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# Escape Routes

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Contemporary Perspectives on  
Life After Punishment

Edited by  
Stephen Farrall, Mike Hough,  
Shadd Maruna and  
Richard Sparks

# Contents

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## List of contributors

vii

### Introduction: life after punishment: identifying new strands in the research agenda 1

STEPHEN FARRALL, MIKE HOUGH, SHADD MARUNA AND RICHARD SPARKS

### 1 Applying redemption through film: challenging the sacred-secular divide 22

CHRISTOPHER DEACY

### 2 Steps towards desistance among male young adult recidivists 43

ANTHONY BOTTOMS AND JOANNA SHAPLAND

### 3 Youth justice? The impact of system contact on patterns of desistance 81

LESLEY MCARA AND SUSAN MCVIE

### 4 Feminist research, state power and executed women: the case of Louie Calvert 107

ANETTE BALLINGER

### 5 Paths of exclusion, inclusion and desistance: understanding marginalised young people's criminal careers 134

ROBERT MACDONALD, COLIN WEBSTER, TRACY SHILDRICK AND MARK SIMPSON

- 6 **The reintegration of sexual offenders: from a 'risks-' to a 'strengths-based' model of offender resettlement**  
ANNE-MARIE MCALINDEN 158
- 7 **All in the family: the importance of support, tolerance and forgiveness in the desistance of male Bangladeshi offenders**  
ADAM CALVERLEY 182
- 8 **Inside-out: transitions from prison to everyday life: a qualitative longitudinal approach**  
MECHTHILD BERESWILL 202
- 9 **'I can't make my own future': white-collar offenders' anticipation of release from prison**  
BEN HUNTER 221
- 10 **Life after punishment for Nazi war criminals: reputation, careers and normative climate in post-war Germany**  
SUSANNE KARSTEDT 240

*Index* 276

## Contributors

**Anette Ballinger** is a lecturer at Keele University. She is the author of the award-winning book *Dead Woman Walking: Executed Women in England & Wales 1900–1955* (Ashgate: 2000) (Hart Socio-Legal Prize 2001), and has written several book chapters and journal articles on the subject of gender and punishment in modern history. She is currently working on a book entitled *Capitalising on Punishment: State Power, Gender and Women Who Kill*, to be published by Ashgate.

**Mechthild Bereswill**, Dr. phil., Professor of Sociology, University of Kassel (Department of Social Work). Studies in Sociology, Social Psychology and Political Sciences at the University of Hanover; 1998–2007: Senior Researcher in the Criminological Research Institute of Lower Saxony (KFN). Fields of research: sociology of social control; gender studies; qualitative methodologies.

**Anthony Bottoms** is Emeritus Wolfson Professor of Criminology at the University of Cambridge and Honorary Professor of Criminology at the University of Sheffield. He is also a Fellow of the British Academy.

**Adam Calverley** is a lecturer in Criminology at the Department of Social Sciences at the University of Hull and is the co-author, with Stephen Farrall, of *Understanding Desistance from Crime* (London: Open University Press, 2006) and a co-author of the Home Office Research Study, *Black and Asian Offenders on Probation*. His research interests include ethnicity, crime and criminal justice, emotions and their implications for desistance.

**Christopher Deacy** is Senior Lecturer in Applied Theology at the University of Kent. His publications are in the field of theology and film, with specific reference to the relationship between film and the Christian category of redemption. He is currently writing a book for Routledge on cinematic treatments of the afterlife.

**Stephen Farrall** is Professor of Criminology at the School of Law, Sheffield University and Director of the Centre for Criminological Research in the

## Life after punishment for Nazi war criminals

### Reputation, careers and normative climate in post-war Germany<sup>1</sup>

Susanne Karstedt

#### Life after punishment, reputation and transitional justice

On return to their communities from prison offenders are confronted both with the stereotype of being a 'criminal', and with a tarnished reputation among family, friends and neighbours. Stereotyping assigns them to a social category – that of a released prisoner – mostly independent of their personal characteristics or the specific nature of their offence, and thus defines in which ways they are received and treated beyond their immediate networks by agencies, employers and others, or what they are to expect in terms of such treatment. Reputation, in contrast are 'embedded in social relations, and as a consequence, reputation is connected to the forms of communication embedded within a community', as Gary Fine (2001: 3) defines them. Rather than being an opinion 'that one individual forms of another ... [they are] shared, established image[s]'. Consequently, reputation can be managed and shaped by the individual, and addresses those whose opinion matters to her.

Sentenced offenders thus face a double task when entering into the process of desisting: they need to escape from and avoid being stereotyped as 'criminal', and simultaneously they have to re-establish their reputation as law and norm abiding, and as reliable and trustworthy individuals, or as someone who is steering clear from criminal friends, drugs and violence. The urgency, weight and demands that these two tasks pose to offenders on their road to desistance might differ widely. Hunter (2008) shows for high-level white collar offenders that all of them worried about their reputation within the networks of family, friends, professional colleagues and their communities. Re-entrance into these social circles caused huge worries and anxieties among these men, who had previously enjoyed high status, impeccable reputations and could muster a considerable amount of power. Low-status offenders and those whose offences were related to drug addiction encounter different problems in managing and shaping their reputation with significant others, however as Farrall and Calverley (2006; Calverley and Farrall 2011, forthcoming), show they are equally affected by anxieties and disappointment in the process of restoring and establishing their reputations after punishment.

Stereotypes and reputations of ex-offenders are of immediate consequence as they have the potential directly to shape their lives and outcomes of interaction (Fine 2001: 3). They are defined by the moral evaluation of offences and offenders in their social circles and wider society, and thus by the 'normative climate' predominant towards crime and offenders in general as well as towards specific crimes and offenders. Stereotypes and reputations are affected by status hierarchies and power, as well as by the normative boundaries that society on the whole or particular social networks establish, redefine and confirm in assigning these to offenders who re-enter after having served their sentences. Common public perceptions of crime and 'criminals' might be more decisive in stereotyping offenders than in establishing new and revised reputations, where personal encounters and networks might have a stronger impact, and make such perceptions more malleable. The normative climate in sub-groups and subcultures might well differ from overall moral censure. Nonetheless, common perceptions provide a level of 'normative conduciveness', as well as networks and groups provide 'structural conduciveness' (Fine 2001: 6) towards re-establishing reputations after punishment.

Usually, offenders re-enter society and networks with rather stable normative climates, where perceptions of offenders and offences are widely shared, and moral and normative boundaries are firmly established. Stereotypes of offenders and their reputations thus can be seen as 'functional' in confirming these boundaries and underpin social and normative cohesion. A very different and unique situation arises for transitional and societies which have gone through a process of transitional justice. Such transitions come with thorough and sweeping changes of perceptions of crime and justice, of offenders and offences, and they force societies and social groups to re-draw moral boundaries. Procedures of transitional justice ranging from international and national trials, lustration and screening to Truth and Reconciliation Commissions have a seminal role in this process (see Karstedt 2009).<sup>2</sup> In addressing the crimes and human rights abuses of the previous regime, they vindicate (previous) victims, and thoroughly strip perpetrators of the power that had been a precondition (and justification) for their crimes. Transitional justice re-draws moral and normative boundaries. Transitional societies are thus defined by structural landscapes of 'defeated' and 'defended' peoples and settings, with spaces for the defeated (the previously powerful) and the defended (the previous victims). The Germans after the Second World War, the Serbs in the conflict in Yugoslavia, and the Afrikaner population in South Africa represent the defeated (see Hagan and Kutnjak Ivkovic 2006).

Transitional justice in its widest sense as established by the UN definition (UNSC 2004) throws moral boundaries and stereotypes of crimes and criminals into disarray, and turns reputations upside-down. They establish new status hierarchies by criminalising those previously in power, who now find themselves and their actions defined as 'criminal', and they in particular impact on established reputations for a broad range of social groups. Leaders of state, high-ranking officials in the state bureaucracy, the police and military, as well as lower ranking

bureaucrats, police officers and soldiers are likewise affected. If actions by those with high reputation and status are deemed 'criminal' and their actions are evaluated as morally unacceptable the whole group is affected, and required to rethink the framework, conditions and evaluations that guided their actions. When those sentenced in transitional justice procedures return into society and their social circles the previously firm (moral) foundations on which reputations as shared and established images were built, have dissolved. The opinions of those who matter might have changed, gone underground or are only shared by a small number of like-minded people in closed and marginal circles.

