

9. Judgment

*History, despite its wrenching pain,
Cannot be unlived, but if faced
With courage, need not be lived again.*

MAYA ANGELOU

OVERVIEW

In the spring of 1945, as the war finally came to an end, the world at last confronted the atrocities the Nazis had committed. Benjamin Ferencz, a young American lawyer assigned to investigate those atrocities, recalls:

It was a grisly assignment. Among my duties, I had to dig up bodies of young American flyers who had parachuted or crashed, and were beaten to death by enraged German mobs or murdered by local Gestapo officials. This, however, was merely the initiation of horrors yet to come. It was not until I joined the American troops advancing toward German concentration camps that I realized the full extent of the Nazi terror...

It was often impossible to tell whether the skeleton-like inmates lying near-naked in the dust were dead or alive. Those who could walk had been whisked away by panic-stricken SS guards. Their flight was made visible only by the trail of dead bodies strewn along the road. The bedraggled prisoners who could not keep pace with the retreat were shot on the spot and left dead or dying. I helped to uncover many mass graves where innocent victims had been massacred.

I had peered into hell.¹

Alan Moorehead, a British journalist, had a similar reaction to his first glimpse of Bergen-Belsen that same spring. “With all one’s soul, one felt: ‘This is not war. Nor is it anything to do with here and now, with this one place at this one moment. This is timeless and all mankind is involved in it. This touches me and I am responsible. Why has it happened? How did we let it happen?’”

Earlier chapters considered how and why the Holocaust happened. Chapter 9 focuses on questions related to personal responsibility not only for the Holocaust but also for the war itself and the way that war was fought. It therefore raises such questions as:

- Should those who participated in the atrocities committed during the war be punished? If so, who ought be held accountable?
- Should those individuals be tried before a court of law? What is the purpose of a trial? Is it to punish evil-doing? Or is to set a precedent for the future?
- Who should be tried? Are individuals responsible for their crimes if they have obeyed the laws of their nation? Or are there higher laws? If so, what are those laws?
- How does one determine punishment? Is everyone equally guilty? Or do some bear more responsibility than others? Can an entire nation be guilty?

Chapter 9 explores these questions by focusing on the international trials held after the war. John Fried, the Special Legal Consultant to the United States War Crimes Tribunals at Nuremberg, Germany, from 1947 to 1949, explained the purpose of those trials:

The awesome, unprecedented nature of the Nazi war crimes demanded a response from the victorious Allies after World War II. That response, embodying the shock and outrage of mankind, was the Nuremberg Tribunals, in which the Nazi leadership was tried for its crimes.

The Allied judges sought...to decide...if the Nazi civilian and military leaders had instigated a war of aggression and then pursued that war by unacceptable means and in violation of normal stands [and] to determine an individual’s responsibility for crimes which could not be disputed. No one, that is, could deny the reality of Dachau and the mass slaughter of civilians; the question to be answered was: who was responsible?²

Between 1945 and 1950, the fate of 199 individuals was decided in thirteen separate trials held in Nuremberg. Those trials established important precedents that have become “part of the unwritten laws of nations in the years since.” After 1950, similar trials for war crimes were held not only in Europe but also in Asia. Hannah Arendt attended one of those trials – the 1961 trial of Adolf Eichmann. She found that it raised important questions

about good and evil. In her view, thinking is the urgent work of a species that is responsible for its own survival. She therefore wondered if the habit of “examining whatever comes to pass can be among the considerations that make men abstain from evil-doing or even actually condition them against it.”³

READING 1

Dogma Makes Obedient Ghosts

Until 1933, German scientists explored scientific questions from various perspectives. They were pioneers in the theory of tolerance. After 1933, German scientists, like most Germans, served the aims of National Socialism and dogma became a substitute for truth. In their eagerness to show their loyalty, scientists developed a technology for mass murder. There are those who blame that technology for the atrocities committed at Auschwitz and other death camps. In *The Ascent of Man*, scientist Jacob Bronowski disagreed. While bending over at a pond in Auschwitz, he posed the two parts to what he considered to be “the central dilemma of the twentieth century”:

One [part] is the belief that the end justifies the means. That push-button philosophy, that deliberate deafness to suffering, has become the monster in the war machine. The other is the betrayal of the human spirit: the assertion of dogma that closes the mind, and turns a nation, a civilisation, into a regiment of ghosts – obedient ghosts, or tortured ghosts.

It is said that science will dehumanize people and turn them into numbers. That is false, tragically false. Look for yourself. This is the concentration camp and crematorium at Auschwitz. This is where people were turned into numbers. Into this pond were flushed the ashes of some four million people. And that was not done by gas. It was done by arrogance. It was done by dogma. It was done by ignorance. When people believe that they have absolute knowledge, with no test in reality, this is how they behave. This is what men do when they aspire to the knowledge of gods.

Science is a very human form of knowledge. We are always at the brink of the known, we always feel forward for what is to be hoped. Every judgment in science stands on the edge of error, and is personal. Science is a tribute to what we can know although we are fallible. In the end the words were said by Oliver Cromwell: “I beseech you, in the bowels of Christ, think it possible you may be mistaken.”

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I owe it as a scientist to my friend Leo Szilard, I owe it as a human being to the many members of my family who died at Auschwitz, to stand here by the pond as a survivor and a witness. We have to cure ourselves of the itch for absolute knowledge and power. We have to close the distance between the push-button order and the human act. We have to touch people.⁴

CONNECTIONS

Define *dogma*. How does it close the mind, and turn individuals, groups, a nation, into a “regiment of ghosts – obedient ghosts, or tortured ghosts”? What is an “obedient ghost”? Give an example of one you have personally encountered or read about.

Leo Szilard was a scientist who fled Nazi Germany. In 1939, he urged that the United States build an atomic bomb but later tried unsuccessfully to prevent its use. Bronowski recalled that when someone said, in Szilard’s presence, that “it was the tragedy of scientists that their discoveries were used for destruction.” Szilard replied that “it is the tragedy of mankind.” What point was Szilard trying to make? How did Bronowski support that point when he discussed the role of science at Auschwitz?

Some Nazis pictured themselves as “victims to the technological obsession of our times.” Does that explain their behavior? Absolve them of responsibility for their acts?

Max Redeinreich insists that Nazi officials were not the only ones responsible for atrocities. Many of the nation’s scholars, including its most famous scientists, were also to blame. According to Redeinrich, many German scholars were accomplices to the crimes. They provided the ideas and techniques that led to and justified the “unparalleled slaughter.” What is the difference between a murderer and his or her accomplice? Are they equally responsible for the crime? Are they equally guilty?

Jerzy Kosinski was quoted in Chapter 8 as saying, “Of all mammals only a human being can say ‘no.’ ...To say ‘no’ is to deny the crowd, to be set apart, to reaffirm yourself.” Compare Kosinski’s remarks with Bronowski’s. What similarities do you see in the way the two men view human behavior? What differences seem most striking? What is your view? Does your behavior always reflect that view?

READING 2

The Rules of War

Toward the end of the war, as rumors of Nazi atrocities were confirmed, many people were convinced that the individuals responsible had to be tried before an international court. They wanted each to take personal responsibility for his or her actions. At first, the British resisted the idea. Winston Churchill argued that the Nazis ought to be summarily hung. Only after considerable pressure from the Russians and the Americans did he and other British officials change their stand.

Still, before a trial could take place, the Allies had to work out a number of issues. Trials decide questions of law. But what laws had the Germans broken? The Allies argued that the Germans had violated international law – a body of rules that has evolved out of centuries of encounters among the peoples of the world. Although some insist that “all’s fair in love and war,” most recognize that there are limits to what soldiers can do in wartime. During Europe’s Middle Ages, for example, the rules of chivalry guided a knight’s behavior in battle. Over the years, such rules were expanded and refined. In 1863, in the midst of the Civil War, the United States became one of the first nations in the world to give its soldiers a code “authorized by the laws and usages of war.” Compiled by Frances Lieber, a legal expert and based on “principles of justice, honor and humanity,” the Lieber Code detailed how civilians, prisoners of war, and spies were to be treated. Later, other nations – including Germany, France, and Britain – prepared similar manuals. As new weapons were introduced, those manuals were updated and revised.

In the late 1800s and early 1900s, a number of international conferences furthered the idea that there are accepted rules of war. Delegates to a 1907 meeting in the Hague, in the Netherlands, focused on the rights of civilians and soldiers who have surrendered. They also set rules for the occupation of enemy territory. A series of conferences held in Geneva, Switzerland, established how prisoners-of-war were to be treated and called for the protection of the wounded.

Over the years, however, people have found it easier to establish rules in peacetime than to enforce them during or even after a war. For example, a commission established after World War I concluded that even though Germany’s attack on Belgium was unprovoked, international law had not yet reached a point where German leaders could be tried for “aggression” or violations of the “laws of humanity.” Still, the Treaty of Versailles held Kaiser Wilhelm II responsible for the attack and ordered that he stand trial. But that trial never took place. The treaty also called for the indictment of German soldiers accused of atrocities. But the German government refused to try them.

The story of the Nuremberg tribunals offers a concrete instance in which an individual’s responsibility for a terrible crime is examined before the world. Not an abstract debate, but a life and death matter for the defendants.

The various international laws set forth in military manuals and treaties dealt only with crimes committed as a part of a war. They did not address genocide – “the crime with no name.” The first attempt to do so occurred in 1915, just after the massacre of the Armenians. In May of that year, the Allies formally accused Turkish leaders of a “crime against humanity and civilization.” Although a new Turkish government agreed to bring the nation’s former leaders to justice, it had to try them in absentia. The defendants had fled the country. Because they were not present for the trial, the proceedings did not command worldwide attention.

This time, the Allies were determined to punish anyone who violated international law. On January 13, 1942, representatives of nine Nazi-occupied nations signed a declaration vowing to hold accountable not only those who ordered “war crimes” but also those who participated in them. On October 20, 1943, the United Nations War Crimes Commission was established to carry out those aims. Less than two weeks later, the United States, Britain, and the Soviet Union issued a declaration reaffirming their commitment to those goals.

In October of 1945, at Nuremberg, an International Military Tribunal (IMT), created by Britain, France, the United States, and the Soviet Union, indicted 24 Nazis for one or more of the following crimes:

1. Conspiracy – Leaders, organizers, instigators, and accomplices in the formulation or execution of a common plan, or conspiracy to commit any of the following crimes are responsible for all acts performed by any persons in execution of such a plan;
2. Crimes Against Peace: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;
3. War Crimes: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;
4. Crimes Against Humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

John Fried said of the trials that followed, “The story of Nuremberg tribunals offers a concrete instance in which an individual’s responsibility for a terrible crime is examined before the world. Not an abstract debate,

but a life and death matter for the defendants, those age-old questions converged in the city of Nuremberg, and the standards established in that trial have become part of the unwritten law of nations in the years since.”⁵

CONNECTIONS

Who should be judged? The individuals who gave orders? The people who carried out those orders? Those who allowed it to happen?

What is the purpose of a trial? Is it to punish the guilty? Avenge the victims? Warn those who might commit similar acts in the future?

In the overview to this chapter, Fried referred to the “unprecedented nature of the Nazi war crimes” that resulted in the “shock and outrage of mankind.” What point was he trying to make? How does it explain why the Allies tried the Nazis for their *personal* conduct in the war? What responsibility do soldiers and government officials have for their actions in time of war?

In the 1200s, St. Thomas Aquinas defined a “just war” as one fought by a legitimate government for a just cause and with the intention of bringing about good. Was the battle waged by the Allies a “just war”?

Every nation has its own values and beliefs. Each also has accepted standards of behavior. How then can one nation judge the actions of another? Are there moral values that transcend obedience to the laws of a particular nation?

Why do you think the Allies looked to the past to justify its claims that Germany had violated international laws?

The Allies held the international war crimes trials in Nuremberg. What role did Nuremberg play in Nazi Germany? What do you think the Allies decided to locate the trials there?

In 1945, the United States dropped atomic bombs on two Japanese cities, Hiroshima and Nagasaki. Research the bombings and decide whether they were “war crimes.”

How important is it to establish rules of warfare? Does the knowledge that those rules cannot always be implemented affect your response?

→As Hitler prepared for the “final solution of the Jewish question,” he asked, “Who after all, speaks today of the annihilation of the Armenians?” What was he saying about international law? The “rules of war”? Professor Richard Hovannisian maintains that had the perpetrators of the Armenian Genocide been more vigorously prosecuted and punished for their crimes, the case might have served as a deterrent for the Holocaust. Do you agree? A video of Hovannisian’s lecture is available from the Resource Center.

