Philip Rubenstein | Fritz Bauer The Man who Found Eichmann and put Auschwitz on Trial

Images are displayed throughout the lecture

- So, hello again and as you know, all this week on Lockdown University, there's a theme, and the theme has been fascinating characters from history which has allowed us presenters really to to range far and wide and choose pretty much anyone we want, who to our mind is either iconic or heroic. So I've, I've gone for the heroic this evening and in this session, we're going to look at Fritz Bauer who's the German Jewish lawyer who tracked down Adolf Eichmann and who put Auschwitz on trial on German soil. So, let me get some slides up so we can actually see the man. And whoops, let's go to the top and we can get a sense of who he is and and what he did.

Okay, so here he is, Fritz Bauer and he's pictured here in his office as the Attorney General for the German state of Hesse which is in Germany's Southwest. And I mean you can see, you know, he's got white hair. He's in his shirt sleeves. He's got case files in front of him and a customary cigarette is lolling in his mouth. This photo was taken shortly before he died. He died or he was discovered dead on the 1st of July, 1968. He was discovered drowned in his bathtub at his home in Frankfurt. Well you can imagine for several months afterwards, there was speculation among friends, colleagues and admirers about the cause of his death. Some thought it was suicide. And it's true he was feeling disillusioned that the Nazi old boy network that he'd railed against all of his adult life was still alive and well in Germany, even in the late 1960s. But there'd been no evidence of suicidal thoughts. And towards the end, he'd actually joked “sometimes I think about throwing in the towel. But what stops me is the pleasure that that would give to my opponents.”

Some thought he was murdered and he could have been murdered quite frankly by any one of his fellow Germans who'd sent the numerous death threats that he received or the menacing pestering phone calls that he got every night, all night in his apartment and it kept him up. So there were dark rumours about about murder but there was nothing ever by way of any serious evidence that was offered to support the theory. More likely are the findings of the official postmortem which concluded that he died of a heart attack and it may have been induced by the small amount of alcohol that he'd taken that evening along with five sleeping pills. For years, his doctors had warned him to take better care of himself but since he'd returned to Germany from exile, he'd been working nonstop at a furious pace and he, he just expected his body to keep up. Most of his meals consisted of black coffee and of course, a cigarette. He was once asked by a journalist how many cigarettes he smoked a day. "Well, let's see," he replied, "It takes me around five minutes to smoke a cigarette. "So divide 18 hours by five minutes "and you should arrive at my daily consumption." Age 64, it seemed that his body had finally no longer been able to maintain the pace that he'd always demanded of it.

If we're going to have any understanding of Fritz Bauer, we have to go right back to the beginning and we have to look at where he was raised and what and who his early influences

were. So this is where he was born in Stuttgart, in the state of Baden-Wurttemberg in an area of Germany that's known locally as Swabia. By all accounts, his parents were poorly matched. The young Fritz or the baby Fritz was born in 1903. His parents were Ella and Ludwig Bauer. Ludwig was a successful businessman who ran a textile business that saw him out of town for most of the week travelling. And usually when he returned on the weekends, the family home would become a severe and strict place. But by contrast, Ella, his mother, was kind, gentle and she showered her children with love, affection and attention.

So, you can see, you can see where Stuttgart is. I mean, I have to say my... my German geography was always a little hazy. So I find actually just sticking things on a map and looking at where places are in relation to everywhere else is immensely helpful. So, what can we say about Swabia? Swabians take immense pride in their regional identity. I think for those of you who are in the U.K., I think probably the nearest equivalent in terms of regional pride and and region and regional identity is probably Yorkshire, people from Yorkshire. And Swabians take particular pride in their strange, unique dialect which many Germans apparently are at a complete loss to understand. There's a saying in Swabia which goes which means we can do anything except speak high German. So while Stuttgart was home, it was it was the nearby university town of Tubingen and you can see it on the map just below Stuttgart. It's a it's 20, 30 miles south of Stuttgart. It was in Tubingen that Fritz found his special place because this was the small town that was home to his grandparents on Ella's side, on his mother's side. So this is what Tubingen looks like, the early part of the 20th century.

