

Nazism and the Perversions of Natural Law

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Abstract

Natural law is the bridge between law and morality and the search for justice by mankind. Natural law has no history but a history of theories, opinions and sets of opinions spanning several periods. One of the problems of Natural law theory is the multiple conscience problem which is used to justify case system dictatorship, genocide, absolutism, fascism, apartheid, divine right of kings and Nazism. In Germany, the Nazis pressed into service to justify holocaust and the annihilation of the European Jewry, the Jehovah witnesses, Romas, homosexuals, the weak and the disabled. The Nazis saw themselves as the pure and master race and other races as inferior. They also pressed natural law into service to eliminate criminals, deviants, homeless people, etc. However, after the overthrow of the Nazis by the Allied Powers in 1945, leaders of Nazism were arrested and prosecuted. The Allied Powers set up the Nuremberg Military Tribunal and Natural law was pressed into service to justify the conviction of the Nazi war criminals. The methodology used in this paper is doctrinal and comparative. By rejecting universal moral truths and manipulating the idea of nature to serve ideology, Nazism provides a stark warning: when law divorces itself from morality and justice, it becomes a weapon of oppression. The post war revival of natural law principles affirmed the endurance of aligning law with ethical truth and human dignity.

Keywords: Natural law, genocide, Nazism, apartheid, Nuremberg tribunal.

Original Research Article

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INTRODUCTION

The origin of Natural Law is traceable to the writings of Greek and Roman philosophers. The naturalists were principally concerned with idea of justice, morality and what the law "ought" to be. Under this paper we would examine the meaning of natural law, its origin, its perversions by the Nazis especially how natural law influenced Nazis' ideology and how the United Nations during the second world used the same natural law to dismantle the propaganda machines of the Nazis.

WHAT IS NATURAL LAW (NL?)

The term natural law¹ means several things to different

people. According to D'Entreves² the relationship between law and moral is the crux of all natural law theory. The precept of natural law according to T. Aquinas³ is to do well and avoid evil. H. Grotius⁴ adds that the law of nature is the dictate of reason. It is also stigmatized by Alf Ross⁵ as a harlot at the disposal of everybody. From the various theories of N.L. five leading principles emerge:

- 1.N.L. is a set of ideals which guide legal development
- 2.N.L. represents a basic moral quality in law which prevent a total separation of "is" from the "ought"
- 3.N.L. is the method - of discovering perfect law deducible by reasoning

Jurisprudence, 7th ed. Chapter 3.

²A.D. 'Entreves, Natural Law (Rev. ed. 1970)

³T. Aquinas, Summa Theologica(Translated, J.G. Dawson)

⁴Q. Skinner, Machiavelli (1981)

⁵A. Ross, On Law and Justice (1958).

¹See Brian Brix, Jurisprudence: Theory and Context, 4th Edition, p. 25, pp. 31-53; M.D.A. Freeman, Lloyds Introduction to

4.N.L. is conceived as the necessary condition for the existence of law

5.N.L. is a set of basic methodological requirement of practical reasonableness

Origin of Natural Law

The history of N.L has been described by Friedman as the search by mankind for absolute justice and its failure and this history span a period of 2,500 years. Finnis⁶ argued that there is *strictosensus*no history of N.L. illustrating its rise, decline and revival but a history of theories, opinion and set of opinion on N.L - these theories, opinions and set of opinions are usually categorized into four periods.

First Period

Early Greek philosophers who are either "materialistic" or "idealistic": while the materialistic believed that in the beginning there was "matter" and that N.L regulates the relationship between

"Animate" and "inanimate" things the idealistic derived N.L from idea or "human reason".

For Socrates⁷"just" meant that a man must do his work in his status in life to which he was called by his capacity.It logically follows that the son of a farmer must be a farmer but Plato⁸ adopting the idealist approach appreciated the differences in human personality. He also realized that it was possible for a man educated in philosophy to attain a vision of the perfect realm and contended that an ideal state must be ruled by philosopher kings.

Aristotle⁹ (384BC - 322BC) rejected the idealist philosophy of his master Plato. To him a man partakes of nature in two senses (1) as God's creature (2) as a rational being, that is, someone endowed with "reason" and having his own "will". Man, he said is the best of all animals in his perfection but if he is isolated from law and justice the worst of all animals. He, therefore, advocated the "rule of law" and the application of "equity". Aristotle's perception of man as God's creature and a rational being fired the imagination of the Stoics¹⁰led by Zeno (350BC - 260BC). To Zeno the whole universe consisted of one substance "reason" which they argued pervaded the whole universe and was the basis of law and justice. The stoicism passed over to and influenced Roman thought in the second period.

Second Period

In this period, the Romans captured the Stoic's conception N.L. and translated it into practical rules. By the conception of "nature based on reason" Roman jurist transformed the rigid *Jus Civile*to cosmopolitan *jus gentium*fit for the whole world. According to Cicero¹¹ (106BC - 43BC) N.L. is the "right reason in agreement with nature". He was the first natural law lawyer to advocate the striking down of positive law not in conformity with natural law. The Roman jurists contended that if positive law (*jus civile*) conflicted with N.L. (*jus naturale*) then the positive law is invalid and of no effect whatsoever. N.L. also contributed to the growth of *jus gentium* (Law of Nation).¹² One great example of influence of N.L. among Romans is the development of *jus gentium*- this was the body of law developed by the Romans for the Empire for only one reason because foreigners were not subject to *jus civile*i.e. Positive law of Rome. The only solution was to construct another law for them known as *jus gentium*which was a kind of international law administered by special magistrate.

It must be recognized that the *jus civile* and *jus gentium*are different and one of the most important differences was the issue of slavery. With reference to the law of nature in Rome means that the Romans based their *jus gentium*on high philosophical notion of idea of justice then it can be submitted that it is not feasible that a people who hold so strongly in Rome and for whom absolute dominion was the ultimate aim should suddenly activated by s,oddan philosophical notion of high ideals of justice. It does not seem possible that a people whose life was based on inequality and whose practice of slavery was so highly developed should become awakened by lofty ideas and abstract idea. Hence, Proof. White head¹³in "The Advantages of Ideas" has said correctly that to the Roman minds for a thousand year of classical civilization "to be civilized was to be a slave owner". It cannot be overemphasized that the concept of slavery is against N.L. and the life style of Romans does not seem to agree with natural law.