Transitional justice certainly represents a unique and exceptional situation of reputational management for ex-offenders as well as for communities and society. However, with transitional justice spreading across the globe, and its resumption in the late 1980s in Latin America, as well as the establishment of International Criminal Tribunals and the International Criminal Court since the 1990s, numerous sentenced perpetrators have returned into their thoroughly changed societies, or are awaiting release. As desistance for this group is a matter of fact and circumstances, we nonetheless know very little about how they are received in their respective societies and social circles, or what type of careers they have embarked upon. Are they posing a danger to the fragile peace in transitional societies? Understanding these processes in transitional societies might be helpful in shedding new light on the life after punishment for 'normal' ex-offenders and stable societies, and it might be the exceptional and unique situation from which fresh thinking and insights can arise.

This chapter takes a historical approach, and explores the life after punishment for men (and one woman) who were sentenced for war crimes and crimes against humanity in post-war Germany after the Second World War, first under the auspices of the Allies (until 1949) and later in the Federal Republic of Germany. It is based on cases in West Germany omitting the East, and covers all hierarchical groups, from military leaders to professionals, bureaucrats and soldiers and concentration camp guards. Gleaned from secondary sources, the research follows their life after punishment, their release, careers and networks in post-war German society, which saw itself confronted with the legacy of war crimes and genocide.

### The 'prisoners' dilemma'<sup>3</sup> of transitional justice

What is Charles Taylor, former President of Liberia going to do if he is sentenced in The Hague and ever released from prison? Where and how will he spend his life after having been released from an English prison, where he might serve his term? What kind of career would former President of Yugoslavia, Slobodan Milosevic have experienced, had he lived to receive a sentence from the International Criminal Tribunal for the former Yugoslavia (ICTY)? Would he have returned to his own country, and how would he have been received back home? What will happen to a number of less well known perpetrators, who have

been sentenced to long years of imprisonment and life sentences by the ICTY for war crimes and genocide after having served in part or in full their sentences in Scandinavian, German and Dutch prisons? According to the laws and practices in these countries, early release is highly probable. Can we imagine Pinochet as an 'ex-offender' had he ever been sentenced and later released? Where are the members of the Argentinean Junta, who stood on trial during the 1990s? General Videla and several of his colleagues are back in their homes, but with a resumption of prosecution for the allegations against them looming.

When the ICTY was established in the 1990s nearly half a century after the International Military Tribunal in Nuremberg, the attention of the international community was naturally focused on bringing the perpetrators to trial for genocide, war crimes and severe human rights abuses (Hagan 2003). The drafters of the respective treaties and agreements, that established the ICTY and later the Rwandan tribunal, almost entirely neglected questions regarding the execution of sentences, where these should be served, and which national laws should apply to those who served their sentences in various prisons scattered across Western Europe. As van Zyl Smit (2002a, b, 2005) points out, sentencing guidelines did not exist, and it was equally left undecided which (national) laws and regulations should apply to the execution of the sentences. Accordingly, the foundations for executing international criminal sentences were suspiciously absent, as were any decisions as to the application of national laws. In fact, the contrast between the meticulous regulation of the prosecution and the trial, and the nearly total neglect of regulation for the execution of sentences could hardly have been more glaring. Most Western European countries, where some of the offenders sentenced by the ICTY serve their sentences provide for early release and review of sentences, even life sentences. Should these laws be applicable to those who had been sentenced for mass murder and genocide?

Furthermore, international criminal law yet has to incorporate the specific instrument that has a prominent place in national procedures of transitional justice: amnesties (Mallinder 2008). Amnesties are an integral part of transitional and post-conflict justice and have been widely used, with the South African Truth and Reconciliation Commission (TRC) as the most prominent contemporary example. Notwithstanding its many shortcomings, the TRC is deemed as one of the most successful amnesties in recent times, similar to the amnesty that was granted to the members of the Paris Commune in 1880, 10 years after the bloodshed of that event. In his history of post-war Europe, Tony Judt (2005: 61) argues that the political and economic recovery and success of the West European countries was mainly owed to sweeping amnesties for war criminals, collaborators and those involved in mass atrocities: 'without ... collective amnesia Europe's astonishing post-war recovery would not have been possible'.

International criminal justice as well as transitional justice is riddled with a 'prisoners' dilemma', which simultaneously represents the reputational dilemma of transitional societies. It is hardly surprising that the problems of actually sentencing and subsequently reintegrating offenders into a thoroughly transformed

political, social and normative climate were marginalised in the quest for justice on the one hand and strong tendencies towards collective amnesia on the other hand. Both tendencies decisively shape the ways in which the reputational problem of offenders as well as society is addressed (and solved). Whilst criminal trials provide the spectacle of individuals of highest reputation accused of heinous crimes, collective amnesia, and its counterpart, legal amnesties are conducive to containing the reputational damage done to groups and individuals; even if not condoning the crimes, they nonetheless spare perpetrators the stigma of long prison sentences and allow for generous policies of commuting sentences or early release.

Post-Second World War Europe and post-war Germany in particular provide a rich historical experience of the ways in which nations, societies, groups and individuals relate to a past of atrocities and 'unspeakable' memories and truths (Cohen 2009), and reputations are re-established and restored. Part of this collective experience, and embedded within is the experience of those who stood on trial for war crimes and crimes against humanity (genocide), and who were sentenced to the death penalty (which was often later commuted) or lifelong and long imprisonment. In Germany this group of (mostly) men comprised of a considerable number; more than half of the 6,500 perpetrators who stood on trial in (West) Germany were sentenced in the immediate post-war period (Karstedt 2008a; Rükertl 1984). This group, not the least due to the efforts of the Allies, was highly visible as it included numerous high-ranking members of the military, political and administrative elites (Karstedt 1998). Their experiences of their trials, imprisonment and final release, as well as their life afterwards exemplify the ways in which reputations were (re)constructed, managed and shared by both offenders, their social circles, the media, politicians and the wider public. As many of them had been exemplary figures during the Nazi regime, they also shaped the ways in which other and minor, less implicated members of their groups and organisations re-defined their reputations. Thus, they had a role in the formation of collective memory as well as in the development of collective amnesia in post-war Germany.<sup>4</sup>

How were their reputations accepted, contested, or nested in subcultural and marginal domains (Fine 2001: 10)? What kind of career and life did they resume after they had been released, and in which ways did German post-war society react towards those who had been finally tried and sentenced for mass atrocities and been actively involved in the Holocaust? Did they silently and secretly blend into a slowly changing moral climate, were they openly defiant or visibly and publicly repentant? Which groups were actively involved in and campaigned for their release? Was there an undercurrent of secret and mutual understanding, and exchanges in small circles of like-minded people who had shared some of their lot? How were they integrated into a transforming moral and normative climate in (West) German society where many had been involved, were compromised, had been bystanders, or pretended never to have known anything, and finally had been victims?

This study seeks to answer these questions by exploring the lives after punishment for German perpetrators of genocide and war crimes, who were sentenced in the various trials conducted by the Allies (mainly the US) at Nuremberg between 1945 and 1949, by the British and later in the Federal Republic of Germany. Cases were collected from secondary sources for different groups, each representing a specific previous reputation, and the very social circles, significant others and larger organisations sharing and supporting it. The selection of cases is not exhaustive, and was mainly guided by the availability of information about their lives after punishment. Cases of the following groups are included (see Table 1 in the Appendix for information about cases included in this chapter):

- Members of the Nazi elite, who were tried at the International Military Tribunal in Nuremberg between 1945 and 1946, and in the follow-up trials in Nuremberg between 1946 and 1949.
- High-ranking members of the armed forces who were charged with war crimes and tried in one of the follow-up trials in Nuremberg (Trial of the High Command of the Army) and by the Allies in their respective theatres of war.
- High-ranking members of the state bureaucracy who were charged with crimes against the civilian population of the occupied countries, including the deportation of the Jewish population to death camps. Organisations include the Foreign Ministry and the Ministry of Justice, with separate follow-up trials in Nuremberg.
- Professionals, in particular doctors who had been involved in atrocities in concentration camps and had conducted the euthanasia programme, i.e. the mass murder of mentally and physically disabled persons. They were mainly tried in the so-called Doctors' Trials in Nuremberg.
- Members of the SS mostly directly involved in genocidal action. These were mainly sentenced in the 'Task Force Trials' conducted between 1947 and 1948 in Nuremberg, but also later in the Federal Republic of Germany.
- Concentration camp guards who were on a daily basis involved in genocidal action; they were tried in the Auschwitz Trial 1963–65 in Frankfurt and the Majdanek Trial 1975–81 in Duesseldorf.

