

## Zero Hour for Whom? Conflict and Continuity in Europe at the End of the Second World War

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Originally, the term “Zero Hour” or *Stunde Null* was used to refer to midnight on May 8, 1945, when the unconditional surrender of Nazi Germany swept the regime from power and inaugurated a new, non-Nazi administration in its place. More colloquially, it can also refer to any sharp break from the past and the beginning of a new, distinct era. In 1945, the manifestation of the new, non-Nazi Germany had yet to take shape, and the long history of East-West division, the Soviet blockade, the Berlin Wall, and the constant tension between the two remaining ideological superpowers was still in the future. Only a few people were thinking that far ahead, as the primary concern on May 8 was ending the regime the Allies had been fighting for at least four years. In the years following the end of the war in Europe, this moment would become a decisive one for Germany. The clock was reset, and a new order was inaugurated, one that (theoretically at least) had nothing to do with the murderous Nazi regime. Zero Hour thus became a social and psychological caesura, as well as a military one.

Not everyone agreed with this rigid interpretation, however. Those who supported the idea of a Zero Hour argued for a clean break, one which entailed the dissolution of Nazi armed forces and civil governments. But other groups differed in their interpretation of Zero Hour. For surviving victims of the Holocaust, their Zero Hour was more likely to be their moment of liberation from the Nazi camps. For Parisians, it was the moment the Allied forces rolled into the newly reconstituted French capital. For prisoners of war in Russia or the western countries, it was when they were finally repatriated years or even decades later. In this context, Zero Hour is less about the end of the war between the Axis and the Allies, or even the downfall of the Nazi Party, but rather the end of an era – from one of persecution and occupation to liberation, or vice-versa. But regardless of when people considered their Zero Hour to be (or if they considered themselves to have experienced one at all), the legacy of the Nazi past lingers in a myriad of ways even today. In this regard, the idea of an absolute break is nearly impossible to defend.

There are two main approaches that complicate the *Stunde Null* narrative: the legal (*de jure*) and the practical (*de facto*). Both approaches make one question whether there was really a singular moment of transformation. While this would normally be a matter of course, the absolutist nature of the *Stunde Null* claim means that even one convincing argument against it causes the concept to fall apart. There are multiple considerations for both the *de jure* and the *de facto* arguments.

First, the actions of both the Dönitz government and the Allied powers cast doubt on the single moment of change, both from a legal and a practical standpoint. Strictly speaking, the instrument of surrender that was signed by the German government on May 8 did not dissolve the state or the National Socialist party. Indeed, it was primarily an instrument of *military* surrender, instructing the army, navy, and air forces to cease their activities, remain in place,

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disarm themselves, and hand over their armaments.<sup>1</sup> Even accepting the old adage that Prussia was “an army with a state” rather than a state with an army, it is not at all clear that the dissolution of the armed forces in Germany automatically resulted in the dissolution of the state itself. It is also clear that Dönitz and his cabinet did not consider the instrument of surrender signed on May 8 to have dissolved the civil government. As such, they continued to meet in the port city of Flensburg each day, working on proposals for the reconstruction of Germany and hoping to eventually preside over a provisional German government. This situation continued until May 23, when the Allied powers arrested Dönitz and the remaining members of his cabinet and declared the dissolution of his acting government.<sup>2</sup>

Even if one were to accept that no civilian government existed prior to May 23 and the army was, in essence, the German government, the argument that the capitulation of the armed forces constituted the overall surrender of the German state would be undercut by the Berlin Declaration of June 5, 1945, in which the Allied Powers declared that there was no longer a functioning German government.<sup>3</sup> This is not the only potential legal kink, however. If *Stunde Null* represents the inauguration of a non-Nazi Germany, then the fact that the dissolution of the National Socialist Party did not occur until October 10 complicates this narrative even further. If one considers the party and the state to be coterminous, then the abolition of the Nazi state was not truly accomplished until October 10, creating yet another possible contender for the Zero Hour title.<sup>4</sup>