Third Period

This is the medieval time the time of the church fathers. Here the idea of unity derived from God and the supremacy of law dominated the medieval catholic ideology. St. Thomas Aquinas¹⁴ (1226 - 1276) defines law as an *Ordinance of reasoning for the common good* made by him who has the care of community and promulgated. He identified four different laws: (1) Eternal (2) Divine (3) Natural (4)

⁶J.M. Finnis, Natural Law and Natural Rights (1980)

⁷Plato's the Crito

⁸Plato, The Republic

⁹Aristotle, NicomacheanEthics.

¹⁰On Stoic's Philosophy generally see Brian Brix, Op. cit Cap.

5.

¹¹Cicero, Republic (C.W. Keyes, transl. Harvard V.P., Cambridge, M.A., 1982.).

¹²For a detailed analysis of Jus Gentiumsee M.D.A. Lloyd's Jurisprudence, Op. cit pp. 104-105.

¹³A.N. Whitehead, The Advantages of Ideas.

¹⁴T. Aquinas, Op. cit



Positive law which derived its validity from N.L.

For Aquinas "reason" is superior to "will" and an objective system of value is derived from divine reason. However, two Franciscan Monks: Don Scotus (1265 - 1308) and William of Occam (1270-1349) anticipating Hume¹⁵ asserted the independence of "will" from "reason". They argued that to love and to hate, to do good or evil means of necessity that the will is independent of reasoning. This paved the way for the philosophy of absolute sovereignty of Hobbes¹⁶, Machiavelli¹⁷, Jean Bodin¹⁸ and Adolf Hitler¹⁹

The work of Aquinas was developed in the 16th century by two Spanish Jesuits: Francisco Suarez in "De Legibus" and Francisco De Victoria.

Fourth Period'

This is the Renaissance and Reformation Period. During this period N.L. theorizing began to take a secular cast. Natural law though eclipsed did not go under. The secularization of natural law is usually ascribed to Grotius²⁰ who asserted that N.L. would subsist even if God did not exist. He saw government resting on social contract and established a system of international law to regulate the affairs and warfare of rising Nation States. Hugo Grotius used the social contract for a two-fold purpose (1) internally, used for the justification of the absolute obedience of the people to the government and (2) internationally, to create a basis for a legally binding and stable relationship among the states. He argued that all government in contract which men formerly living in a state of nature agreed to surrender their liberty to a sovereign whose law they were prepared to obey in return for protection and security because in a state of nature they were insecure and absolutely insecure..

In the hand of Thomas Hobbes²¹ (1588 – 1649) the social contract theory assumed a much more militant form. He believed that man's life in nature is a state of fear or selfishness – man's life was solitary, poor, nasty, brutish and short. Man before the social contract (hereby called SC) was a stage of miserable insecurity and the first principle of natural life was a search for self-preservation. To escape in this lawless state, men entered into a SC by surrendering their sovereign right to a sovereign who was to guarantee the preservation of rights.

John Locke²² (1632 – 1704) based his legal theory on SC but his own idea was different from that of Hobbes. To him a state

of nature was not one of anarchy as Hobbes maintained but instead was a happy and glorious or a glorious era. To him there was only one snag and this was insecurity of property. This to him was the major reason why individuals abandon state of nature for the social contract. Under this contract man surrenders his liberty to a sovereign but before that surrender he retain some "inalienable rights" like that of liberty and life and to him the purpose of all government was to protect this right and when man-made laws encroach on these inalienable rights then such laws lose their validity and government may be overthrown.

J.J. Rousseau²³ (1712 – 1778) the protection of the individuals against the power of the sovereign reached the climax under the theory of Rousseau. To him each individual was not subject to any individual but to the "General Will". For an individual to obey the General Will was to obey himself because he is part of the general will. Government and laws are both independent of general will, subsequently, the positive law must at all times reflect the general will and government is only tolerated when this general will is only reflected.

Samuel Pufendorf, ²⁴ a German law professor adopted a contractarian approach he argued that men agreed to abandon the state of nature and live under a permanent community and government guarantee their mutual safety. To him the contract between the ruler and the ruled which binds the ruler to take care of the ruled while the latter subject their will to the authority. However, whenever the ruler had become the enemy of the country the people may defend their safety.

Natural Law the Higher Law

According to natural lawyers, the law must have a minimum dosage of morality and justice. A law that is completely amoral is no law. So also, the ultimate goal of the law is the promotion of justice. Therefore, an unjust law is no law. Positive law or man-made law must bow down to a higher law and if there is a conflict between the two the latter prevails. According to Thomas Aquinas:²⁵

...the force of a law depends on the extent of its justice... according to the rule of reason. But the first rule of reason is the law of nature... consequently; every human law has just so much of the nature of law as it is derived from the law of nature. But if at any point it departs from the law of nature, it is no longer a law but a perversion of law.

According to Aquinas positive law is just when it serves the common goods, distributed burdens fairly, promoted religion and was within the bounds of the law-maker's authority.

¹⁵D. Hume, A Treatise of Human Nature (1977 ed.)

¹⁶ Sean Coyle, "Thomas Hobbes and the Intellectual Origin of Legal Positivism", 16 Canadian Journal of Law and Jurisprudence 243 (2003).

¹⁷Niccolò Machiavelli, The Prince (1513).

¹⁸ Jean Bodin, Six Books of the Republic (ed. Toole).

¹⁹ Adolf Hitler, Mein Kampf (1943 ed.)

²⁰ See Foot note 4.

²¹ See Foot note 16.

²² John Locke, Essays on the Law of Nature (1954 ed); John Locke, Two Treatises on Government (1960).

²³ Michael Lessnoff ed., Social Contract Theory (1990 ed).

²⁴ Ibid.

²⁵ T. Aquinas, Summa Theologica, Op. cit.