Basically, the groups represent all hierarchical levels of the machinery of killing in the Nazi state. It is of decisive significance that the first four of these groups were tried in the immediate post-war situation, and hence could not only take advantage of the various amnesties, but also of the fact that their trials and their imprisonment took place in a historical period and within a collective that was still fully over-shadowed by the Nazi regime, the war and post-war experiences of the population. In contrast, the last group stood on trial and served their prison sentences in a social and normative environment and climate that was definitely changing toward a more clear and pervasive condemnation of the perpetrators,

and the full acknowledgment of the Holocaust. I will first give an overview of these changes of public opinion and sentiment before turning to the groups and cases.

### Reputations in a changing normative climate: legal procedures, moral assessment and public opinion in post-war German society

As Gary Fine (2001) points out reputations are shared and embedded in social relationships, and consequently they are as much shaped by these relationships as by the individual; 'reputations allow us to conceive of ourselves in particular ways' and as a consequence 'personal reputations directly affect how we come to see ourselves' (Fine 2001: 3). The reputations (and 'identities') that individuals 'are given channel the identities that we can select' (Fine 2001: 3). The normative and moral boundaries of the collective thus define the ways in which former prisoners perceive of themselves and their reputation. They confine and shape the actions ex-offenders take to (re)establish their reputation, and the changes they and significant others deem necessary in order to achieve this. When there are no pressures to accept responsibility and guilt, and to demonstrate 'signal changes' towards a new identity and reputation, then guilt and responsibility are seen differently, and the judicial procedure, the sentence as well as the time served in prison acquire a different meaning and significance. Even innocence may be claimed and maintained successfully, and become deeply engrained as part of one's self-perceptions and self-presentations.

In transitional societies reputations therefore are thoroughly contested in general public opinion, and divided between those who assign a negative reputation to the perpetrators in contrast to those groups who support a more positive image (see Theissen 2009). These divisions mainly coincide with the lines drawn between defended and defeated groups in post-conflict societies, where victims and perpetrators and all those, who cannot be counted into one of these two groups, are present. However, post-war Germany represents an extreme case among transitional societies, as the people of the perpetrators (the defeated) were mainly among themselves, and thus experienced a strong sense of collective fate (see Karstedt 1998, 2008a, 2010). Nonetheless, public opinion was considerably divided on the issue of bringing the perpetrators to justice, and remained so until the mid-1960s, when it finally started to turn towards uniformly accepting that genocide had been committed, and that those responsible and implicated were to be punished as criminals. However, during the immediate post-war period and until this turning point, the social groups and circles where sentenced and imprisoned war criminals turned to for support and after their final release, were seminal in managing the reputations of these ex-offenders. Exemplary for evolving gaps between public opinion and reputational support in confined social circles is the case of Albert Speer, 'Hitler's architect'. After his release from the Allied prison in Spandau in 1966, he returned into 'high' society, where he was

embraced and generously accepted in addition to being courted by the media, at a time when the Eichmann and Auschwitz trials had already started to change public opinion considerably (see Reif 1978).

The group of perpetrators involved in crimes against humanity, genocide and mass killings, war crimes and atrocities is of course a special one. As their crimes are unique in their lives and lifetime, this sets them apart from other offenders. Their trials and imprisonment take place in a transitional moment when norms and morality are decisively shifting. As transitional societies decide whom to punish, whom to exonerate and how to treat returning ex-offenders they make decisions about reputations, and transitional justice assigns these reputations accordingly. This equally applies to criminal trials as well as to lustration procedures (Heimer and Stinchcombe 2009).

The process of shifting normative boundaries in a transitional situation is related to processes of 'othering' and 'samming' to use the same linguistic device of concept creation. Transitional justice implies that those who are the defended and the defeated change place – those who were defeated are now defended, and vice versa, and likewise those who are 'others' and 'same' are redefined. These processes refer to the interests and social organisations affecting the politics of reputation, which in transitional societies are intricately linked to the politics of dealing with the past (Frei 2003). Who is defined as 'same' and as a member of the group and can earn and share respective reputation, whose reputation is deemed too negative, tarnishing or dangerous to be proffered membership and support? Who can profit from wider public support and who has to turn to subcultural and marginal groups that resist moral and normative change? Which institutions and organisations act as 'reputational entrepreneurs' (Fine 2001: 12)? What is the role of communities who share the experience and a common fate with the perpetrator? The history of Germany (West) and its Nazi war criminals will shed light on the emerging patterns of the politics of reputation, and in which ways they affected their lives after punishment. As in contemporary procedures of transitional justice, criminal justice was combined with and linked to amnesties, and both shaped German public opinion for decades to come.

It is an often neglected and perhaps unduly censured fact that amnesties were an integral, though unplanned part of criminal justice and lustration in post-war Germany and Europe. In fact, in Germany, quite sweeping amnesties had already started during the occupation. In this process the Russians took a lead in their zone, while the Americans were most reluctant. However, young people were soon exempt from de-Nazification (lustration) procedures, and further amnesties were introduced on an ad-hoc basis when it had become obvious that de-Nazification was a nearly impossible task (Karstedt 2008a). The mixture of harsh justice and ad-hoc amnesties during the immediate post-war period under the auspices of the (Western) Allies shaped public opinion and assessment of the Nuremberg Tribunal, and also impacted on criminal justice policies and the prosecution of war crimes and genocide in (West) Germany itself.

After the foundation of the Federal Republic of Germany in 1949, the mood of the public turned to closing the books and putting the past at rest. First Chancellor Konrad Adenauer expressed this mood when publicly asking for a halt of further scrutinising the past of high-ranking officials and civil servants, but simultaneously embarking on a policy of reconciliation with the West and re-compensation for the state of Israel and the Jewish population. This attempt to 'draw a line' under the past resulted in the encouragement of networks of former high-ranking Nazi officials and SS officers to promote blanket amnesties and a general pardon, which was not realised because of the adamant opposition of the Americans and Chancellor Adenauer himself. However, those who had been ousted from office by de-Nazification were allowed to resume their offices (with the exception of high-ranking SS officers) or claim their pensions by an Act passed by the Federal Parliament in the early 1950s. This amounted to a blanket amnesty for all those who had undergone de-Nazification procedures. Other amnesties ensured indemnity for violence and killings at the very end of the war if the acts had been committed in the belief that they had been ordered as a duty, which again amounted to a blanket amnesty for atrocities and war crimes, which had peaked during the last months of the war. In 1952, the German government decided not to ratify the European Convention on Human Rights, which would have allowed the prosecution of atrocities that had been deemed legal during the Nazi regime. Thus many practices of repression of the Nazi regime were declared 'irrelevant' in terms of criminal prosecution. This decision was reversed by the government of Chancellor Willy Brandt in the 1960s, which paved the way to further prosecutions. But even in the 1960s, legal provisions amounting to a stealthy amnesty for atrocities were slipped in under the cover of other laws (see Friedrich 2007).

Most of the war criminals who had been sentenced before 1949 by the Allies (mainly by the Americans) were released after serving only a fraction of their sentences, with the exception of those who had been tried in the Nuremberg Tribunal, and were in custody of all four Allies in Spandau Prison in Berlin. After 1949, when the Federal Republic of Germany had been established and had abolished the death penalty in its constitution, appeals were directed towards the American High Command and US High Commissioner McCloy to pardon offenders sentenced to death, and to convert their sentences to life imprisonment. Many of them, as will be seen, left prison after serving between only two and four years.

Not surprisingly, German politicians and criminal justice officials were very reluctant to resume the prosecution of war criminals and those who had been involved in the Holocaust. In 1956, a major trial of the members of SS Task Forces (*Einsatzgruppen*) and Police Reserve Battalions indicted for war crimes and genocide in Poland and Russia went by without much notice from the public, the media or politicians. Amnesties were more or less completed by the mid-1950s, not only in Germany but also in the European countries that had been occupied by the Nazi regime (see Karstedt 2008a). However, at the

beginning of the 1960s, a process of resuming prosecution of war criminals and those involved in the Holocaust started. This process was driven by three important trials: the 1961 Eichmann trial in Jerusalem, the 1963–65 Auschwitz trial, and the 1975–81 Majdanek trial, both of which took place in Germany. Preparations for resuming the prosecution of war criminals and those involved in mass killings had started in 1958 with the inauguration of the Central Office for the Investigation of National Socialist Crimes (*Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen*), which was very much owed to the relentless efforts of a handful of individuals. It had become evident in the trial (1956–58) of the so-called SS Task Forces (*Einsatzgruppen*), who were mainly responsible for the genocide in the East, that many of the most atrocious crimes had not been brought to justice and that a concerted effort to do so was necessary. At the same time other organisations sprang up worldwide with the purpose of bringing Nazi perpetrators to justice and of putting pressure on Germany, not the least in the communist German Democratic Republic.