And his grandparents lived in a corner house at the end of a cobbled lane. They had the top part of the house, that's where they lived because the downstairs was the clothing store that they ran. Fritz's grandfather was a gentleman called Gustav Hirsch. He was born in Tubingen and he was a respected local businessman. And the clothing store was extremely popular by all accounts. Picture a man with grey hair, gentle kindly eyes and a bushy moustache. Gustav Hirsch was both the leader of the small Jewish community in Tubingen. We're talking probably about 140 families out of a population of 19,000. So very small community. So he's the leader of the community but he's also the secretary of the local Citizens Association. So in other words, he's a good Jew and he's a good German. And the young Fritz deeply admired his grandfather and was very close to him. But probably Fritz's closest relationship as a child and a young man was with his sister Margot who's who's pictured here. She was three years younger than him and she was never far behind. In later life, when he was asked who he played with as a child, the only person he could ever remember playing with was Margot. Margot and Fritz would often stay with their grandparents. And the great treat for them was to creep downstairs from the apartment at the top and play for hours in the clothing store, dressing up and exploring the highways and byways.

And I mean I love this photo. I think you can really get a sense of their relationship in this photo. Fritz's head is tilted into his sister's hair and they've both got a look on their faces of kind of serenity and being supremely comfortable with each other. So, how Jewish was their upbringing? Well this is the… this is the old synagogue in Stuttgart, a magnificent building built

in the 1860s. And as with so many other synagogues across Germany burned down and destroyed during Kristallnacht. In many ways, the Bauers had a a pretty typical upbringing as Jews of the Enlightenment. Margot in later years described their childhood as a liberally Jewish one. The Bauer family was assimilated into German culture, and like most of Stuttgart's Jews, they identified strongly with German ideas, German, German outlooks. They were members of the synagogue and it said that the biblical stories were brought to life not in Hebrew but in Swabian dialect. One contemporary of Fritz Bauer said, "It never occurred to us that the prophets spoke anything "other than Swabian." Fritz's parents had a strong sense of their German patriotism but also a strong Jewish identity. They celebrated the Jewish festivals and unusually they never celebrated Christmas. I mean many, many liberal secular German Jews did celebrate Christmas. They had a tree. Even Theodore Herzl had a Christmas tree and they did so not out of religious sensibilities but as a kind of a German secular tradition. But the Bauers never did. Fritz would sit for hours with his grandfather who'd sing prayers to him and recount tales from the Torah and the Talmud. And as the beloved grandson, he'd listened with all ears wrapped.

Like many of his contemporaries, he experienced casual antisemitism from a very early age. At the beginning of each school year, the teacher would ask every pupil to state their name and their religion. And the Jewish pupils were always aware that they were going to be under the spotlight for the rest of the year. Aged six years old, Fritz Bauer recalls being beaten up by a couple of other pupils who were jealous because the teacher had praised him. During the row, one of the children said to him, "Your family killed Jesus." This he says was his first experience of what he called collective guilt. So when the young Fritz as he's pictured here reaches university age, he goes to the University of Munich. It's 1921 to study law. And this being Munich, and this being 1921, he's in the eye of the storm. The first thing he discovers is that he's prohibited in joining most of the clubs and fraternities because he's a Jew. So he ends up joining a liberal Jewish fraternity and he devotes most of his time to the fraternity and to his comrades. He defines himself as a German and he urges his fellow Jewish students to embrace their Germans.

In his second year as a law student, Walter Ratenau, who's the German Jewish foreign minister under the Final Republic is assassinated. Munich is providing the Nazis with an exceptionally fertile breeding ground. Rudolph Hess and Herman Goering are both among his student contemporaries. Hess's storm troopers, who were now known as the SA with their brown putties and their distinctive swastika armbands are a conspicuous presence in the university district. Bauer later recounts, I witnessed the unrest in Munich and the initial emergence, emergence of Hitler's Nazi party. Looking back on his student days, he recalls seeing signs emblazoned everywhere with the words “no access for Jews”. Bauer and his fraternity colleagues identify themselves as social Democrats. Their supporters of the the Weimar Liberal Dream. And this, of course only makes them targets for the for Hesse and his SA henchman. And before long, they find themselves at the receiving end of violence and brutality meted out by Nazi thugs.

