protector in Bohemia and Moravia, was a German *SS-Obersturmführer*. In 1934/35, he used forged exit visas to prevent the deportation of two Jews whom he knew personally. Heinz Siegfried Heydrich shot himself on November 19, 1944, in Riesenburg, East Prussia. The motives are unclear, but prior to this, in November 1944, the public prosecutor's office had ordered searches of the editorial offices of the propaganda magazine *Panzerfaust*, for which Heinz Heydrich worked as a member of *Panzerpropagandakompanie 697* [Panzer Propaganda Company 697] on the Eastern Front (cf. Gerwarth 2011, 349f.).

- SS officer Klaus Hornig, a German police officer and lawyer, member of *Polizei-Bataillon 306* [Police Battalion 306], who was deeply rooted in the Catholic faith, rejected his superior's request to shoot 780 Soviet prisoners of war in Zamość in November 1941,

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<sup>18</sup> Even though Oskar Schindler was not a member of the SS, but merely a party member, his famous case, which was also made into a film in *Schindler's List* (1993), shows interesting parallels: At the beginning of the war, Schindler was still a normal German citizen who tried to profit from both the occupation of Poland and the forced labor of the Jews, who participated in erotic drinking binges and also bought the goodwill of Nazi officials, but he gradually changed his attitude. In his factory, which was directly adjacent to the ghetto, the businessman witnessed the brutal barbarism of the Germans. He saw the unimaginable suffering of the Jews, who were no longer considered human beings under National Socialism, and became increasingly sensitive to injustice. In Levinas's sense, the feeling of injustice and suffering gained the upper hand over his utilitarianism as a businessman. He used his position to buy the freedom of as many Jews as possible and thus save them (Potocka 2021, 46f.).

citing international law. He even tried to prevent the shooting of the Red Army soldiers, who were allegedly political commissars. He instructed his police unit accordingly. Another police unit then carried out the executions. Hornig was subsequently accused of obstructing the execution of orders and inciting mutiny. He was demoted, beaten, imprisoned for alleged undermining of military morale, and later sent to a concentration camp, not because he refused orders, but because he was considered unreliable and too "human" in a broader sense (cf. Ueberschär 2006, 77-88).

- Josef Mayr-Nusser was scheduled to take the "Führereid" (Führer's Oath) as a member of the Waffen-SS on October 4, 1944, in Konitz (Pomerania) near Danzig. He refused to swear allegiance to Hitler on religious grounds. He explained this as follows: "If no one ever has the courage to tell them that they disagree with their Nazi views, then nothing will change." (Pilgram/Rother 2017, 16) He was subsequently arrested and sentenced to death for undermining military morale. During the prisoner transport in February 1945 from the Buchenwald concentration camp to the Dachau concentration camp, he died on February 24 in Erlangen as a result of his "special treatment" in Danzig in a cattle car (Innerhofer 2016, 13).

The SS was an organization widely known for its iron discipline and obedience, which made cases of resistance the exception. However, SS members were also subject to "special jurisdiction" due to their membership in the SS, which meant that they were subject to the provisions of the Military Criminal Code. The fact that some SS men placed their own moral standards above the prescribed Nazi morality and the even stricter morality of the SS (Wachsmann 2015, 386, see also Pauer-Studer 2020, 185) shows that the moral decisions of everyone were not overshadowed by the ethical-political principle of action of universal validity claimed by the National Socialists.

There was undoubtedly a risk, especially given the uncertainty about the possible punishment, that those who refused to cooperate would sacrifice their own lives. The case of Josef Mayr-Nusser shows that this price was associated with such a decision. And yet the moral decision remained up to everyone, whereby even those who ostensibly agreed officially with Nazi morality could not be without doubt in view of the deeds. Deep down, they must have been aware of their crimes, as two secret speeches by *Reichsführer SS* Heinrich Himmler to *SS-Gruppenführer* and, a few days later, to *Reichs-* and *Gauleiter* clearly demonstrate.