Finally, legally speaking, the war between Germany and the Allied powers did not end on any of the above-named dates. In fact, it would not be until the Treaty on the Final Settlement with Respect to Germany was signed on September 12, 1990 (and put into effect on March 15, 1991), that hostilities legally ended. With the numerous dissolutions of military and civilian authorities, and the subsequent division of Germany into eastern and western spheres, no one body had the authority to sign a peace treaty on behalf of Germany. As such the country/countries remained in a state of occupation. And while it is less believable to assert that it was not until 1991 that a new, non-Nazi Germany arose, the state of occupation was a constant practical and legal reality from the moment allied troops crossed the border into Germany, well before May 8, 1945.<sup>5</sup> There has been much discussion of the legality of the Allied occupation of Germany, particularly in regard to the Hague Conventions of 1899 and 1907. And while the legality of the actions taken by the Allied powers has been held up by the European Court of Human Rights, the question of whether there was a Zero Hour on May 8 is more of a

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<sup>1</sup> “Act of Military Surrender Signed at Berlin on the 8th day of May 1945,” Yale University, accessed November 21, 2021, <https://avalon.law.yale.edu/wwii/gsl1.asp>.

<sup>2</sup> William L. Shirer, *The Rise and Fall of the Third Reich* (New York: Simon and Schuster, 1960), 1141.

<sup>3</sup> Hans Kelsen, “The Legal Status of Germany According to the Declaration of Berlin,” *American Journal of International Law* 39, no. 3 (1945): 518–26. doi:10.2307/2193527.

<sup>4</sup> “Allied Control Authority Control Council Law No. 2 – Providing for the Termination and Liquidation of the Nazi Organization,” University of Wisconsin-Madison, Accessed November 21, 2021, <http://images.library.wisc.edu/History/EFacs/GerRecon/PropControl/reference/history.propcontrol.i0037.pdf>.

<sup>5</sup> “Treaty on the Final Settlement with Respect to Germany,” George Mason University, accessed November 21, 2021, [https://chnm.gmu.edu/1989/archive/files/germany-final-settlement\\_e0189c0884.pdf](https://chnm.gmu.edu/1989/archive/files/germany-final-settlement_e0189c0884.pdf).

historiographical than a legal question, and thus requires a significantly lower burden of proof than cases decided by courts of international law.<sup>6</sup>

Even if one were to use these legal arguments to support the notion of a Zero Hour, there are numerous practical reasons that still argue against the designation of such a distinct rupture in German history. Very little changed in the lives of those in Europe as the ink dried on the instrument of surrender on May 8. This was true not just of Karl Dönitz and his cabinet, as demonstrated above, but also for many German soldiers, sailors, and airmen, and especially for German civilians and non-combatants. Although the military surrender was exceedingly effective, it was not universally so. There was no withdrawal into the mountains of Southern Germany and Austria followed by a fanatic guerilla campaign of Nazi loyalists, but many German units continued to fight after the armistice was signed. Evidence indicates that many were attempting to make their way west to surrender to the Americans rather than the Soviets, whom they feared more. But regardless of intention or motivation, the peace signed on May 8 did not eliminate the risk to their lives in one fell swoop. In fact, it increased it, by dictating their surrender to the Soviets. This, in turn, meant continued combat for Allied troops as well, and thus a delayed hypothetical Zero Hour.<sup>7</sup>

Many civilians also had little reason to regard midnight of May 8 as bringing a particularly significant change to their lives. The infrastructure of Germany had been devastated by years of Allied aerial bombardment, leaving millions without food, shelter, or heat. Peace brought only continued hardship rather than the dawning of a new era, a situation that would not be remedied for several years. Indeed, the winter of 1946/47 was a particularly harsh one for Germans, with low food stocks and heating supplies making post-war life similar in many ways to life at the end of the war several years before.<sup>8</sup> No government, even an absolutist and resource-rich one could wave a magic wand and clear away millions of tons of rubble and reconstruct thousands of new housing units overnight. Nor could they conjure sacks of flour, bountiful harvests, or truckloads of coal. The government of Germany (inasmuch as it still theoretically existed) had no power to make this happen, and the Allies were not inclined to rebuild a country they had spent so many years destroying. It would take years for civilians to see a significant change in their living conditions after the peace was signed on May 8.

Nor were cold or hunger the only things that many civilians had to fear. Those in the East had to contend with a vengeful Soviet army exacting their retribution on the mostly civilian, primarily elderly and female population remaining in the German territories. Much of the eastern portion of the country was occupied by the Soviet army prior to May 8, so the dawning of May 9 meant nothing more than a new day of potential rape or violent reprisal. It was in this context that a mass epidemic of suicide broke out in much of the country, fed by years of Nazi propaganda emphasizing the brutality of the Bolshevik hordes, the absolute collapse of the

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<sup>6</sup> Eyal Benvenisti, *The International Law of Occupation* (Oxford: Oxford University Press, 2012), 209-212.