The Poverty of Natural Law

One of the fundamental flaws of natural law (NL) is the "multiple conscience" problem. Different people may have different opinions, perspectives and ideologies on the same moral issues like "fairness", "justice", "morality", "right", etc and everybody will be claiming to be naturalists and this is why ALF Ross described NL as an harlot of the disposal of everybody. Natural law theory has been pressed into service to justify dictatorship, caste system, genocide, absolutism, fascism, apartheid. Nazism and the divine rights of kings (DRK). In Medieval Europe, Divine Rights of Kings (DRK) was a powerful weapon in the hand of absolute monarchs. DRK is based upon a theory that the king derived his authority from God. He is above the people as well as the law. He is subject to God and conscience alone. Subjects owe their rulers a duty of passive obedience preached by both Luther and Calvin was sharpened by investing the king with a special sanctity. The office of the King as James I said "a mystery into which neither lawyers nor philosophers may inquire" DRK is a moral doctrine that rebellion is never justified even though a ruler be a heretic was a normal part of the modernized theory of DRK. DRK mean that the subjects duty of submission was absolute unless perhaps in some altogether monstrous circumstances.

According to king James 1: Kings are justly called gods for the they exercise a manner of resemblance of Divine power upon the earth... as it is atheism and blasphemy to dispute what GOD can do, so it is presumption and high contempt in a dispute what a king Cannot do or to say that a king cannot do this or that ...kings are breathing Images of God Upon earth he further stated:

The state of monarchy is the Supremes thing upon earth: for kings are not only God's lieutenants upon earth, and sit upon God's throne, but even by God himself they are called God.²⁶

He also stated:

That which concerns the mystery of the king's power is not lawful to be disputed; for that is too made into the weakness of princes, and to take away the mystical reverence that belongs into them that sit in the throne of God.²⁷

The king is like a father compared to his children or like the head as compared to the body without him there can be no civil society for the people is a mere "headless multitude".²⁸

King James I further claimed that kings has no legal obligation to the people and the only moral obligation to God is to govern the people well and that kings make laws, laws do not make kings and king "is master over every person having power over life and death".²⁹ St. Paul also justified DRK when he said:

Everyone must submit himself to the governing authorities for there is no authority except that which God has established. The authorities that exist have been ordained by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves.

Millions of people all over the world had been dehumanized and subjected to gross violations of Fundamental Human Rights in form of slavery." apartheid;" racial segregations.i" caste system³⁰and its various contemporary forms like international human trafficking." prostitution, child labour, domestic servitude, segregation, etc. In Africa for example Arabs and Europeans came to Africa enslaved Africans in form of colonialism, slavery and 'slave trade. The Trans-Atlantic Slavery Trade in which European slave traders came to Africa and carried Africans as human cargoes to South America. This ungodly and godless business lasted for over 300 years. Slavery and apartheid was justified by Social Darwinism." natural law and divine injunction.

In South Africa there was a system called apartheid which in Afrikaans means separateness. It is the legal and political endorsement of institutionalized discrimination in which classification is based on colour of the skin - white, coloured, Asians and black. Blacks are worst off under apartheid despite the fact that they form 74 percent of the population. The whites who are less than ten percent of the population are the master race and they occupied 80 percent of land in South Africa. Blacks are prohibited from marrying whites and they cannot attend white schools and hospitals. All spheres of life is segregated - there are separate schools, hospitals, transport and recreational facilities for each race even to the ridiculous extent of segregated cemeteries.³¹ Blacks cannot come to white areas except as domestic servants; and sex and marriage is prohibited between different races. The worst victims of Apartheid are Blacks which kept them in a state of servitude and as sub-humans a status lower than that of animals. The South African Union was formed in 1910 out of four Provinces of Cape, Natal, Transvaal and Orange Free State. In 1948 the National Party dominated by the Afrikaans officially proclaimed apartheid as

²⁶See Mclwain, C.H., *The Political Works of James I.* Introduction (Cambridge, Massachusetts, 1978), p. 307.

²⁷*Ibid.*, p.333.

²⁸Sabine, George H., et al: *Supra*, .p. 368.

²⁹See *The Law of Free Monarchies*, *Supra*.

³⁰See C.W. De Kiewiet, *A History of South Africa*, Social and Economic (Oxford, O.U.P. 1941); Cox, Oliver Cromwell, Caste, Class and Race (*Supra*); Wallerstein, Emmanuel, "Social Conflict in Past:;ndependenceBlack Africa: The Concepts of Race and Status-Group Reconsidered" in

EtienneBalibar, et al., *Race, Nation, Class: Ambiguous Identities* (London: Versa)

³¹Boonpala P., et al., *Trafficking of Children: The Problem and Response Worldwide* (Geneva, ILO/IPEC, 200 I); Coalition against Trafficking in Women, *Coalition Report 2002*; D'Cuba I., "Trafficking in Persons: A Gender and Rights Perspective" paper presented at the Expert Group Meeting on Trafficking in Women and Girls, 18-22 Nov. 2002, Glen Care, New York: ECOSOC, *Children Trafficking in West and Central Africa*, Geneva, 1944:



the Fundamental Objective and Directive Principles of State Policy. Apartheid has been in existence prior to this time but it was officially canonized in 1948 and it lasted for over 100 years.³²

Apartheid is an evil system and it is concrete evidence that man has a maximum capacity to do evil. Cassese³³ advocated three main reasons for the development of apartheid: historical, religious and economic while Asheron³⁴ advocated another three reasons: political, cultural and economic. The views of both authors are actually the same: historical and political factors are the same while religious and cultural factors correspond. The cultural and the historical factor is based on the Calvinist Christian Faith which the Dutch settlers belonged to and they are of the opinion that God has put a curse on the Black race to serve as slaves to the White race and they justified this by quoting with approval a passage

From the Bible:

Cursed be Canaan! The lowest of slaves will be he to his brothers ... Blessed be the Lord, the God of Shem! May Canaan be the 'slave of Shem? May God extend the territory of Japheth; may Japheth live in the tents of Shem, and may Canaan be his slave.³⁵

Nazi Ideology and Natural Law

Germany was defeated at the end of the World War in 1914 and she was brought to her knees by the Versailles Peace Treaty and heavy reparation was imposed on her as punishment. Soon after the war there was economic depression in Germany. The Weimar Republic which was established after the First World War was unpopular in German nationalistic circles and according to majority of Germans the Democratic Republic was an imposition and did not truly represent the Germany people." The treaty of Versailles was seen as humiliation of the German people represented by the Weimar Republic. All the above reasons led to the formation of the Nationalist Socialist Party (Nazi Party).³⁶The party came to power on January 30, 1933 and Adolf Hitler was appointed as the Chancellor. The Nazi Party had a racist and an "a nihilist" policy to be carried out by "holocaust".³⁷ Holocaust was the systematic, bureaucratic, state-sponsored persecution and murder of millions of Jews and

non-Jews by the Nazi regime and their collaborators. The word "holocaust" is a Greek word meaning "sacrifice by fire". It also mean annihilation, blood bath, extermination and conflagration.