READING 3

“Humanity’s Aspirations to Do Justice”

The first Nuremberg trial began on November 14, 1946. The chief prosecutor was Robert H. Jackson, a justice on the United States Supreme Court. He opened the trial with a speech.



The privilege of opening the first trial in history for crimes against the peace of the world imposes a grave responsibility. The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored because it cannot survive their being repeated. That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power ever has paid to Reason.

What these men stand for we will patiently and temperately disclose. We will give you undeniable proofs of incredible events... They took from the German people all those dignities and freedoms that we hold natural and inalienable rights in every human being. The people were compensated by inflaming and gratifying hatreds toward

those who were marked as “scapegoats.” Against their opponents, including Jews, Catholics, and free labor, the Nazis directed such a campaign of arrogance, brutality and annihilation as the world has never witnessed since the pre-Christian ages. They excited the German ambition to be a “master race,” which, of course, implies serfdom for others. They led their people on a mad gamble for domination. They diverted social energies and resources to the creation of what they thought to be an invincible war machine. They overran their neighbors. To sustain the “master race,” in its war-making, they enslaved millions of human beings and brought them into Germany, where these helpless creatures now wander as displaced persons.

Jackson went on to say, “We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our own lips as well. We must summon such detachment and intellectual integrity that this trial will commend itself to posterity as fulfilling humanity’s aspirations to do justice.”

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Only twenty-four Nazis were indicted and two of them never stood trial. Robert Ley, the head of the Nazi labor movement committed suicide before the trial began. And the court ruled that Gustav Krupp, an industrialist, was too ill to be tried. Many other top Nazis leaders, including Hitler and Goebbels, killed themselves in the final days of the war. Others, like Heinrich Himmler and Adolf Eichmann, managed to disappear during the confusion that marked Germany’s defeat. The defendants were the most prominent the Allies could find at the time.

Of the men actually brought to trial, five were military leaders and the rest were prominent government or party officials. Their trial was organized much the way criminal trials are organized in the United States. The defendants were made aware of all charges against them. Each was entitled to a lawyer and had the right to plead his own case, offering witnesses and evidence in his own behalf.

CONNECTIONS

Throughout the trial, the prosecution used the Nazis’ own records as evidence. Jackson himself was amazed not only at the quantity of records available but also at the incredible detail in those records. He did not think “men would ever be so foolish as to put in writing some of the things the Germans did. The stupidity of it and the brutality of it would simply appall you.” Focusing on the words of the perpetrators allows us to think about why they acted as they did. It also raises the question of how they persuaded others to participate. And it forces us to think about how similar acts of evil can be prevented. Based on what you have read so far in this book, how would you answer those questions? Record your responses in your journal so that you can refer to them as you continue reading the chapter.

Using Nazi documents as evidence had important consequences. One was the focus on conspiracy and crimes of aggression. Both were easier to prove from such evidence than “war crimes” or “crimes against humanity.” Reread the explanation of the four charges to figure out why.

What does Jackson mean when he says, “We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow”?

→The First Annual Facing History Conference, “The Impact of Nuremberg: Today and the Future” considered the legacy of the trials. Participants at the conference included a number of individuals who took part in the prosecution – Telford Taylor, Benjamin Ferencz, Walter Rockier, Drexel Sprecher, Richard Hovannisian, Elizabeth Holtzman, Gerald Stern, and Thomas Lambert. Also participating in the conference were Father Robert Drinan, Alan Dershowitz, Robert Lifton, and Irwin Cotler – individuals whose careers have focused on aspects of international law that were affirmed at Nuremberg. Videos of key sessions at the conference, including one that highlights the impact of the trials on medicine and international law, are available from the Facing History Resource Center. Those sessions are also described in *Elements of Time*, pages 375-376.

→A twenty-minute film *The Nuremberg Trials* offers an overview of the International Military Tribunal. It includes footage from the trial. William Shirer, who narrates the film, stresses the role the United States played in the trial. The video is available from the Facing History Resource Center.

READING 4

Obedience to Orders

Throughout the trial, the defendants vehemently denied responsibility for crimes against humanity. They argued that wars have always been brutal and this war was much like any other. They also insisted that the victors were equally guilty. After all, in wartime, both sides commit “excesses.” And they maintained that they were only obeying orders. General Alfred Jodl’s attorney summarized that argument by telling the court, “It is true that without his generals Hitler could not have waged the wars... If the generals do not do their job, there is no war. But one must add: if the infantryman does not, if his rifle does not fire... there is no war. Is, therefore, the soldier, the gunsmith... guilty of complicity in the war? Does Henry Ford share in the responsibility for the thousands of accidents which his cars cause every year?”

The judges disagreed with that argument. Ruling that orders from a superior do not excuse a crime, they convicted all but three of the men on one or more of the charges. Of the twelve sentenced to die, one – Martin Bormann, Hitler’s secretary – was tried in absentia and never captured. The leading defendant at the trial itself was Hermann Goering. According to the judges, he was “the moving force for aggressive war, second only to Hitler.” He was also “the creator of the oppressive pogrom against the Jews and other races, at home and abroad.” And it was he who “developed the Gestapo and created the first concentration camps.” Apart from other anti-Jewish measures, “by decree of July 31, 1941, he directed [Heinrich] Himmler and [Reinhard] Heydrich to ‘bring about a complete solution to the Jewish question in the German sphere of influence in Europe.’” His death sentence came as no surprise, but the court was never able to carry it out. He committed suicide first.

Jochaim von Ribbentrop, Hitler’s foreign minister, was also found guilty of having “played an important part in Hitler’s ‘final solution’ of the Jewish question.” The judges cited his role in “deporting” Jews from occupied countries “to the East.” They noted that it was he who informed Hungarian leaders on April 17, 1943, that the nation’s Jews “must either be exterminated or taken to concentration camps.”

Alfred Rosenberg, the author of one of the most widely read Nazi texts, *The Myth of the Twentieth Century*, was also hung. As the Reich Minister for the Occupied Eastern Territories, the court ruled, “his directives provided for the segregation of Jews, ultimately in ghettos. His subordinates engaged in mass killings of Jews... In December, 1941, he made the suggestion to Hitler that in a case of shooting 100 hostages, Jews only be used.”

Arthur von Seyss-Inquart, an Austrian, was also considered a top Nazi official. He served as an administrator in Czechoslovakia, deputy governor general in Poland and, more importantly, as Reich Commissioner in the Netherlands. In that position, the judges pointed out, he was responsible for “the mass deportation of almost 120,000 Jews to Auschwitz.”

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CONNECTIONS

Hermann Goering, the leading defender of the Third Reich at Nuremberg, told a fellow defendant that “you must accept the fact that your life is lost. The only question left is whether you are willing to stand by me and die a martyr’s death. You should not feel too sad; some day the German people will rise again and acknowledge us as heroes, and our bones will be moved to marble caskets, in a national shrine.” How did the Allies hope to keep that from happening?

During the trial, von Ribbentrop argued, “I assure you, we are all appalled by all these persecutions and atrocities. It is simply not typically German! Can you imagine that I could kill anyone? Tell me honestly, do any of us

look like murderers?” What does a murderer look like? Is someone who plans and then orders a murder as guilty as the person who pulls the trigger?

How would you respond to the questions Jodl’s lawyer raised: “Is, therefore, the soldier, the gunsmith... guilty of complicity in the war? Does Henry Ford share in the responsibility for the thousands of accidents which his cars cause every year?”

Was the trial revenge or was it based on views similar to those expressed by John Fried who wrote, “Crimes against international law (and this applies, of course, to the Holocaust) are committed by men, not by abstract entities (such as states).”

After the Civil War, Captain Henry Wirz, commander of the Confederate prisoner-of-war camp at Andersonville, Georgia, was convicted of cruelties that resulted in the deaths of thousands of Union prisoners. Wirz argued that he was only obeying the orders of his commander. The evidence supported Wirz’ claims. But the judges convicted him because he followed orders willingly rather than under duress. What is the difference? What were the judges saying about obedience as a defense for a criminal act? Do you agree?

READING 5

A Man of Words

Among the twenty-two men who stood trial at Nuremberg was Julius Streicher, the publisher of *Der Stuermer*, an antisemitic newspaper with over six hundred thousand readers. Week after week, month after month, he described Jews as “vermin in need of extermination.” In a typical article he ranted that the Jew was not a human being, but “a parasite, an enemy, an evil-doer, a disseminator of diseases which must be destroyed in the interest of mankind.” In May of 1939 (four months before the war began and twenty-five months before the invasion of Russia), Streicher told his readers, “A punitive expedition must come against the Jews in Russia... the Jews in Russia must be killed. They must be exterminated root and branch.”

Streicher was not a government official. He did not set policy or carry out orders. His only weapons were his words. And he was punished for using those words to turn citizen against citizen.

In the early days of the war, as the Germans conquered more and more territory, Streicher intensified his efforts to incite persecution of the Jews. Between August 1941 and September 1944, he published twenty-four articles, twelve of which he wrote himself, demanding the extermination of the Jewish people. By 1943, the magazine was openly suggesting that a “Final Solution” was underway, despite an official policy to keep the mass murders a secret.

At Nuremberg, the judges found Streicher guilty of “inciting of the population to abuse, maltreat and slay their fellow citizens... to stir up passion, hate, violence and destruction among the people themselves aims at breaking the moral backbone even of those the invader chooses to spare.” They sentenced him to death because his “incitement to murder and extermination at the time when Jews in the East were being killed under the most horrible conditions clearly constitutes persecution on political and racial grounds... and (therefore) a Crime against Humanity.”

CONNECTIONS

Streicher was not a government official. He did not set policy nor carry out orders. His only weapons were his words. And he was punished for using those words to turn citizen against citizen. Can words be used as weapons? Can they turn neighbor against neighbor? Should a person be held responsible for his or her words?

What did the judges mean when they found Streicher guilty of “breaking the moral backbone” of a nation? Does a nation have a moral backbone? By finding Streicher guilty, what message were the judges sending to others who would stir up hatred in similar ways? The power of Julius Streicher’s publications to incite hatred against Jews and other non-Aryans is discussed in *Elements of Time*, pages 61-62, 163-164, and 368.

In the United States, the First Amendment to the Constitution protects freedom of speech and freedom of the press. Does that mean that individuals have the right to incite hatred? To publish symbols of hatred? To spread racism? After discussing your answers to these questions, find out how the United States courts have answered those same questions. Compare your opinion to theirs.

READING 6

Betraying the Children

Alfons Heck, a high-ranking member of Hitler Youth, (Chapter 5, Reading 8) recalled the effect the Nuremberg Trials had on him.

I was captured on March the seventh, 1945, in my own hometown. During my captivity, I was forced to look at documentary footage of concentration camps and death camps. And it was the first time that I was shown the atrocities committed by our nation. We looked at this, and I said to my friends, “What do they take us for? This stuff is staged!” And one of us began to snicker, and our captors became so

incensed that they started yelling at us, “You Goddamned Nazi bastards! Do you think this is a comedy? This is what you have done!”

It was almost a year later before I was able to accept the veracity of the films that I had seen. And it occurred at the war crimes trials in Nuremberg in 1946. When I arrived in the city of Nuremberg, I was stunned by the total change of the Nuremberg I had seen at the Nazi Party Rally of 1938. While I listened on the loudspeakers outside, I heard the full evidence of the accusations directed at the 22 top Nazis who were on trial. One of them was my leader, the former leader of the Hitler Youth, Baldur von Schirach. He was the principal reason why I came to Nuremberg. I wanted to know what he had to say, in particular, in regard to the activities of the Hitler Youth. Von Schirach told the Court, “It was my guilt that I have trained youth for a man who became a murderer a million times over.”

Baldur von Schirach received twenty years for crimes against humanity. That, in turn, implicated me too in the count of mass murder because I had served Hitler as fanatically as von Schirach. I had an overwhelming sense of betrayal in Nuremberg and I recognized that the man I had adored was, in fact, the biggest monster in human history. It’s a devastating feeling if you follow it to its conclusion – that you are a part of the human race.

The experience of the Hitler Youth in Nazi Germany constitutes a massive case of child abuse. Out of millions of basically innocent children, Hitler and his regime succeeded in creating potential monsters.