## **6. The Necessity of Emphatic Justification of Nazi Morality by *Reichsführer SS* Heinrich Himmler**

The very fact that the *Reichsführer SS* felt compelled to reaffirm Nazi morality to his *SS-Gruppenführer* (SS group leaders) shows that it was not self-evident that this was regarded as a universal claim taken for granted by his own people. Already the wording used by the *Reichsführer SS* in his so-called Poznań speech on October 4, 1943, is self-revealing. When Himmler says that he wants to instill this in the SS, he makes it clear that this does not correspond to any natural sense of justice, any natural moral concept,

any natural sense of duty, or any intuitive ethics. Had that been the case, the two Poznan speeches would not have had to be secret speeches, because their moral justification and correctness would have been obvious to every *Volksgenosse*, every member of the *Volks-gemeinschaft*.

The claim of universal validity of a single ethical-political principle of action in National Socialism is contradicted by the fact that Himmler himself reports that every German believes he has one, namely "his own decent Jew," the one "excellent Jew". But if every German knows such a Jew, then this reveals that everyone knows that it is wrong to kill him, contrary to the logic of National Socialist racial policy. If Nazi morality had been universally valid and convincing, this problem, which *Reichsführer SS* Himmler revealed to his people, would hardly have arisen.

If one follows Himmler's statements, there must have been doubts even among the *SS-Gruppenführer*, since everyone knew a "great Jew," which he explicitly addressed on October 4, 1943, with the *Reichsführer SS* himself speaking of "perseverance," "endurance" and "hardening," which can hardly be described as good and proper behavior, but rather requires actions that run counter to one's own ethical sensibilities.

Himmler also reminds his people of their first major crime together as a group, when, during the *Nacht der langen Messer* ("Night of the Long Knives") from June 30 to July 1, 1934, the SA leadership, including their leader Ernst Röhm, was murdered in a killing spree orchestrated by Adolf Hitler (Pauer-Studer 2020, 160f.). With this reference to the earlier joint crime, he is clearly attempting to close ranks among the SS group leaders, since they are all in the same boat due to their past common crime.

But here, too, he reveals that he is aware of the crimes committed against his comrades in the SA leadership. If the actions against the SA comrades were morally justified, the question would arise again as to why Himmler points out that he and his SS followers "never discussed it among ourselves, never talked about it." If the behavior had been morally justified, they would hardly have kept quiet about it even among themselves.

The speech thus reveals deliberate immorality and ultimately demands that followers deliberately suspend their own sense of injustice. Moral responsibility should only exist towards one's own race, one's own blood. It is the idea of a particular morality, which, however, cannot claim to be universal.

Instead of offering a moral justification, Himmler refers in his speech only to the "most difficult task out of love for our people," which hardly does justice to the claim of universally applicable Nazi morality. The end of the speech, which resembles an incantation, is also of great interest, because if the aforementioned Nazi morality were a justifiable morality, the question of damage to the inner self, to the soul, would not arise at all. When Himmler proclaims, "And we have not suffered any damage to our inner selves, our souls, or our characters as a result," he simultaneously confirms the immorality of the acts.

Here are some excerpts<sup>19</sup> from the speech given by the *Reichsführer SS* at the *SS-Gruppenführertagung* [SS Group Leader Conference] in Poznań on October 4, 1943:

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<sup>19</sup> The excerpts are from Himmler 1989 (110-173). The translation from German is mine – U.A.

One principle must apply absolutely to every SS man: We must be honest, decent, loyal, and comradely to our own kin and to no one else. I couldn't care less how the Russians are doing, or how the Czechs are doing. (Himmler 1989, 122f.)

[...]

If someone comes up to me and says: "I can't build the tank trench with the children or the women. That's inhumane, because then they'll die," – then I have to say: "You are a murderer of your own flesh and blood, because if the tank trench is not built, German soldiers will die, and they are the sons of German mothers. That's our blood." That is what I want to instill in this SS and – as I believe – have instilled as one of the most sacred laws of the future: Our concern, our duty, is our people and our blood; we must care for and think about them, work and fight for them, and for nothing else. We can be indifferent to everything else. I wish that the SS would adopt this attitude toward all foreign, non-Germanic peoples, especially the Russians. Everything else is soap bubbles, is deceiving our own people, and is an obstacle to winning the war sooner. (Ibid., 123)

[...]