The Nazis were totally committed to the physical extermination of Jews all over Europe. The Nazis saw themselves as the super and purest race and all other races are inferior and impure and must be totally destroyed" This is the Nazi ideology of race. However, according to "Yad Vashem,³⁸anti-Semitism existed in both Europe and Germany prior to the emergence of Nazism in Germany and it was used as an instrument of political propaganda to gain the support of the masses. However, during the Nazi era in Germany anti-Semitism was proclaimed as a Fundamental Objective and Directive Principles of State Policy YadVashem also traced anti -Semitism to Christianity:

The hatred nurtured by ancient Christian concepts regarded the Jews as the people of Israel and the people of the Messiah, but also as the people who had rejected its Redeemer, Jesus, and thus had condemned itself to ostracism and the eternal enmity of the Christian world. The Jews had to be kept in a state of servitude, misery, and degradation. Moreover, their eternal wandering among the nations forever at the mercy of the Christians, seemed to confirm the veracity of Christian teachings.³⁹

The Nazi ideology of race superiority was formulated and articulated by the "Führer", Adolf Hitler. He saw himself as a profound thinker and convinced that he had found the key to understanding an extraordinarily complex word. According to the United States Holocaust Memorial Museum,⁴⁰ Hitler believed that a person's characteristics, attitudes, abilities and behaviour were determined by his or her so-called racial make-up ... all groups, race or peoples carried with them traits that were immutably transmitted from one generation to the next. No individual could overcome the innate qualities of race.

All of human history could be explained in terms of racial struggle.

The Nazist ideology of racism was influenced by the social theory of Darwinism:

... Nazis believed that human beings could be classified

Macmilan, 1990); Ian Kershaw, "The Extinction of Human Rights in Nazi Germany" in Olwen Hufton(ed.) Historical Change and Human Rights: The Oxford Amnesty Lectures 1994 (New York: Basic Books).

³⁸YadVashem is the official museum based in Jerusalem set up by the Israeli Government to preserve the memories of the holocaust.

³⁹YadVashem, Holocaust (supra) pp. 13-14.

⁴⁰United States Holocaust Memorial Museum (VSHMM), Victims of the Nazi Era: Nazi Racial Ideology, <http://www.ushmm.org>. Retrieved August 3rd 2009, pp. 2-3.

³²Darwin, Charles Robert, On the Origin of Species by means of Natural Selection (1859); N. Barlow (ed.), Autobiography of Charles Darwin (1958). Charles Darwin Propounded the theory of evolution by Natural Selection.

³³Cassese, Antonio, Human Rights in a Changing World (Cambridge: Polity Press); Darren J. O'Byrne (supra) p. 249.

³⁴Asheron, Andre (supra); Darren J. O'Byrne (supra) p. 250.

³⁵Genesis 9:25-27.

³⁶Yad Vashem, The Holocaust and Resistance: An Outline of Jewish History in Nazi Occupied Europe (1933-1945) (Jerusalem: Yad Vashem, 1972).

³⁷Gitman, Israel (ed.), Encyclopedia of Holocaust (New York:



collectively as "races" with each race bearing distinctive characteristics that had been passed on genetically since the first appearance of humans in prehistoric times. These inherited characteristics related not only to outward appearance and physical structure, but also shaped internal, mental life, ways of thinking, creative and organizational abilities, intelligence, taste and appreciation of culture, physical strength and military prowess. To the Nazis a race has a fixed stereotypes both negative and positive in terms of appearance, behaviour, culture and all these traits are immutable to changes in environment, intellectual development or socialization. It is impossible for a race to assimilate another race because the original inherited traits could not change: "they could only degenerate through so-called race-mixing"

The Nazis also adopted the Darwinistic theory of "survival of the fittest":

Survival of a race depended upon its ability to-reproduce and multiply, its accumulation of land to support and feed that expanding population, and its vigilance in maintaining the purity of its gene pool, thus preserving the unique "racial" characteristics with which "nature" had equipped it for success in the struggle to survive. Since each race sought to expand and since the space on the earth was finite, the struggle for survival resulted "naturally" in violent conquest and military confrontation. Hence, war even constant war-was a part of nature, a part of the human condition.⁴¹

The Nazis believed that the "Nordic-Aryan" race was the purest of all races and all other races are inferior. Moreover, they also believed that the German people constituted the highest stratum of the Nordic-Aryan race while other races especially the Jews are inferior and they must be exterminated especially the Jews. According to Hitler:

Today I will once more be prophet. If the international financiers inside and outside Europe should again succeed in plunging the nations into a world war the result will not be the bolshevization of the- earth and thus the victory of Jewry but the annihilation of the Jewish race throughout Europe.⁴²

The German Aryan race is the most qualitative hierarchy of all races. To the Nazis races are not equal and Germans were members of a superior group of race and were gifted above all other race. To Hitler this biological superiority destined the German rulers and to rule all over Europe while other races were destined as slaves.

Nazism and Perversions of Natural Law

The Nazi racial ideology had been characterized by starvation, extermination, hard labour, war, genocide, domination and geographical expansion and so on. The Nazis

believed that superior races represented by Aryan race had not just the right but the obligation to subdue and even exterminate inferior ones and they believed that this struggle is consistent with natural law. Nazis also advocated "collective survival".⁴³ Most humans have instincts for individual survival. However, the Nazis advocated "collective survival,"⁴⁴ of the Aryan race and the ultimate purpose of a racial collective was to ensure its own survival races competes with others Hitler advocated a collective instinct for survival centered on membership in a group, a people, or a race. According to the Nazis this collective instinct for survival always involved safeguarding the purity of the race and the struggle with competing races for territory. Acquisition of territory is also related to race or group survival. A race need to expand and an expanding race needs territory to support it.