Could it happen again today? Of course it can. Children are like empty vessels: you can fill them with good, you can fill them with evil; you can fill them with compassion. So the story of the Hitler Youth can be repeated because, despite Auschwitz, the world has not changed for the better all that much.⁶

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CONNECTIONS

The word *veracity* means truth. How do you account for the fact that Heck refused to accept the veracity of films made in the concentration camps and death camps but did believe confessions of guilt by Schirach and other Nazi leaders?

Were Baldur von Schirach and other leaders of the Hitler Youth guilty of betraying the children they led? Were they guilty of “child abuse”? Does blaming them absolve Heck of responsibility?

What do Heck’s remarks suggest about the value of the trial to the German people? Was it important for them to hear the events of the war in the perpetrators’ own voices?

Heck believes that what happened to him could happen to others – that other young people could also be betrayed by their leaders. And he was

right. In the 1970s in Cambodia, the Khmer Rouge also used propaganda to win over the young and help them commit genocide.

One survivor believes the Nuremberg Trials were premature. “While Europe was in turmoil at the close of the war, people were rebuilding their cities and their lives. This was not a time for theater, for staging; the judges were the jury then. Humanity never had a chance to attend.” Would Heck agree? Do you agree?

→ Alfons Heck wrote a book about his experiences in Hitler Youth. He also made a film entitled *Heil Hitler: Confessions of a Nazi Youth*. It is available from the Facing History Resource Center. Do you think someone like Heck can be denazified? For additional information on denazification, see *Elements of Time*, pages 56-60.

READING 7

“We Were Not Supposed to Think”

After the first set of trials ended, the United States held twelve others at Nuremberg. These trials were authorized by multinational agreements and based on international law. Telford Taylor, who served in the United States Army Intelligence during the war and was transferred to Justice Jackson’s staff during the first trials, supervised the new proceedings. He said of them, “The judgments of these subsequent trials added enormously to the body and the living reality of international penal law. No principle deserves to be called such unless men are willing to stake their consciences on its enforcement. That is the way law comes into being, and that is what was done at Nuremberg.” Among those brought to trial were:

- 26 military leaders, including five field marshals;
- 56 high-ranking SS and other police officers, including leaders in the *Einsatzgruppen* and key officials in Heinrich Himmler’s central office which supervised the concentration camps and the extermination program,
- 14 officials of other SS organizations that engaged in racial persecution.

The defendants did not deny the accusations against them. Often their own testimony was used to convict them. Otto Ohlendorf, the former Chief of one of the *Einsatzgruppen*, was sentenced to death for the murder of about ninety thousand Jews and “Gypsies” after admitting that he ordered his men to kill children as well as adults.

At the trial, Rudolf Hoess, the Commandant at Auschwitz, was asked if he had considered whether the Jews he murdered deserved such a fate. He responded:

Don't you see, we SS men were not supposed to think about these things: it never even occurred to us. – And besides, it was something already taken for granted that the Jews were to blame for everything... We just never heard anything else. It was not just newspapers like *Der Stuermer* but it was everything we ever heard. Even our military and ideological training took for granted that we had to protect Germany from the Jews... It only started to occur to me after the collapse that maybe it was not quite right, after I had heard what everybody was saying... We were all so trained to obey orders without even thinking that the thought of disobeying an order would simply never have occurred to anybody and somebody else would have done just as well if I hadn't... You can be sure that it was not always a pleasure to see those mountains of corpses and smell the continual burning. – But Himmler had ordered it and had even explained the necessity and I really never gave much thought to whether it was wrong. It just seemed a necessity.

We were all so trained to obey orders without even thinking that the thought of disobeying an order would simply never have occurred to anybody and somebody else would have done just as well if I hadn't.

CONNECTIONS

Why does Taylor argue that passing laws is not enough? What part does enforcement play in creating laws? Find examples in American history or your own experience that shows how enforcement helps to create laws.

How did the individuals charged at this new trial differ from those charged at the earlier Nuremberg trial? As the power of Nazi officials diminishes does their guilt also diminish?

According to the *superior order principle*, a person who commits a crime is not automatically excused by the fact that he obeyed a law, a decree, or an order from a superior. He is only excused if he did not have a *moral choice* to act differently. The Nuremberg judges did not define *moral choice* as requiring that one obey a criminal order at the cost of one's own life. Review Christopher Browning's description of the *Einsatzgruppen* in Chapter 7, Reading 3. How were the officers and their men initiated into violence? Did Ohlendorf have a moral choice? What about the other officers? The soldiers?

Review Hannah Arendt's comments on thinking in the overview to this chapter. How often does Hoess use some form of the word *think*? What is the relationship between thoughtlessness and evil-doing?

READING 8

The Scientists of Annihilation

The Allies also indicted the scientists who made the Holocaust possible. Among them were physicians who performed “medical experiments” on concentration camp inmates as well as the engineers and technicians who helped create the technology of mass death. Leo Alexander, a psychiatrist who served as a consultant to the Secretary of War of the United States on duty with the Office of the Chief Counsel for War Crimes in Nuremberg, summarized his own findings.

A large part of [German] research was devoted to the science of destroying and preventing life, for which I have proposed the term “ktenology,” the science of killing. In the course of this ktenologic research, methods of mass killing and mass sterilization were investigated and developed for use against non-German peoples or Germans who were considered useless.

Sterilization methods were widely investigated but proved impractical in experiments conducted in concentration camps. A rapid method developed for sterilization of females, which could be accomplished in the course of a regular health examination, was the intra-uterine injection of various chemicals... The injections were extremely painful, and a number of women died in the course of the experiments. Professor Karl Clauberg reported that he had developed a method at the Auschwitz concentration camp by which he could sterilize 1000 women in one day.

Another method of sterilization, or rather castration, was proposed by Viktor Brack especially for conquered populations. His idea was that x-ray machinery could be built into desks at which the people would have to sit, ostensibly to fill out a questionnaire requiring five minutes; they would be sterilized without being aware of it. This method failed because experiments carried out on 100 male prisoners [resulted in] severe x-ray burns...on all subjects...

The development of methods for rapid and inconspicuous individual execution was the objective of another large part of the ktenologic research... Poisons were the subject of many of these experiments. A research team at the Buchenwald concentration camp, consisting of Drs. Joachim Mrugowsky, Erwin Ding-Schuler and Waldemar Hoven, developed the most widely used means of individual execution under the guise of medication treatment – namely, the intravenous injection of phenol or gasoline.⁷

It was left to the engineers, however, to develop the technology for mass death. When the Russians entered Auschwitz-Birkenau, they found records that detailed the construction of the crematoriums, complete with precise costs and calculations of the number of corpses each furnace could incinerate in a single day. The Russians captured four of the engineers who designed and built the furnaces for a company called Topf and Sons. Historian Gerald Fleming recently uncovered a transcript of their interrogation by the Russians. On March 5, 1946, Kurt Pruefer, one of the four, was asked:

How often and with what aim did you visit Auschwitz?

Answer. Five times. The first time [was] at the beginning of 1943, to receive the orders of the SS Command, where the “Kremas” were to be built. The second time [was] in spring 1943 to inspect the building site. The third time was in autumn 1943 to inspect a fault in the construction of a “Krema” chimney. The fourth time [was] at the beginning of 1944, to inspect the repaired chimney. The fifth time [was] in September-October 1944 when I visited Auschwitz in connection with the intended relocation [from Auschwitz] of the crematoriums, since the front was getting nearer. The crematoriums were not relocated, because there were not enough workers...

Q. Did you see a gas chamber next to the crematorium?

A. Yes, I did see one next to the crematorium. Between the gas chamber and the crematorium there was a connecting structure.

Q. Did you know that in the gas chambers and the crematoriums there took place the liquidations of innocent human beings?

A. I have known since spring 1943 that innocent human beings were being liquidated in Auschwitz gas chambers and that their corpses were subsequently incinerated in the crematoriums...

Q. Why was the brick lining of the muffles so quickly damaged?

A. The bricks were damaged after six months because the strain on the furnaces was colossal.

Q. What motivated you to continue with the building of the other crematoriums as senior engineer with Topf?

A. I had my contract with the Topf firm and I was aware of the fact that my work was of great importance for the national socialist state. I knew that if I refused to continue with this work, I would be liquidated by the Gestapo.

On March 7, the Russians also questioned Fritz Sander about the crematoriums. He expressed concern about the strain on the furnaces.

I decided to design and build a crematorium with a higher capacity. I completed this project...and I submitted [it] to a State Patent Commission in Berlin.

This “Krema” was to be built on the conveyor belt principle. That is to say, the corpses must be brought to the incineration furnaces without interruption. When the corpses are pushed into the furnaces, they fall onto a grate, then slide into the furnace and are incinerated. The corpses serve at the same time as fuel for the heating of the furnaces...

Q. Although you knew about the mass liquidation of innocent human beings in crematoriums, you devoted yourself to designing and creating higher capacity incineration furnaces for crematoriums – and on your own initiative.

A. I was a German engineer and key member of the Topf works and I saw it as my duty to apply my specialist knowledge in this way in order to help Germany win the war, just as an aircraft construction engineer builds airplanes in wartime, which are also connected with the destruction of human beings. [Mr. Sander’s design was never carried out.]⁸

CONNECTIONS

Physicians are bound by the Hippocratic oath. It is a vow to help the sick and abstain from any act that may be harmful to the patient or that has an ulterior motive. The oath specifically prohibits the giving of deadly medicine or poison to anyone or suggesting that others give it. How far did Nazi physicians stray from that oath? What responsibility does a physician have to his or her patients? To society?

To what extent were doctors and health-care professionals in the Third Reich guided by ideology rather than the interests of medicine and their patients? What aspects of their training may have led Nazi doctors and other health professionals to overemphasize techniques and medical technology at the expense of patient care?

The Americans also tried sixteen Nazi jurists, including an acting minister of justice, who drafted the special regulations that deprived many people of the basic rights of a fair trial, ordered their indefinite transfer to concentration camps, and ultimately deprived them of life; as well as prosecutors who charged and judges who condemned them to death on trumped-up charges. The court declared that the judges hid the “murderer’s knife” beneath their judicial robes. What did they mean? What is a judge’s responsibility? How did the judge Alexander describes violate that responsibility?

Just a few years after the trials, American scientists and physicians secretly experimented on prisoners and mentally retarded children to discover the effects of radiation. Most Americans knew nothing of the tests until Energy Secretary Hazel O’Leary opened the records to the public in 1993. Use newspapers and magazines to research the story that reporters then discovered. Many have argued that the experiments violated people’s trust by

failing to get their consent. How would you judge those scientists and physicians?

→The Facing History Resource Center has a copy of Jean-Claude Pressac's *Auschwitz – Techniques and Operation of the Gas Chambers*. It includes the actual plans for Auschwitz and a technical analysis of how the gas chambers and crematoria worked. Also available is a video of the panel on medical ethics at the First Annual Facing History Conference. Robert Lifton gave the main presentation with comments by Steven Chorover, La Vonne Veatch, and George Annas. In addition, the Resource Center has papers and photographs from the Doctors' Trial at Nuremberg, donated by Leo Alexander. The material includes comprehensive information on female victims of leg experiments at Ravensbrueck. Some of that information has been included in the educational packet, "Questions of Medical Ethics During the Holocaust." It contains eyewitness accounts of experiments conducted in the camps, testimonies, and an excerpt from Leo Alexander's 1949 article, "Medical Science under a Dictatorship."

READING 9

Less than Slaves

Albert Speer, Hitler's favorite architect, was among the twenty-two Nazi leaders tried at Nuremberg. He also served as minister for armaments and munitions. In that role he was responsible for all assignments to prisoner-of-war, work, and concentration camps. At the trial, Speer pictured himself as shortsighted, even deluded, and described his partnership with Hitler as a pact with the devil. He told the tribunal, "The trial is necessary. There is a common responsibility for such horrible crimes, even in an authoritarian system." He insisted, however, that he could not be held accountable for the death camps, because he was unaware of their existence.

Speer was sentenced to twenty years in prison for his role in the Third Reich. His testimony and government records later led to the indictment of a number of German executives, including the top officials at I. G. Farben Company. Their indictment stated in part:

Farben, in complete defiance of all decency and human considerations, abused its slave workers by subjecting them, among other things, to excessively long, arduous, and exhausting work, utterly disregarding their health or physical condition. The sole criterion of the right to live or die was the production efficiency of said inmates. By virtue of inadequate rest, inadequate food (which was given to the

inmates while in bed at the barracks), and because of inadequate quarters (which consisted of a bed of polluted straw, shared by from two to four inmates), many died at their work or collapsed from serious illness there contracted. With the first signs of a decline in the production of any such workers, although caused by illness or exhaustion, such workers would be subjected to the well-known "Selektion." Selektion in its simplest definition, meant that if, upon a cursory examination, it appeared that the inmate would not be restored within a few days to full productive capacity, he was considered expendable and was sent to the "Birkenau" camp at Auschwitz for the customary extermination. The meaning of Selektion and Birkenau was known to everyone at Auschwitz...