I would like to mention a very difficult issue here in all openness. Let's be completely open about it among ourselves, but we will never talk about it in public. Just as we did not hesitate on June 30, 1934, to do our duty and line up comrades who had erred against the wall and shoot them, we have never spoken about it and will never speak about it. It was a matter of course, thank God, that we never discussed it among ourselves, never talked about it. Everyone shuddered, yet everyone knew that they would do it again next time if ordered to and if necessary. (Ibid., 145)

[...]

I am referring to the evacuation of the Jews, the extermination of the Jewish people. It's one of those things that's easy to say. "The Jewish people will be exterminated," says every party member, "it's clear, it's in our program, elimination of the Jews, extermination, let's do it." And then they all arrive, the good 80 million Germans, and everyone has their respectable Jew. It's clear that the others are pigs, but this one is a great Jew. Of all those who talk like this, none have watched, none have endured it. Most of you will know what it means when 100 corpses lie together, when 500 lie there, or when 1,000 lie there. Having persevered through this and remained decent – apart from exceptions due to human weaknesses – has made us tough. This is a glorious chapter in our history that has never been written and never will be written, because we know how difficult it would be for us today if we still had Jews in every city – with the bombing raids, the burdens, and the hardships of war – acting as secret saboteurs, agitators, and instigators. We would probably now have reached the stage of 1916/17, when the Jews were still part of the German *Volkskörper*. (Ibid., 145f.)

[...]

We have taken away their riches. I gave a strict order, which SS-Obergruppenführer Pohl carried out, that these riches were, of course, transferred in their entirety to the Reich. We didn't take any of it. Individuals who have failed to comply will be punished in accordance with an order I gave at the beginning, which threatened: Anyone who takes even a penny of it shall be put to death. A number of SS men – not very many – have failed in this regard, and they will be put to death, without mercy. We

had the moral right, we had the duty to our people to kill these people who wanted to kill us. However, we do not have the right to enrich ourselves with even a fur coat, a watch, a Mark, a cigarette, or anything else. We don't want to end up getting sick and dying from the very germ we set out to eradicate. I will never allow even the slightest hint of decay to develop or take hold here. Wherever it forms, we will burn it out together. Overall, however, we can say that we have fulfilled this most difficult task out of love for our people. And we have not suffered any damage to our inner selves, our souls, or our characters as a result. (Ibid., 46)

On October 6, Himmler gave a second, far less well-known speech to *Reichs- and Gauleiter*, also in Poznań. In this second Poznań speech, addressed to party comrades, the *Reichsführer SS* says that for him, "the Jewish question" has become "the most difficult question of his life." Here he already gives himself away, because if it were ethically so absolutely right in terms of Nazi morality to exterminate the Jews, this would hardly be worth mentioning and thus not the most difficult question in the life of Heinrich Himmler, the executor of the Final Solution.

Even though Himmler attempts in his speech to attribute these efforts directly to his willing SS comrades, saying that for those who "have to carry it out," it is "the hardest and most difficult thing there is," this does not change the fact that even he does not seem to have pursued the extermination of the Jews with a light heart, which even in his case, as one of the architects of the Holocaust, points to a suspended sense of injustice. Zygmunt Bauman calls this behavior "free-floating responsibility" (Bauman 1989, 161ff.) and describes it as follow: "[T]he subjects [...] went on committing deeds which they recognized as cruel solely because they were commanded to do so by the authority they accepted and vested with the ultimate responsibility for their actions." (Baumann 1989, 162) The extermination of the Jews was therefore carried out against better knowledge, namely in the full knowledge that the Jews were not the evil that had been portrayed.

And once again Himmler comes back to the "decent Jews," because every German would claim to have his "famous decent Jew," so that in the end, "according to the number of requests and the number of opinions in Germany, there were more decent Jews than there were actually present," meaning that the number of requests was greater than the number of Jews in the country. It is interesting to note that Himmler refers to the technical requirement that Jews must be exterminated as a self-fulfilling prophecy as the goal of Nazi efforts but sees no reason to justify this goal in terms of content. Rather, he acts as if it were an order that must be obeyed, one that neither he nor his followers like, but which must nevertheless be carried out. However, it was entirely up to him whether this order was given and carried out or not. And as one of the planners of the Holocaust, this was not an automatic decision, but a deliberate act on Himmler's part.