To Hitler without new territory the race would ultimately stagnate and face eventual is appearance,⁴⁵

Racial purity is also part of group or race survival:

Maintaining race purity was important, according to Hitler. .. Mixing with other races would overtime led to bastardization and degeneration of a race to the point where it lost its distinguishing characteristics and in effect, lost the capacity to effectively defend itself, thus becoming doomed to extinction.

According to the Nazis, the German people was facing extinction both internally and externally.

The internal disaster is by way of mixed marriages between the Aryan race and inferior races like Jews, Slaves, Roma, Africans, etc. Mixed marriages are also prohibited:

People with physical and mental disabilities, habitual or career criminals, and persons who compulsively engage in socially "deviant behaviour" ... homeless people, allegedly promiscuous women, people unable to hold a. job or alcoholics, among others.⁴⁶

To the Nazis mixed marriages produced offsprings which diluted the superior characteristics

Reflected in German blood and offsprings that genetically degenerate and a harmful influence on the hygiene of the Aryan race.

The external disaster was caused by the weak Weimar Republic which was losing competition for land and population to its inferior neighbours like the SLA VS, Asiatic races and Jews. Hitler believed the lack of living space suppressed the birth rate among the Germans to dangerously low levels. Germany was also a defeated power after the First World War and she was compelled to forfeit lands both in Europe and Africa to other powers and neighbours. The solution to the above disaster is to oil its war machines and embark on aggressive territorial expansion. Hitler contended that:

⁴¹Ibid.

⁴²YadVashem, Holocaust (supra) p. 14.

⁴³ United States Holocaust Memorial Museum (supra) p. 3.
⁶Ibid.

⁴⁴Ibid

⁴⁵Hitler, Adolf, Mein Kampf (Boston: Houghton Mifflin Co., 1945).

⁴⁶Ibid.



Germany must break the encirclement of the country by its enemies and conquer vast territories in the east from the SLA VS. The conquest of the east would provide Germany with the space required to vastly expand its population, with the resources to feed that population, and with the means to realize the biological destiny of being a master race with the appropriate status of a world power.⁴⁷

The Nazis through Adolf Hitler reinvented natural law through segregation of the races, to promote the reproduction of races with the best characteristics and to prevent the reproduction of those with inferior characteristics and to do this the Germans embark on massive extermination, genocide, pogrom and annihilation of inferior races through senseless territorial war of aggression. Races of inferior qualities were rounded up and exterminated in ghetto camps, concentration camps, extermination camps and by "euthanasia programme 'f'" and finally by what the Nazis called "final solution".⁴⁸ The elimination of "racial enemies" was of utmost priority to the Nazis and on top of the agenda were the Jews. The Jews were the Chief and arch-enemy of the Aryan race. They accused the Jews as being of inferior racial and genetic make-up spawned the exploitative systems of capitalism and communism and in order to expand the Jews promoted and used these systems of government and state organization including constitutions, proclamations of equal rights and international peace to undermine the race-consciousness of superior race-like the German race-and to make possible the dilution of superior blood through assimilation and intermarriage.⁴⁹

In 1933, the Jewish population in Europe was about 9 million. However, by 1945 the Germans and their collaborators had killed nearly two out of every European Jewry in what the Germans called "Final Solution". The Jews were the primary targets of the Germans but other people were also killed including 200,000 Roma, and another 200,000 mentally or physically disabled patients, mainly Germans living in institutional settings were murdered in the so-called

"Euthanasia Program,"⁵⁰ other people all over Europe were also killed. Two to three million Soviet Prisoners of war were either murdered or died of starvation, disease, neglect, maltreatment or hard labour. Non Jewish Polish intelligentsia were targeted for killing and millions of Polish and Soviet civilians were deported to Germany or Poland for forced labour where millions died due to starvation and deplorable conditions. The Germans also persecuted and arrested homosexuals and people with non-conformist behaviour. Political and religious dissidents like trade unionists, communists, socialists, artists, Jehovah Witnesses also suffered in the hands of the Nazis.

Death and killing camps were set up all over Europe. The popular camps included Belzec, Sobibor and Treblinka collectively known as "Operation Reinhard".⁵¹ The German Army exterminated approximately 1,526,500 Jews between March 1942 and November 1943. CHELMNO killing centre was the first to be opened in December of 1941. In all the killing centres extermination was by poison gas, cremation or by firing squad. The sixth killing centre as at Majdansk which primarily served to concentrate Jews whom the Germans spared temporarily for forced labour."It also served as a storage facility for property and valuables taken from Jewish victims. The largest and the cruelest killing centre was at Auschwitz-Birkenau which by spring of 1943 had four gas chambers. At the height of its cruelty about 6,000 Jews were gassed daily and by November 1944 over a million Jews and thousands of Roma, Poles and Soviet Prisoners of war had been killed. The Auschwitz camp has been described variously as "the depth of abyss" and "Gates of hell".⁵² During the so" Anniversary of Liberation of Nazi Death Camps by the United Nations this was-how some of the over 40 speakers who attended the ceremony variously described Nazi death camps: "... the shameful indifference that surrounded the dark factories of death".⁵³ The Bergen camp designed to carry out the deliberate murder and desecration of millions of human souls was described thus: "The dead and dying everywhere" The camp had been overrun by diseases with the walls -of a so-called

⁴⁷Ibid

⁴⁸Hilberg, Raul, The Destruction of the European Jews (New Haven, CT: Yale U. Press, 2003). "The Final Solution of the Jewish Question" referred to the biological annihilation of the Jews. See Gilbert Martin, The Holocaust: A History of the Jews of Europe during the Second World War (New York: Holt, Rinehart and Winston, 1986); Dawidowicz, Lucy S., The War against the Jews, 1933-1945 (New York: Holt, Rinehart and Winston, 1975).

