

Response

It is always interesting to hear what a colleague would have focused on had they been writing a book with the same title. In this case, Jeffrey Herf has already written extensively about some of the things I chose not to rehearse at length in *Reckonings*; and, in Herf's view, I skirted over his own chosen questions too lightly, while arguing from a different perspective. Let me first respond to the arguments he raises, and then turn to the broader context of the book as whole, including the parts he does not discuss, in order to raise some wider points.

In his selective review of what he conceives to be the "core" of my book, Herf advances three main arguments. He charges, first, that I do not sufficiently acknowledge (and praise) the Allies' early postwar contributions to justice in a narrow judicial sense; second, that I do not sufficiently focus on (and castigate) anti-Zionism and the injustices perpetrated against Jews and Israel by the German Democratic Republic (GDR) and other communist regimes; and third, that I do not sufficiently praise the Federal Republic for what it did accomplish, rather than pointing out what it did not and at what cost. The first two issues have been well covered in other works, including Herf's own; with respect to the third, while we largely agree on the overall summary, I see the metaphorical glass as woefully way below half empty, whereas Herf sees it as worthy of note that it is filled at all. Let me elaborate briefly.

Justice is about far more than the sheer statistics of how many were brought to trial by whom, important though these statistics are. Of course, had I had been writing a book only about judicial reckonings, I could have devoted more space to the Allied efforts, which I summarize only briefly (and I do give detailed numerical tallies, though not in the form given by Herf). But I did not want to write yet again about the IMT and the Nuremberg successor trials, on which there are some excellent recent studies; or about the Slánský and related trials

evidencing communist anti-Zionism; or about the broader injustices committed against Jews under communist regimes, including the GDR. There are, as Herf points out, already many books on these and related topics written by others, including him. (I have indeed also previously written about the experiences of Jews in the GDR, and about the SED's policies toward Jews and the Holocaust, in a couple of my other books, which Herf does not list in his kind introductory remarks about my work.*) But these were not my topics here. In the trials section of *Reckonings* I was interested particularly in how the successor states to the Third Reich dealt with the former Nazis in their midst, beyond and after the Allies' trials.

My point about the distinctions between East and West Germany is that the latter's good reputation is not as well deserved as is often made out. This is for several reasons. In statistical terms, given the disparity in relative population sizes, former Nazis were, in fact, six or seven times more likely to be tried and sentenced for Nazi crimes in the GDR than they were in the Federal Republic. But the ruling Socialist Unity Party (SED) seemed to have been more embarrassed by any revelation that there were still former Nazis living in their state than they were proud of the fact of they were bringing them to court—unless trumpeting this could be achieved in politically profitable ways. In the West, too, former Nazis were far more likely not merely to be reintegrated into society, but also to rise to high positions in a way not possible under state socialism.

These are simply questions of historical comparison, not political evaluations. But attempts to evaluate, as suggested by Herf, raise the wider question of who is the subject of history and who are the historical actors? In the case of the Federal Republic, for example, it is not some undifferentiated notion of "West Germany" as a collective actor worthy of praise, but rather particular groups and specific individuals, who undoubtedly benefited from a system within which they could attempt to achieve justice, but nevertheless had to fight their case in face of considerable odds. There is a history of specific struggles and attempts to

bring Nazis to justice against often massive opposition—as evidenced by Hessian Attorney General Fritz Bauer’s efforts to put Auschwitz on trial, and his decision to give Mossad the tip-off about Adolf Eichmann’s whereabouts, since he suspected that a trial in West Germany would not have achieved the same effect as one mounted in Israel. When Bauer died in 1968, he was depressed not only by the opposition and opprobrium he personally had had to face, but also by the feeling that his efforts to bring to justice the major perpetrators of the “euthanasia” murders had been so apparently unsuccessful.