Bauer graduates. He passes his bar exams with flying colours. He then goes on to complete a

PhD in law. And in 1928, he's aged only 25 years old, he returns to Stuttgart and he's appointed a junior judge in the district criminal courts. Now, imagine this, he's actually the youngest judge in the whole of the country but his parents who were hoping he'd become a commercial lawyer, a more lucrative career, are disappointed. Some things I'm afraid will never change. Stuttgart for Bauer, is... It's even though Baden-Wurttemberg itself is turning to the right, Stuttgart is and remains home to him because it's still a progressive liberal enclave. That's its reputation and it still embraces Weimar culture. This is the Weissenhof Estate, which you can see in in this image here. And this gives you a sense of what was still possible in the late 1920s in Stuttgart. This is a bold residential project, 30 all white buildings, and they're designed by some of the world's leading most avant-garde architects. So the architects include Mies van der Rohe, Le Corbusier and Walter Gropius.

Fritz Bauer joins the SPD, the Social Democratic Party, which is the strongest party in the city. And you know, this is, this is 1928, right? And they're still the largest party in the city. And in the municipal elections that year, the Nazis only gained 1% of the vote. So the Nazis are a tiny force at the moment but that's going to change radically over the course of the next five years. Inside Stuttgart's judiciary however, Bauer feels trapped in another world altogether. He's an outsider here. He's one of only two Jews and he's the only Social Democrat. Fritz Bauer says of his fellow judges their entire outlook was conservative and authoritarian in spirit. The Kaiser may have gone, but the generals, the public and the judges remain. He's appalled by their attitudes. You know, most of them still maintain... They're opposed to the Weimar Republic to its ideals. They maintain the stab in the back myth of 1918. And he's just appalled by the way that the judges flagrantly favour the Nazis when they come up in court. They impose the most lenient sentences on any Nazi who's engaged in violence and the harshest possible sentence on left wing activists who do the same. And of course in doing so, they permit and encourage Nazi violence.

No surprise that by 1931, so only three years later, Bauer has actually been demoted to a more junior position of the judiciary. He's not in the criminal courts anymore. He's been given the civil courts. And this has followed accusations from a Nazi journalist that Bauer had exercised political bias in court as a Social Democrat and as a Jew. So the judges waste no time in demoting him. What does he do? Well, he's not going to hang around. So in response, he throws himself into politico and he joins forces with an activist and leader of the Social Democrats in Stuttgart called Kurt Schumacher who's also editor of the local Social Democrat newspaper. This by the way, this is the same Kurt Schumacher who after the war will go on to lead the party and to be the first leader of the opposition in West German's new Bundestag. But for now, Schumacher and Bauer travel around Ruttenberg and they give rallies and they give speeches. Here he is, Kurt Schumacher. And whereas Bauer always had a cigarette or sometimes a cigar in his mouth, you can see Schumacher favours the pipe.

And in speech after speech, the two of them, the two of them repeat the same theme. They urge people to uphold the Weimar Constitution and to defend the liberal values of Weimar. Each of their rallies ends with people shouting Frei Hiel, hail freedom, which is, which is a deliberate

mocking of the Nazi slogan Sieg Heil which of course means hail victory. And then on the 5th of March, 1933, the unthinkable happens. The Nazi party wins the federal election as the largest party and forms a coalition in order to take power. One week later, only one week later, the Nazification of the German states begins. And as a result, Stuttgart in common with the rest of Germany, becomes a Nazi city. Two weeks later, on the 23rd of March, 1933, Fritz Bauer is at work when a group of policemen arrived to arrest him without charges. Hearing a commotion, some of Bauer's colleagues leave their desks to see what's going on. They stand by the doors and they watch in silence as he's arrested. No one says a word as Fritz Bauer is led away. Bauer and Schumacher and a number of their other colleagues from the SPD are all arrested and they're taken here to Heuberg concentration camp, which is around 40 miles or so south of Stuttgart. So it's in the vicinity.

And the Social Democrat group as a… as political dissidents, are separated off from the rest of the camp inmates for special treatment. Away from prying eyes, Bauer and his comrades are tormented by the SA who humiliate and ritually beat them. Bauer and one or two others are singled out for abuse. They're often forced to stand for hours facing a wall while SA men strike them in the hollow of their knees with sticks and smash their heads against the wall. Fritz Bauer is forced to endure this treatment for eight months. At the end of the year, so this is the end of 1933, he's faced with a terrible dilemma. He's told that if he signs a letter to declare his loyalty to the new regime, he can leave the camp. The alternative is that he'll rot for years in this or other concentration camps. So along with seven other imprisoned Social Democrats, he signs the letter and to his shame, it's published in a local newspaper for all to read, which of… of course was the intention all along.