The working conditions at the Farben Buna plant were so severe and unendurable that very often inmates were driven to suicide by either dashing through the guards and provoking death by rifle shot, or hurling themselves into the high tension electrically charged barbed wire fences. As a result of these conditions, the labor turnover in the Buna plant in one year amounted to at least 300 percent. Besides those who were exterminated and committed suicide, up to and sometimes over 100 persons died at their work every day from sheer exhaustion. All depletions occasioned by extermination and other means of death were balanced by replacement with new inmates. Thus, Farben secured a continuous supply of fresh inmates in order to maintain full production.

A man forced to work for Krupp testified, "We were not slaves but less than slaves. We were deprived of freedom and became a piece of property which our masters drove to work. But here all similarity with any known form of slavery ends... The machinery had to be operated with care, oiled, greased, and allowed to rest; its life span was protected. We, on the other hand, were like a bit of sandpaper which, rubbed a few times becomes useless and is thrown away to be burned with the garbage."⁹

In his book *Less than Slaves*, Benjamin Ferencz, who served as an American prosecutor at Nuremberg, notes:

Well over half a million inmates were leased out by the SS to hundreds of German firms by the end of 1944. The workers included Germans who might have committed some minor infraction, Communists, Socialists, other political opponents of the Nazi regime, priests, Seventh Day Adventists, as well as homosexuals, 'asocials,' and common criminals... As a class, there can be no doubt that the Jews suffered most of all, but in focusing on their claims, I have not wished to minimize the suffering of all the others... Jews were regarded as contagious vermin by their Nazi oppressors, and were treated accordingly. They were given the most strenuous and most dangerous work. Jews who could not work were either dead or about to die.¹⁰

Ferencz points out that although some industrialists were tried and convicted, most were free within a few years and richer than ever. Although some survivors sued German companies, settlements were very small. And no firm ever acknowledged guilt.

CONNECTIONS

Albert Speer claimed that no industrialist was ever forced to use concentration camp labor and there is considerable evidence to support his statement. Why then did many choose to do so? Were they all guilty of war crimes? Crimes against humanity? Would your answers be different if they had been forced to use slave labor?

Compare the actions of officials at I. G. Farben and Krupp with those of Oskar Schindler (Chapter 8, Reading 12). If he could save the lives of his employees, why couldn't others do the same?

Speer is often viewed as the only Nazi at Nuremberg to admit his guilt. But did he admit guilt or just take responsibility? What is the difference between the two? In 1981, shortly after Speer's death, Mel London wrote a letter that appeared in the *New York Times*. It said in part:

A few years back, I spent 10 days with Albert Speer in Heidelberg, producing a series of television interviews. During one interview, held on Speer's lawn, I began a question, "You were the only person at Nuremberg to admit his guilt... "and he stopped me with, "I did not admit guilt – I said I was responsible."

For all these years, I have mulled over his answer, not sure where his legal and ethical culpability ended and his responsibility began. I have come to the conclusion that Speer was a clever survivor who know exactly what he was doing when he was on trial at Nuremberg, and I also agree that he was never truly repentant about his role in the Third Reich...

He was a charming, though methodical man. He knew exactly what he was doing, and his answers had been well thought out during his 20 years in Spandau.¹¹

In a film based on Speer's journals, the director had to add a character. The character was Speer's mother. Her role was to ask the moral questions. She served as a guide to what was good and what was evil. The director feared that without that character American audiences would find Speer so attractive that they would fail to notice the evil acts he committed.

→ Available from the Facing History Resource Center are a paper on the Nuremberg trials by Benjamin Ferencz and a video of a talk he gave at the First Annual conference.

READING 10

Toward International Standards

In 1945, the United States, Britain, the Soviet Union, and the recently liberated France divided Germany into four zones of occupation. Each nation held war-crimes trials in its zone. Together, Britain, France, and the United States convicted over five thousand Nazis and sentenced eight hundred to death. The Soviets held similar trials but did not release statistics. The Allies also extradited many Nazis to nations once occupied by Germany. The Poles and the Czechs, for instance, tried, convicted, and executed Rudolf Hoess, the commandant of Auschwitz; Arthur Greiser, the man who set up the first death camp at Chelmno; Juergen Stroop, the SS leader who liquidated the Warsaw Ghetto; and Kurt Daluege, the head of the German police. The Belgians convicted 75 Nazis; the Luxembourgers 68; the Dutch 204; the Danes and the Norwegians 80 each; and the Poles thousands.

Some nations in Nazi-occupied Europe also brought to trial leaders who collaborated with the Nazis. The Norwegians convicted Prime Minister Vidkun Quisling and the French Henri-Philippe Petain and Pierre Laval. The war-crimes trials also extended to Asia. U.S. General Douglas MacArthur created an international tribunal to bring key Japanese offenders to justice. A number of nations occupied by Japan during the war also held their own trials.

These trials reflected a heightened commitment to international standards of behavior in wartime. Known as the “Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal,” they were affirmed unanimously by the first General Assembly of the United Nations.

Principle I

Any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment.

Principle II

The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

Principle III

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible government official does not relieve him from responsibility under international law.

Principle IV

The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

Principle V

Any person charged with a crime under international law has the right to a fair trial on the facts and law.

Principle VI

The crimes hereinafter set out are punishable as crimes under international law:

a. Crimes against peace:

(1) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(2) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (1).

b. War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

c. Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in connection with any crime against peace or any war crime.

Principle VII

Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in PRINCIPLE VI is a crime under international law.

CONNECTIONS

Why were people like Quisling (whose name has become synonymous with traitor), Petain, and Laval tried by their own courts rather than in an international tribunal? Do you think it was fair to do so?

How does Principle II help explain why the judges at Nuremberg did not regard obedience as a defense?

Reread Principle IV. When is it not possible for a perpetrator to make a moral choice?

When Jackson opened the Nuremberg trials by stating, “We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow,” many in the courtroom looked at the two Soviet judges. After all, the Russians had invaded Poland in 1939 and Finland in 1940 and were widely believed to be responsible for the massacre of thousands of Polish officers in the Katyn Forest. They were also responsible for the murder of thousands of their own citizens in the 1930s as part of Stalin’s efforts to consolidate his control over the nation. But by 1970, Telford Taylor could sadly write that “now the wheel has spun full circle, and the fingers of accusation are pointed not at others...but at ourselves. Worse yet, many of the pointing fingers are our own. Voices of the rich and poor and black and white, strident voices and scholarly voices, all speaking our own tongue, raise question of the legality under the Nuremberg principles of our military actions in Vietnam, and in Cambodia.”¹²

Use a recent history book to research the Vietnam War to find out why the “fingers of accusation” were pointed toward the United States in 1970. In the early 1990s, they pointed toward Bosnia. A number of American and European leaders demanded that government leaders responsible for the nation’s policy of “ethnic cleansing” stand trial. To whom do the “fingers of accusation” point today? As a research assignment, find current examples of abuses of power that have led individuals and nations to call for international trials.

Professor Henry Huttenbach of City College of New York wonders whether leaders have learned from the past. He writes:

So far there are few signs that the training groups of those professions that participated in the genocide have taken radical steps to examine themselves in depth. Where is there a Medical School which asks graduates to swear the Hippocratic Oath in the light of the Mengele Syndrome [named for the notorious Nazi doctor who experimented on twins in the death camps]? Where is there a Law School mentioning the dangers of legalism as a path to genocide? What Schools of Business include in their curriculum a case study of I. G. Farben and its pursuit of profit all the way to Auschwitz? Is there a seminary that asks about the final implications of the martyrdom of the Jewish People? Do Schools of International Law and Diplomacy teach the merits of drafting anti-genocide [laws]? Not until a Holocaust conscious elite permeates western society will it be possible to speak of an historical encounter with the Holocaust.¹³

What evidence can you find in the news that leaders have not yet come to terms with the questions Huttenbach asks? Is he right to stress the importance of training the elite – a nation’s leaders – or should every citizen in a society examine himself or herself “in depth?”

READING 11

“*Making Good Again*”

After the war, the Allies had to deal not only with questions of guilt and innocence but also with questions of restitution. What claims did the victims have on the perpetrators? On Germany itself?

The Allied Military Government in Germany tried to answer those questions by requiring that all property seized by the Nazis or transferred to them by force be returned to its rightful owners. If the rightful owner had died and left no heir, the property was to be used to aid survivors of Nazi persecution. Then in 1949, disagreements among the Allies led to the division of Germany.

I hate the expression. What can one make good again? Absolutely nothing. One can pay damages.

France, the United States, and Britain combined their zones into the Federal Republic of Germany (West Germany). The Soviet Union turned its zone of occupation into the German Democratic Republic (East Germany) at about the same time. Although both Germanies tried former Nazis for war crimes, only West Germany tried to make restitution for wrongs committed during the war.

In 1951, West Germany declared that “unspeakable crimes had been committed in the name of the German people which entails an obligation to make moral and material amends” and promised to make reparations to both the state of Israel and various Jewish organizations involved in the resettlement and rehabilitation of survivors. In 1953, West Germany also set up a special program to compensate all those who suffered injury or discrimination “because of their opposition to National Socialism or because of their race, creed, or ideology.” The program is known in German as “*Wiedergutmachung*,” which means “to make good again.”

To be eligible, an individual had to prove that he or she had been persecuted for racial, religious, or ideological reasons and suffered injuries that were not only disabling but also the direct result of persecution. These requirements excluded thousands who had suffered from Nazi brutality but could not meet the rigid burden of proof. It also excluded the 350,000 people who had undergone forced sterilization and families that lost loved ones as a result of the “euthanasia” program. Their applications were routinely turned down “because sterilization was not a form of persecution but was performed purely for medical reasons” and “the Law for the Prevention of Hereditary Diseases was not unconstitutional as such.” Gays were denied compensation on similar grounds.

The Sinti and Roma were also excluded. On January 7, 1956, a West German court ruled that the deportation of twenty-five hundred “Gypsies” from Hamburg, Bremen, Cologne, Duesseldorf, Stuttgart, and Frankfurt in May 1940, was not a result of racial discrimination but a “security measure.” Other rulings argued that “Gypsies” were not targeted because of race but because they were “work shy” or “asocial.”

Dietrich Goldschmidt, a minister in the Confessing Church who was imprisoned at Dachau, said of *Wiedergutmachung*:

I hate the expression. What can one make good again? Absolutely nothing. One can pay damages...

I find it a particular scandal that an entire group of special cases have not yet received damages... whether it's the Mengele twins [the twins on whom Josef Mengele experimented] or the socially persecuted, whether it's the gypsies or the Jews in Israel, who according to the regional principle, haven't received anything – the Polish Jews who were in Auschwitz or Theresienstadt receive no reparations...

One can best compare reparations for the war victims with the pensions of former career soldiers. The pensions of former career soldiers, including the SS increase very regularly, just as all pensions increase.¹⁴

A German who took part in the resistance and later worked in the reparations office confirmed Goldschmidt's charges. Helene Jacobs told an interviewer, “I stood fairly alone among my colleagues. I tried to do everything for the benefit of the persecuted. The tendency was more to reject all claims – that was also easier, according to the law, and they wanted to act only according to the law.”¹⁵

Many of Jacobs' co-workers had served in the Third Reich. Soon after its establishment, West Germany passed a law guaranteeing employment to any member of the Nazi civil service who applied. The few who were ineligible often received generous pensions. For example, although Franz Schlegelberger, an undersecretary in the Nazis' ministry of justice was sentenced to life in prison after the war, he won his freedom in 1951. Soon after, he was awarded a large pension and received back pay for time spent in prison. In *Hitler's Justice*, Ingo Mueller tells of a Nazi judge who “was named presiding judge of a board in Hamburg to hear the cases of war victims claiming damages; here he decided claims filed by the survivors of his own earlier trials, and by the relatives of those he had sentenced to death.”

CONNECTIONS

The word *reparations* refers to the process of making amends. Why do you think it often involves a financial payment? Was West Germany right to make reparations? Can a nation be guilty of crimes? Can a nation be held responsible for the crimes its leaders commit?