Justice is *also* about exploring who was not brought to account—not only in terms of numbers but also in terms of the high proportions of particular social and professional groups whose members largely succeeded in escaping culpability. These included the following groups in the Federal Republic: the highly nazified judiciary, whose officials excluded themselves from being brought to account for “merely” having upheld the law and passed innumerable death sentences for minor offences under Adolf Hitler, and who helped to shape the postwar parameters of the legal system and outcomes of particular trials at an early stage; former civilian administrators of Nazi oppression and racial discrimination both within the Reich and across occupied Europe, who went on to participate in the West German government and civil service; major entrepreneurs who had profited massively from the exploitation of forced and slave labor, and strenuously resisted attempts by survivors to gain compensation; the high-level medical professionals involved in the “euthanasia” program; as well as innumerable former Nazis, including ones in the Gestapo and Schutzstaffel (SS), who had established networks of mutual support and defense, and for whom West German judges sometimes showed remarkable understanding. In addition, many convicted Nazis who had actually been given lengthy sentences by the Allies served only a few years, having their sentences radically reduced or being allowed to walk free in the early amnesties initiated by the government of Chancellor Konrad Adenauer. At the same time, a 1951 law, based on

Article 131 of the West German Basic Law, guaranteed reemployment of former Nazi civil servants at the expense of others, such as Social Democrats or Jews, who had already been discriminated against under the Nazi regime and now found themselves sidelined yet again.

Justice is, moreover, also about identifying those who did not gain compensation for their suffering until, as in the case of forced laborers after the year 2000, there was way too little far too late. The Allied trials may have raised to public attention the roles of I. G. Farben, Flick, Krupp, and others, but it is still notable that the Adenauer government, as well as the Federal Court of Justice, supported the continuing refusal of major industrialists to acknowledge legal responsibility or pay compensation for the sufferings of former forced and slave laborers.

Justice is, not least, about bringing to attention those continually marginalized groups that did not even gain, for decades after the end of the war, symbolic recognition for their victimhood. For this reason, I felt it important to pay attention to the experiences of homosexual men, whose sexual orientation was still liable to criminal proceedings for a quarter of a century after the defeat of Nazism. They are, of course, as Herf points out, discussed in the scholarly literature and in overviews of the Third Reich, along with other minorities, such as the Roma and Sinti. But even so, the emphasis tends to be on Nazi policies rather than the experiences of those affected, and individual voices are barely heard; moreover, for the postwar period, the longer-term impact of persecution tends to be almost entirely lost from sight. How many scholars of German *Vergangenheitsbewältigung* also think to mention the sad film *Paragraph 175*, with its small bunch of surviving homosexual men (and one lesbian woman), who finally had the courage to speak out after decades of silence and shame, alongside the television miniseries *Holocaust*, or Claude Lanzmann's *Shoah*, or Steven Spielberg's *Schindler's List*? Of course this film was never as well-known or considered as significant in the public sphere; but that is precisely the point.

The upshot in evaluating the record of the Federal Republic is indeed complex, then: some 140,000 people were investigated for Nazi crimes, but fewer than 6,700 were convicted. And of those convictions, only 164 were actually sentenced for the crime of murder—yes, only 164 people were deemed to be “murderers” by West German courts, even in light of the murder of millions.

I stand by my view that the Federal Republic succeeded in facing up to the Nazi past in the sense of massive (if, for some groups, belated) memorialization of victims, and that its political system and public arena made it possible for repeated controversies to be aired and contested. This is what its reputation is based upon. But, at the very same time, it silently allowed the vast majority of those who had sustained the Nazi system to get away with it, while refusing to do all it could—beyond internationally significant gestures, including payments to Israel—to provide adequate, timely and genuine assistance to all victims and survivors. Its reputation benefited from acknowledgement of national responsibility, while failing to complete the task of a differentiated attribution of guilt. This left subsequent generations a legacy of undeserved shame.

It is a pity that, in his lengthy review, Herf pays little attention to so much else that the book is about. *Reckonings* was not intended simply to “address significant issues of historical causation regarding the quest for justice”—the question Herf mistakenly feels should have informed Part Three, a section of the book with which he chooses not to engage at all. Nor is the book “focused narrowly on Germany.” There are also numerous little misunderstandings and related misrepresentations along the way (which, apart from one small and another very significant exception, I will not address).