Kurt Schumacher is also offered the same deal. He's offered to say.. to sign the same letter. But by contrast, he refuses. And he says he'd rather stay in a concentration camp forever than betray his beliefs. Schumacher remains in various concentration camps until the end of the war and this actually destroys his health because even though he becomes leader of the opposition as I said earlier, he dies of ill health in 1949, still a young man. I mean, you know, I don't think any of us is in any position to judge Fritz Bauer for what he did and for the decision that he made. But what's certain is that he judged himself and he judged himself harshly. He felt so humiliated by what he'd done that he never allowed discussion of this chapter of his life and he forever spoke of Kurt Schumacher in the most reverent of terms.

So, what to do? He's now released and he returns to civilian life in Germany. But, but functioning in life for someone like him is a near impossibility. So in 1936, his sister Margot flees to Denmark and he decides to follow suit. It turns out that life in Copenhagen is no picnic either. Shortly after he arrives, he's arrested on charges of having sex with a male prostitute. Fritz Bauer, who by the way is gay, he doesn't deny having sex with a man but he does deny that he paid the man for sex. He's constantly harassed over the next four years. And after the German occupation of Denmark in early 1940s, Spring 1940, the Danish authorities revoked his residence permit and they throw him in a camp for three months. On the bright side, he manages to get his parents out of Germany in the same year in 1940 but his cousins aren't so

lucky. And along with the rest of Stuttgart's Jewish population, they're herded up in December, 1941. They're sent to Riga and there they're shot by local Latvian collaborators.

Fritz decides to marry a local Danish kindergarten teacher in 1943. Her name is Anna Maria Petersen. There's no need to remember that name because she doesn't feature in the rest of the story. It was a marriage of convenience only. They stayed friendly and see each other from time to time but they never lived together after… after they get married. Fritz actually ends the war in Sweden. He flees. He flees Denmark in… in October, 1943 when things get too hot. And I mean, you know, these, these are years where as far as he's concerned, as well as other things, his life is completely on hold. He can't practise law and he can barely keep his his head above water. He does bits of journalism and he just about gets by by all kinds of odd jobs including selling shirts and selling curtain material. Sweden's slightly better than Denmark because Stockholm has become something of a refuge for German Social Democrats. So he's able at least to associate with comrades there and it's there that he works with people like Billy Brandt, who he stays friendly with for the rest of his life.

When Nazi Germany falls and the war ends, I mean you can imagine Bauer is like a… he's like a runner. He was on the starting blocks. He can't wait to launch himself back into the action. So he goes back to Copenhagen and he seeks out the Americans and he says " Look, yeah, I want to be a part of the story of the reconstruction of Germany. I want to be part of building a new Nazi free Germany." This, of course, is where his great ideals crash into a brick wall because it's not long before he discovers that while all of his SPD friends are being awarded positions by the Americans as mayors and attorney generals and state premiers right across Germany, he Fritz Bauer is blocked from every position he applies for. And the reason he's blocked, well, it's because he's a Jew. This is the man who in his student days had advised Jewish students to embrace their Germanness. And he's returning to a Germany, he realises, which is highly suspicious of any Jew seeking a public position. In 1949 for example, the Social Democrat mayor of Offenbach, Offenbach is a small town not too far from Stuttgart, removes from office a senior medical practitioner just because he's Jewish. And the reason is it's feared that no citizen would be safe in the hands of a Jewish doctor whose family had been murdered by the Nazis.

And so it was a Fritz Bauer, one of Germany's youngest judges before the war, interned in a concentration camp by the Nazis, now wanting to rebuild a new Germany. The same Fritz Bauer, only a year after the horrors of the shire had been revealed, is considered too Jewish for Germany, even within his own centre left party, the SPD. Finally, finally! He succeeds in 1949, so four years after the war's end, in obtaining a position as one of the attorney generals in Lower Saxony for the District of Braunschweig which is also known as Brunswick. And this will give you a sense of the of the town at the time. The price he pays for the job is to keep quiet about his Jewish roots and he will suppress his Jewishness and his associations with any Jewish community for the rest of his life. On the official application form, he writes next to the question about religion. He writes that he has no religion. Braunschweig was to give him a first taste of the system he was actually returning to as distinct from the system he was hoping to build. 70% of the state's judges in Lower Saxony had served during the Nazi regime and many

of those judges had been active members of the Nazi party.

