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The persecution, deportation, and annihilation of more than 100 000 Jews is the most atrocious crime ever committed in the territory of The Netherlands. Despite this fact, the criminal persecution of the perpetrators of this crime has been awkward and troublesome, in the first place for the post-war Dutch justice system, and in the second place for the German one. For decades, the call that »justice should be done« has complicated the political relations between the two states. An important episode took place between 1959 and 1967, as the Munich Landesgericht (State Court) heard the case against three Germans, Wilhelm Harster, Wilhelm Zöpf, and Gertrud Slottke. As members of the German SS- and Police apparatus in the occupied Netherlands, the accused had played important roles in the deportation of 106 000 Jews form the country.

The trial is the subject of the published version of the PhD-thesis defended in Marburg by historian Christian Ritz. The author sheds new light on the complications behind the trial. He also points at the fundamental importance of the jurisprudence it has created concerning bureaucratic responsibility for mass murder. From an even wider angle, Ritz points at the particular connection between legal investigations and the historical discipline of contemporary history emerging in the wake of the Second World War.

Bringing bureaucrats to trial for their participation in the Holocaust has posed many political and legal problems, in particular in the German Federal Republic. This endeavor required much time, and courage and imagination as well to find a way of addressing this specific genre of crimes. The political constellation did not exactly favor continued dealing with the criminality of the Third Reich. In the 1950s the participation of many former Nazis in public life seemed to be an accomplished fact. A large degree of bureaucratic continuity between the Third Reich and its successor state was apparently taken for granted. Consequently, a trial against people like Harster, Zöpf, and Slottke posed a potential threat for thousands of others with similar backgrounds and might break the relative silence about the Nazi legacy. Moreover, the outside world – in particular the Dutch neighbors – would follow the case with suspicion and question the self-cleaning capability of the Federal Republic.

Given all such intricacies, the persecution met considerable challenges. The official who took the job was Bavarian State Attorney Benedikt Huber, who prepared the indictment, and who becomes the silent hero of this book. Huber (born 1926) was charged with the case following Dutch political pressure to intensify the persecution of Germans responsible for the persecution of Dutch Jews. Ritz argues that Huber should not be admired alone for his perseverance in getting justice done. The State
Attorney’s fundamental accomplishment, he maintains, is that he has managed to conceive the crime of the Schreibtischtäter as part of the process of preparation of a sequence of fatal actions – discrimination, taking away of legal rights, deportation, – towards mass killing, and thus as intrinsic parts of the crime.

Ritz distinguishes Huber’s approach as a public prosecutor from the one his colleague Fritz Bauer chose in the famous Frankfurt Auschwitz trial. The latter intended to expose the failure of the post-war justice system to address the guilty of the Holocaust. Huber did not intend to place such a «wake-up call». His purpose was to establish the degree of responsibility and guilt of those who had prepared and executed the persecution towards extermination behind their desks. For that reason he was forced to prove within the context of German criminal law that the perpetrators had known about the fatal consequences of their actions and that they had done so driven by vile motives. This was almost impossible to prove if defendants would claim their ignorance of the fate of the Jews after the deportation trains had left the Netherlands, their area of competence. The fact that written orders for extermination could not be found, and that a train ride to Auschwitz and Sobibor would take two or three days at least enabled bureaucrats to claim ignorance about the fate of the deportees: not forced labor (as was officially stated), but mass extermination.

In order to construct the evidence the Munich public prosecutor closely cooperated with Dutch historians of the occupation, working in the Dutch State Institute for War Documentation (Rijksinstituut voor Oorlogsdocumentatie). The institute had been founded immediately after the liberation in May 1945, for the purpose of collecting archives and building up expertise on the Second World War. Through the formal window of international legal assistance, researchers of the institute actively engaged in working with the prosecution to deliver the necessary proof. They helped Huber to understand the way in which the German SS- and police organization (to which all three defendants had belonged) had taken charge of the persecution of the Jews. An important insight produced by the Dutch researchers related to the practice used by Harster and others to punish Jews for transgressing rules. Initially, they would send these victims to the concentration camp of Mauthausen, and both the victims and perpetrators knew this was identical to a death sentence. When the transports from The Netherlands to Auschwitz began, in July 1942, those to be punished were simple sent to Auschwitz by first opportunity. This shift in policy was understood as implying that the perpetrators did know about the nature of Auschwitz as a place of mass killing.

Such a manner of constructing proof for intentional murder made Harster confess that the fate of the deportees must have become clear to them »in the process«. His confession was incomplete and Harster after all did not accept full responsibility for the consequences of his actions. Nevertheless, he was convicted to twelve years imprisonment, Zöpf to nine years, and Slottke to five. All three defendants were convicted for complicity – they had not initiated the process of killing themselves. Despite these limitations, Ritz argues, the trial remains extremely important as it determined the legal framework for judging the responsibility of public officials in the persecution, as was proved in later trials.
Christian Ritz has written a thorough and at the same time succinct book on an important trial. He has admirably integrated his topic into a broader interpretative framework by explaining how the trial connected to the shaping of post-war understanding of the bureaucratic mechanisms in the Holocaust. After the Munich trial, no police officer or pen pusher could credibly claim ignorance of the fate of the victims anymore. Seen from the Dutch side, one may understand the involvement of the Dutch researchers as an effort to make up for the earlier failure of the Dutch legal system to deal with this kind of criminality in a satisfactory manner. Thus, the Munich trials were part of the separate but parallel processes of dealing with the past in both The Netherlands and Germany.