

The trials of Fritz Bauer

(German: Die Nestbeschützer)

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Fritz Bauer was the man behind the Auschwitz trials in Frankfurt – now there is a struggle about how to interpret his work, above all within the Fritz Bauer Institute itself.

When I read the volume accompanying the Frankfurt exhibition, “Fritz Bauer, the attorney general”, I could not believe my eyes. The man who had been persecuted by the Nazis and the initiator of the Auschwitz trial was alleged to have made a pledge of allegiance to the Nazi regime? Whatever the case this assertion was contained in a copy of a newspaper article dated 1933. Fritz Bauer would never have signed such a thing. And if there had indeed been such a signature the Nazis would have published it. In vain I requested the persons responsible for the volume to remove this undoubtedly bogus pledge both from the book and the exhibition. The exhibition staged jointly by the Fritz Bauer Institute and the Jewish Museum can no longer be seen in Frankfurt am Main. It will now be shown from 9th December in the Thuringian Parliament. Unchanged.

In 2014, 50 years after the Auschwitz trials, people are remembering Bauer all over Germany. The movie “Labyrinth of Silence” (“Im Labyrinth des Schweigens“) is dedicated to Bauer’s work. Discussions have also been devoted to the courageous pioneer who dared to take on the Nazi criminals; and articles have been written on the life and career of the persecuted social democrat.

Sadly, the very institute which bears Bauer’s name seems to lack respect for the man who has helped write German history and influenced it for the better, to quote the president of the German Constitutional Court Andreas Voßkuhle.

Fritz Bauer: a homosexual in turmoil

Amongst other things the Fritz Bauer Institute helped to finance a book entitled “Fritz Bauer, or Auschwitz on Trial”, in which a journalist on the *Süddeutsche Zeitung* by the name of Ronen Steinke, primarily portrays the Hessian attorney general, who died in 1968, not as the persecuted social democrat he was, but as an opportunist who changed his convictions whenever needed. Steinke describes Bauer as a homosexual in turmoil who purchased his freedom from Nazi imprisonment with the above-mentioned “Pledge of Allegiance” to Hitler, and after 1945 denied his Jewish origins. He is alleged to have never said a word about anti-Semitism in the post-war years: indeed he is not even supposed to have known whether the victims of Auschwitz carried their prisoners’ tattoos on the right or left arm.

The Brandenburg attorney general Erardo C. Rautenberg, currently the oldest serving attorney general in the Federal Republic of Germany, has called Steinke’s biography “the best written bad book” that he has ever read; a reference to its tabloid

style. In an essay entitled “The Dismantling of the Attorney General Dr. Fritz Bauer” (in the September edition of the journal “Neue Justiz”), he maintains that the book is nothing other than a caricature of the man. The former German Minister of Justice Herta Däubler-Gmelin believes that the allegations of Bauer’s homosexuality are intended to “divert our attention from the political reasons behind the criticisms and the iniquitous treatment of the Hessian attorney general, and to provide some sort of explanation for his isolation at the time”. Why are some people constructing an utterly different image of Fritz Bauer? Are doubts being cast on his life’s work? The case has its grounds in history and the reasons why the misinterpretation has currently surfaced might be due to a climate of restoration.

The Fritz Bauer Institute, founded 1995

Let’s look back. In 1989 the SPD Lord Mayor of Frankfurt am Main, Volker Hauff, had the idea of setting up an academic institute to research into the holocaust, with Fritz Bauer as its head. The Institute was founded in 1995. Bauer, who had himself been persecuted by the Nazis, was not so much interested in prosecuting as many Nazi criminals as possible: it was more important to him to open the eyes of society to “the roots of evil” as he said. Millions of Germans had their lips sealed; hundreds of thousands had actively supported evil. These included almost all German judges who felt most powerfully threatened by their legal colleague, the sole member of his profession who embodied a better Germany. He troubled their conscience and many despised him as a traitor. All this, it seems, now has its subsequent effects.

In 1952, three years after his return from immigration, Fritz Bauer, as a prosecuting attorney at the Braunschweig Regional Court, pushed through a verdict that the Nazi state had been “an illegally constituted state”(German: Unrechtsstaat). Hence the resistance fighters of 20th July could no longer be accused of being traitors to their country: this verdict did not find favour amongst a great many people in the legal profession. Bauer’s refusal to accept blind obedience to government power was particularly suspect amongst the conservative CDU party. Hence in 1960 CDU members in the state of Rhineland Palatinate torpedoed the use of a brochure for schools on the causes of fascism, which contained a text by Bauer. And in 1962 the later German Chancellor Helmut Kohl opposed Fritz Bauer with the comment that it was “still too early” for a final verdict on the “Third Reich”. When Bauer instituted proceedings against Hans Globke (translator’s note: a close aide of the then Chancellor Konrad Adenauer who had been involved in anti-Jewish activities in the “Third Reich”), he was accused of links with the communist GDR regime. Thus Bauer was accustomed to being greeted with suspicion and anger on account of his activities.

Is the dismantling of Fritz Bauer symptom for current attitudes in contemporary history? It seemed that a historical social peace treaty had been finalised with the founding of the Institute as a tribute to Bauer. When in 1999 Roland Koch (CDU) took office as Minister President, the Christian Democrat Party took over responsibility for continuing to finance the Institute. Indeed they did; but the political wind had changed. The old anti-Bauer attitudes once again emerged.

In 2005 a member of the Institute's staff even questioned the complete Auschwitz trial

Under the title "Exculpating Criminals and Remembering Victims" the head of the Institute's archive, Werner Renz, maintained that the accused were nothing more than lower officials, and were therefore not responsible for the events in Auschwitz. Thus, they should not have been punished on the grounds of prevention, because they were simply unable to commit a similar crime once more.

Other than is usual, the thoughts of the institute's academic advisory board on this controversial article were refused a hearing. The publication of a critical response by Joachim Perels, the chair of the advisory board, was thwarted by the then director of the Institute, Dietfried Krause-Vilmar, a step which he later regretted. Perels was, as he put it, "pushed off" the advisory board, but Renz remained and continued to publish articles in the same tenor. The former examining magistrate in the Auschwitz trials, Heinz Dux, complained to the Fritz Bauer Institute about text passages that could be interpreted as the "beginning of the dismantling and disavowal of Fritz Bauer".

The dismantling of Fritz Bauer

The Institute has shown little tolerance for anyone who refuses to agree with the image of a depoliticised Bauer. The internationally renowned film director Ilona Ziok, whose documentary film on Fritz-Bauer, entitled "Death by Instalments" was given the predicate "especially valuable" by the German Film Evaluation Centre is not particularly well-regarded by the Institute. Indeed in the Institute's own journal Werner Renz called her film a "media error of judgement". The historian Irmitrud Wojak, a former deputy director of the Fritz Bauer Institute has also fallen into disgrace. Along with Ziok's film, her biography of Bauer, based on her doctoral thesis (German: Habilitation), has been boycotted by the Institute. Exhibits from Wojak's exhibition on the Auschwitz Trial have also been removed by the Institute on the grounds of "lack of storage space". If we interpret the dismantling of Fritz Bauer as a symptom of current ways of dealing with contemporary history, this symptom is disturbing.