So what does he do? Well, being Fritz Bauer, he's undeterred and he decides in the early 1950s that he's going to test the waters by prosecuting one Otto Ernst Remer, who you can see pictured here in his… in his Nazi regalia. And Remer is a rising star of Germany's pro-Nazi scene which, you know even by the 50s, is already resurgent. Remer was, he was something of a of a kind of a local hero in lower among the local Nazis in lower Saxony because he'd had a very, very minor role in foiling the plot of 20th of July, 1944 to assassinate Hitler. And he's now making speeches and he's trying to rally the pro Nazi troops and he publicly refers to the plotters, to von Stauffenberg and the rest, as traitors. Bauer decides he's going to prosecute him for defamation and the case ignites huge passions on all sides, and it becomes something of a… of a national cause celebre. Bauer secures a conviction of three months amazingly and in doing so, he achieves a position of national prominence. And this is when for the first time, he starts to receive very large numbers, on a regular basis, of death threats as a result of the case. But being Bauer, rather than this deterring him, he seems to positively relish the death threats after having spent so many years on what he deems to have been the sidelines of history.

Finally, finally! In 1956, he's appointed as the district attorney for the state of Hesse and he moves from the small provincial town of Braunschweig to the thriving metropolis of Frankfurt. So yes, it's one district attorney job to another but this is… this is a major, major step up. I mean this is the job that he's going to do from '56 until the day he dies. So that's a, it's a 12 year period. And in… when he'd been in Braunschweig, he was… he was one of three attorney generals for the state and his access to resources was very limited. Here, he has access to immense resources. He's now in charge in… from Frankfurt, from his office in Frankfurt, he's in charge of 200 prosecutors who were spread over nine regional courts. In fact, he's heading up the largest criminal prosecution apparatus in the whole of West Germany. And this, this is where he wants to be. This is where he's always wanted to be and this is where, as I say he's going to remain for the rest of his career.

One year after his appointment, Fritz Bauer receives a tip-off concerning the whereabouts of the most notorious Nazi war criminal still at large, Adolf Eichmann. Now, tip-off comes from a German born Jew whose name is Lothar Herman and he's been living in Argentina since he fled the Nazis. And he writes to Bauer really in despair and his last resort. He tells him that Eichmann is living under an assumed name in a suburb in Buenos Aires. And he's discovered this by chance because it emerged that his own daughter had fallen in love with Kurt Eichmann who is the mass murderer's son. And unlike Adolf, the father, who's using an assumed name, Ricardo Klements, Kurt Eichmann is using the Eichmann name with no apparent impunity. And he tells Bauer that as a horrified father, he feels there's no one else who he can turn to. I mean, remember, you know, this is 1957, so the Israeli government, it's a year after the Egypt campaign so they've got their own existential problems to deal with. So they're not interested at the time. And as far as he's concerned, Germany is compromised. German police, intelligence services, the judiciary, they're riddled with people who themselves have been intimately involved in the Nazi regime. So he contacts Fritz Bauer because he sees him as the only figure who

might actually be willing to take some action.

And Bauer decides to do something which is is pretty unthinkable for a senior public official. He contacts Mossad and he secretly hands over the location information to Isser Harel, who's the head of Mossad and his staff. And this is because over the pre, over the preceding years, Bauer who'd been investigating Nazi crimes, has repeatedly seen his work thwarted by police officials and by others who were, who infected every part of the system. And anytime the police or officials were given information about a Nazi suspect, they would inevitably leak the information to one of the many veteran associations who in turn would warn the suspect to abscond before they were arrested. And magically, they would disappear before anyone could interview them. And so Fritz Bauer was determined to ensure that this wasn't going to happen again.

I want to show a clip from if you haven't seen this, it's a wonderful movie. It was made in 2015. It's called "The People versus Fritz Bauer." For some reason, it was shown in the UK on Netflix under a different name. It was called "The General." You may have seen it. If you haven't, I thoroughly recommend it. And we're going to see Fritz Bauer who's played by an actor called Burghart Klausner and he's going to explain his rationale to a young prosecutor in his office.