What does *Wiedergutmachung* suggest about the difficulty of erasing Nazi influences in government? Should the government have refused to hire former Nazi officials?

After the United States declared war against Japan, 120,000 Japanese Americans who lived on the West Coast were shipped to detention camps. Many lost homes and businesses. Yet no Japanese American was ever found guilty of sabotage or treason. When Japanese Americans challenged the legality of the camps, the Supreme Court ruled in 1944 that it was a valid use of the nation's war powers. It would take forty years before the United States government agreed to make reparations. Why do you think it took so long? How was the American response to Japanese Americans similar to that of the Germans to Jews, "Gypsies," and other victims of discrimination? What differences seem most striking?

READING 12

Levi Versus Mertens

In earlier chapters, Raul Hilberg used the German railroad as an example of the "bureaucratic structure serving the extermination." He pointed out, "The civilian railroad workers involved in operating rails to Auschwitz were simply performing their daily tasks. These were individual people making individual decisions. They were not ordered or even assigned." Primo Levi, like many survivors of the Holocaust, wondered about "those individual people making individual decisions."

He was an almost-me, another myself, turned upside down... Potentially two colleagues: in fact we worked in the same factory, but I was inside the barbed wire and he outside.

It might be surprising that in the Camps one of the most frequent states of mind was curiosity. And yet, besides being frightened, humiliated, and desperate, we were curious: hungry for bread and also to understand. The world around us was upside down and so somebody must have turned it upside down, and for that reason he himself must have been upside down: one, a thousand, a million antihuman beings created to twist that which was straight, to befoul that which was clean. It was an unpermissible simplification, but at that time and in that place we were not capable of complex ideas.

As regards the lords of evil, this curiosity, which is not limited to the Nazi chiefs, still lingers. Hundreds of books have come out on the psychology of Hitler, Stalin, Himmler, Goebbels, and I have read dozens of them and been left unsatisfied: but probably it is a matter here of the essential inadequacy of documentary evidence. It almost never has the power to give us the depths of a human being; for this purpose the dramatist or poet are more appropriate than the historian or psychologist.

Nevertheless, this search of mine has not been entirely fruitless: a strange, indeed provocative fate some years ago put me on the track of “someone on the other side,” not certainly one of the greats of evil, perhaps not even a fully qualified villain, but nevertheless a specimen and a witness. A witness in spite of himself, who did not want to be one, but who has testified without wanting to, and perhaps even unknowingly. Those who bear witness by their behavior are the most valuable witnesses, because they are certainly truthful.

He was an almost-me, another myself, turned upside down. We were contemporaries, not dissimilar in education, perhaps not even in character. He, Mertens, was a young chemist, German and Catholic, and I a young chemist, Italian and Jewish. Potentially two colleagues: in fact we worked in the same factory, but I was inside the barbed wire and he outside. However, there were forty thousand of us employed in the Buna Works at Auschwitz. That the two of us, he an Oberingenieur and I a slave-chemist, ever met is improbable, and in any case no longer verifiable, nor did we ever see each other later on.

Whatever I know about him comes from letters of mutual friends. The world turns out to be laughably small at times, small enough to permit two chemists from different countries to find themselves linked by a chain of acquaintances who help to weave a network of exchanged information, which is a poor substitute for a direct encounter but still better than mutual ignorance. By such means I learned that Mertens had read my books about the Camp and, in all likelihood, others as well, because he was neither cynical nor insensitive. He tended to block out a certain segment of his past, but was intelligent enough to keep from lying to himself. He did not make himself a gift of lies, but blanks, lacunae.

The first report I have of him goes back to the end of 1941, a period of rethinking for all Germans still capable of reasoning and resisting propaganda. The victorious Japanese are overrunning all of Southeast Asia, the Germans are laying siege to Leningrad and are at the doors of Moscow, but the era of the blitzes is over, the collapse of Russia has not taken place. Instead, aerial bombings of the German cities have begun. Now the war involves everybody. In every family there is at least one man at the front, and no man at the front is sure any longer of the safety of his family: behind the house doors, warmongering rhetoric no longer carries much weight.

Mertens is a chemist in a metropolitan rubber factory, and the manager of the firm makes him a proposal that is almost an order: he will find career, and perhaps also political, advantages if he accepts an offer to transfer to the Buna Works at Auschwitz. It's a tranquil zone, far removed from the front and outside the range of the bombers. The work is the same, the salary better, and there will be no difficulty about housing: many Polish houses are empty... Mertens talks it over with

his colleagues. Most of them advise against it; one doesn't exchange the certain for the uncertain, and besides, the Buna Works are in an ugly, marshy, and unhealthy region. Unhealthy even historically, Upper Silesia is one of those corners of Europe that have changed masters too many times and are inhabited by mixed peoples, hostile to one another.

But no one has objections to the name Auschwitz: it is still an empty name that does not provoke echoes; one of the many Polish towns which have changed their names since the German occupation. Oswiecim has become Auschwitz, as if that is enough to change into German the Poles who have lived there for centuries. It is a small town like many others.

Mertens thinks about it; he is engaged and to set up a household in Germany, under the bombings, would be foolhardy. He asks for a short leave and goes to have a look. What he thought during this first survey is not known: the man went back, got married, spoke to no one, and left again for Auschwitz with wife and furniture to settle down there. His friends, those in fact who wrote the story for me, asked him to speak but he remains silent.

Nor did he speak the second time he was seen in Germany, in the summer of 1943, on vacation (because even in wartime in Nazi Germany, people went on vacation in August). Now the scenario has changed: Italian fascism, defeated on all fronts, has come apart and the Allies are pushing up the peninsula. The aerial battle against the British is lost and by now no corner of Germany is spared from pitiless Allied retaliation. Not only did the Russians not collapse but at Stalingrad they inflicted on the Germans and on Hitler himself, who directed the operations with the obstinacy of a madman, the most scathing defeat.

The Mertens couple are the objects of very guarded curiosity, because at this point despite all precautions Auschwitz is no longer an empty name. There have been rumors, imprecise but sinister: it must be put alongside Dachau and Buchenwald. It seems that it may even be worse. It is one of those places about which it is risky to ask questions, but after all, we're all intimate friends here, from way back; Mertens has come from the place, he surely must know something, and if he does he should say so.

But, while all the living-room conversations interweave, the women talking about evacuations and black market, the men about their work, and someone in a whisper tells the latest anti-Nazi joke, Mertens goes off by himself. In the next room there is a piano; he plays and drinks, returns to the living room now and again, only to pour himself another glass. By midnight he is drunk but his host has not lost sight of him; he drags him to the table and says to him loud and clear, "Now you're going to sit down here and tell us what the hell is happening down there, and why you have to get drunk instead of talking to us."

Mertens feels torn between intoxication, caution, and a certain need to confess. “Auschwitz is a Camp,” he says, “actually a group of Camps, one is right next to the plant. There are men and women, filthy, ragged, they don’t speak German. And they do the most exhausting work. We are not allowed to talk to them.”

“Who says you can’t?”

“Management. When we arrived we were told that they are dangerous, bandits and subversives.”

“And you have never talked to them?” asks the host.

“No,” Mertens replies, pouring himself another drink.

Here young Mrs. Mertens joins in: “I met a woman who cleaned the manager’s house. All she said to me was ‘Frau, Brot...Lady, bread’...but I...”

Mertens mustn’t have been all that drunk after all because he says brusquely to his wife: “Stop it!” and, turning to the others: “Would you mind changing the subject?”

I don’t know much about Mertens’s behavior after the collapse of Germany. I do know that he and his wife, like many other Germans of the eastern regions, fled before the Soviets down the interminable roads of defeat, covered with snow, rubble, and corpses, and that afterwards he went back to his profession of technician, but refusing all contacts and withdrawing more and more into himself.

He spoke a little more, many years after the end of the war, when there was no more Gestapo to frighten him. This time he was questioned by a “specialist,” an ex-prisoner who today is a famous historian of the Camps, Hermann Langbein. In reply to precise questions, he said he had agreed to move to Auschwitz to prevent a Nazi from going in his place, that for fear of punishment he had never spoken to the prisoners, but had always tried to alleviate their working conditions; that at that time he knew nothing about the gas chambers because he had not asked anyone about anything. Didn’t he realize that his obedience was a concrete help to the Hitler regime? Yes, today he did, but not at the time. It had never entered his mind.

I never tried to meet Mertens. I felt a complex reluctance, of which aversion was only one component. Years ago I wrote him a letter; I told him that if Hitler had risen to power, devastated Europe and brought Germany to ruin, it was because many good German citizens behaved the way he did, trying not to see and keeping silent about what they did see. Mertens never answered me, and he died a few years later.¹⁶

CONNECTIONS

Draw an identity chart for Mertens in 1942. What changes would you make in his chart after he spoke with Langbein? Draw a similar chart for Levi. What changes would you make in his chart after Auschwitz? Thirty years

later? How do the various charts help explain why Levi claims that Mertens was “almost me”?

Was Mertens guilty? Was he responsible for war crimes? How did Levi judge Mertens’s behavior? Do you agree with his assessment? What factors most influenced your judgments? Is a conscience a personal matter? Or is there an international conscience? What is the difference between responsibility and guilt? Should Mertens have been brought to trial?

READING 13

On Trial

In 1964, Horst Krueger, a German journalist, attended a trial held in Frankfurt. He arrived late because he could not find a parking place.

As always happens when you arrive at a movie or play after it has started, I sat there a little perplexed and benumbed and could not find my place in the plot. So this is it, this is the famous Auschwitz trial, and I distinctly felt a little disappointment rising in me. I had thought it would be different, harsher, more dignified, more dramatic – the prosecution in tall chairs, and the accused on low benches. I remembered the Nuremberg trials... Those proceedings had an element of stature and drama: Day of Judgment, nemesis, the tribunal and the verdict of history. Where was it here?

I found myself seated in a medium-sized pleasantly middle-class hall in which a board of inquiry was clearly in session. The room was about a hundred and twenty yards long and forty yards wide, with walls paneled in wood all the way up to the ceiling – pale brown, cheap wood. Green draperies concealed a stage to the right, with a large relief map representing the camp of Auschwitz mounted next to it. Eight lamps reminiscent of the stiff modernism of the 1930s lit the high-ceilinged room. On the main wall hung the blue, red, and white coats of arms of the nation and the city.

The hall, the solid administrative furniture – slightly clumsy benches and lighter, modern chairs – and even the faces of the judges seated under the coat of arms radiated solid middle-class spirit, respectable calm and paternalism... The presiding officer was a short, stocky, round-headed gentleman perhaps in his late fifties. He sat behind huge piles of documents, and sometimes he turned a page or two. To the right and left of him sat the other two judges, one of them young, the other very old; they too turned the pages of documents. A voice came over the loudspeaker.

Some chased after money and others attended the Auschwitz trials, some covered up and others uncovered. These were two sides of the same German coin. This Hitler, I thought, remains with us – all the days of our lives.

I looked around the hall for the defendants, but I could not find them. I looked for the witness stand, but I could not locate it. I had a good seat, I could see everything, but it all seemed so strange, so incomprehensible and confused. There were about a hundred and twenty or a hundred and thirty Germans in this chamber, citizens of our nation, Federal Republican Germans of the year 1964, and I could not tell who here actually were the accusers and who the accused.

Over the loudspeaker the voice, somewhat dusky and blurred, cut through the room. It must be the voice of the witness, and since I could not yet identify the roles being acted out here, I decided simply to listen. The voice said, "Birkenau was divided into three parts, BI, BII, and BIII." After a pause it continued. "And then there was the mysterious BIIb Division, a mystery in this hell, a segment of Auschwitz where women and children and men lived together, did not have their heads shaved. The children were given milk and had a nursery school." After another pause the voice added, "But the bitter end came for them as well. Six months after their arrival, the more than three thousand residents of BIIb were suddenly gassed."

A few moments later the voice rang from the loudspeaker again. "I will now describe my own arrival in Auschwitz... Over the gate through which they marched us were written, Work Liberates. There was waltz music to the left, a band was practicing. It never occurred to us that we were going to be sent to hell. Everything looked so peaceful, so calm."

Krueger listened as an unseen witness told of how he was saved from the gas chamber only to become a doctor in a section of the camp. As the man spoke, Krueger wondered:

To have lived in Auschwitz for five years – to have survived Auschwitz – meant not only to have suffered for five years but also to have become accustomed to it, to have made one's peace with it, to have come to terms with it, with indifference, coldness, even one's own wickedness in the face of the misery of the lost.

