

Heil Jim Crow?

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James Q. Whitman, [Hitler's American Model: The United States and the Making of Nazi Race Law](#) (2017).

In *Hitler's American Model*, James Q. Whitman explores Nazi Germany's focus on American law, taking on the conventional view that Germany found little of interest in the United States. (P. 4.) Whitman demonstrates otherwise, arguing that even though the Germans rejected racial segregation as it was practiced in the American South, they undertook a "sustained" examination of other aspects of American race law, including restrictions on immigration based on national origin, prohibitions against interracial marriage, and rules that fostered "de jure and de facto second-class citizenship for blacks, Filipinos, Chinese, and others." (P. 5.)

Rooting his argument in a fascinating array of sources, Whitman demonstrates that Nazi lawyers became particularly interested in American immigration restrictions. They focused on a series of quotas enacted in the 1920s that limited immigration based on the ethnic groups that were already in the United States, an approach that favored northern Europeans from England, Scandinavia, and Germany – all groups that the Nazis loosely classified as "racially related" and the truest expression of the American "volk." (P. 54.) That America had a "volk" might be news to some, but this is why Whitman's study is so interesting. It suggests strongly, and persuasively, that America's commitment to white supremacy eclipsed – or rather subsumed – its other projected ideals abroad, including for example its commitment to democracy, a value that Woodrow Wilson had trumpeted loudly during World War I. "That the Americans have begun to think about the maintenance of race purity," wrote Nazi legal expert Martin Staemmler in 1935, "can be seen in their immigration laws, which completely forbid the immigration of yellows, and place immigration from the individual European countries under sharp supervision, here principally admitting members of the decidedly Nordic peoples (English, German, Scandinavian states)." (P. 55-56.)

Also of interest to the Nazis were American measures aimed at denying equal citizenship to racial minorities, including African Americans in the South. According to Nazi lawyer Heinrich Krieger, "covert legal subterfuges" in the South were to be praised for "depriv[ing] the black population of full political rights," precisely because they protected the "ruling race" from African-American influence. (P. 67.) This was an idea that the Germans could, and did, use against Jews, along with American prohibitions on interracial marriage that proved "deeply appealing to Nazis." (P. 79.) For example, Nazi lawyer Roland Freisler praised the American South, declaring that it was "well-known" that "the southern states of North America maintain the most stringent separation between the white population and coloreds in both public and personal interactions." (P. 86.)

Of course, Nazi Germany went well beyond banning marriage, deciding by 1941 that the "final solution" to their problem with non-Aryan minorities was annihilation. Such a directive was never adopted in the United States, even vis-à-vis its Native American populations – and Whitman is careful to note that, conceding that the Nazis tended not to copy American law verbatim, but rather took America's commitment to white supremacy as evidence that "the winds of history were blowing in their direction." (P. 71.) This alone is reason to read the book, both for what it says about Germany, and also for what it says about America, helping to explain that as bad as the Nazis may have been, they were not operating in a vacuum, and certainly were not alone in their commitment to the idea of a racialized

state.

However, *Hitler's American Model* also raises questions. To what extent, for example, were Nazi interpretations of American law shaded by their own idiosyncratic plans for Germany? Whitman concedes, for example, that the ultimate objective of these "Nuremberg Laws" was to "drive Jews to emigrate," i.e., to leave Germany. (P. 48.) This was a project that did resonate with American history, but not necessarily the history that the Nazis focused on. The colonization campaigns popular among nineteenth century abolitionists and the treatment of Native Americans by the federal government might be viewed as forms of exclusion, for example, but these were not areas of law that interested Nazi lawyers. They focused on the twentieth century, which boasted some exclusionary measures – prohibitions on immigration – but also more complicated regimes. Proponents of southern segregation, for example, sold their system not as a means of eliminating African Americans from the region – they needed black labor – but as a bizarre form of pluralism, a legal arrangement that provided for the close interaction of the races, meanwhile endorsing separate black institutions, traditions, even culture. Segregationists also argued that African Americans stood the best chance of finding happiness in the South, and expressed anger when – beginning with World War I and continuing through World War II – they left.

While such arguments may have been deluded, they were not German. The Germans sought elimination, not coexistence, whether through "coerced emigration" or mass murder – a very different project from the one undertaken in the U.S. This undoubtedly explains why scholars have not found an American model before, but it is still worth noting – as Whitman does – that they found much of interest nevertheless, and perhaps even saw America as a prototype of the kind of racialized state that they sought to perfect. As the *National Socialist Handbook* put it, America "had achieved the 'fundamental recognition' of the historic racist mission that Nazi Germany was now called to fulfill," an observation that – true or not – startles today, given what the Nazis then did. (P. 71.)

Editor's note: For another review of **Hitler's American Model**, please see Pat Gudridge, [Alabama Song? Lotte Lenya? No. Adolph Hitler!](#), JOTWELL (March 8, 2018).

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