Movie clip plays in German with English subtitles

When Fritz Bauer, Fritz Bauer, as you can divine from the clip, he's absolutely instrumental in every aspect of the tracking down and the capture of Eichmann. He dispatches investigators who track Eichmann down and find his location. And he and Mossad concoct a strategy, a deflection strategy, to make sure that German officials are thrown off the scent. He issues a press release to say that Eichmann is now hiding out in the Middle East. And then in late 1959, he gives a highly publicised press conference. And he announces that that actually he's now in Kuwait and he's going to ask the bond government to issue extradition proceedings. And of course none of this is true. I mean, it's absolute rubbish, but it throws German official to mark the scent and it allows Bauer and Mossad together the space to investigate and track Eichmann down under the cover of darkness.

And Bauer even invites Mossad to burgle his own office so that they can photograph all of the evidence that he's gathered on Eichmann. He gives them the key and he gives them the building plan. And this next clip we're going to see is the Mossad agent, Micha Maor, who at the time he's a young agent and he's been given the job by Isser Harel of Mossad to burglar the office. And I love this clip because he talks about the burglary in such a matter of fact way. I mean it, it's almost as if he's describing going out in the evening to walk his dog. It's a short clip. Here it comes.
Movie clip plays in German with English subtitles

There were very many people who at the time claimed credit for finding Eichmann and Bauer, because of his position, he remained silent on the matter. And his role in Eichmann's capture only came out actually many years after his death. If all he ever did was to secure Eichmann's

capture, I mean that alone would be an impressive legacy. But arguably, his greatest achievement was to put Auschwitz, or rather the Nazi killing machine that was built at Auschwitz on trial on German soil which he did later in 1963. This wasn't the first time that Auschwitz had been in the dock. And in fact it was in 1947 when the Polish authorities tried Rudolph Höss who was the commandant, and he was found guilty and hanged in front of the crematoria at Auschwitz. This, this very eerie photo I have to say, it shows Höss moments before his execution as the rope is going around his neck.

In November, 1947, Polish state again tries Höss. This time they tried 40 former SS officers and other staff who'd worked at the death camp. And here's a here's a photograph of those proceedings. And the trial ended in 23 death sentences and 17 imprisonments, some of them for life, some of them for a for shorter periods. So it wasn't the first trial but it was certainly the first trial on German soil. And it began in it began in 1958, as early as 1958, because that's when Bauer started the proceedings. It was a class action that he had to file and have certified, and it involved consolidating a number of individual claims relating to Auschwitz. What was it that he was trying to achieve? Well, he hoped that by subjecting the dark Nazi past to the courtroom's harsh glare, he'd helped the wider German public to learn from the mistakes of history. So for him, the trial was criminal but it was meant to have educational value to help the new German state rebuild itself. This was the ultimate purpose of the trial. "Such trials," he said, "can and must open the German people's eyes to what happened and teach them how to behave."

Well, he immediately runs into opposition from the prevailing view among the German judiciary, which is that it's wrong to prosecute or punish any fellow German merely for obeying what was law under the Nazis. So he goes on radio, TV, he writes for newspapers to challenge what he sees as this terrible fallacy. And this is what he says. "Under every law and every command, there is something unshakeable and indestructible. The clear realisation that there were certain things on earth that one just cannot do: firstly because they're forbidden in the 10 commandments and second, because they go against all religions and all moral principles." Rather than focus on a single individual or a single crime, the aim of the Frankfurt trial was to investigate Auschwitz as a system of evil. Bauer and his team of prosecutors wanted to highlight the fact that everyone employed at Auschwitz, whatever they did, enabled the machine to run smoothly. None of the camp worked in isolation. Every individual had their task and every task shared one single purpose: to run the biggest killing factory in history.

The 22 defendants, and you can see a number of them pictured here, were chosen precisely because they were a cross-section, people who carried out a variety of tasks across the camp. Some of them, yes were senior officers, but some were medical orderlies and some were just administrators. But everyone played their part and as far as Bauer was concerned, everyone there was guilty. "The defendants," he said, "they were your mailman, your bank manager, your neighbour." He wrote to a friend that the reason why people were so fiercely and vehemently opposed to these trials was not that they thought that the trials were unjust or thought they were unethical. No, it was because, he said "they know that in the Auschwitz trial, 22 million people

sit in the dock alongside the 22 defendants." Again and again, Fritz Bauer drives home the point that it's ordinary people who committed these crimes.