The book is much broader than just its second part on judicial reckonings. It seeks overall to explore how Nazi persecution was experienced by individuals in different positions and places, and how a wide range of people who had been closely involved, whether as perpetrators or persecuted, later came to reckon with the multiple legacies of their experiences, including at a personal level. For the overwhelming majority, this meant in the family, across generations, at home, in memorial sites—and not just in the courtrooms, where such a small minority was brought to account in a strictly legal sense. The three interrelated parts of *Reckonings* are therefore constructed in a way intended to address the intertwined developments of private reckonings alongside public accounting for involvement in Nazi crimes. I wanted to develop a framework for understanding successive waves of different types of reckoning over time: as early confrontations—or refusals to communicate—between perpetrators and the persecuted later gave way to cross-generational dialogues; as members of the “second generation” (including children of perpetrators, as well as of survivors) sought to make sense of parental experiences and to address those legacies for their own lives; and as memorialization entered new phases, entailing challenges not only around remembrance and survivor testimony but also around more adequate portrayal of perpetrators.

As an organizing framework, I developed a series of key theoretical concepts: “communities of experience,” to highlight the significance of Nazi persecution as a defining moment in some people’s lives, whether as perpetrators or victims; “communities of connection,” for those who are intrinsically connected to and affected by this past, whether by virtue of birth, close emotional ties, or personal location; and, finally, “communities of identification,” for those who orientate their concerns towards the Holocaust and its legacies, whether as individuals or as members of a collective for which this past is significant. In Part One, which is concerned with tracing the emergence of “communities of experience,” it is precisely because shared “defining experiences” are so important that I emphasize the need to

draw attention both to “the diversity of experiences, and also to the common aspects of persecution”. (Herf misreads my comments as seeking to rectify an alleged imbalance in the scholarship, where, of course, I concur with his assessment of the secondary literature.)

Whereas Part Two then examines the imbalanced records of legal confrontations, Part Three explores the changing patterns of connection and identification among different communities over time, as the relatively short-lived and ambiguous “era of the witness” gave way, beginning in the later 1970s, to what might be called the “era of the survivor.”

The structure of this book raises some general questions about the writing of history, which may make my own choices here worth airing more explicitly. To accomplish a panoramic survey of complex developments across decades and continents, but in ways that also allow deeper insights into personal experiences, I chose some selective emphases, many individual examples, and a few case studies—but always anchored in wider overviews for readers not as well-versed in the secondary literature as Herf and other scholars. I systematically take these examples through the different parts of the book, so that we are not dealing with unrelated snapshots of individuals stranded in a moment in time, but can instead gain a sense of continuing personal connections and intergenerational transmission, as well as broader changes. Let me introduce an extended example, which neither features nor would even fit in Herf’s characterization of my book.

In Part One, I explore as a case study some “microcosms of violence” in Nazi-occupied Poland, including in the area around Mielec (an area interesting for the early use of slave labor by the Heinkel aircraft works), and I introduce individual characters whose fates are then taken forward throughout the book. Precisely in order not to give undue weight to this one otherwise relatively insignificant area, I embedded it within the wider context of more familiar developments. Moreover, highlighting individual experiences within this

broader well-known narrative provides the basis for picking up selected stories and particular emphases again in Part Three.

In Part Two, within a broader comparative survey of changing approaches to trials in the three successor states, from 1945 to the present—a survey I felt was badly needed, to complement the many excellent in-depth studies of individual trials and single-country studies or accounts of relatively limited time periods—I also analyze in more detail the fates of perpetrators from the Mielec area who ended up in West and East Germany. It will hardly be a plot spoiler to reveal that one of the former Mielec Gestapo bosses who went West was never brought to trial, and that the other was given only a lenient sentence—accompanied by some shockingly mitigatory remarks in the judge’s summary. (Having faced an accusation of committing what the Nazis saw as “racial defilement,” this particular Nazi had supposedly shown “humanity,” this West German judge averred, by not warning his Jewish mistress in advance that he was about to murder her while out on an apparently amatory walk in the woods.)