Given the prominence of the initial (and international) military tribunals between 1945 and 1949, the whole process of transitional justice provided a framework in which the genocide of the European Jews could be cast as war crimes, and not as a crime sui generis, or a crime against humanity (see Olick 2005). It took more than another two decades until the term 'Holocaust' was widely used, and the Holocaust became to be perceived as a separate crime of an unimaginable scale (Alexander 2002). The fact that the Nuremberg Trials were set up as a Military Tribunal actually contributed to these perceptions, and consequently only the murder of the Jewish population outside of Germany was prosecuted there. Even those who had been convicted of crimes against humanity, as genocide was legally termed then, were in a position that they could define their offences as war crimes, committed in the course of military duty, and as such they could count on the sympathetic understanding of the public and social institutions, including the German Protestant Church, as I will show below. In communist East Germany, the resistance movement against fascism could claim for themselves and many others the 'myth of innocence' as Mary Fulbrook (1999) termed their claims of non-involvement.

The Nazi war criminals, who were released from prison between the early 1950s and mid-1960s started their lives after punishment in a legal climate that was shaped by ad hoc and stealthy amnesties after an initial phase of harsh justice, and by a reluctance to take responsibility for further national prosecution of perpetrators. The ensuing normative climate and public opinion consequently tended towards closing the books (though never unanimously, and continuously excluding the core of the Nazi leadership, see Karstedt 2008a), and condoning what was generally conceived of as war crimes. The near-total absence of victims and their families in post-war German certainly was conducive to these developments (Karstedt 2010).

## Case studies of former Nazi war criminals and their lives after punishment

### The Nazi elite

It had been the deliberate policy of the Allies to put the core leadership of the Nazi state on trial first, including the leadership of the armed forces, the economy, the Nazi bureaucracy and the media. Thus 24 men of highest status, rank and reputation stood on trial, representing their institutions and organisations, as well as their members of lower ranks. The majority were sentenced to death, three were acquitted, and of those who had received prison sentences four had a more public life after punishment. These four cases will be explored more in-depth: Albert Speer, Baldur von Schirach, Karl Dönitz, and Erich Raeder.

Albert Speer, who had established his reputation as 'Hitler's architect', had been sentenced to 20 years of imprisonment for his responsibility for organising forced labour, in particular of prisoners of war. He had been described by observers at the Nuremberg Trial as the 'Gentleman Nazi' which reportedly had helped him to secure a prison sentence rather than the death penalty. From the start of the trial he had accepted 'responsibility' as a member of the Nazi elite and government, though he always denied guilt. In his memoirs and 'Spandau: The Secret Diaries' (Speer 1969, 1975), which were most successful (international) bestsellers, he had honed this reputation and given particular insights into the inner circle of the Nazi elite around Hitler. He presented himself as a technocrat who had been charmed by Hitler, and who was not aware of the atrocities and genocide planned and executed by the regime. He certainly had been decisive in orchestrating forced labour during the last years of the war, for which he accepted responsibility but denied guilt. After having served the full term of 20 years and been released in 1966, his hugely successful memoirs and books provided him with a comfortable life, socially as well as financially.<sup>5</sup> His knowledge of Hitler's inner circle made him a sought-after interview partner for the media, his reputation and international contacts attracted the attention of leading international journalists and authors (Sereny 1996), and his reputation as an 'innocent technocrat' not only triggered a public debate on the links between (neutral) technology, totalitarian regimes and atrocities (see Reif 1978), but also provided him with a relatively untarnished reputation that paved his way into the conservative elites of the young republic. All this made him a kind of celebrity of his time.

However, his reputation was not uncontested as in the mid-1960s public opinion and in particular attitudes in the younger generation had changed, after the Eichmann trial in Jerusalem, and the Auschwitz Trials in Frankfurt (Karstedt 2008a). The crimes of the Holocaust were acknowledged as such, and the perpetrators indeed seen as criminals, even if they led unsuspecting lives. Former members of the Nazi regime were deemed unacceptable when they returned to high positions of similar level in the federal and state governments (Karstedt 2008a). In particular, the German student movement named, shamed and even

attacked numerous individuals who were seen as implicated in the Nazi regime and its atrocities. Thus, the stereotype of perpetrators and consequently of sentenced offenders had changed. Speer himself admitted to his biographer Sereny that, on his release, he had not been aware to what extent public opinion had changed and public condemnation of Hitler and his regime had become to dominate the public realm (Sereny 1996: 157). However this did not impede Albert Speer to retain and establish the positive reputation within high-level social circles, that he had prepared through his publications, and that was supported and spread by the media – though contested by others (see the contributions in Reif 1978).

In contrast to highly visible Albert Speer, Baldur von Schirach preferred not to lead a public life after punishment. He had been the leader of the Nazi youth organisation, and later became governor of Vienna. He had been a member of the Nazi elite, with access to Hitler and his circles, however, his positions within the Nazi state had been less important and seminal. In his function as governor of Vienna he had been responsible for the deportation of 185,000 Austrian Jews, for which he was sentenced to 20 years' imprisonment at the Nuremberg Trials. He served his full sentence and after his release in 1966, he published his memoirs under the title 'I believed in Hitler' in 1967. He cast himself as a young and idealistic believer in the 'good causes' of the Nazi ideology, and denied ever having known about why and where he deported the Jewish population of Vienna and Austria, and having been (knowingly) involved in the implementation of the Holocaust. In his biography though he admitted to having been present at the infamous speech in which the Leader of the SS, Himmler, informed leading party members about the murder of the Jewish population of Europe (Sereny 1996: 396), however, he dated it nearly a year later in 1944 (rather than 1943). He led a low key life until his death in 1974.

Notwithstanding that Baldur von Schirach had been a well-known personality during the Nazi regime, he certainly was not a reputational entrepreneur like Albert Speer. His memoir and its title indeed expressed a common and shared fate as many adult Germans felt the same, and thus it should have appealed to many. However, in contrast to Albert Speer he did not meander around the truth (Sereny 1996), and his claim that he had not known anything about the Holocaust was much less credible after the Eichmann and Auschwitz trials, given his position in the Nazi hierarchy.<sup>6</sup> Besides shifts in public opinion that made him and his memoirs generally less acceptable to the media, his former position as leader of the Nazi youth organisation had left him without major networks of support, or smaller social circles where he might have had achieved some reputation. Any involvement of a high-ranking former member of the Nazi elite in youth policies or organisations was simply impossible.

The case of former Admiral Karl Dönitz demonstrates the importance of organisations and networks in the reputational management of their lives after punishment for these high-ranking members of the Nazi regime. Since 1943 he had been the commander of the Navy, and succeeded Hitler as chancellor during the last days of the Nazi regime in 1945. He was sentenced in Nuremberg to

10 years' imprisonment on charges of preparation of aggressive warfare and war crimes. A charge of criminal marine warfare had been dropped after US General Nimitz had conceded that he had issued similar commands to the US navy in the Pacific theatre. His sentence was contested from the very first moment, and he saw it as a miscarriage of justice as he indicated in an interview in the 1970s (Dönitz 1972). After his release in 1956, he wrote his memoirs 'My changeable life' (Dönitz 1968), which were modestly successful, and travelled the country first as speaker at meetings of veterans, and soon as speaker to the newly established Federal Army respectively its navy. As such, he led a semi-public life restricted to the smaller and professional, however never subcultural social circles of the previous and new army.

In contrast to both Speer and von Schirach his sentence was based on charges of war crimes committed in the course of warfare and not against civilians. This allowed him to cast himself as a dutiful soldier, and his prison sentence as term served as a prisoner of war of the Allies, a fate which many veterans shared and could identify with. Serving time as a prisoner of war was a duty that had to be accepted for losing the war, and this interpretation in particular cleared him from the stigma of a penal sentence and his imprisonment. Without doubt he himself believed in this, and his networks provided him with a shared reputational image thus confirming his view. His reputation among veterans thus emerged unscathed, and as it was embedded in more restricted social circles, it was also less contested. This was aided by the fact that public opinion in Germany at that time tended more to collective amnesia and negation of the crimes against humanity that had happened (see Karstedt 2008a). Consequently he was also acceptable to the newly established army.