Horriying confirmation: man is the product of his environment. In the city of death, everyone becomes a supporting player. Whether you hand out bread or gas, you are a part of it... An incomprehensible, raging will to survive must have ruled the man with the voice – I won't die, not me, I will survive... To eat, to drink, to obey, to work, to participate, not to go under, to endure – endure in order to bear witness some day to what man did to man in this place. The time would come; it would take twenty years, it would be February 27, 1964, it would be in Frankfurt... The hour of truth has arrived.

As the witness continued, Krueger was startled by a word he had not heard in years. The word was *Sanka*. As he struggled to recall where he had heard the term before, the voice said, "Most of them were hosed down

with phenol in the Sankas.” Suddenly Krueger remembered. *Sanka* was the word soldiers used to refer to an ambulance. Krueger himself drove one on the Eastern front.

I drove my Sanka to the central field dressing station in Smolensk. I was simply following orders, like seventy million other Germans. All of us were simply following orders. But what would have happened if my travel orders had accidentally borne not the word Smolensk but that other word – the unknown, meaningless Auschwitz? How would it have been? Of course I would have taken my wounded there as well; of course – a soldier always does as he is ordered. I would have taken them to Auschwitz and perhaps I would have delivered them to the very prison doctor who was now bearing witness. One or two hundred wounded a day for the medical barracks in Auschwitz – that wasn’t a lot.

And then? What else would I have done? It could hardly have escaped my notice that the business there was not curing but killing. What would I have done?

As Krueger tried to decide what he would have done, someone opened a window as a streetcar rumbled by.

The squeaking and humming of the streetcar mingled strangely with the voice from the loudspeaker, which now spoke of children who, because the gas was scarce, were thrown alive into the fire. “There is no other way to make our quota,” the directive from above had read. And they wanted to make their quota – of course. I felt fear and horror rising in me. Outside the 18 Line was rolling past, and here, inside, the Day of Judgment was happening. And I – where was I? Where did I stand?

I came as a stranger, a German journalist; all I wanted was to be a spectator. But as I followed the voice again, I felt that no one could remain a spectator here.

I came as a stranger, a German journalist; all I wanted was to be a spectator. But as I followed the voice again, I felt that no one could remain a spectator here.

When the court recessed for a few minutes, Krueger saw a fellow reporter and asked him where the defendants were.

My colleague looked at me in astonishment. He smiled ironically, put his hand to his mouth as if he were about to whisper, and answered, “Hey, man, can’t you see? Right here, right next to you, back there. Those men in the armchairs, and those over there by the window, and the one at the checkroom counter. All over.”

Then, for the first time, I understood, that all these amiable people in the chamber, whom I took to be journalists or lawyers or spectators, that they were the defendants, and that of course there was no way to tell them from the rest of us... Like me, they had parked their cars outside the building. They come to the trial just like me. There was nothing to distinguish them.

Krueger stared at the men in horror. He wrote:

I was aghast to find that murderers look like this – so harmless, so amiable and fatherly. But then I realized that these goodnatured gentlemen were not the usual kind of murderers, not people who commit crimes of passion, who kill someone in a fit of temper or out of lust or desperation. All those are human motives. There are such things. But the men here are modern murderers, a breed unknown until now, the administrators and bureaucrats of mass death, the bookkeepers and button pushers and clerks of the machinery, technicians who operate without hatred or feeling... desk-chair murderers. Here a new style of crime became manifest: death as administrative action.

Krueger's colleague told him the defendants were all respected citizens. There was nothing to single them out as murderers. As the trial continued, Krueger concluded: "Hitler still ruled in the dark, underground: somehow he had made a crack in all of us. Some chased after money and others attended the Auschwitz trials, some covered up and others uncovered. These were two sides of the same German coin. This Hitler, I thought, remains with us – all the days of our lives."¹⁷

CONNECTIONS

Why was Krueger unable to tell the defendants from the spectators? Why did his inability shock him? Would it have shocked you? What does Krueger mean when he concludes, "I felt that no one could remain a spectator here."

Ten years after his book was published, Krueger wrote, "The value I assign to self-cleansing, to cleaning house, seems to me not to have changed in the course of my life. The message of the key sentence in this book, at the very end – 'This Hitler, I think, remains with us – all the days of our lives' – still holds true." What is Krueger saying about himself and other Germans? About guilt and innocence? Do you agree?

Journalist Gitta Sereny was able to do what Krueger could not do. She interviewed one of the "bureaucrats of mass death," Franz Stangl – the commandant of Sobibor and Treblinka. She recorded that interview in her book, *Into That Darkness*. Chapter 7, Reading 17 contains excerpts from her interview. Do those excerpts answer Krueger's questions? Do they answer your own questions or do they raise new ones?

In "The Hangman at Home," American poet Carl Sandburg wonders how the hangman gets through his day. What does he think about? Is everything "easy for a hangman"?

What does the hangman think about
When he goes home at night from work?
When he sits down with his wife and
Children for a cup of coffee and a
Plate of ham and eggs, do they ask
Him if it was a good day's work
And everything went well or do they
Stay off some topics and talk about
The weather, baseball, politics
And the comic strips in the papers
And the movies? Do they look at his
Hands when he reaches for the coffee
Or the ham and eggs? If the little
Ones say, Daddy, play horse, here's
A rope – does he answer like a joke:
I seen enough rope for today?
Or does his face light up like a
Bonfire of joy and does he say:
It's a good and dandy world we live
In. And if a white face moon looks
In through a window where a baby girl
Sleeps and the moon-gleams mix with
Baby ears and baby hair – the hangman –
How does he act then? It must be easy
For him. Anything is easy for a hangman,
I guess.¹⁸

Franz Stangl said of his victims, "I rarely saw them as individuals. It was always a huge mass." How did that attitude help Stangl in his role as commandant? How was he like the hangman in Sandburg's poem? What differences seem most striking?

→Reread "The Hangman" by Maurice Ogden (Chapter 4, Reading 23) or replay the video. Was Stangl the hangman? Or was he one of the townspeople? Judge the hangman. Is he guilty? Is he responsible? What about the townspeople? Were they guilty? Were they responsible?

READING 14

Justice Avoided

Many Nazi leaders disappeared at the end of the war. Some were aided by relatives and friends with international connections. Others were smuggled into the Middle East or South America by sympathetic priests. A few got help from former SS officers who formed an alumni group of sorts – *Organisation Der Ehemaligen SS-Angehörigen* (Organization of Former SS Members). As the result of a novel by Frederick Forsyth, the group is better known by its initials – ODESSA.

For a few Nazis with special interests and abilities, help came from their former enemies. Even before the war ended, the Soviet Union and its former allies were at odds. Some Nazis saw an opportunity in the growing division among the Allies to barter their expertise for freedom. Both the United States and the Soviet Union were eager to recruit Nazi scientists. American officials were even willing to alter the files of Nazi medical researchers and physicists to help them gain admission to the United States. Among them were scientists who helped the United States develop its rocket science program. The Americans also recruited Siegfried Ruff who conducted experiments at Dachau on human survival capabilities at high altitudes. And both the British and the Americans struck deals with Nazis who had expertise as spies and undercover agents. The director of the American Joint Intelligence Objectives Agency justified their employment on the ground that there was no need to continue “beating a dead Nazi horse.”

CONNECTIONS

What role did the rivalry between the United States and the Soviet Union play in the process of bringing accused Nazis to justice? Why did it affect that process?

Were the Allies right to recruit former Nazis? Why would Nazis work for a former enemy? How loyal would they be to their new employers?

By 1960, the war was over for 15 years. Was it time to stop “beating a dead Nazi horse? Should there a statute of limitations on war crimes?

READING 15

Eichmann in Jerusalem

Adolf Eichmann was an Austrian who moved to Germany in 1933 and quickly made himself the nation's leading "expert" on the "Jewish Question." By the time of the Wannsee Conference in 1942, he was the chief organizer of what became the "Final Solution." Much of his work, however, took place behind the scenes. As a result, the Allies knew little about him. Few people were even aware of what he looked like.

While the Allies were trying Goering and other top Nazis officials, Eichmann was hiding in a prisoner-of-war camp. When he learned that his name had emerged at the Nuremberg trial, he quickly left the camp. By the summer of 1950, he had settled in Argentina under the name "Ricardo Klement." He arrived there under a passport issued by the Vatican to "displaced persons." His wife and sons later joined him.

Long after other nations had lost interest in punishing the Nazis, Israel remained committed to finding every individual who had escaped judgment. Eichmann was one of the nation's main targets. A tip in 1957 led the Israelis to Argentina. In May of 1960, they kidnapped Eichmann and then smuggled him into Israel to stand trial. In February 1961, he was indicted on fifteen counts, including "crimes against the Jewish people," "crimes against humanity," "war crimes," and "membership in a hostile organization." At his trial, which began in April, Gideon Hausner, Israel's attorney general, called over one hundred witnesses and entered sixteen hundred documents into evidence. Eichmann's lawyer, Robert Servatius, did not dispute that the facts of the Holocaust as presented by Hausner. Instead, he defended Eichmann as a loyal bureaucrat.

In reply to his attorney's questions about the Wannsee Conference (Chapter 7, Reading 5), Eichmann argued that the meeting proved his innocence. "I could, thanks to the Wannsee Conference, say to myself, declare myself...that I am not to blame, like Pontius Pilate who had washed his hands, I am innocent. For at that conference hard and fast rules were laid by the elite, the leadership, by the Popes of the Kingdom. And myself? I only had to obey!" At the end of the trial, Eichmann reaffirmed that belief, stating, "I am not the monster I am made out to be. I am the victim of a fallacy." The judges disagreed, finding him guilty on all counts. After an appeal failed, Eichmann was hung at midnight on May 31, 1962.

Hannah Arendt covered the trial as a journalist for the *New Yorker*, an American magazine. Although Eichmann's name had long been synonymous with evil, Arendt used the word *banal* to describe Eichmann and his deeds. She was trying to say that, in many ways, he was much as he was describing himself – a little man caught up in a big machine whose main

Arendt used the word *banal* to describe Eichmann and his deeds. She was trying to say that, in many ways, he was much as he was describing himself – a little man caught up in a big machine whose main crime was "thoughtlessness."

crime was “thoughtlessness.” She was not suggesting that he was innocent. Instead she argued that the judges should have sentenced Eichmann with these words.

You told your story in terms of a hard-luck story, and, knowing the circumstances, we are, up to a point, willing to grant you that under more favorable circumstances it is highly unlikely that you would ever have come before us or before any other criminal court. Let us assume, for the sake of argument, that it was nothing more than misfortune that made you a willing instrument in the organization of mass murder; there still remains the fact that you have carried out, and therefore actively supported, a policy of mass murder. For politics is not like the nursery; in politics obedience and support are the same. And just as you supported and carried out a policy of not wanting to share the earth with the Jewish people and the people of a number of other nations – as though you and your superiors had any right to determine who should and who should not inhabit the world – we find that no one, that is, no member of the human race, can be expected to want to share the earth with you. This is the reason, and the only reason, you must hang.¹⁹

[Although] Eichmann might seem banal in a Jerusalem courtroom 15 years after the war, the real Eichmann was the SS officer who issued orders, created timetables, and made a string of decisions that determined the fate of millions.

Arendt’s observations sparked considerable controversy. They led to a debate over good and evil, guilt and responsibility, and an individual’s role in society. Others argued that even though Eichmann might seem banal in a Jerusalem courtroom 15 years after the war, the real Eichmann was the SS officer who issued orders, created timetables, and made a string of decisions that determined the fate of millions. Julius Blum, a Hungarian Jew, recalled that image of Eichmann in his testimony at the trial:

In September 1944, something was in the air. The soldiers, the kapos (they were those in charge of the prisoners) were extremely strict, more strict than usual, and hygiene had to be immaculate. Everything had to be just so. Although the camp was always clean – the barracks were always immaculate, but these few days suddenly it became even more so. So naturally we suspected that something was going on. We figured that the only thing that could be happening was that we would be getting some high-falutin visitors. And we speculated that maybe Himmler himself was coming. Who knows?

During the night before we left for work, they started building something in the middle of the square. You see, as you went in the camp to the right were the barracks. Then there was the washroom in an L shape and coming back was the kitchen and then the certain barracks where the elite used to live. So it was almost a square – a U shape. In the middle of the Lager, we had the Platz. They started building something, but we didn’t know what they were building. We thought maybe it was a podium or something.