The fortunes of these perpetrators are compared with a trial in the GDR of an “ethnic German” underling who had obediently followed their orders to shoot Jews in mass graves, including those dug behind the Heinkel works for laborers deemed too ill to work. After the war, the archival records show, this perpetrator appeared to have been genuinely struck by remorse, and sought to make amends for his Nazi past by throwing himself into the task of “building socialism” in the GDR—but to little avail, as far as the court was concerned: he was sentenced to life imprisonment, ultimately dying in prison in 1988. Other less familiar trials I explore, using not only the secondary sources listed by Herf but also the original case files held in the German Federal Archive, include that of Josef Blösche, recognizable in a widely reproduced photo (taken from a report by SS-General Jürgen Stroop documenting the suppression of the 1943 Warsaw Ghetto uprising) as the SS man with a gun standing behind a

little boy holding up his hands. He, too, had merged seamlessly into East German society as a good worker and citizen; and he paid for his crimes with a death sentence, in contrast to his superiors in the West. These and similar materials provide insights into the mentalities of judges and former perpetrators in East and West, the experiences of witnesses, as well as popular responses.

In Part Three, I return, again within a broader overview of transgenerational issues, to the Mielec case in order to explore the significance, for members of families growing up after the war, of earlier parental involvement in violence. I was amazed to find that the son of the low-level Nazi convicted in the GDR had been brought up to think that his father had been not a perpetrator of Nazi crimes but rather a victim of “Stasi injustice” and a “show trial”—a twist developed and embellished by his mother, also an ethnic German from Mielec who knew full well what her husband had done, but who had found in anticommunism a convenient cover story. Meanwhile, the West German son of another perpetrator from this area was worried more about what his father might have “known,” than about having to face what he had actually done, in this way echoing the familiar West German refrain of having “known nothing about it.”

The book’s penultimate chapter surveying the changing landscapes of memorialization and oblivion looks not only at well-known memorial sites but also, again, at the peculiarities of commemoration and oblivion in Mielec. It was notable that the site of the former Jewish synagogue, destroyed by fire by the invading Germans in 1939, was marked there only by a rough-hewn stone—which, on the occasion of my visit in 2013, was marred by a painted swastika. The town square where Jews were gathered and selected for labor or death in March 1942, had no memorial plaque at all; and on the grounds of the former Heinkel works and concentration camp, there was only a communist-era plaque, ostensibly erected by young workers of the 1970s in memory of the former “young workers” who had

died there—thereby overlooking the significance of their having been Jewish. There was absolutely no marker for the pits in the nearby woods, where so many Jews had been shot; the sites of these mass graves remain alive now only in the memories of very elderly local residents. By contrast, the German cemetery of the former “German colony” near Mielec was graced with a lavish new memorial stone garnished with flowers, funded by American relatives, including descendants of former perpetrators from the area.

I have laid out the Mielec example here at some length to give an indication of some of the longer-term concerns of the book that Herf fails to discuss in his review. His focus is more on the political causes of policies than on their consequences, let alone on the subjective reverberations over generations. But this example also raises wider questions about historical narratives, including how to embed a microstudy within a wider panorama, and how to relate the histories of legal confrontations with those of personal implications not easily captured in public records. Conversely, without a broader understanding of the realities of the past, how can historians interested in oral narratives and the co-construction of family stories evaluate the kinds of distortions and suppressions that might be involved—rather than merely speculating, as so often has to be the case?

It would seem, more generally, that Herf is not a fan of ego-documents produced by people who were not significant for public “memory”—at least in the sense in which he understands this term; after all, he pejoratively dismisses as “anecdotes” my selections from diaries, interviews, and memoirs. But these sources provide an illuminating, indeed crucial, way of exploring subjective perceptions and emotions on the part of people who had deeply significant experiences, and who, over time, sought to account for them to themselves and others. Such materials are essential for understanding the difficulties of finding sympathetic audiences, the sensitivities around particular subjects, the ways in which people felt able to talk to others with similar backgrounds but not to their own children, the terrible shame felt

by some about past actions or failures to act, and, last but not least, the consequences across the long postwar decades for personal lives and family dynamics. These are areas not touched upon by the secondary sources Herf cites about judicial reckonings; but they are discussed extensively in other literatures—and they are richly evident in the broad range of primary sources I was able to use from archival collections in Europe, the United States, and Israel. They, too, relate to intensely significant questions of justice.