<sup>7</sup> Michael K. Jones, *After Hitler: The Last Days of the Second World War in Europe* (London: John Murray, 2015), 310-311.

<sup>8</sup> Dennis L. Bark and David R. Gress, *A History of West Germany: From Shadow to Substance 1945-1963* (Oxford: Blackwell Publishing, 1989), 130-131.

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centering ideology of Nazism, and the lived reality of Soviet brutality threatened against – and applied to – thousands of German women.<sup>9</sup> For these civilians, a more accurate Zero Hour would be when the Soviet troops first arrived.

Perhaps the group of individuals for whom May 8 could be a legitimate Zero Hour were those still in uniform, fighting for Germany. These soldiers, sailors, and airmen (the ones who did not attempt to fight their way west, anyway), were legal combatants one moment, and prisoners of war the next. This was not applicable to everyone, however. For those German soldiers who had previously been taken prisoner by the Soviets, the surrender of the German High Command changed little, if anything. They were prisoners of war, and prisoners of war they would remain, most of them for up to a decade, some even longer. Indeed, it was not until 2000, some five and a half decades after the instrument of surrender was signed, that the last prisoner of war – a Hungarian soldier named Andras Toma – was repatriated from Russia after being captured by the Soviets toward the end of the conflict. Although his experience was unique, it demonstrates that the war in Europe lived on in countless unseen ways long after the fighting had “officially” ended.<sup>10</sup>

For the countless victims of the Nazi regime, the idea of a single Zero Hour also makes little sense. The major concentration camps were all liberated by the British, American, or Soviet armies between July 1944 and May 1945, none of which took place on the day the instrument of surrender was signed. For a Jewish concentration camp inmate, the day of liberation surely heralded a new, Nazi-free epoch much more strongly than the surrender of the German armed forces did. Even so, the physical and psychological torment wrought by the Nazis left an indelible mark that would never disappear. Even after liberation, many individuals were in such a poor physical state that they would not survive, meaning peace held no more respite than war. For those fortunate enough to survive the horrors of the concentration camps and industrialized mass slaughter, the collapse of the Nazi regime heralded no security from persecution. The Jews who returned to Poland after the war were often faced with an entrenched anti-Semitism that predated the Nazi regime. On July 4, 1946, a large pogrom against the Jewish community in the Polish town of Kielce resulted in the deaths of dozens of Jews, and the recognition among much of the surviving Jewish community that, even without the Nazis, they still were not safe.<sup>11</sup>

While the Nazis had been unequivocally driven out of Poland, the Allied powers went to great lengths to make sure that the Nazi stranglehold on Germany and German society was broken. Even after the ideological basis of Nazism was utterly discredited by the simple fact of the country’s unmitigated defeat, the psychological basis of ideology and belief was not so easily removed. Hence, the Allied powers implemented a policy of denazification toward the end of the war. In essence, this meant that Nazis and Nazi sympathizers would be removed from positions

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<sup>9</sup> Florian Huber, *Promise Me You’ll Shoot Yourself: The Mass Suicide of Ordinary Germans in 1945* (London: Allen Lane, 2019).

<sup>10</sup> Nick Thorpe, “Hungarian POW Identified,” *BBC News*, September 17, 2000, <http://news.bbc.co.uk/1/hi/world/europe/929702.stm>.

<sup>11</sup> Anita J. Prazmowska, “The Kielce Pogrom of 1946 and the Emergence of Communist Power in Poland,” *Cold War History* 2, no. 2 (January 2002), 101-124.

of power and influence throughout the reconstituted country. This was a complicated undertaking. Practical considerations ultimately muted the effectiveness of the denazification program, and a year after the cessation of hostilities, a survey of the ruined country found that some forty percent of Germans said that “Nazism had been a good idea, just not well executed.”<sup>12</sup> As late as 1952, a year after the end of denazification, a full one-third of West German respondents to a similar survey said that they still had some admiration for Hitler.<sup>13</sup> Indeed, in the late 1950s, “one US war crimes investigator came to ‘the inescapable conclusion that the Nazis have had a quiet comeback almost everywhere.’”<sup>14</sup> In the context of a Zero Hour inaugurating a new, non-Nazi Germany, the very necessity of a policy of denazification, not to mention its failure, significantly undermines the notion of a new beginning for Germany.