His own accounts shed light on the mechanisms within these networks where his reputation was established and retained. In an interview in the 1970s (Dönitz 1972) he described that when travelling he was often approached by veterans and asked whether they might join his table, a wish willingly granted. He revelled in the community of soldiers that was still alive and nourished by shared memories. These shared memories confirmed the sense of a common fate and 'sameness', not as criminals but prisoners of war and more generally as soldiers. The sense of sameness was furthered by the fact that the lost war, and the transition, as well as (not accepted) transitional justice had functioned as a great equaliser, and put common soldiers and the former commander on an (nearly) equal footing. Karl Dönitz still embodied the values and norms of the military community, and as his crimes were ignored, his reputation remained fairly stable.

When rearmament started and the new Federal Army was finally established in 1955, difficult questions arose around the highly sensitive issues of integrating the commanders and experts of the previous army, and of linking to the military 'traditions' of its predecessor, the army of the Nazi state. Finally, these had been sentenced as war criminals in international and allied military courts, and the army had been involved in the most heinous crimes and mass murder.<sup>7</sup> Karl Dönitz presented himself as a reputable and respectable professional soldier, and

with a reputation from which no damage to the national and international image of the newly founded army and its institutions was to be expected.

While Karl Dönitz became a semi-public figure, his predecessor Erich Raeder, who was released from prison a year earlier because of ill health, led a very reclusive life until his death in 1960. He had received a lifelong prison sentence at the Nuremberg Trial for charges of planning aggressive warfare and war crimes, however, his offences were deemed more grave than those of Doenitz. His autobiography 'My life' published after his release from prison, presented a very positive portrait of Hitler, but did not attract attention beyond the circles of the navy, and he never became a public figure.

The four cases of men who held highest offices during the Nazi regime, and were sentenced in a landmark and widely publicised trial in Germany, certainly started their lives after punishment with a more public reputation than many other sentenced war criminals. However, these cases demonstrate that reputations developed rather differently for members of the elite who had been sentenced at Nuremberg and had been witnessed standing in the dock by the majority of the German population (see Karstedt 1998). The time of their release and respective shifts in public opinion defined whether their reputations were contested or not. The cases in addition testify to the importance of professional networks and semi-public circles in establishing and maintaining a reputation that was oblivious of the charges and sentences meted out by the Allies. To the extent that they represented a common fate, they could offer a backdrop for processes of personal identification and thus their reputations could rub off on the many others: Speer for technocrats who had served the Nazi regime and orchestrated the Holocaust, Dönitz for soldiers. Even if their crimes and sentences were mainly ignored – in the 1950s more than in the following decade – there certainly existed limits as to a positive evaluation of Hitler (as e.g. by Raeder; see for public opinion Karstedt 2008a) and denial of knowledge of the Holocaust (as in the case of von Schirach). Both Speer and Dönitz were more cautious in their hindsight evaluation of the Nazi regime, the war and their own actions. Karl Dönitz could take full advantage of a network of veterans, and of the re-establishment of a military tradition which also enjoyed cautious international support. The time of his release in the mid-1950s proved to be advantageous as his reputation was less contested than it might have been at a later time.

### The Nazi military and bureaucratic elite

The Nuremberg Trials were complemented by a series of 'follow-up trials' for 'Hitler's willing executioners' (Goldhagen 1996) at the highest levels of the army and the state bureaucracy, including the High Command of the Army, the Foreign Office and the Ministry of Justice. According to agreements between the Allies, military leaders were extradited to the countries where they had committed their crimes, or were tried by court martial of the Allies, mostly in the countries of their respective theatres of war. With the exception of military leaders, these men

had been less visible as public figures than the defendants in the Nuremberg Tribunal, however they were often more directly implicated in the deportation of the Jewish population from the occupied countries, the (financial) exploitation of the population, forced labour and for orchestrating and leading atrocities against these peoples. They had drafted the 'laws' that gave the air of legality to their crimes, and had committed their offences from their desks, a type of perpetrator later to be personified by Eichmann. They had been indicted for war crimes against the civilian population, forced labour and other atrocities.

#### *The military elite*

Members of the High Command of the Army initially received considerable prison sentences, but none of them served a full term, and most of them were released after a fraction of their original sentences. They were released in the early 1950s by remission of their unserved sentences. They never returned to any position in the military, however they secured leading positions often in associations of the German industry, or in associations of veterans and repatriates, the latter being of particular political importance in post-war Germany. They settled back into a comfortable middle-class life and into positions of quite some influence and importance in the young democratic state, where their skills and leadership were obviously welcome. Their reputations emerged unscathed by their sentences and imprisonment, and remained uncontested within their professional and social life, where they again rose to high status. One of them, Georg-Hans Reinhardt, founded a prominent think-tank on military strategy, and became influential in shaping the first stages of rearmament, activities for which he was awarded with the Federal Cross of Merit in 1962.

The cases of two Generals Albert Kesselring and Hermann-Bernhard Ramcke stand out in several respects. Like Karl Dönitz, both had been well-known commanders during the war. Ramcke had stood on trial in France, charged with atrocities against the civilian population of Brest, and sentenced to five years of imprisonment in 1951. He was discharged soon after his sentence in recognition of his long pre-trial detention, and subsequently had a position in a German company. He published books on his experiences during the war. Albert Kesselring was tried by a British court martial in Venice as responsible commander for the shooting of 335 Italian citizens who had been taken hostage in retaliation for the murder of German police officers by the Italian resistance army. His initial death sentence was first commuted to lifelong imprisonment, and later to 21 years by the British government. After having been diagnosed with cancer he was released in an act of clemency by the Queen in 1952 (von Lingen 2009).

During his detention and imprisonment, Kesselring had become a relentless reputational entrepreneur, who directed from his prison cell support and activities of lawyers, university professors, and politicians. Surprisingly, a campaign for his release sprang up in Britain, which was led by Lord Hankey and military historian Basil Liddell Hart (von Lingen 2009: 160) and supported by high ranking

politicians, including Churchill as well as military leaders.<sup>8</sup> The campaign was based on his reputation as an 'honest enemy', and not the least driven by the prospect of integrating Germany into the new Western alliance of NATO. As long as military leaders were imprisoned, the German public could hardly be persuaded to support the contentious issue of rearmament.

When still in prison, Kesselring had accepted the offer of becoming president of the largest association of veterans. After his release he embarked on public activities, and issued statements which not only should clear him from any involvement in war crimes, and exonerate him from any guilt, but which attempted to make his acts as commander in the Italian theatre appear as particularly honourable. This was not in line with the cautious diplomacy of the German government, and certainly transgressed what was acceptable to the British government and Italian citizens. In the ensuing diplomatic upheaval, he was summoned by the German government and ordered to refrain from further public statements, and never was involved in the planning for the new army. He did not become the public figure that he had envisioned for himself, and his reputation did not go uncontested. In his books, published during the 1950s, he never distanced himself from his crimes, nor did he dissociate himself from his loyalty to Hitler. The veterans association of which he was president soon lost influence, and was rendered to obscurity.

Ramcke had even gone further in exonerating and lauding the activities of the SS and its members in meetings of former SS members. He too was rebuked by the German government, and could retain a more subcultural reputation in marginal right-wing political and social circles of ex-Nazis. In 1959, he lost a libel suit against a well-known journalist, who had witnessed the atrocities in Brest as a soldier. At his funeral in 1968 representatives of the Federal army were present, including the Minister of Defence, which gave rise to a controversy in the national and international press.

Both men misjudged the normative and political climate when they tried to re-establish their reputation, not only claiming total innocence, but also expressing allegiance to the Nazi regime, and exonerating the SS. Even if the German public tended towards collective amnesia, this never included reversing their dis-allegiance from the Nazi leadership, or particularly the SS (Karstedt 2008a). Notwithstanding support from the community of former soldiers, the reputation even of high-ranking military leaders was not uncontested, in particular if they strived for public presence. Both Kesselring and Ramcke's public statements, and the ensuing diplomatic fall-out were brought to light and critically discussed in the emerging democratic landscape of the media.

#### *The bureaucratic elite: diplomats, SS leaders and lawyers*

The Nazi state had thoroughly changed the mechanisms and institutions of government. The SS and its institutions had gained influence and extended their collaboration with as well as their presence in a number of ministries, in

particular those that were tasked with governing the occupied countries during the war. This affected the foreign ministry and the ministry of justice, and consequently a number of high-ranking SS officers who had held important positions in these ministries stood on trial in Nuremberg. Their prison sentences between 10 and 25 years reflect the severity of their crimes against the civilian population, including looting of financial and other assets of the Jewish population, organising forced labour in the German war industry and orchestrating atrocious police action.

The foreign minister Count Schwerin of Krosigk, who had received a prison sentence of 10 years for being responsible for actions dispossessing the Jewish population, but had served just two years, was the most public figure in this group. His former reputation helped him to embark on a post-war career as writer and publicist, though with his personal memoirs published in 1974, he never was as successful as Albert Speer. His moderate success and his untested reputation – he never was involved in any scandal – speak to the condoning public climate but as well to cautious management of his public persona.