Here he is in a TV documentary in 1963 in the middle of the trial. And he's asked what do you think's motivated those people who worked at Auschwitz.

Movie clip plays in German with English subtitles

So what he's saying is the Nazis weren't an aberration. They weren't a bunch of aliens from planet Auschwitz who came down and they've all gone now. It's people who we know. It's people who are motivated by ordinary human drivers: greed, conformism, fear, et cetera. One of the striking, striking aspects of the courtroom was the contrast between the two teams of lawyers because the defence was a team of 19 experienced legal minds, most of them with grey and white hair. But by contrast, Bauer had filled his staff with young men. They were called the Young Guard because he wanted a staff who were, as far as he saw it, they were untainted by any Nazi past. He chose three young lawyers to lead the case. And of course, he's well aware of the optics of that. And he tells journalists as the as the trial begins, that the three young men represent the country's future and aren't there to settle old scores. Bauer himself never appears in court throughout the trial but he runs the whole case from his office, every detail from the very start to the finish.

The ambition of this trial was considerable. Over 200 survivors from 16 countries come to give testament. One of the most senior defendants in the dock was a gentleman called Robert Mulka. Here he is. You can see, you can see him in his uniform while he's at Auschwitz. And there he is on the right as he appears in the courtroom a few years later. Mulka was the adjutant to the Camp Commandant. So what does that mean? Mulka is, he's the equivalent of a chief of staff. So his job at Auschwitz is to know everything that's going on in every part of the camp so that he can keep his boss, the Camp Commandant Rudolph Höss, fully informed at all times. Now, we're about to watch a clip which starts with the general court proceedings because the cameras were allowed in at the very start of the trial in the morning. And then we're going to hear one of Bauer's young prosecutors, a talented lawyer called Johan Kluglann and you're going to hear him question Robert Mulka. We won't see it but you can you can hear the audio about what he knew and what he saw. And we're going to hear the remarkable assertion from Robert Mulka that despite being number two in the camp, in the camp chain of command, he never saw anything. He never heard anything. He never went to Birkenau. He never heard

Movie clip plays in German with English subtitles
It's just, it's just utterly extraordinary but absolute flat denial. The verdicts of the trial came in in early 1965, and when they came in, the results disappointed Fritz Bauer. Sentencing in many cases was much lighter than he'd demanded in view of the magnitude of the crimes committed. Half a dozen of the defendants received life sentences but most were given sentences between three and 14 years. And three of the defendants were acquitted owing to lack of sufficient evidence. Fritz Bauer was, he was despondent about about the results and also the response of

the German public. There was a poll that was taken shortly after the trial and it revealed that over 60% of Germans felt that Nazi trials should now end and Germany should, should move on. Bower lamented "the educational effect of these trials "has been minimal if indeed, "they have had any effect at all." And then he said, "Every time I leave the office, it feels like I walk into enemy territory." So, here he is and here he is with his, whoops, sorry. Here he is with with the cigar for a change.

What is it that we can say of of Fritz Bauer's legacy? I think in so many ways, he was the classic enlightenment Jew with with all of the contradictions that that entails. He tells a story that when he was a teenager, a 15 year old member of the Hitler youth accosted him and asked him, "Tell me, Fritz, are you German, Jewish or stateless?" To which Bauer replies, "Well, Gunter, I'm all of them. One at one at the same time. I'm German, I'm Jewish and I'm stateless." When he returns to Germany after the war, he was determined to speak out against the old Germany and to fight for justice for the victims of Nazi persecution. He was repeatedly attacked for abusing his office, using it as a platform for his views on how justice should operate. And to his critics who said "public officials should never speak their mind, should be neutral." He replied that they were "unfortunately ignoring the fact that in recent German history, the reticence of an entire generation of public officials served neither themselves nor our people particularly well."

When we look at the Auschwitz trial now with the benefit of so many years of hindsight, it's actually remarkable because so many of them were convicted. And when you look at Germany's track record since that time of for successful prosecutions, it's pretty paltry and the results pale in comparison. As well as being marked out as a Jew, Fritz Bauer as I said earlier, was also marked out as being gay. And this of course was a time when homosexuality in West Germany was illegal. Gay men were regularly harassed and arrested by the police and gay bars were raided and many gays were were regularly forced out of their jobs. As a public official, Bauer has to tread a very delicate line here. He's the state attorney general so he's bound to uphold the law, which he did. But he's also a politician and in this role he campaigned for the liberalisation of the laws of homosexuality. And indeed, the ban on homosexuality was lifted but he wasn't alive to see it. It was lifted a year after his death.