So, we went to work as usual at 6:45 and rumors – Himmler’s coming, Himmler’s coming – and we’re going to be visited. At two

o'clock, for the first time in all those months, the whistle blows in the middle of the day. Never did that happen before. They told us to line up, we're going back to the camp. That never happened before – that we had to line up during the day. Usually we went to work at 7, we worked until 7. At 7:15 we lined up going back to the camp (Reverse for the night shift).

At 2 o'clock we line up, we're going back to camp. As we cross the gate, as we come to the gate, we notice in the tube five prisoners standing in a line. We had no idea. They take us to the Platz to the center of the square (usually they told us to break up because they counted us as we came in by the gate and they didn't have to count us again at the Platz until we were ready to go to sleep). This time, we lined up, and naturally, when we got to the Platz, we saw what they were building so early in the morning. They were building a gallows. So we start adding up. We saw the five guys, five gallows. So, obviously, you didn't have to be a genius to figure out what's going on. We tried to find out why – what happened to those guys. Nobody knew.

Later on, we found out that they were picked up. They were from the night shift and they were supposed to be sleeping, but, during the day, you were allowed to go to the bathroom if you had to. They went to the bathroom and they were going back to their room to the barracks, and they were picked out and put in the tube. And they spent the rest of the day in the tube waiting for the hanging.

So, after about a half hour waiting in front of the gallows, we see a group of officers – the camp commander, his cronies, and all his officers with him and a few high-ranking additional officers. Then suddenly, the grapevine started moving. "It's Eichmann, it's Eichmann, it's Eichmann." So we saw them walk in front of the gallows and sit in the chairs. They sat down and the five poor souls were brought from the tube. They line them up in front of the gallows. A German soldier put a noose around their neck, and they were standing there all waiting. No speeches. No reasons. Actually, it was in honor of the visitor who turned out to be Mr. Eichmann. It was in his honor to have a hanging party to please His Majesty. Naturally, I would have said some dignitaries would have been satisfied with a bouquet of flowers. He had to have a hanging party.

After a while the German soldier who put the noose around their necks and they were standing on five stools, he went by and kicked each stool out of there. They dangled and some of them urinated and they emptied themselves as they were dangling. It was the worst sight. I had seen dead people before, but this was the worst sight I've ever seen before or since. I saw these five men, innocent young fellows from Budapest. I knew them personally.

They [the Nazi officers] were carrying on a conversation among themselves and we were wondering what was going to happen next.

After a few minutes the officers stood up, and actually I could see Eichmann clapping his hands and stomping his foot like in joy. Like he had seen a beautiful performance of some sort. Laughing and joking among themselves. After a while, Eichmann and the camp officers, like inspection, started going in front of the prisoners. They were lined up, five deep.

As we were lined up, he goes by and he picked out one guy first. The first one in the line that he passed. Then he walks second and stands right in front of me. He looks in my eye, piercing my eye. I don't know what I was thinking, what doing. Suddenly, as he was reaching out to grab me. For some reason, I don't know what happened then. Many times I thought about that moment. I'm thinking about Abraham and that story in the Bible how the Angel passed his hand. I must say I felt the same thing. His hand was reaching toward me, and suddenly he reached behind me and grabbed the poor guy behind me and pulled him out by his collar. He was the second one. He picked three more and lined them up again on the gallows. Same thing again. The noose, the kicking, the chair, the hanging, the dangling, and they were taken away. The party was over.

At the end of his testimony, Blum was asked, "No announcement, no charges?" He replied, "No charges. No announcements. No reasons. Just for fun."

CONNECTIONS

What was Eichmann guilty of? Was he more or less guilty than the commander of the death camps?

The Eichmann trial was the first to make extensive use of the testimony of survivors. What do their words add that other evidence cannot provide?

Was Israel right to kidnap Eichmann and bring him to trial? Or should some other nation have assumed that responsibility? Would your answer change if no other country was willing to do so?

→ One of the most interesting features of the Eichmann Trial was that it examined the entire course of the Third Reich, from the rise of the Nazis and their consolidation of power to the planning and implementation of the Holocaust. The video *Witness to the Holocaust* presents that history through the testimonies of witnesses at the trial. The testimonies were taken from 170 hours of tape. The ninety-minute video is available from the Facing History Resource Center, as are excerpts from testimonies not included in the film.

→ The Facing History Resource Center has a twelve-minute segment originally shown on *60 Minutes*, "The Devil Is a Gentleman." It not only provides an introduction to Eichmann's entire career but also helps observers

think about the meaning of *evil* and decide whether Eichmann fits that definition. Facing History’s Fifth Annual Conference, “The Judgment of Adolf Eichmann: Evil, the Media & Society,” focused on the impact of media coverage of the trial on public opinion. The sessions are described in *Elements of Time*, pages 381-382 and are also available on video from the Resource Center, as is a study guide that examines the way propaganda and opportunism influenced Eichmann’s decisions.

→A video presentation by John Loftus entitled *The Belarus Secret* shows how the United States helped hundreds of Nazi war criminals get into the United States and eventually obtain citizenship. Loftus believes that the “Cold War” against the Soviet Union led American officials to conspire with former Nazis. The video is available from the Facing History Resource Center and is summarized in *Elements of Time*, pages 364-365. A video entitled *Prosecuting Nazi War Criminals* made at the First Annual Facing History Conference offers a different view of the way American officials dealt with Nazi war criminals. Allan Ryan, Jr., the first director of the Office of Special Investigations presented the principal paper. The video, which is available from the Resource Center, is described in *Elements of Time*, page 376.

READING 16

The United Nations and Genocide

As the horrors of the Third Reich unfolded, people everywhere resolved that such things must never be allowed to happen again. The United Nations was created partly in response to Nazi atrocities, as was the unanimous affirmation of the Nuremberg Principles, making “wars of aggression” and “crimes against humanity” punishable offenses.

During World War II, Raphael Lemkin, a lawyer, coined the term *genocide* to describe “crimes against humanity.” It combined a Greek word *gens* meaning “a race or tribe” with the Latin *cide* meaning “to kill.” Thus the word *genocide* refers to the deliberate destruction of a group of people. On December 9, 1948, the United Nations adopted the Genocide Convention which classified genocide as a crime under international law. It states in part:

The word *genocide* refers to the deliberate destruction of a group of people. On December 9, 1948, the United Nations adopted the Genocide Convention which classified genocide as a crime under international law.

Article I

The Contracting Parties confirm that genocide whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish.

Article II

In the present Convention, genocide means 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 the 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;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

The United Nations also created a permanent international criminal court to handle cases of genocide. In doing so, the organization was declaring its determination to protect individuals and groups against abuse by the state. Yet in the years that followed, no one has been tried for genocide despite repeated charges of the crime. In the 1960s, at least a half million East Timorese were slaughtered in Indonesia. In the 1970s, three million Bangladeshis and over a million Khmers in Cambodia were also victims of genocide, as were thousands of Native Americans living in the Amazon Valley in Brazil. In the 1980s, the Chinese were accused of genocide in Tibet. The same charge was leveled against the Serbs for their treatment of the Croats and the Muslims in the former Yugoslavia. The questions Senator George McGovern of South Dakota raised concerning mass murders in Cambodia might be asked of any these incidents: "How can or should the international community react in the face of the knowledge that a government is massacring its own people? Where do human rights supersede those of sovereignty? What lesson, if any, can be derived from the world's inaction over the murder of the Jews? How can we now meet the promise of 'never again' made in 1945?"

No nation came to the aid of Cambodians or other victims of genocide. Indeed the United States did not ratify the Genocide Convention until 1986

even though a number of Americans had helped draft the document. When it finally passed, Senator William Proxmire of Wisconsin, who had worked hard for its passage, told fellow senators, “This treaty has tremendous symbolic import. There’s no question about it... The first step we need to take is to adopt implementing legislation – making genocide a crime under U.S. law – which will complete the ratification process.” The following year, Congress did complete the process by passing the Genocide Convention Implementation Act, also known as the Proxmire Act.

American participation has not made genocide easier to enforce. Part of the difficulty stems from the definition of the term. Many have argued that it is too vague. Yet neither lawmakers nor scholars have been able to agree on a more precise definition. Helen Fein, an expert on the subject, offered this definition:

Genocide is a series of purposeful actions by a perpetrator to destroy a collectivity through mass or selective murders of group members and suppressing the biological and social reproduction of the collectivity through the imposed proscription or restriction of reproduction of group members, increasing infant mortality, and breaking linkage between reproduction and socialization of children in the family or group of origin. The perpetrator may represent the state of the victim, another state, or another collectivity.²⁰

Other scholars have tried shorter definitions. Frank Chalk and Kurt Jonassohn, who have also written on the subject, suggest that genocide is “a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator.” After studying other definitions and finding them lacking, Henry Huttenbach concluded in 1988 that genocide could most profitably be defined as “any act that puts the very existence of a group in jeopardy.”

CONNECTIONS

Length is the most obvious difference in the various definitions of the term *genocide*. What other differences seem most striking? How important is a precise definition? Can such a definition get in the way of our ability to identify and acknowledge inhumanity and suffering?

Some people claim that each of the following is an example of genocide:

- the destruction of the native American population by various European colonial powers and later the United States;
- the enslavement of Africans in the United States;
- Iraq’s treatment of the Kurds after the Gulf War;
- Serbia’s policy of “ethnic cleansing” in what was once Yugoslavia;
- the anarchy in Somalia that has led to mass starvation.

Investigate one of these cases or an example cited in the reading and then decide whether it was a genocide. Present your findings to the class. Do your classmates agree with your assessment? What difficulties did you encounter in trying to reach a consensus on what constitutes genocide?

How would you answer the questions raised by Senator McGovern?

→ Arn Chorn, a survivor of the Cambodian Genocide, speaks to American youth of his experiences and traces similarities between his experiences and the Holocaust. A video of his presentation is available from the Facing History Resource Center and is described in *Elements of Time*, page 379.

→ Professor Eric Goldhagen argues that genocide existed long before the twentieth century. He maintains that unlike earlier genocides, genocide in the twentieth century is distinguished by ideologies that give perpetrators a belief system and a sense of purpose. A video of Goldhagen's lecture is available from the Facing History Resource Center and is described in *Elements of Time*, pages 347-348. Also available is *The History and Sociology of Genocide* by Frank Chalk and Kurt Jonassohn. It is an overview of modern genocides.

→ Professor Ervin Staub, author of *Roots of Evil*, examines the minds of the perpetrators of genocides in modern times by comparing their behavior with that of bystanders and rescuers. He uses four case studies: the Armenian Genocide, the Holocaust, the Cambodian Genocide, and the Argentinian murders. A video of Staub's presentation on genocide to a Facing History Summer Institute is available from the Resource Center.

→ The difficulty of defining *genocide* and making distinctions among the various manifestations of genocide was discussed at the Facing History symposium, "Teaching Genocide at the College Level." Videos are available from the Facing History Resource Center. Also available are the proceedings of the symposium, *Teaching Genocide on the College Level*, edited by Helen Fein and Joyce Freedman-Apsel.

READING 17

Choices

In 1991, Guido Calabresi, the dean of the Yale School of Law, gave a commencement address in which he told four stories involving choices made during World War II. The first focused on his father's decision to leave Italy.

His father's decision "to leave an enormously comfortable life for the life of an activist, of a revolutionary, of a hunted person" puzzled Calabresi, and when he finally asked about it, his father told him of being beaten and jailed for not applauding after a speech at his university given by the fascist minister of education.

"After that," his father said, "it was all over. I was an activist. I couldn't hide any longer. The decision had been made. It wasn't my choice, it had just happened."

"That non-choice," said Calabresi, "if it be that, changed his life totally – and fortunately mine, too." The second story involved a cousin who, in the middle of the war, because he was Jewish, went into hiding with a Catholic family. The cousin's family took assumed names so that they would not be recognized.

The captain in charge of some occupying German troops abused the cousin, thinking he was a draft dodger. The captain "behaved in every way appallingly," said Calabresi. He was "a dreadful man in every way."

One day, the German captain called to his cousin's four-year-old son, by the assumed family name. The boy "forgot the assumed name and didn't answer...so the captain went up to him and grabbed him and said, 'That isn't your name, is it?' And the little boy, shaking, said, 'No.' And he said, 'That isn't your name because you're Jewish.' And the little boy said, 'Yes,' and broke away and ran into the house."

The frightened family waited to be picked up and taken away. But nothing happened. They noticed that the German captain was a little nicer to the cousin, perhaps because he didn't think that he was there as a draft dodger, Calabresi speculated.