The other four in this group never spent more than two years of their long sentences in prison, and were released in the early 1950s. As former SS officers they were barred from office in the public sector, however the private sector and German industry proved to be most receptive. Indeed, a network of former SS officers had established itself and channelled members into lucrative positions in the German industry (Herbert 1996). The fact that such a concentration of high powered positions cannot be found in any of the other groups speaks to the activities and efficiency of this network, which also covertly lobbied for a blanket amnesty. They cast themselves and were seen as technocrats of management and administration, with skills not to be ignored in rebuilding the German economy. They returned into their lives after punishment with a professional reputation which in the contemporary normative climate was not questioned at all. The fact that one of them (Hans Kehr) could publish his memoirs with the title 'Crisis Manager in the Third Reich' in 1973 testifies to the reputational assets that white-washed these men of being guilty of heinous crimes, and the stigma of imprisonment, as well as to the common though not uncontested understanding of technology and management as 'morally neutral' of any purpose.

The lawyers in the ministry of justice who had orchestrated raids by the Gestapo (Secret Police) first in Germany, and later in the occupied countries, who had drafted the laws that stripped the Jewish population of Germany and Europe of all civil and human rights, and had introduced the death penalty for minor crimes, received prison sentences between five years and a life sentence for the secretary of state and acting minister of justice Franz Schlegelberger. None of them served more than three years of their terms. Only one of them (Wilhelm von Ammon) secured a position in the higher ranks of the administration, this time in the Lutheran Church of Bavaria (for the role of the Lutheran Church, see below), the others lived as pensioners, or worked as solicitors or in a private law school.

In the late 1950s their reputations became contested, as the media published scandalising reports on their activities during the Nazi regime and their lives after punishment. These men could not take advantage of professional and other networks, and thus their reputations became more vulnerable, even if none of them led a public life.

### Professionals: doctors

The Doctors' Trial in Nuremberg from 1946 to 1947 uncovered the most gruesome details of the implication of the medical profession in genocide, mass murder and crimes against humanity. The doctors had either been involved in experimenting on concentration camp inmates in the most atrocious ways, leading to (calculated) death or (if the victims did survive) to lifelong suffering, or in the so-called Euthanasia Programme, where they had orchestrated and been responsible for the deaths of hundreds of thousands of mentally and physically disabled people. This group includes a woman, with their sentences ranging from 15 years to lifelong imprisonment. They served between four and seven years of their sentences, which had been commuted to shorter ones, and they all had left prison by 1954. Their lives after punishment demonstrate the obliviousness and total lack of recognition of the criminal nature of their actions by the medical profession as well as the overseeing (professional) bodies, and testify to the strength of professional networks.

Herta Oberheuser had conducted experiments in a concentration camp for women (Ravensbrück) in Germany. The only reason for her not being sentenced to death was that she had not been a member of the SS (from which she was barred because she was a woman), a fact usually deemed an aggravating circumstance by the court. Her prison sentence of 20 years was reduced to 10 years in 1951, and she was released in 1952, having served just five years of her sentence. After her release she was licensed as a medical general practitioner and worked in a village. When she was recognised by survivors from the camp, prosecution was resumed, but had to be suspended as the same offence could not be adjudicated twice. Her licence to work as a medical practitioner was revoked, against which she unsuccessfully appealed. At her trial she had frankly described her victims as 'guinea pigs', and how it had been necessary to keep distance from her prisoner patients. Her case in particular demonstrates that victims could have a decisive impact on the lives after punishment for perpetrators, and that absence respectively presence of victims in transitional societies is important in shaping the moral climate for returning ex-prisoners. The fact that the reputations of these perpetrators were mainly uncontested during the first two decades after the war, helped them to slip back into their professional lives easily, and that their networks were undisturbed in supporting them seems to be linked to the absence of victims in a number of ways (see Karstedt 2010).

Most perpetrators in this group testify to the impact of professional networks, as these secured one of them a position as director of a department in a hospital

(Wilhelm Beigböck). The importance of these networks is even more obvious in the case of the doctor responsible for the whole programme of euthanasia (action T4), and as such for the death of hundreds of thousands of mentally and physically disabled people. He had escaped the Allies after the war, and had worked under a false identity as a doctor in the local government of a northern city. He was uncovered in 1959 and committed suicide in pre-trial detention in 1964. It soon became obvious that his professional networks had covered him and that his real identity was well known amongst many and high-ranking colleagues.

### **Members and commanders of SS task forces**

The men who had been commanders and members of the SS Task Forces differ from the members of the Nazi elite in a number of ways. They were less visible at the time of their crimes, their trials attracted much less public attention, and consequently, their lives after punishment, and their perspectives on their past and present lives are much less documented than for the men who were tried at Nuremberg. Further, as the SS Task Forces had been ordered to execute the Holocaust behind the front lines of the German Army, these men were deeply implicated in the Holocaust in Eastern Europe, and many of them were literally mass murderers, or they had overseen the men who shot hundreds of thousands of Jewish men, women and children (see Browning 1992; Goldhagen 1996). At the Nuremberg Task Force Trial, where mainly the commanders of task forces had been tried, many had received death sentences for the mass killings committed, several of which were subsequently converted into life sentences, of which they only served a fraction.

Among the cases in this group, three men had initially received the death penalty, and they actually served between six and 10 years in prison. Most of these men started their lives after punishment in the second half of the 1950s. Even if they had been less visible, or had worked in less high-level positions than members of the other groups, it is important to note that these commanders of SS units and other forces (e.g. the police) were predominantly educated men, and many of them came from a middle class background. Nearly all of them slipped back into middle-class lives, and secured new positions mainly in the private sector, as they were barred from their previous ones as members of the SS. The process of their early release, the networks and institutions that were seminal in supporting them and that later offered them positions, shed light on their prospective life after punishment, which they mainly led in the most inconspicuous way. The following biographies in particular demonstrate the role of the Lutheran Church as reputational entrepreneur in campaigns first for commuting the death sentences, and later for early release of these perpetrators.

Eugen Steimle had received the death penalty for mass murder of the Jewish population in the Soviet Union, one of his most atrocious crimes being the mass killing of 50 disabled children. The sentence was commuted to imprisonment of

20 years in 1951, of which he served only three years until he was released in 1954. After his release he became a teacher (for which he had trained) for history and civic studies at a gymnasium (grammar school) which was run by the Lutheran Church, i.e. in a faith-based school where the Lutheran Church was his employer. Ernst Biberstein had been a pastor of the Lutheran Church, and had risen in the church hierarchy before he joined the Nazi party and the SS. Because of his direct involvement in mass killings of more than 3,000 men, women and children he received a death sentence, which had been reduced to a life sentence in 1951. The Lutheran Church had been decisive in reducing the death sentence to life imprisonment, and they campaigned later for his final release in 1958. For a brief period he worked in the administration of the church, however he was dismissed, and the church never offered him a position again. He worked as a low-level employee until his retirement.

The Lutheran Church, represented by a bishop in a regional church, closely collaborated in a campaign for the release of Martin Sandberger with regional politicians, including the minister of justice, and members of the federal parliament, amongst them a highly renowned Social Democrat. Sandberger had been one of the leading figures in orchestrating the genocide in the Baltics and was responsible for the deaths of hundreds of thousands of victims. He came from a well-connected family of vicars and civil servants, which explains his high-level support within the protestant milieu of South-West Germany, and which helped him to secure a position as legal adviser in a major company after his release. In hindsight it is difficult to understand why the Lutheran Church raised its voice for sentenced perpetrators of genocide, however it was part of and added its moral weight to a broader consensus across the ideological and institutional spectrum that mirrored the general mood of the public. The Lutheran Church had a particular interest in acting as reputational entrepreneur for these men deeply implicated in mass murder. Some of them had been pastors, others active members of the church, and the Lutheran Church had a history of ardent anti-Semitism. Managing its own post-war reputation seemed to require exonerating others from the crimes committed. The Lutheran Church started to change this position at the end of the 1950s, and the dismissal of Biberstein testifies to internal conflicts which were to erupt publicly a few years later.