This is Tubingen, right? So it hit, it took 50 years after his death for the town of Tubingen, his grandparents' home, to finally honour Fritz Bauer in March, 2017. So we're talking what, you know, six years ago, a street was renamed in tribute to his achievements. But even in death, the renaming of the street was absolute classic Fritz Bauer. A majority of local residents, can you believe it, Were opposed to the renaming and the matter had to be settled by a lawsuit. And even better, you can see the new name going up and the old one is crossed out in this photo. The old name, which was put up in 1939, was Sheofstr. for Adolf Sheof, who at the time yes, was the town's Nazi mayor.

So let's give the very last word to Fritz Bauer himself. We've heard a little from him but let's hear a little more. Fritz Bauer was a man who believed that most of the World War II generation of Germans were hopelessly and irredeemably compromised. But he had what he called total faith

in young people, in the next generation, whom he believed had the opportunity to fashion a new Germany, one which could be built on foundations that were liberal, democratic and humane. So here he is and let's hear some final words from Fritz Bauer.

Movie clip plays in German with English subtitles

Thank you everyone. I hope that was enjoyable and formative and let's just have a look at at the few comments and questions that there are.

Rita says, this resonates with Hannah Aaron's banality of evil. Yes, absolutely. Absolutely. He's making the same point, which is, which is you know, it's the banality. Is it, you know, it is could be and may well have been your neighbour.

Lawrence says " Our Jewish guide in Buenos Aires "told us that Eichmann senior was working for a car manufacturer, factory. He always got off at the bus stop, one before his nearest one to home after leaving work." And Mossad checked out the intel and dismissed the validity originally but they were able to recheck their work. Eichmann's son was friends with the daughter of the man who did the legwork and whose suspicion was aroused. Thank you Lawrence.

Daniella says she saw the film, "The People versus Fritz Bauer." I don't remember Bauer's being the Jew mentioned at all as opposed to his homosexuality. I'm pretty sure it was. I haven't seen it for a while but I, that certainly is my recollection that it, that it was. By the way, for anyone who's interested in learning more about Bauer, there's an excellent biography which is translated in English. It's called "Fritz Bauer" and the author is Ronen Steinke. R-O-N-E-N, Ronen. Steinke is S-T-E-I-N-K-E.

Q: And how did the Argentinian father whose daughter was dating Kurt Eichmann become aware of Bauer? Did Fritz have an international reputation? This comes from Mark Tennenbaum.
A: Yes. By then he did, because as I say, of the Remer case, which he'd been involved in. But he'd also been involved in attempts in attempts and actual court proceedings of other Nazis in between. So yes, he was, he was, he was starting to become known. And of course, a an ex-German Jew would also have been interested in in reading the German papers.

Q: Was Schumacher a Jew?
A: I don't believe he was.

Q: Was Bauer arrested because he was a Jew or because he was a Social Democrat?
A: The answer is for both. He had... He'd had a brush earlier with the with the chief of police who'd been a Nazi thug in the days when the Nazis weren't a force in Stuttgart. And as soon as the Nazis got to power, he had it in for Fritz Bauer. So Bauer was one of the early people who was arrested along with his colleagues. So, thank you for that question, Shelly.

So, where are we?

Q: And Shelley also asks, "Do you think that ultimately Bauer picked being a German over being a Jew?"
A: No, I don't actually think he did. I think he was a complicated man. He didn't talk about being Jewish in public. He suppressed it. But I think he did that because he was a very practical person and I think he felt that if he brought attention to that in a Germany that he thought wouldn't react well to it, it would impede his work. He claimed he wasn't religious. He claimed I think he had no religion. He claimed he wasn't interested in Judaism. He claimed he was a humanist. But I think in every fibre of him, he was, he was a German and a Jew and he wanted to create a Germany that as a Jew he could be proud of.

So thank you everyone and please, please come back later for Malcolm Rifkind who I think is going to be giving a fantastic session and it was a pleasure as always. And goodbye and good evening. Okay, bye-bye.