"Somehow, this dreadful man made a choice, a decision that he was not going to turn these people in," Calabresi said. "Somehow this dreadful, dreadful man could not do this one thing... He made a choice...and it was an extraordinary one."

The third tale involved a farmer on some lands of Calabresi's family in Italy. "It was well known," Calabresi recalled, "that this illiterate farmer had, at the risk of his life, hidden Allied servicemen who had been caught behind German lines and were escaping; Jews

A non-choice by a good person, a dramatically good choice by an evil person, a wonderful and troublesome choice by a person who didn't think it was a choice at all. And evil choices by people who are good.

who were escaping from the Nazis; [and]...when things had turned, he hid Germans who were running away...

“I thought that this was terrible – that he was somebody who didn’t understand the difference between right and wrong; that he couldn’t distinguish between hiding people who deserved to be hidden, and criminals. I was a young twit, and already sounded like a lawyer... I asked him what he had done, why he didn’t know the difference between right and wrong.”

The farmer replied, “Politics, politics. I don’t know about those things. I don’t care about them. When they came here, when they were running away, each of them was in trouble. *Eran tutti figli di mamma* – they were each the child of some mother somewhere – *tiriam a campar* – we all struggle to live.”

“There was something,” Calabresi mused, “about that humanity, that decision to look after the individual who was in trouble, and to care about the person before him which represented an attitude, a point of view which explained why so few people were taken away in Italy during the Nazi time, why so many were saved. An awful lot of people didn’t worry about law, didn’t worry about politics, didn’t worry about rules which told them to turn people in, but just looked at the individual in need, the mothers’ and fathers’ sons and daughters before them, and this led them to hide and protect that person at the risk of their own lives.”

“My last story is the only one which deals with famous people,” Calabresi said. “On our wedding trip, my wife and I were driving through the Vosges, in France... and we came to a town called Sainte-Marie-Aux-Mines [where] Private Eddie Slovak was shot during World War II.”

In 1944 the war was going well when the Germans made a counter-offensive – the Battle of the Bulge. The Germans came rushing through, and a lot of Allied soldiers, youngsters, green troops, sent in “because everything was over,” deserted. “The military,” Calabresi said, “decided that an example was needed in order to steel up the troops. But the trouble was there were too many deserters... so they decided to take a double deserter. I’m not sure what a double deserter is, I guess it’s somebody who deserted and got caught and got sent back and being scared out of his wits, deserted again.”

Calabresi said that Gen. Eisenhower reportedly said: “Get me some psychologists. Have them examine these people. I want a loser.”

“They came up with somebody, Eddie Slovak, who didn’t seem to have family, who’d been unemployed, may even have been a petty thief, didn’t seem to have anybody or anything going for him. And they shot him,” Calabresi said.

Actually, Slovak had a wife and the story came out when she tried to get insurance and was unable to because her husband had been shot as a deserter, Calabresi noted.

“This was a terrible choice, an awful decision, made by somebody who... I’m sure was a very decent person,” said Calabresi.

“I could name others, Hugo Black...Earl Warren...Franklin Roosevelt...the people who were as responsible in some ways as any for the exclusion of Japanese-Americans during the Second World War, for placing of these people in concentration camps. Appalling choice. Appalling choice. And yet the people who made those choices were decent people – Eisenhower, Black, Warren, Roosevelt.

“A non-choice by a good person, a dramatically good choice by an evil person, a wonderful and troublesome choice by a person who didn’t think it was a choice at all. And evil choices by people who are good. What can I tell you about these stories?” asked Calabresi.

“Not much, not much. In one sense I’d much rather let them speak for themselves. I cannot, for instance, tell you what made some choose well and some not.”...

“In one of these stories,” he concluded, “a bad person, a very bad person, made a dramatically good choice. And we should remember that, both when we see someone whom we think of as bad, and equally so, when we think of ourselves as bad. We should remember that the capacity to do good...unexpectedly to do something which is profoundly right, even if profoundly dangerous, is always there.

“But more important, some good people made catastrophically bad decisions. And it is on this that I would focus. It is not that we are wrong in viewing Eisenhower, or for that matter Black or Warren or Roosevelt, as good... All of us, I and you, are as subject to being careless, uncaring. We will all thoughtlessly applaud at times we shouldn’t. Or even dramatically at times, like Eisenhower, Black and the others, mislead ourselves into following what seem like good reasons – politically orthodox reasons...to a dreadful decision...

“I would like to leave with you the ease, the simplicity, of making mistakes. Not to dishearten you – far from it – but in the hope that it will both make you more careful, more full of care of others in need, and more understanding of those who do wrong because they can be, they are, you and me... I emphasize this to remind you that the choices which reoccur, do make a difference. If not always or even often to the world, they will make a difference to the children of some mothers and fathers around us as we all struggle to live.”²¹

CONNECTIONS

Why do you think Calabresi focused on World War II? How did you expect each story to end? Did any end the way you expected it to?

What conclusions did Calabresi reach about the types of people who reach certain decisions? Are his conclusions optimistic or pessimistic?

How does Calabresi use the word *good*? Is *good* the opposite of *evil*? For example, did the German captain who failed to betray the frightened family commit a good act or did he just fail to commit an evil one? What is the difference?

READING 18

Learning from the Past

In 1989, the people of East Germany overthrew their Communist government. The following year, the two Germanies were reunited. After reunification, some Germans wanted to try four former East German border guards believed responsible for the death of a young man shot attempting to escape to West Germany. According to reporter Peter Schneider, the purpose of the trial was not to “take revenge on the culprits, or even to punish them. The goal is to establish a moral consensus: no one who has invoked orders or higher authority to trample on human rights should feel confident, now or in the future, that he will go unscathed. Even if he can’t be legally punished for his deed, society will still hold him personally responsible.”²²

There was considerable opposition to the trial. Schneider notes:

Almost everyone agrees that, if this is to happen at all, it should start with indictments against those who instigated and gave the orders... But that’s where unanimity ends. There is more at stake than this single trial. If the proceeding against the four soldiers ends in a valid legal decision, it will bring dozens of similar trials in its wake... And naturally a legal investigation of the “second” German past couldn’t stop with the shots at the wall. It would have to deal with the entire Stalinist terror apparatus. So this fundamentally unfortunate and possibly misguided trial has occasioned a debate on principles: does the legal system of the Federal Republic have the authority to pass judgment on crimes of the German Democratic Republic?²³

CONNECTIONS

How would you answer the questions Schneider raises? How would you respond to his observations of the popular response to the trial?

I think we Germans ought to take a particular interest in clearing up “administrative” crimes, by which I mean state-ordered crimes that civil servants executed out of blind obedience and careerism. If the

legal means won't serve, alternatives must be found. Anything – a public tribunal, a fact-finding commission of historians – is better than shoulder-shrugging and forgetfulness. And if people are talking amnesty, they need to get out on the table what they want to pardon.²⁴

READING 19

Telling Right from Wrong

Underlying the trials and the discussions of what the Nazis did and did not do is an important question: If a government orders an individual to do something that, in normal circumstances, is illegal and, even more to the point, morally wrong, must the individual obey?

As she watched Eichmann's trial, Hannah Arendt observed: "Eichmann said he recognized that what he had participated in was perhaps one of the greatest crimes in history, but, he insisted, if he had not done so, his conscience would have bothered him at the time. His conscience and morality were working exactly in reverse. This reversal is precisely the moral collapse that took place in Europe."

Arendt concluded that the act of resistance was extraordinarily difficult during World War II. There were no acceptable role models. "Those few who were still able to tell right from wrong went really only by their own judgments, and they did so freely; there were no rules to be abided by, under which the particular cases with which they were confronted could be subsumed. They had to decide each instance as it arose, because no rules existed for the unprecedented."²⁵

Simon Wiesenthal wrote a story called "The Sunflower" that raises many of the same questions. The jacket of the book in which it appears summarizes the tale.

A young Jew is taken from a death-camp to a makeshift army hospital. He is led to the bedside of a Nazi soldier whose head is completely swathed in bandages. The dying Nazi blindly extends his hand toward the Jew, and in a cracked whisper begins to speak. The Jew listens silently while the Nazi confesses to having participated in the burning alive of an entire village of Jews. The soldier, terrified of dying with this burden of guilt, begs absolution from the Jew. Having listened to the Nazi's story for several hours – torn between horror and compassion for the dying man – the Jew finally walks out of the room without speaking. Was his action right? Or moral?²⁶

CONNECTIONS

How would you answer the questions Wiesenthal raises?

Wiesenthal's tale is followed by the responses of theologians, philosophers, historians, and writers to the two questions. In his response to the questions, Hans Habe wrote:

One of the worst crimes of the Nazi regime was that it made it so hard for us to forgive. It led us into the labyrinth of our souls. We must find our way out of the labyrinth – not for the murderers' sake but for our own. Neither love alone expressed in forgiveness, nor justice alone, exacting punishment, will lead us out of the maze. A demand for atonement and forgiveness is not self-contradictory; when a man has willfully extinguished the life of another, atonement is the prerequisite for forgiveness. Exercised with love and justice, atonement and forgiveness serve the same end: life without hatred. That is our goal: I see no other.²⁷

Why does Habe believe that “We must find our way out of the labyrinth – not for the murderers' sake but for our own?” Do you agree?

Primo Levi argued that it was right to refuse to pardon the dying man because it was “the lesser evil: you could only have forgiven him by lying or inflicting upon yourself a terrible moral violence.” Are there lesser and greater evils? What “moral violence” would the man have inflicted upon himself through forgiveness? How do you think Habe would respond?

When asked about forgiveness, Elie Wiesel replied, “No one asked for it.” What is he saying about the perpetrators? About the bystanders?

NOTES

- ¹ Benjamin Ferencz, *Planethood* (Vision Books, 1988), 14-16.
- ² John Fried, *Trial at Nuremberg: Freedom and Responsibility* (National Project Center for Film and Humanities and the Research Foundation of the City University of New York, copyright 1973).
- ³ Hannah Arendt, *The Life of the Mind: Thinking* (Harcourt, 1977), 5.
- ⁴ From pages 370 and 374 of *The Ascent of Man* by J. Bronowski, copyright 1973 by J. Bronowski. Reprinted by permission of Little, Brown and Company.
- ⁵ John Fried, *Trial at Nuremberg: Freedom and Responsibility*.
- ⁶ Alfons Heck, *A Child of Hitler* (Renaissance House, 1985).
- ⁷ Leo Alexander, "Medical Science under Dictatorship," *New England Journal of Medicine*, 14 July, 1949, 5.
- ⁸ Gerald Fleming, "Engineers of Death," *New York Times*, 18 July, 1993, op. ed. Copyright 1993 by The New York Times Company. Reprinted by permission.
- ⁹ Quoted in Benjamin Ferencz, *Less Than Slaves* (Harvard University Press, 1979), 191.
- ¹⁰ *Ibid.*
- ¹¹ Mel London, "Letter to the Editor," *New York Times*, 3 September, 1981. Copyright The New York Times Company. Reprinted by permission.
- ¹² Telford Taylor, *Nuremberg and Vietnam: An American Tragedy* (Quadrangle Books, 1970), 12.
- ¹³ Henry Huttenbach in *Holocaust and Genocide Studies*, vol. 3, 1988, 297.
- ¹⁴ Victoria Barnett, *For the Soul of the People*, 231.
- ¹⁵ *Ibid.*, 232.
- ¹⁶ Primo Levi, "The Quiet City" in *Moments of Reprieve* (Summit Book, 1985), 99-105.
- ¹⁷ Horst Krueger, *A Crack in the Wall*, 199-232.
- ¹⁸ Carl Sandburg, "The Hangman at Home," in *Smoke & Steel* (Harcourt Brace, 1920).
- ¹⁹ Hannah Arendt, *Eichmann in Jerusalem* (Viking Press, 1963), 255-256.
- ²⁰ Helen Fein, *Accounting for Genocide*.
- ²¹ Guido Calabresi, "Choices" *Williams Alumnus Review*, Summer, 1991, 18-22.
- ²² Peter Schneider, "Facing Germany's Newer Past," *New York Times*, 30 September, 1991. Copyright 1991 by The New York Times Company. Reprinted by permission.
- ²³ *Ibid.*
- ²⁴ *Ibid.*
- ²⁵ Hannah Arendt, *Eichmann in Jerusalem*, 2.
- ²⁶ Simon Wiesenthal, *The Sunflower* (Schocken, 1976).
- ²⁷ *Ibid.*