### **Concentration camp guards**

The Auschwitz Trial in the first half of the 1960s, and a decade later the Majdanek trial were situated in a different normative landscape, and both contributed to its further change (Karstedt 2008a). Victims started to have a voice and a presence in criminal trials, which they had not had in the immediate post-war years. Suffering, although temporally more distant, was brought to the fore during this later period. Next, prosecutions had been resumed since the mid-1950s, following international pressure and national initiatives, often by small groups and individuals. Finally, public opinion started to change towards recognition of the

crimes of the Holocaust. Indeed, the moral assessment of the Holocaust had started to change profoundly, and the defendants in the trials were confronted with a public that was ready to assign negative reputations to them. Because the trials started nearly 20 years after the war, all defendants had had a respectable life before punishment.

Hans Stark was sentenced for murdering prisoners in Auschwitz in the most atrocious ways. Since he was a minor at that time (under 18 years old) he was sentenced according to juvenile law to 10 years' imprisonment. Before the trial he had trained for and worked as a teacher in an agricultural school. Afterwards, he was barred from being a teacher, but worked in the chemical industry and developed pesticides of the kind that had been used in Auschwitz. Hermine Braunsteiner-Ryan was sentenced for torturing prisoners in the women's camp Ravensbrück in 1949, but released in 1950 after serving only a fraction of her three-year sentence. She emigrated with her husband, a US soldier, to Canada, and in the mid-1960s prosecution for her involvement in the death camp of Majdanek started. In the trial she was sentenced to two life terms of imprisonment for mass killings involving children. She was pardoned in 1996 because of ill health. During her trial she never showed any signs of remorse or recognition of guilt, and tried to intimidate the victim witnesses.

Both cases demonstrate the ambiguous nature of change in public opinions, and new assessments of these offenders and their crimes. There seems to be a division between offenders, some being welcomed back into the fold, others denounced and excluded, the latter personified by Hermine Braunsteiner. Excerpts from the Auschwitz trial show that only one of them showed faint recognition of having done something wrong. As society was changing, the offenders who had all led respectable lives in the period after the Second World War and leading up to their trials, did not feel any pressure to morally re-assess their actions, and hardly could accept or even understand the disrepute into which the trial brought them.

### Reputations, the transitional moment and the *longue durée* of normative change

The 'transitional moment' throws established reputations in disarray, and in particular the reputations of those who were sentenced in procedures of transitional justice. Sentenced war criminals in post-war Germany had to re-build their lives after punishment. They received the support of a wide range of networks, as well as from the public that tended towards collective amnesia during the first decades after the war. The ex-prisoners could relate to smaller social circles as well as the broader public in memories of a common fate, and they provided backdrops for personal identification for many others. They were welcomed back as 'same', not as 'others' who had been stigmatised by a criminal sentence and imprisonment. Though under very different conditions and in a contrasting environment, ex-prisoners in Northern Ireland seem to experience a similar

situation of support and slow changes in their own as well as their public images and reputation (Shirlow and McEvoy 2008).

The fact that the Nazi war criminals could share their reputation within their more or less confined social groups, exempted them from confronting their crimes and guilt. They could claim innocence, or at least ignorance, and they shared these feelings with numerous others. Both high-ranking as well as less visible Nazi war criminals could take advantage of reputational entrepreneurs, who campaigned for their release and eased their way back into similar lives in the new democratic society. However, their reputations became increasingly contested as a younger generation embraced a different perspective on war crimes and the Holocaust. The lines that they could not transcend in their reputational claims were often blurred and thus misjudged by high-level ex-prisoners. They might have been misled by a most supportive climate in their own social circles that was not fully shared by the public. As much as their reputational claims were supported by the normative climate of collective amnesia and denial, there are hardly any indicators that these individuals actively and decisively shaped collective memories in post-war Germany. They did neither acquire a reputation of evil, at best of the controversial, nor did they achieve a reputation of total innocence in the long run. The normative change mainly affected them rather than they had an active part in it, though it cannot be excluded that their influence slowed down and impeded changes of the normative climate. On the other hand, their lives after punishment were vulnerable to changes, loss of reputation and public scandals that often hit them unexpectedly after they had confidently settled back into their lives. Transitional moments it seems have a *longue durée*, and transitional justice takes time. German history demonstrates that transitional and international criminal justice still need to solve 'prisoners' dilemmas'.

### Notes

- 1 Earlier versions of this research were presented at the Seminar 'The Experiences of Specific Groups of Ex-Offenders' of the ESRC Seminar Series 'Life after Punishment', Keele University, 2007, at a seminar at Warwick University, 2008, at a conference 'Transitional Justice and Rule of Law' at the Flemish Academic Centre, Brussels, 2009, and at the American Bar Foundation 2010. I am grateful to Shadd Maruna, Richard Sparks, Stephen Farrall, Stephan Parmentier, Adam Czarnota, Martin Krygier and Nancy Adler for their comments. I am hugely indebted to Gary Fine whose work on 'Difficult Reputations' and guidance provided invaluable insights and conceptual frameworks. I owe particular gratitude to Matthias Koch, Faculty of Sociology, University of Bielefeld for his invaluable research support. Parts of this chapter were published in German (Karstedt 2008b).
- 2 I use the term 'transitional justice' in its broader sense and according to the United Nations Report of the Secretary General on transitional justice. Contemporary transitional justice is viewed as 'the full range of processes and mechanisms associated with a society's attempts to come to terms with the legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation' (UNSC 2004: 4). Transitional justice thus includes criminal prosecution of offenders before national as well as international tribunals and courts, civil procedures to claim damages for victims,

lustration and vetting policies for collaborators and members of past regimes, amnesties for individuals or groups of perpetrators, as well as truth commissions. In the aftermath of the Second World War, all types of procedures (with the exception of truth commissions) were used in the European countries that had suffered from German occupation and in Germany itself. In its broadest sense transitional justice at this time comprised of national court and lustration procedures, as well as of international criminal justice and procedures conducted by the Allies in their respective theatres of war and areas of occupation (see also Karstedt 2010).

- 3 I owe this term to Nicola Lacey and the title of her book, *The Prisoners' Dilemma* (Lacey 2008).
- 4 See Fine (2001) on the relationship between reputation and the formation of collective memories.
- 5 During his years in Spandau Prison in Berlin, his family was supported by a fund to which high level industrialists and friends contributed (Sereny 1996).
- 6 It is still contested how many of the German population actually knew about the Holocaust, which took place nearly exclusively outside Germany, and what and how much they knew; see Silbermann and Stoffers 2000, and Johnson and Reuband 2005 for detailed analyses.
- 7 The extent of the involvement of the German Army in the Holocaust became publicly visible only in an exhibition on the German Army in the 1990s (*Wehrmachtsausstellung*). Only since the late 1970s the Federal Army stopped naming barracks and other sites after high-ranking commanders in Hitler's army, and started to rename some of these that were linked to the names of war criminals.
- 8 Unsurprisingly, Hartley Shawcross, who had led the British prosecution at the Nuremberg Tribunal, was in opposition (von Linggen 2009: 168).

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## Appendix

Table 1 Overview of Cases of Sentenced Nazi War Criminals 1946–1983

Name	Position during the NS regime	Sentence	Sentence commuted	Release: year and Term served	Reason for release (without internment)	Life after Punishment: position and activities
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## Nuremberg International Military Tribunal (20 November 1945–1 October 1946)

Dönitz, Karl	Naval officer; commander of the German Naval Forces in WWII from 1943–1945; successor of Hitler in May 1945	10 years imprisonment	/	1956 released after serving full term	1968, where he describes his role exclusively as a military one. In high demand as public speaker at meetings of veterans, and veterans' associations, also for the new Federal Army founded in 1955. Died on 24 December 1980.	Published his memoirs "My changeful life" in 1968, where he describes his role exclusively as a military one. In high demand as public speaker at meetings of veterans, and veterans' associations, also for the new Federal Army founded in 1955. Died on 24 December 1980.
Raeder, Erich	Naval Officer; from 1928 to 1943 Commander of the German Naval Forces	Life sentence	/	Released in September 1955 because of ill health	Published his memoirs, "My Life" after his release. Rare public appearances as speaker. Died in November 1960	Published his memoirs, "My Life" after his release. Rare public appearances as speaker. Died in November 1960

(continued)

Table 1 (Cont'd)

Name  
Position during the NS regime  
Sentence  
Sentence commuted  
Release: year and Term served (without internment)  
Life after Punishment: position and activities

Von Schirach, Baldur	Leader of all NS Youth organizations. Since 1940 Governor of Vienna and Head of Youth Education. As Governor of Vienna responsible for the deportation of its Jewish population and to concentration and death camps.	20 years	/	Released in October 1966 after serving full term.	In 1967, he published his memoirs "I believed in Hitler". He denied any knowledge of the genocide/mass murder of the Jews in his positions. Ran a bed and breakfast with his family, no public appearances, died in August 1974.
Speer, Albert	Was part of Hitler's inner circle. Since 1937 responsible for all buildings in the capital city of Berlin. Since 1942 Secretary for Armament and Muniton, and as such responsible for the war economy and the deployment of forced labour.	20 years	/	September 1966 released after serving full term	Published several volumes of memoirs after his release until his death in 1981. Was a public figure with a strong presence in the media, and easily integrated into elites of West Germany. Attracted attention nationally and internationally as the "Gentleman-Nazi".