⁴⁹USHMM (supra)

⁵⁰ Adolf Hitler in his Mein Kampf stated the purpose of euthanasia as follows: "The right of personal freedom recedes before the duty to preserve the race. There must be no half measures. It is a half measure to let incurably sick people steadily contaminate the remaining healthy ones. This is in keeping with the humanitarianism which, to avoid hurting one individual, lets a hundred others perish. If necessary, the incurably sick will be pitilessly segregated - a barbaric measure for the unfortunate who is struck by it, but a blessing for his

fellow men and posterity".

⁵¹ For atrocities committed at "Operation Reinhard" see "Operation Reinhard": The Extermination Camps of Belzec, Sobibor and Treblinka by Jewish Virtual Library: A Division of the American Israeli Cooperative Enterprise. Named after Reinhard Heydrich who was assassinated on May 2, 1942. Between March 1942 and November 1943 approximately 1,526,500 Jews were killed at "Operation Reinhard".

⁵²The "Auschwitz" death camp located in Poland was the most notorious of all the Nazi death camps. See "Auschwitz - The Death of the Abyss" by Department of Public Information of United Nations, Press Release, Note No. 5914/Rev. 1. See also a document entitled, General Assembly Marks so" Anniversary of Liberation of Nazi Death Camps, by General Assembly of the U.N., Press Release EA/10330. During the anniversary over 40 speakers address day long special session saying Holocaust represented break with civilization itself.

⁵³Statement made by Elie Wiesel, Nobel Peace Prize Laureate and Holocaust Survivor.

children's playground piled high with dead decaying bodies."Odious death camps't" according to one speaker. Auschwitz was labeled "the 20th century's ultimate crime against humanity".⁵⁴ According to another speaker: "The camps were not mere "concentration camps let us not use the EUPHEMISM of those who built them. Their purpose was not to concentrate a group in one place to keep an eye on them - it was to exterminate an entire people".⁵⁵He continued "The purveyors of hatred were not always and may not be in the future, only marginalized extremists and all that was needed for evil to triumph was that good men do nothing. Such an evil must never be allowed to happen again".⁵⁶

Apart from death camps there were also concentration camps to detain real and imagined political and ideological enemies. Those detained in the camps were subjected to cruel hard labour and it also served as detention centres for Jews and thereafter detainees are transferred to death camps. Concentration camps served as transient camps for death camps." The Nazis also set up ghettos," transit camps" and forced labour camps" both in Greater German Reich and in German-occupied territories. Ghettos were specially set up throughout the cities and towns of Eastern and South-Eastern Europe with the aim of isolating all of the Jewish population behind barbed wire and high walls, thus bringing about their decimation through starvation, property confiscations, debilitating forced labour, overcrowding, inadequate sanitary conditions and diseases. Concentration of the Jews would also facilitate their transfer to work and extermination camps. This is how the U.S Holocaust Memorial Museum described the atrocities of the Nazis terrorist machines between 1941 to 1944.

Following the invasion of the Soviet Union in June 1941, Einsatzgruppen (Mobile Killing Units) and, later, militarized battalions of Order Police Officials, moved behind German lines to carry out mass-murder operations against Jews, Roma, and Soviet State and Communist Party officials. German SS and Police Units, supported by units of the Wehrmacht and the Waffen SS, murdered more than a million Jewish men, women and children, and hundreds of thousands of others between 1941 and 1944, Nazi German authorities deported millions of Jews from Germany, from occupied territories, and from the countries of many of its Axis allies to ghettos and to killing centres, often called extermination camps, where they were murdered in special developed gassing facilities.⁵⁷

Requiem for the Nazis

⁵⁴Joschka Fischer, Germany's Foreign Affairs Minister.

⁵⁵Kofi Annan, UN Secretary-General.

⁵⁶*Ibid.*

⁵⁷Holocaust Encyclopedia, USHMM, Washington, D.C. p. 3.

⁵⁸This is the marching of camp inmates to death by the Nazis.

⁵⁹Germany Armed Forces Surrendered to the Allies on May 7, 1945 and the latter declared May 8, 1945 as V-E Day (Victory In Europe) while the Soviet Forces declared May 9, 1945 as "Victory Day".

Prior to the surrender of the Nazis to the Allies Powers the Nazi SS guard moved camp inmates either by train or forced marches often called "death marches,"⁵⁸ so as to prevent the Allies liberation of large number of prisoners. The end of Nazism finally came in 1945 when Allies Powers started capturing and liberating prisoners in death camps all over Europe. The Germany Army finally surrendered on May 7, 1945.⁵⁹ At the end of the war top leaders of the Nazi Party were rounded up including their Japanese criminal collaborators. The Nazi war criminals were tried in the Nuremberg Military Tribunal while their Japanese counterparts were tried in the Tokyo Military Tribunal. During the Nuremberg Trial 23⁶⁰ Nazi officials were indicted with one or more of the following crimes: conspiracy to wage aggressive war, crimes against peace, war crimes;" and crimes against humanity. Adolf Hitler and his deputy Martin Bormann were not found but his deputy was tried in absentia and sentenced to death. The tribunal sentenced 12 accused persons to death,⁶¹ three accused were sentenced to life imprisonment. I" four accused were sentenced to terms of imprisonment/" and there was three acquittals."

The evil, wickedness and sadism which the Nazis inflicted on humanity is unparalleled in the history of humanity and this was further reinforced by Justice Jackson in his opening statement before the Nuremberg International Military Tribunal:

It is hard now to perceive in these men as captives the power by which as Nazi leaders they once dominated much of the world and terrified most of it. .. What makes these prisoners significant is that these prisoners represent sinister influences that will lurk in the world long after their bodies have returned to *GUst*. We will show them to be living symbols of racial hatreds of terrorism and violence, and of the arrogance and violence and of the arrogance and cruelty of power. ..The catalog of crimes will omit nothing that could be conceived by a pathological pride, cruelty, and lust for power. These men created in Germany, under the "Führer prinzip" a National Socialist despotism equaled only by the dynasties of the ancient East ... Against their opponents, including Jews, Catholics, and Free Labour, the Nazis directed such a campaign of arrogance, brutality, and annihilation as the world has not witnessed since the pre-Christian age. They excited the German ambition to be a "master race", which of course implied serfdom for others. They led their people on a word gamble for domination.⁶²

Perversions of Natural Law and Contemporary relevance

⁶⁰21 Nazi officials were actually put on trial. Both Adolf Hitler and Martin Bormann were not found.

