



The Law under the Swastika: Studies on Legal History in Nazi Germany

Michael Stolleis

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In the *Law under the Swastika*, Michael Stolleis examines the evolution of legal history, theory, and practice in Nazi Germany, paying close attention to its impact on the Federal Republic and on the German legal profession. Until the late 1960s, historians of the Nazi judicial system were mostly judges and administrators from the Nazi era. According to Stolleis, they were reluctant to investigate this legal history and maintained the ideal that law could not be affected by politics. Michael Stolleis is part of a younger generation and is determined to honestly confront the past in hopes of preventing the same injustices from happening in the future.

Stolleis studies a wide range of legal fields—constitutional, judicial, agrarian, administrative, civil, and business—arguing that all types of law were affected by the political realities of National Socialism. Moreover, he shows that legal traditions were not relinquished immediately with the onset of a new regime. For the first time we can see clearly the continuities between the Nazi period and the postwar period. The law under National Socialism did not make a complete break with the law during the Weimar Republic, nor did the law of the Federal Republic nullify all of the laws under National Socialism. Through a rich and subtle investigation, Stolleis shows how the legal profession and the political regime both reacted to the conditions of the period and molded the judicial system accordingly.

Breaking the conspiracy of silence held by the justices in the postwar period, Stolleis stresses the importance of researching Nazi law in order to confront ethical problems in today's legal profession.

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