It was, furthermore, my intention to write in a way that would be accessible for a wider readership interested in understanding the Nazi past and its multiple legacies, not just for specialists already familiar with the area. In the public imagination, among those concerned with this past, and even among many students, “Auschwitz” still holds pride of place. This is why it was also important to contextualize within a wider picture “Auschwitz” and all it has come to stand for.

People all too often unthinkingly accept the implicit premise underlying postwar German pleas of ignorance and innocence by assuming that all that was truly evil took place far away under a cloak of secrecy, in extermination sites run by just a few perpetrators. It is ironic that even Herf seems to fall into one version of this trap when he asserts that “Fulbrook overstates her case” and criticizes my point about the evidence of inhumanity having been “all around and plain for all to see”—countering it instead with an emphasis on the relatively secret nature of atrocities in the East, where the “Holocaust was a distant and vast covert operation.” First of all, I was specifically referring to “the violence of the Nazi regime” and *not* to “the specifics of the regime’s crimes” in the East, so Herf is simply misquoting here. But second, and underlining the fundamental point, I am not sure I could write off quite so lightly the matters that Herf lists: “vicious propaganda announcing the ‘extermination’ of the Jews on the front pages of the *Völkischer Beobachter*, the public racial laws, the Jews fired from their jobs and taken away from their homes and apartments, the concentration camps

whose neighbors were aware of terrible conditions, the smell of burning bodies from crematoria of the institutions that carried out the euthanasia murders.” All of this, not to mention the explosive violence across the *Reich* in November 1938, surely constitute more than sufficient evidence for my assertion that violence was “all around and plain for all to see, even within the heart of the Reich”? If not, then I have no idea why so many German Jews felt the need to emigrate when they still had time, and, if they could muster the necessary resources, before the war and before the horrific developments that followed on a far larger scale across Europe. This was precisely my point: “Aryan” Germans should have long been aware of the fundamental inhumanity of Nazism.

But Herf seems himself to have fallen victim to a version of the Auschwitz-centrism I was seeking to critique. The later assertion that “we knew nothing about it” sought to restrict what was “truly evil” to things out of sight and far away—metaphorically epitomized by the gas chambers of Auschwitz—and to argue that *professing* “ignorance” amounted to *demonstrating* innocence. But this claim should be shown up for what it is: a postwar self-defensive utterance by the guilty and the complicit, who were seeking to repaint themselves as having been merely innocent bystanders, supposedly unaware of what was going on in their name—and in their midst. They may well have tried to reduce the violence of Nazism to what Herf calls the “specifics of the crimes of the regime” in the East. But we need not agree with this strategy of self-exculpation and easy evasion of any moral responsibility—and Herf should not be colluding with this cover-up.

Reckonings is a bigger book than the one represented by Herf in his selective review of the 153 pages he would like to consider “the core of the book.” So I hope that *Reckonings* has made not only, as Herf concludes, “a significant and welcome contribution to the English-language scholarship on postwar West German judicial efforts to confront the crimes of the Nazi regime,” but also to the far wider theme of understanding changing strategies for

reckoning with the legacies of Nazism in different communities across time and place. I hope that *Reckonings* will be recognized for what it actually seeks to do, and that it will be seen as complementary to the book that Herf thinks I should have written—and, indeed, to his own work. Confronting the immensely significant issues raised by involvement in Nazi persecution and its multiple legacies among different groups and across generations is a mammoth and multifaceted task, and there remains a great deal to be done—from a wide variety of perspectives.

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* Mary Fulbrook, *German National Identity after the Holocaust* (Cambridge: Polity Press, 1999); *Dissonant Lives: Generations and Violence through the German Dictatorships* (Oxford: Oxford University Press, 2011; two vols., 2017).