⁶¹Martin Bormann, Hans Frank, Wilhelm Frick, Hermann Goring, Alfred Jodl, Ernst Kaltenbrunner, Wilhelm Keitel, Joachim Von Ribbentrop, Alfred Rosenberg, Fritz Sauckel, Arthur Seyss-Inquart and Julius Streicher were executed.

⁶²Conot, Robert E, Justice at Nuremberg: The First Comprehensive Account of the Trial of the Nazi Leaders (London: Weidefeld and Nicolson, 1983).



The historical perversions of natural law under Nazism offers important lessons for today's legal, political and human rights issues. The dangers of law divorced from morality persist in various forms around the world. The issue is relevant to contemporary matters. There are some regimes that are authoritarian and engaged in legal manipulation. In North Korea, parts of Middle East especially in Islamic States leaders manipulate the law to entrench power, criminalised dissent and persecute minorities. Like Nazism, legal positivism, the idea that law is valid just because it is enacted can be used to justify human rights abuses if not checked. Massive contemporary humans rights violations in form of discriminations against migrants, Donald Trump's deportations of illegal migrants, religious persecutions in places like Myanmar (Rohingya crisis), China (Uyghers) and ethnic cleansing in Sudan, Rwanda and Bosnia. These actions often involve appeals to cultural or national unity in ways similar to Nazi ideology, presenting them as "natural" or necessary for social order. In contemporary times there has been revival of racist ideologies and neo-Nazi movements, white nationalism and far-right extremism in Europe and North American show that racial superiority doctrines still find legal and social expression. Hate crimes and discriminatory policies highlight the ongoing need for moral foundations in law grounded in the dignity of every human being. Laws that deny citizenship or basic rights to migrants e.g. Rohingya in Myanmar, Stateless Palestinians or mass deportations, mirror past attempts to exclude certain groups from legal protection. These policies reflect a failure to uphold the natural law principle of universality – that every person has inherent rights regardless of origin or status. The emergence of technocratic legalism has been used by some states to abuse human rights. In modern bureaucracies, laws and policies can become cold, technocratic and detached from human impact – seen in immigration enforcement, welfare denial or AI-driven policing,. Without ethnical oversight, legal systems risk becoming dehumanised, echoing the bureaucratic cruelty seen under Nazism.

The establishment of international courts like International Criminal Court (ICC), International Criminal Tribunal for Rwanda (ICTR), and International Criminal Tribunal for former Yugoslavia (ICTY) Special Court for Sierra Leon (SCSL), etc are based on the belief that there are universal moral standards above state sovereignty. Under the Statutes of the above Courts crimes such as genocide, war crimes and crimes against humanity have been prosecuted and perpetrators have been arrested and tried. The above crimes stem from natural law theory and they have been affirmed by the above international tribunals. In many parts of the world governments confuse "rule by law" (using law to control) with "rule of law" (law subject to justice and morality). Nazism warns that legality alone does not ensure justice – laws must be guided by

higher moral values. During the Uhor crisis in China over one million Uygher Muslims were detained in "re-education" camps in Xinjiang. Innocent people were subjected to mass surveillance, forced labour, cultural erasure and suppression of religious freedom similar to mass deportation of Jews to concentration camps under Nazism. In the current Russian – Ukrainian war which started in 2023 Russia subjected Ukrainians to illegal invasions, forced deportations of children, destruction of infrastructure. Russia involves "denazification" while ignoring universal moral norms of right to life and self-determination parallel to Nazi nor of aggression during the WWII. In the United States and in Europe, anti-migrant laws were invoked to deny asylum seekers entry during COVID-19. Greece and Hungary criminalised humanitarian aids to migrants. President Donald Trump since January 2025 have involved Exe3cutive orders by subjecting illegal migrants to massive deportations and excluding citizens of some states from obtaining entry visas to U.S. These policies prioritise political conveniences over natural rights to seek safety especially for vulnerable people fleeing war or persecution. The Myarmar, the Rohingya were subjected statelessness and denial of citizenship with no legal identity, no political rights and no access to basic services despite their long standing presence in the country. This is similar to Nazism Nuremberg laws which stripped Jews of citizenship in Nazi Germany. Anti LGBTQ legislation in some states like Brunei, Uganda, Iran, Saudi-Arabia, Yemen and Maritania are punishable with death. In most States of the world gay people are subjected to maximum miseries, these states present these draconian laws against gay people as "natural or moral" but they contradict the natural law principle of human dignity, equality, privacy and freedom from cruel punishment. In China and Iran, AI is used for facial recognition and repression. AI and surveillance tools are used to monitor, detain and control population. These technologies are embedded in legal frameworks but ignore ethical boundaries that natural law would impose on impediments on human dignity and autonomy. In the Israeli – Palestinian Conflict – Israel's have subjected the Palestinians to maximum miseries in forced evictions. Displacement in East Jerusalem and aerial bombardments in the Gaza strip. This is a classic case of violations of natural law when law and force are used to legitimise injunctive or distinct from the principles of fairness, equity and peace/

Conclusion: The Triumph of Good over Evil

The Nazis in their mad attempts to dominate and subjugate humanity perverted both Natural Law and Science. They promulgated obnoxious laws ⁶³ and committed abominable malpractices which jolted the conscience of humanity and which are contrary to human values. Human beings were turned into guinea pigs for experiments. In their

⁶³Some of the obnoxious laws include: The Mines and Works Act (1911) which preserved certain jobs for whites only. Land Act (1913) introduced territorial segregation. Native Affairs Act (1920) introduced racial political institutions. Urban Areas Act (192) introduced segregations into cities. Prohibition of

Mixed Marriages Act (1949) The Population Registration Act (1950) which categorized all races. The Group Areas Act (1950) formalized territorial segregation. The Native (Abolition of Passes and Coordination of Documents) Act (1952) forced all Blacks to carry identity documents.



barbaric and odious "euthanasia programme": weak people, alcoholics, invalids, disabled, mentally retarded people, homosexuals, prostitutes, Jehovah Witnesses, Catholics, socialist, communists, play writers, etc. were all rounded up and exterminated by gassing, burning and firing squad in extermination camps.