The problem of denazification became especially clear (or perhaps especially muddled) when it came to issues of governance and administration. In the chaos and turbulence of the immediate post-war days, the lack of an effective government was the first hurdle that had to be overcome to begin reconstruction. As such, many individuals with governing and administrative experience helped reconstitute the state, despite ties to the pre-war Nazi Party.<sup>15</sup> This reality came to a head in 1965, with the publication in West Germany of *Brown Book: War and Nazi Criminals in West Germany: State, Economy, Administration, Army, Justice, Science*. The author, Albert Norden, alleged that nearly 2,000 prominent figures of the West German government had significant ties to the Nazi administration before the war. This included “21... ministers and state secretaries of the Federal Republic; 100... generals and admirals of the Bundeswehr; 828... high judicial officials, public prosecutors and judges; 245... leading officials of the Foreign Office, the Bonn embassies and consulates; 297... high officers of the Police Force and the Office for the Protection of the Constitution” and more.<sup>16</sup> It has been argued that even if these political figures had renounced Nazism, the changes in their political views “amounted to re-arrangements and different emphases of long-held convictions rather than to wholly new beginnings.”<sup>17</sup>

Regardless of whether the specific numbers charged by Norden are accurate, it is not difficult to believe that many former Nazis regained government positions in the postwar period. This became a point of contention even as late as 1986, when Kurt Waldheim was running for the presidency of Austria and his wartime past as an intelligence officer in the Wehrmacht came to light. He was nonetheless elected and served his entire term as the Austrian head of state.<sup>18</sup>

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<sup>12</sup> Michael Kater, *Culture in Nazi Germany* (New Haven: Yale University Press, 2019), 310.

<sup>13</sup> Kater, *Culture in Nazi Germany*, 310.

<sup>14</sup> Roderick Stackelberg, *The Routledge Companion to Nazi Germany* (New York: Routledge, 2007), 173.

<sup>15</sup> Peter C. Caldwell and Karrin Hanshew, *Germany since 1945: Politics, Culture, and Society* (London: Bloomsbury Academic, 2018) 21-27; Constantine FitzGibbon, *Denazification*, (New York: W.W. Norton & Company, 1969) 88-89.

<sup>16</sup> Albert Norden, *Brown Book: War and Nazi Criminals in West Germany. State, Economy, Administration, Army, Justice, Science* (Dresden: Verlag Zeit im Bild, 1965), 13.

<sup>17</sup> Jeffrey Herf, “Multiple Restorations: German Political Traditions and the Interpretation of Nazism, 1945–1946,” *Central European History* 26, no. 1 (1993): 21, doi:10.1017/S0008938900019956.

<sup>18</sup> “Controversial Former Statesman Kurt Waldheim Dies,” *Deutsche Welle*, June 14, 2007, <https://www.dw.com/en/controversial-former-statesman-kurt-waldheim-dies/a-2609164>.

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The allegations of the *Brown Book* and the fact that so many former Nazi officials were allowed a role in the reconstructed state highlights the vital importance of a functioning bureaucracy in building and maintaining a state. This point, however, raises the question of whether May 8, 1945, was truly the beginning of a non-Nazi Germany. The presence of so many former Nazis would indicate “no,” or at the very least heavily complicates a “yes.”

Ultimately, the question of whether there was a Zero Hour in 1945 requires significant specification in terms of definition, geography, and scale to answer accurately. If one takes the stance that it defines a break from the Nazi past, one is met with a range of possible dates, not just in Germany, but across the continent. Much of France and Belgium were liberated from Nazi or Vichy rule in 1944, not 1945. In Germany, there are multiple moments when the Nazis were considered out of power, on either a *de facto* or *de jure* basis. This presumption was complicated in the decades after the war by the revelation that many high-ranking Nazis retained influential positions in the post-war West German government. If one views the definition of Zero Hour as the inauguration of a new epoch, as opposed to a specifically Nazi-less one, then the question is even more difficult to answer in the affirmative. The day-to-day existence of the soldiers and civilians in the continent saw very little change from one day to the next, no matter if one chose May 8, May 23, or October 10. The surrender of the Nazi military, the arrest of the Dönitz Cabinet, and the banning of the National Socialist party would not bring back the dead or captured relatives, nor would it provide food, clothing, and shelter, or ensure protection from brutal reprisals from the Soviets. The idea of a single definitive break is a compelling one for humans who like to insist on tidy endings. But that notion is heavily complicated by the reality on the ground, and the lived experience of those for whom May 8 brought nothing but a continued threat to their lives.