**Nuremberg Trial against the High Command of the Army (30 December 1947-14 April 1949)**

Reinhardt, Georg-Hans	Colonel General of the Army and Commander-in-Chief of the Northern Army. Involved in war crimes in the Soviet Union	5 years		Early release in June 1952, of unserved sentence	Chairman of the Society for Military Affairs, a think tank, since 1954; author of numerous memoranda on military affairs and security for the Federal Government and the Federal Army of (West) Germany. He was awarded the Federal Cross of Merit for his services in 1962.
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**Other Military Tribunals against Members of the German Army conducted by the Allies**

Kesselring, Albert	Field Marshal of the German Army in Southern Europe, Africa and Italy. Responsible for the execution of 365 Italian hostages, and tried by a British Military Court in Venice	Death Sentence	Committed to life sentence in 1947, to 21 years in 1948	Early release in 1952, of unserved sentence after having been diagnosed with cancer	From 1952-1960 chairman of the Association of Veterans. Between 1953 and 1955 publication of two volumes of memoirs "Soldier Until the Last Day", and "Reflections on World War II". He never distanced himself from his actions as commander or from his loyalty to Hitler.
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Table 1 (Cont'd)

Name	Position during the NS regime	Sentence	Sentence commuted	Release: year and Term served (without internment)	Life after Punishment: position and activities
Ramcke, Hermann-Bernhard	Highly decorated as General of the Paratroopers, commander of the city of Brest (France) declared fortress in 1944. Involved in war crimes against the civilian population of Brest and tried by a French Military Court	5.5 years in 1951	Allowance for 57 months of pre-trial detention	Release in June 1951, of unserved sentence	After his release executive manager in an industrial enterprise; published in right-wing extremist journals and publishing houses. Speaker at meetings of former members of the SS Army. A company of the Federal Army as well as the Minister of Defence were present at his funeral in 1968
Kehl, Hans	SS Brigade Leader in the Headquarters of the SS Directorate; Director of the Office for Armament, attached to the Executive Manager for Armament, Albert Speer (see above). In this position responsible for illegal transfer and looting of property in the course of Nazi resettlement policies	15 years	/	Released in February 1951, of unserved sentence	After his release business consultant and appointed to the Federal Commission of Inquiry into the Concentration of the German Economy in 1963. Published his memoirs "Crisis Manager in the Third Reich" in 1973. Died in 1984
Count Schwerin von Krosigk, Johann Ludwig	High level positions in the Treasury and Foreign Ministry. Minister in the last (acting) government of Karl Donitz in May 1945; Foreign Minister. Responsible for the looting of Jewish property by the German fiscal administration and tax authorities.	10 years	Commuted to 10 years in January 1951 by US High Commissioner McCloy	Released in January 1951, of unserved sentence	After his release author, journalist and publicist. Published his memoirs "It happened in Germany" in 1951 followed by three volumes of "Personal Memories" in 1974. Died 1977.
Ammon, Wilhelm von	Judge, seconded to the Ministry of Justice. Responsible for drafting the orders that allowed for searches, seizures and arrests by the Gestapo without any legal foundation, mainly in the occupied countries. Participant in the preparatory meetings for the euthanasia programme.	10 years	Released January 1951, clemency by grant of pardon from US High Commissioner McCloy	Released January 1951, by grant of pardon	From 1957 to 1970 Director of the regional administration of the Lutheran Church in the South of Germany; author of legal commentary on the Bavarian Canon Constitution. Died 1992.
<b>Nuremberg Trial against the Ministry of Justice (Lawyers' Trial) (17 February-14 December 1947)</b>					

(continued)

Table 1 (Cont'd)

Name	Position during the NS regime	Sentence	Sentence commuted	Release: year and Term served (without internment)	Life after Punishment: position and activities
Schlegelberger, Franz	Secretary of State in the Ministry of Justice, and temporarily acting Minister of Justice. Responsible for the penal decree that provided for the death penalty for the destruction of published orders by the German occupying government in Poland. During his term in office the number of death sentences increased dramatically.	Life sentence	/	Early release in January 1951, allegedly unfit for detention	After his release immediately subjected to de-nazification procedures and classified as "exonerated". Received full pension as state secretary, which was subsequently revised. Unsuccessful attempts at bringing further charges against him. Died 1970.

Nuremberg Trial of Doctors (9 December 1946-20 August 1947)

Beigböck, Wilhelm	Doctor/ internist in the Dachau concentration camp; responsible for human experiments on inmates by exposing them to life-threatening subnormal temperatures.	15 years	/	Early release in December 1951, remission of unserved sentence	After his release he was offered a position by a professor in the Medical School of a South German university, who had been a member of the German Society for Internal Medicine. He supported him in securing a position as Head of the Department of Internal Medicine in a hospital in a North German city in 1952. Died 1963
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Table 1 (Cont'd)

Name	Position during the NS regime	Sentence	Sentence commuted	Release: year and Term served (without internment)	Life after Punishment: position and activities
Oberheuser, Herta	Doctor in the concentration camp of Ravensbrück; responsible for life-threatening experiments on inmates with sulfonamide	20 years	Committed to 10 years in January 1951 by US High Commissioner McCloy	April 1952 early release through remission of sentence	After her release licensed as medical general practitioner in a small town in Northern Germany, and in a sanatorium run by the Templars in the region. In 1956, she was recognized by a survivor of Ravensbrück, who reported her to the police. In 1958 her admission to medical practice was withdrawn, and she had to close her surgery. She was barred from practicing as medical doctor. Died 1978.

Trial of the Task Force Groups (15 September 1947-10 April 1948)

Biberstein, Ernst	Had been a pastor in the Lutheran Church; Senior SS Storm Unit Leader; until 1943 Commander of the Task Force No 6 of the Task Forces Group C deployed in Ukraine; responsible for the murder of 2,000 to 3,000 Jewish men, women and children.	Death Penalty	Committed to life sentence in January 1951 by US High Commissioner McCloy	Early release in May 1958, remission of unserved sentence.	After his release he was offered a position in the administration of the Lutheran Church, from which he was dismissed at the beginning of the 1960s. Afterwards he worked in minor, low level positions as administrator.
Steimle, Eugen	SS Regiment Leader; Member of the Security Service and Commander of two Special Task Forces of the Security Service; responsible for genocide in the Soviet Union.	Death Penalty	Committed to 20 years imprisonment in January 1951 by US High Commissioner McCloy	Early release in June 1954, remission of unserved sentence	After his release teacher for German, history and social and civic studies at a Lutheran grammar school from 1955-1975 in South Germany. Died 1987.

(continued)

Table 1 (Cont'd)

Name	Position during the NS regime	Sentence	Sentence commuted	Release: year and Term served (without interment)	Life after Punishment: position and activities
Sandberger, Martin	SS Regiment Leader; commander of Task Force Ia; principal responsibility for the genocide in the Baltic states with more than a million of victims.	Death Penalty	Committed to life sentence in January 1951 by US High Commissioner McCloy	Early release in May 1958, remission of unserved sentence. Supported by a campaign of numerous members of the South German establishment, amongst them a Minister of Justice of a southern German state, the Bishop of the regional Lutheran Church, and a renowned Social Democrat and Vice President of the Federal Parliament	After his release, his Church connections helped him to secure a position as legal adviser in a major company. Attempts at resuming prosecution were dismissed. Died 2010.
Stark, Hans	Member of the Gestapo (Secret Police) in the camp; sentenced according to "murder in an unknown number of cases, at least 340" according to the verdict of the Frankfurt Regional Court in August 1965.	10 years imprisonment; sentenced according to Juvenile Court Law as he was underage when committing his crimes	/	Early release in 1969, remission of unserved sentence	After his release he worked in the chemical industry, where he developed pesticides. Died 1991.
Majdanek Trial in Duesseldorf (1975-1981)	Guard in the death/ concentration camps of Ravensbrück und Majdanek	Life sentence	/	Pardoned by the Prime Minister of North-Rhine - Westphalia and later President, because of ill health.	
Auschwitz Trial in Frankfurt (1963-1965)					
Majdanek Trial in Duesseldorf (1975-1981)					