He also does not attempt to deny that there are also "decent Jews," but that they must nevertheless be exterminated, because that is the task that has been set. Only with reference to self-preservation, arguing that the German people would otherwise not have been able to endure the burdens of the bombing campaign "in the fourth and perhaps the coming fifth and sixth years of war," does he speak of the Jews as a "corrosive plague" on the German

*Volkskörper* (national body). But apart from this propaganda, the *Reichsführer SS* does not even attempt to morally justify the crimes committed by him and his people.

Without denying that there are "decent Jews," and fully aware of the crimes, they must nevertheless be destroyed for the common cause of the *Volksgemeinschaft* (national community) and National Socialism – this is how Himmler's basic stance could be summarized. Here is an excerpt from the speech given to the Reichs- and Gauleiter in Poznań on October 6, 1943:<sup>20</sup>

In this context and in this very close circle, I would like to draw your attention to an issue that you, my fellow party members, have all taken for granted, but which has become the most difficult issue of my life: the Jewish question. You all take it for granted and are pleased that there are no longer any Jews in your Gau [district]. All Germans – with a few exceptions – are also aware that we would not have endured the bombing campaign, the hardships of the fourth and perhaps the coming fifth and sixth years of war, and would not be able to endure them if we still had this corrosive plague in our *Volkskörper*. The phrase "The Jews must be exterminated," gentlemen, is easy to utter. For those who must carry out what they demand, it is the hardest and most difficult thing there is. You see, of course they are Jews, it is quite clear, they are only Jews, but consider for yourself how many – including party members – have addressed their famous petition to me or to some other authority, stating that all Jews are, of course, pigs, that only so-and-so is a decent Jew who should not be harmed. I dare say that, judging by the number of applications and the number of opinions in Germany, there were more decent Jews than there were nominally present. In Germany, we have so many millions of people who have their one famous decent Jew that this number is already greater than the number of Jews. I mention this only because you can see from the lives of respectable and decent National Socialist people in your own Gau [district] that each and every one of them knows a decent Jew. I ask you to truly only listen to what I tell you in this circle and never to speak about it. We were faced with the question: What about the women and children? – I have decided to find a very clear solution here as well. I did not consider myself justified in exterminating the men – that is, in killing them [!] or having them killed – and raising the avengers in the form of children to be our sons and grandsons. The difficult decision had to be made to wipe this people off the face of the earth. For the organization that had to carry out the assignment, it was the most difficult one we have had so far. It was carried out without, as I believe I can say, our men and our leaders suffering any damage to their spirit and soul. This danger was very real. The path between the two possibilities that exist here, either becoming too harsh, becoming heartless and no longer respecting human life, or becoming soft and going crazy to the point of nervous breakdowns – the path between this Scylla and Charybdis is terrifyingly narrow. (Himmler 1974, 169f.)

Since these speeches reaffirmed the necessity of exterminating the Jews, defined the SS's position in the war against the Soviet Union, discussed a number of core issues of

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<sup>20</sup> The translation from German is mine – U.A.

warfare in the East such as the partisan war, the subjugation of the "Slavic subhumans," the SS elite, and settlement in the *Lebensraum im Osten* [»living space« in the East], they are a key document for the *Reichsführer's* demand that the SS see itself as part of the war of extermination against the Soviet Union. As an explicit statement by one of the main perpetrators of the genocide of European Jews about the mass murder itself, this document is of great significance and at the same time reveals internal contradictions that must have plagued even the chief ideologues of the National Socialists, such as *Reichsführer SS* Himmler.

Himmler was obviously clearly aware of the injustice of the crimes, and he knew that his *SS-Gruppenführer*, his *Reichs-* and *Gauleiter*, not to mention the ordinary SS men, were also troubled by this unease about the crimes and injustice. There is no other way to understand the slogans of perseverance, which cite "you or us" as their only argument.<sup>21</sup>

In my opinion, they prove Emmanuel Levinas right – *Führerbefehl*, loyalty or not – the ethical decision was not lifted for the individual in the face of the other, not replaced by Nazi morality, but at best suspended. Most people had a kind of "suspended awareness of injustice," because otherwise so many – as Himmler himself explains – would not have asked to make an exception for their "own decent Jews." One thing leads to the other.