It was the territorial aggression of the Nazis that led to the Second World War. The Nazis are war-mongers. The atrocities and massacres committed during the Second World War as well as the emergence of dictatorships in Japan and Italy who are collaborators of the Nazis led to the revival of Natural Law in the 20th century and the establishment of the United Nations in 1945. The philosophy of Natural Law which the Nazis used to terrorize humanity was also used by mankind to pay the Nazis back in their own coins. According to Edmund Walsh:

The Nazis violated the fundamental laws of society ... There was a diabolical evil loosed in the world. Great power can be used without destroying justice. The challenge is to the purity of our conscience, and not to be dodged by the bare facts of being a victor possessed of might. The justice of God cannot be frustrated by lack of precedent.⁶⁴

The philosophy of natural law has been used by mankind as a springboard for the development of justice, equality, human rights, rule of law and democracy all over the world. Natural law is both the battle axe as well as the battle cry of the oppressed against dictators, fascists and criminal regimes. Natural law was expressly codified in the Preamble of the U.N in form of human rights and human dignity and a passionate appeal to members not to resort to war and aggression to settle conflicts. The Preamble provides:

We the people of the United Nations determined to save

succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women...⁶⁵

In 1948, the U.N. went further to promulgate the Universal Declaration of Human Rights (UDHR) which has been described as the Magna Carta of humanity and a common standard of achievement for humanity. The Preamble of the UDHR provides:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people. This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations...⁶⁶

Since the resurgence of natural law the U.N. through the instrumentality of Fundamental Human Rights and Democratization have made three landmark achievements:

Firstly, the eradication of slavery; Secondly, the overthrow of apartheid in South Africa; and Thirdly, the establishment of the International Criminal Court⁶⁷ and similar Courts to try war criminals for war crimes.⁶⁸

Crime against humanity.⁶⁹ Genocide⁷⁰ and acts of aggression.⁷¹ The United Nations is now the vanguard against

established framework of international law.

⁶⁹ Crimes against Humanity-is defined to mean any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack: (a) murder (b) extermination (c) enslavement (d) deportation (e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law (f) torture (g) rape, sexual slavery, etc.

⁷⁰ Genocide is defined to mean any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such (a) killing members of a group (b) causing serious bodily or mental harm to members of the group (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

⁷¹ Acts of Aggression is not defined in the Rome Statute of ICJ. The International Military Tribunal at Nuremberg called the waging of aggression war essentially an evil thing ... an evil crime, an international crime, supreme international crime differing only from other war crimes that it contains within itself the accumulated evil of the whole. The UNGA in its Resolution 3314 defined war of aggression. It distinguishes between acts of aggression and war of aggression. Acts of

⁶⁴Father EdmindWalgh, Founder and Regent of the School of Foreign Service at Georgetown University.He came to Nuremberg to prepare the case on geopolitics and assist in investigating the Nazi persecution of the Churches. See Conot, Robert E, Justice at Nuremberg, supra p. 90.

⁶⁵Preamble of the United Nations Charter which was signed on 26 June 1945 in San Francisco, USA.

⁶⁶The Preamble of the Universal Declaration of Human Rights. Adopted and Proclaimed by G.A. Resolution 217 A(III) of 10 December 1948.

⁶⁷Rome Statute of the International Criminal Court.Similar Courts set up by the UN include: The International Tribunal for Rwanda, The Tribunal for Sierra Leone and The Extraordinary Chambers in the Courts of Cambodia.

⁶⁸The ICC Statute defines war crimes to mean (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely any of the following acts against persons or property protected under the provisions of the relevant Geneva Conventions (i) Willful Killing (ii) Torture or Inhuman Treatment, including biological experiments (iii) Willfully causing great suffering or serious injury to body or health. (b) Other serious violations of the laws and customs applicable in international armed conflict, within the

intolerance and anti-Semitism.⁷²In 2004 and 2005, the U.N. organized a one-day conference on anti-Semitism and it also marked the 60th anniversary of the liberation of Nazi death camps respectively.⁷³On both occasions the U.N warned about the dangers of intolerance and the need for promotion of friendliness among nations, peoples and races. The two occasions were also used to remind the peoples of the world about the horrors perpetrated by the Nazis and their collaborators and the dangers of future occurrence. During the conference Elie Wiesel⁷⁴said anti-Semitism was the oldest collective bigotry in recorded history. Kofi Annan⁷⁵said anti-Semitism was a threat to people everywhere and throughout history there has been a unique manifestation of hatred,

intolerance and persecution and in fighting it the world was fighting for the future of all humanity. Celestino Migliore⁷⁶recalled that the death camps were on unprecedented plan for the deliberate, systematic extermination of a whole people and a sobering reminder of man's inhumanity to man and of his capacity to do evil, the evils of arrogant political extremism and man-made catastrophes. He beseeched all men and women of goodwill to seize that solemn occasion to say "never again" to such crimes, no matter their political inspiration, so that all nations, as well as the United Nations, might truly respect the life, liberty and dignity of every human being.

aggression include armed invasions, bombardments, blockades, armed violations of territory, permitting other states to use ones own territory to perpetrate act of aggression, employment of armed irregulars or nierceloriesto carry out acts of aggression. A war of aggression is a series of acts committed with a sustained intent.

⁷² See UnSeminar on Anti-Semitism. UN Press Release HR14773/Rev. I .and Pili 589/Rev. I. Kofi Annan said "The fight against anti-Semitism must be our fight, and Jews everywhere must feel that the United Nations is their home too". The Seminar was entitled "Confronting Anti-Semitism:

Education for Tolerance and Understanding".

⁷³*Ibid.*,TheAnti-Semitism Conference was held on August 27, 2004 while the 60th Anniversary Commemoration was held on January 24, 2005.

⁷⁴Elie Wiesel was a Nobel Peace Winner and a Holocaust Survivor.

⁷⁵For Secretary-General of the United Nations.

⁷⁶Archbishop Celestino Miglione was the Permanent Observer for the Holy See to the United Nations.