## 7. Conclusion

From an ethical perspective, direct encounters between people give rise to mutual responsibilities. Levinas's "face of the other" refers to the profound ethical encounter with the face of another person, which reveals their vulnerability and transcendence. This face is not a physical object, but a "living presence" that speaks to us, imposes an infinite responsibility on us for the other, and imposes on us the fundamental imperative "Thou shalt not kill." (Levinas 1985, 89), which places ethics above epistemology as the primary philosophy (Sirovátka 2019, 77; see also Ruchlak 2004, 129).<sup>22</sup>

The face expresses a unique person who cannot be reduced to a concept or an idea. As the otherness of the other, the face is also not neutral. Rather, it conveys a strong ethical message. In its vulnerability, it implicitly says, "Do not kill me." The expression on the face intensifies into a request and ultimately even an instruction to the viewer to respond to its exposure, to its nakedness (Orphanopoulos 2025, 86).

The official morality of the Nazis was a particularistic ethical system that rejected traditional universal moral concepts such as care, compassion, and equality in favor of a "racial ethic" that prioritized the interests of the Aryan race and the state, known as the *Volksgemeinschaft* (Pauer-Studer 2020, 206). However, if we take Levinas's "face of the

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<sup>21</sup> Klaus P. Fischer comes to the same conclusion about the Nazi elite: "They certainly knew the difference between right and wrong and, on certain occasions, were definitely aware of the conflict between higher morality and worldly power." (Fischer 1998, 211)

<sup>22</sup> Nicole Ruchlak notes the following on this point: "Lévinas' refusal to conceptualize the relationship with the Other in terms of knowledge is programmatic in nature: his concern is to examine the encounter with the infinitely Other." (Ruchlak 2004, 129; transl. by the author)

other" seriously, which can be understood as a pre-linguistic ethical intention or feeling, then Nazi morality cannot override the ethical decision that a person, even a Nazi, must make in the face of another's suffering. When someone sees another person in their vulnerability, mortality, and existential danger (Orphanopoulos 2025, 86), they look them in the face and must decide which moral code to follow. Seeing the other person's face leads to being addressed by them. No words need to be exchanged, but the other person appeals to the viewer. The face says, "Thou shalt not kill!"

Even the SS men could not escape these looks and appeals and therefore had to make individual decisions (Orphanopoulos 2025, 55). Crucial to my argument is that both morality and evil are two anthropological constants in every human being. They are so fundamental that they must be consciously perceived by the individual and cannot be delegated to others as a decision. In other words, even the perpetrators among the SS men knew what they were doing; they cannot invoke Nazi morality, which would have taken the decision out of their hands in the face of others. No ethical-political principle of action could give these acts universal validity.

The decrees of the *Führer* may have successfully delegitimized the existing legal system, but that does not make them a universally valid ethical-political principle of action. As Levinas states: "Murder, it is true, is a banal fact: one can kill the Other; the ethical exigency is not an ontological necessity. The prohibition against killing does not render murder impossible, even if the authority of the prohibition is maintained in the bad conscience about the accomplished evil – malignancy of evil." (Levinas 1985, 87)

The fact that some SS men placed their own moral standards above the prescribed Nazi morality and the even stricter morality of the SS shows that the moral decisions of every individual were not overshadowed by the ethical-political principle of action of universal validity claimed by the National Socialists. The very fact that the *Reichsführer SS* felt compelled to reaffirm Nazi morality to his *SS-Gruppenführer* (SS group leader) shows that it was not self-evident that this was regarded as a universal claim taken for granted by his own people.

The claim of universal validity of a single ethical-political principle of action in National Socialism is contradicted by the fact that Himmler himself reports that every German believes he has one, namely "his own decent Jew," the one "excellent Jew". This was perhaps a deliberately pointed remark by Himmler directed at Hitler, who had exempted the Jewish doctor who treated his terminally ill mother from persecution by the Nazis (Hamann 2008). But if every German – including Hitler – knows such a Jew, then this reveals that everyone knows that it is wrong to kill him, contrary to the logic of National Socialist racial policy. If Nazi morality had been universally valid and convincing, this problem, which *Reichsführer SS* Himmler revealed to his people, would hardly have arisen.

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